

**41-6a-503 Penalties for driving under the influence violations.**

- (1) A person who violates for the first or second time Section 41-6a-502 is guilty of a:
  - (a) class B misdemeanor; or
  - (b) class A misdemeanor if the person:
    - (i) has also inflicted bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner;
    - (ii) had a passenger under 16 years of age in the vehicle at the time of the offense; or
    - (iii) was 21 years of age or older and had a passenger under 18 years of age in the vehicle at the time of the offense.
- (2) A person who violates Section 41-6a-502 is guilty of a third degree felony if:
  - (a) the person has also inflicted serious bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner;
  - (b) the person has two or more prior convictions as defined in Subsection 41-6a-501(2), each of which is within 10 years of:
    - (i) the current conviction under Section 41-6a-502; or
    - (ii) the commission of the offense upon which the current conviction is based; or
  - (c) the conviction under Section 41-6a-502 is at any time after a conviction of:
    - (i) automobile homicide under Section 76-5-207 that is committed after July 1, 2001;
    - (ii) a felony violation of Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502 that is committed after July 1, 2001; or
    - (iii) any conviction described in Subsection (2)(c)(i) or (ii) which judgment of conviction is reduced under Section 76-3-402.
- (3) A person is guilty of a separate offense for each victim suffering bodily injury or serious bodily injury as a result of the person's violation of Section 41-6a-502 or death as a result of the person's violation of Section 76-5-207 whether or not the injuries arise from the same episode of driving.

Amended by Chapter 214, 2009 General Session