

**169A.25 SECOND-DEGREE DRIVING WHILE IMPAIRED.**

Subdivision 1. **Degree described.** (a) A person who violates section 169A.20, subdivision 1, 1a, 1b, or 1c (driving while impaired crime), is guilty of second-degree driving while impaired if two or more aggravating factors were present when the violation was committed.

(b) A person who violates section 169A.20, subdivision 2 (refusal to submit to chemical test crime), is guilty of second-degree driving while impaired if one aggravating factor was present when the violation was committed.

Subd. 2. **Criminal penalty.** Second-degree driving while impaired is a gross misdemeanor. The mandatory penalties described in section 169A.275 and the long-term monitoring described in section 169A.277 may be applicable.

**History:** 2000 c 478 art 1 s 8; 1Sp2001 c 8 art 11 s 4; 1Sp2001 c 9 art 19 s 5; 2002 c 379 art 1 s 113; 1Sp2003 c 2 art 9 s 4; 2009 c 83 art 2 s 13