

55-10-403. Fines for violations of 55-10-401 – Restitution.

(a) A person convicted for a violation of § 55-10-401, **shall be fined** as follows:

(1) For a **first offense**, the person shall be fined not less than three hundred fifty dollars (**\$350**) nor more than one thousand five hundred dollars (\$1,500);

(2) For a **second offense**, the person shall be fined not less than six hundred dollars (**\$600**) nor more than three thousand five hundred dollars (\$3,500);

(3) For a **third offense**, the person shall be fined not less than one thousand one hundred dollars (**\$1,100**) nor more than ten thousand dollars (\$10,000);

(4) For a **fourth or subsequent offense**, the person shall be fined not less than three thousand dollars (**\$3,000**) nor more than fifteen thousand dollars (\$15,000);

(5) For any offense while **accompanied by a child under eighteen (18)** years of age, the person shall be fined one thousand dollars (**\$1,000**) in addition to the fine for the DUI offense.

(b) Unless the judge, using the applicable criteria set out in § 40-14-202(b), determines that a person convicted of violating § 55-10-401 is indigent, the minimum applicable fine shall be mandatory and shall not be subject to reduction or suspension. **All fines are to be paid on the date sentence is imposed** unless the court makes an affirmative finding that the defendant lacks a present ability to pay. The court shall then order a **date certain before which payment shall be made**. Should the defendant fail to comply with the order of the court, the clerk shall notify the court of the failure for further proceedings.

(c) The minimum and maximum fines for driving under the influence of an intoxicant shall continue to be collected and distributed as they were prior to July 1, 2013.

(d) The payment of **restitution** to any person suffering physical injury or personal losses as the result of such offense, if such person is economically capable of making such restitution, shall be imposed as a **condition of probation** under § 55-10-410.