

Effective 5/4/2022

Repealed 5/3/2023

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

- (1) Except as otherwise provided in this section, a person who violates Section 41-6a-502 or 41-6a-520 is guilty of an offense classified as a class B misdemeanor.
- (2) A person who violates Section 41-6a-502 or 41-6a-520 is guilty of an offense classified as a class A misdemeanor if the person:
 - (a) had a passenger younger than 16 years old in the vehicle at the time of the offense;
 - (b) was 21 years old or older and had a passenger younger than 18 years old in the vehicle at the time of the offense;
 - (c) at the time of the violation of Section 41-6a-502, also violated Section 41-6a-712 or 41-6a-714; or
 - (d) has one prior conviction as defined in Subsection 41-6a-501(2) within 10 years of:
 - (i) the current conviction under Section 41-6a-502 or 41-6a-520; or
 - (ii) the commission of the offense upon which the current conviction is based.
- (3) A person who violates Section 41-6a-502 or 41-6a-520 is guilty of an offense classified as a third degree felony if:
 - (a) 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; or
 - (ii) the commission of the offense upon which the current conviction is based; or
 - (b) the current conviction is at any time after a conviction of:
 - (i) a violation of Section 76-5-207 that is committed after July 1, 2001;
 - (ii) a felony violation of Section 41-6a-502, 76-5-102.1 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 (3)(b)(i) or (ii) which judgment of conviction is reduced under Section 76-3-402.
- (4) A person is guilty of a separate offense under Subsection (2)(a) for each passenger in the vehicle at the time of the offense that is younger than 16 years old.