

DRIVING WHILE UNDER THE INFLUENCE (NOT ARD)

	1 st Offense*	2 nd Offense*	3 rd Offense*	4 th and Sub*
3802(a)(1) incapable	Ungraded Misd. No Lic. Suspension \$300.00 Fine Up to 6 months MAXIMUM	Ungraded Misd. \$300 TO 2,500 Fine 5 DAYS MINIMUM Up to 6 months MAXIMUM	2 nd degree Misd. 10 DAYS MINIMUM \$500 TO 5,000 FINE 2 YEARS MAXIMUM	Felony 3 rd degree. 10 DAYS MINIMUM \$500 TO 15,000 FINE 7 YEARS MAXIMUM
3802(a)(2) .08 to .099				
3802(a)(1) incapable w/accident	Ungraded Misd	Ungraded Misd	1 st degree Misd.	Felony 3 rd degree
3802(b) .10 to .159	48 HOURS MINIMUM \$500 to 5,000 fine up to 6 months MAXIMUM	30 DAYS MINIMUM \$750 TO 5,000 fine up to 6 months MAXIMUM	90 DAYS MINIMUM \$1,500 TO 10,000 fine 5 years MAXIMUM	ONE YEAR MINIMUM \$1,500 TO 15,000 fine 7 years MAXIMUM
3802(e) Minor				
3802(f) CLD driver				
3802(a)(1) incap. w/refusal	Ungraded Misd	1 st degree Misd.	Felony 3 rd degree	Felony 3 rd degree
3802(c) .16 and higher	72 HOURS MINIMUM \$1,000 TO 5,000 fine up to 6 months MAXIMUM	90 DAYS MINIMUM \$1,500 TO 10,000 fine 5 YEARS MAXIMU	ONE YEAR MINIMUM \$2,500 TO 15,000 fine 7 YEARS MAXIMUM	ONE YEAR MINIMUM \$2,500 TO 15,000 fine 7 YEARS MAXIMUM
3802(d) controlled subs.				

*Note: If a child (under 18) in the car, the grading is M-1, except if it is a 3rd or subseq. Dui, then it is an F-3. If defendant has a prior HBV(dui)3735, any new dui is F-3.