

CHART OF PENALTIES AND SANCTIONS

Offense	Criminal Penalties DUI/APC § 39-08-01	“Per Se” Administrative Sanction § 39-20-04.1	Refusal Admin. Sanction § 39-20-04	Temporary Restricted License § 39-06.1-11
First violation within 7 years	<p>Class B Misdemeanor:</p> <ul style="list-style-type: none"> ● \$500 minimum fine ● Order for an addiction evaluation <hr style="width: 10%; margin: 5px 0;"/> <p>Aggravated First Offense (if BAC over .16%):</p> <ul style="list-style-type: none"> ● \$750 minimum fine ● Minimum 2 days imprisonment ● Order for an addiction evaluation 	<ul style="list-style-type: none"> ● 91 days if BAC less than .18% ● 180 days if BAC .18% or greater 	<ul style="list-style-type: none"> ● 180 days* 	<ul style="list-style-type: none"> ● DOT <u>may</u> issue temporary restricted license effective after 30 days (Not for refusals) ● DOT <u>may</u> issue temporary restricted license after 14 days if participating in 24/7 program
Second violation within 7 years	<p>Class B Misdemeanor:</p> <ul style="list-style-type: none"> ● \$1,500 minimum fine ● Minimum 10 days imprisonment (48 hours consecutive) ● Order for an addiction evaluation ● At least 12 months participation in 24/7 program 	<ul style="list-style-type: none"> ● 365 days if BAC less than .18% ● 2 years if BAC .18% or greater 	<ul style="list-style-type: none"> ● 2 years 	<ul style="list-style-type: none"> ● DOT <u>shall</u> issue temporary restricted license upon restriction of 24/7 program participation
Third violation within 7 years	<p>Class A Misdemeanor:</p> <ul style="list-style-type: none"> ● \$2,000 minimum fine ● Minimum 120 days imprisonment ● Order for an addiction evaluation ● At least 1 year supervised probation ● Participation in 24/7 program as condition of probation 	<ul style="list-style-type: none"> ● 2 years if BAC less than .18% ● 3 years if BAC .18% or greater 	<ul style="list-style-type: none"> ● 3 years 	<ul style="list-style-type: none"> ● DOT <u>shall</u> issue temporary restricted license upon restriction of 24/7 program participation
Fourth or subsequent violation ever	<p>Class C Felony:</p> <ul style="list-style-type: none"> ● \$2,000 minimum fine ● Minimum 1 year and 1 day imprisonment ● Order for an addiction evaluation ● At least 2 years supervised probation ● Participation in 24/7 program as condition of probation 	<ul style="list-style-type: none"> ● 2 years if BAC less than .18% ● 3 years if BAC .18% or greater 	<ul style="list-style-type: none"> ● 3 years if within 7 years the person’s license has twice previously been suspended or revoked 	<ul style="list-style-type: none"> ● DOT <u>shall</u> issue temporary restricted license upon restriction of 24/7 program participation

*§39-20-04 allows a person to avoid the refusal sanction on a first offense within seven years by pleading guilty to the DUI