

(ii) Community service for not less than 30 days.

(3) A person who is convicted of a third or subsequent offense under § 21-902(a) of this article within 5 years is subject to a mandatory minimum penalty of:

(i) Imprisonment for not less than 10 days; or

(ii) Community service for not less than 60 days.

(4) A person who is convicted of an offense under § 21-902(a) of this article within 5 years of a prior conviction of any offense under that subsection shall be required by the court to:

(i) Undergo a comprehensive alcohol abuse assessment; and

(ii) If recommended at the conclusion of the assessment, participate in an alcohol program certified by the Department of Health and Mental Hygiene as ordered by the court.

(k) (1) Except as provided in subsection (q) of this section, any person who is convicted of a violation of any of the provisions of § 21-902(a) of this article ("Driving while under the influence of alcohol or under the influence of alcohol per se"):

(ii) For a second offense, shall be subject to a fine of not more than \$2,000, or imprisonment for not more than 2 years, or both; and

(iii) For a third or subsequent offense, shall be subject to a fine of not more than \$3,000, or imprisonment for not more than 3 years, or both.

(q) (1) Any person who is convicted of a violation of § 21-902(a) of this article and who, at the time of the offense, was transporting a minor is subject to:

(i) For a first offense, a fine of not more than \$2,000 or imprisonment for not more than 2 years or both;

(ii) For a second offense, a fine of not more than \$3,000 or imprisonment for not more than 3 years or both; and

(iii) For a third or subsequent offense, a fine of not more than \$4,000 or imprisonment for not more than 4 years or both.

(2) Any person who is convicted of a violation of § 21-902(b), § 21-902(c), or § 21-902(d) of this article and who, at the time of the offense, was transporting a minor is subject to:

(i) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both; and

(ii) For a second or subsequent offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both.