

DUI LAW: 75 Pa. C. S. A. §3802: Driving Under the Influence of Alcohol or Controlled Substance/§3803: Grading Offenses/§3804: Penalties

| LEVELS OF IMPAIRMENT | First Offense In 10 Years | Second Offense In 10 Years | Third/Subsequent Offenses In 10 Years | Fourth/Subsequent Offenses In 10 Years |
|--|--|--|---|--|
| <p>§3802 (a) General Impairment</p> <p>(1) Incapable of Safe Driving (2) Blood Alcohol Content (BAC) .08% to .099% within 2 hours</p> <p>No BAC available No Implied Consent Violation No Crash: No injury/death or property damage</p> | <p>Ungraded Misdemeanor Fine: \$300.00</p> <p>6 Months Minimum Mandatory Probation No Mandatory Imprisonment No License Suspension</p> <p>Attend Alcohol Highway Safety School CRN Evaluation & D&A assessment, if appropriate Compliance with D&A treatment as part of sentencing</p> | <p>Ungraded Misdemeanor Fine: \$300.00 to \$2,500.00</p> <p>5 Days – 6 Months Imprisonment 12 Month License Suspension</p> <p>Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible after 6 Months Attend Alcohol Highway Safety School CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing</p> | <p>Second-Degree Misdemeanor Fine: \$500.00 to \$5,000.00</p> <p>10 Days – 2 Years Imprisonment 12 Month License Suspension</p> <p>Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible after 6 Months CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing</p> | <p>Third-Degree Felony Fine: \$500.00 to \$15,000.00</p> <p>Fine 10 Days – 7 Years Imprisonment 18 Month License Suspension DNA Sample Collected</p> <p>Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible after 9 Months CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing</p> |
| <p>§3802 (b) High Rate of Alcohol BAC .10% to .159% within 2 hours BAC .08% to .099% with crash resulting in injury/death or property damage Incapable of Safe Driving</p> <p>Minors: BAC .02% or greater within 2 hours Commercial drivers: BAC .04% or greater within 2 hours School Bus or School Vehicle Drivers: BAC .02% or greater within 2 hours</p> | <p>Ungraded Misdemeanor Fine: \$500.00 to \$5,000.00</p> <p>48 Consecutive Hours – 6 Months Imprisonment 12 Month License Suspension</p> <p>Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible Immediately Attend Alcohol Highway Safety School CRN Evaluation & D&A assessment, if appropriate Compliance with D&A treatment as part of sentencing</p> | <p>Ungraded Misdemeanor Fine: \$750.00 to \$5,000.00</p> <p>30 Days – 6 Months Imprisonment 12 Month License Suspension</p> <p>Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible after 6 Months Attend Alcohol Highway Safety School CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing</p> | <p>First-Degree Misdemeanor Fine: \$1,500.00 to \$10,000.00</p> <p>90 Days – 5 Years Imprisonment 18 Month License Suspension DNA Sample Collected</p> <p>Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible after 9 Months Attend Alcohol Highway Safety School CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing</p> | <p>Third-Degree Felony Fine: \$1,500.00 to \$15,000.00</p> <p>1-Year – 7 Years Imprisonment 18 Month License Suspension DNA Sample Collected</p> <p>Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible after 9 Months CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing</p> |
| <p>§3802 (c) Highest Rate of Alcohol BAC .16% or higher within 2 hours</p> <p>§3802 (d) Controlled Substance Schedule 1,2, or 3 substances not medically prescribed or their metabolites Incapable of Safe Driving</p> <p>Violation of §3802(a) (1): Refused chemical test of breath or blood to determine BAC or presence of controlled substance.</p> | <p>Ungraded Misdemeanor Fine: \$1,000.00 to \$5,000.00</p> <p>72 Consecutive Hours – 6 Months Imprisonment 12 Month License Suspension</p> <p>Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible Immediately Attend Alcohol Highway Safety School CRN Evaluation & D&A Assessment Compliance with D&A treatment as part of sentencing</p> | <p>First-Degree Misdemeanor Fine: \$1,500.00 to \$10,000.00</p> <p>90 Days – 5 Years Imprisonment 18 Month License Suspension DNA Sample Collected</p> <p>Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible after 9 Months Attend Alcohol Highway Safety School CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing</p> | <p>Third-Degree Felony Fine: \$2,500.00 to \$15,000.00</p> <p>1-Year – 7 Years Imprisonment 18 Month License Suspension DNA Sample Collected</p> <p>Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible after 9 Months CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing</p> | <p>Second-Degree Felony Fine: \$2,500.00 to \$25,000.00</p> <p>1-Year – 10 Years Imprisonment 18 Month License Suspension DNA Sample Collected</p> <p>Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible after 9 Months CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing</p> |
| <p>§3803 (b) (5) Violation Committed with Minor Occupant in Vehicle (under 18) Additional Penalty Imposed</p> | <p>First-Degree Misdemeanor Fine: Minimum \$1,000.00</p> <p>18 Month License Suspension DNA Sample Collected 100 Hours of Community Service</p> | <p>First-Degree Misdemeanor Fine: Minimum \$2,500.00</p> <p>18 Month License Suspension DNA Sample Collected 1 Month - 6 Months Imprisonment</p> | <p>Third-Degree Felony 18 Month License Suspension DNA Sample Collected 6 Months - 2 Years Imprisonment</p> | <p>Third-Degree Felony 18 Month License Suspension DNA Sample Collected 6 Months - 2 Years Imprisonment</p> |
| <p>• §3802(a)(1) violations have an enhanced penalty when there is an implied consent violation.</p> <p>• §3735 Homicide by Vehicle While DUI: Convicted of unintentionally causing the death of another as the result of a §3802 violation: 1st offense: 2nd-Degree Felony; Minimum Imprisonment of 3-years; Consecutive 3-year imprisonment for each death. 2nd offense: 1st-Degree Felony; Minimum Imprisonment of 5-years; Consecutive 5-year imprisonment for each death. 3rd offense: 1st-Degree Felony; Minimum Imprisonment of 7-years; Consecutive 7-year imprisonment for each death.</p> <p>• §3735.1 Aggravated Assault by Vehicle While DUI: Convicted of negligently causing the serious bodily injury to another person as the result of a §3802 violation commits a second-degree felony. In addition to any other penalty provided by law, may be sentenced to an additional confinement not to exceed two years.</p> | <p>• All penalties include up to 150 hours of community service and a Court Reporting Network (CRN) drug and alcohol (D&A) evaluation.</p> | <p>• When a full assessment indicates a need for counseling or treatment, the Court is required to order treatment as indicated by the assessment. When the Court orders treatment or counseling, the Court is required to order the statutory maximum as the top end of the Offender's sentence.</p> <p>• §3808 Illegally Operating a Motor Vehicle Not Equipped With Ignition Interlock: (a) 1st Offense: Fine: \$300 to \$1,000/Imprisonment: Not more than 90 days; (b) Tampering with Ignition Interlock: Attempting to bypass or circumvent the system: Fine: \$300 to \$1,000/Imprisonment: Not more than 90 days; (c) 2nd Offense: 1-year license suspension plus 1-year Ignition Interlock.</p> | <p>• §3802 violation with a previous §3735 Homicide by Vehicle While DUI commits a Felony of the 3rd Degree.</p> | |

Child Passenger Protection Law: 75 Pa. C. S. A. §4581

| Section | Offense | Fine |
|-------------------|--|--|
| 4581 (a)(1)(i) | All drivers operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home are responsible to secure children from birth to age 4 in an approved child passenger restraint system. | Primary Enforcement Fine: \$75.00 plus court costs, Surcharge, EMS, JCP, or proof of car seat purchase. |
| 4581 (a)(1)(ii) | All drivers operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home are responsible to secure children younger than age 2 in a rear-facing child restraint system, to be used until the child outgrows the maximum weight and height limits designated by the car seat manufacturer. | Primary Enforcement Fine: \$75.00 plus court costs, Surcharge, EMS, JCP, or proof of car seat purchase. |
| 4581 (a)(1)(iii) | This section applies to vehicles where a seating position is available which is equipped with a seat belt or other means to secure child restraint systems or originally equipped with seat belts. | |
| 4581 (a)(1.1) | All drivers operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home are responsible to secure children from 4 years of age up to 8 years of age in a seat belt system and an appropriately fitting child booster seat. | Primary Enforcement Fine: \$75.00 plus Surcharge, EMS, JCP, or proof of car seat purchase. |
| | <p>Exemptions</p> <p>67 Pa. Code Chapter 102: All children who are 4 years of age but younger than 8 years of age:</p> <ul style="list-style-type: none"> and weigh less than 40 pounds, may remain securely fastened in a car seat with a harness appropriate for the child's height and weight in accordance with the recommendations of the manufacturer, instead of being securely fastened in a booster; who weigh more than 80 pounds or who are 4 feet 9 inches or taller, may be fastened in the seat belt system without using a booster seat; riding in a passenger position in the vehicle which was not originally equipped with a shoulder belt shall be fastened in the seat belt system without the use of a child booster seat or may be fastened in a car seat with a harness appropriate for their height and weight in accordance with the recommendations of the manufacturer; may satisfy the requirements of the child passenger safety law when secured in an integrated child restraint system or booster seat in accordance with the child restraint system or vehicle seat designed to accommodate children under 80 pounds, which is integrated into the design of the vehicle by the vehicle manufacturer. | <p>67 Pa. Code Chapter 102: Exemption from use of a child passenger restraint system for medical reasons may be obtained upon written certification by a physician that use of a child passenger restraint system is impractical. The certification must be made on a Department of Transportation form requiring: physician's name and practice address; date the form was completed; name, age, and weight of the child; medical or physical reasons that the use of a particular child restraint system or systems is impractical. Information will also include: recommendation of the type of passenger restraint system the child should be secured or that no child restraint system is known; length of time the exemption is in place or a statement of the conditions under which the exemption should be lifted; and other information deemed relevant by the physician. The completed form must be in the vehicle with the child whenever the child is transported.</p> |
| 4581 (a)(2)(i)(A) | The driver of a passenger car, Class I truck, Class II truck or motor home who is under 18 years of age shall be restrained in a properly adjusted and fastened seat belt. | Primary Enforcement Fine: \$10.00 plus Surcharge, EMS, JCP - no court costs assessed. |
| 4581 (a)(2)(i)(B) | Drivers operating a passenger car, Class I truck, Class II truck or motor home are responsible to secure children from 8 years of age up to 18 years of age in a seat belt system anywhere in the vehicle. | Primary Enforcement Fine: \$10.00 plus Surcharge, EMS, JCP - no court costs assessed. |
| 4581 (a)(2)(ii) | The driver and front seat passengers of a passenger car, Class I truck, Class II truck, or motor home must wear a properly adjusted seat belt. | Secondary Enforcement Fine: \$10.00 plus Surcharge, EMS, JCP when convicted of a primary offense. |
| | <p>Exemptions include:</p> <ul style="list-style-type: none"> Drivers and front seat passengers of automobiles manufactured before July 1, 1966; Carriers of medical or psychological excuses signed by a physician; Rural letter carriers between the first and last delivery points; or Service vehicle operators driving at speeds less than 15 mph and making frequent stops. | |
| 4581 (a)(3) | A driver who is under 18 years of age may not operate a motor vehicle in which the number of passengers exceeds the number of available seat belts in the vehicle. | Primary Enforcement Fine: \$10.00 plus Surcharge, EMS, JCP - no court costs assessed. |

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SPEEDING FINE SCALE

| 25 mph zone | 35 mph zone | 40 mph zone | 45 mph zone | 55 mph zone | 65 mph zone | 70 mph zone |
|-------------|-------------|-------------|-------------|-------------|---------------|-----------------|
| 35 .. \$45 | 45 .. \$45 | 50 .. \$45 | 55 .. \$45 | 65 .. \$45 | 71 .. \$44.50 | 76 .. \$44.50 |
| 36 .. \$47 | 46 .. \$47 | 51 .. \$47 | 56 .. \$47 | 66 .. \$47 | 72 .. \$46.50 | 77 .. \$46.50 |
| 37 .. \$49 | 47 .. \$49 | 52 .. \$49 | 57 .. \$49 | 67 .. \$49 | 73 .. \$48.50 | 78 .. \$48.50 |
| 38 .. \$51 | 48 .. \$51 | 53 .. \$51 | 58 .. \$51 | 68 .. \$51 | 74 .. \$50.50 | 79 .. \$50.50 |
| 39 .. \$53 | 49 .. \$53 | 54 .. \$53 | 59 .. \$53 | 69 .. \$53 | 75 .. \$52.50 | 80 .. \$52.50 |
| 40 .. \$55 | 50 .. \$55 | 55 .. \$55 | 60 .. \$55 | 70 .. \$55 | 76 .. \$54.50 | 81 .. \$54.50 |
| | | | | | 77 .. \$56.50 | 82 .. \$56.50 |
| | | | | | 78 .. \$58.50 | 83 .. \$58.50 |
| | | | | | 79 .. \$60.50 | 84 .. \$60.50 |
| | | | | | 80 .. \$62.50 | 85 .. \$62.50 |
| | | | | | | 81 .. \$64.50 |
| | | | | | | 82 .. \$66.50 |
| | | | | | | 83 .. \$68.50 |
| | | | | | | 84 .. \$70.50 |
| | | | | | | 85 .. \$72.50 |
| | | | | | | 86 .. \$74.50 |
| | | | | | | 87 .. \$76.50 |
| | | | | | | 88 .. \$78.50 |
| | | | | | | 89 .. \$80.50 |
| | | | | | | 90 .. \$82.50 |
| | | | | | | |
| | | | | | | 91 .. \$84.50 |
| | | | | | | 92 .. \$86.50 |
| | | | | | | 93 .. \$88.50 |
| | | | | | | 94 .. \$90.50 |
| | | | | | | 95 .. \$92.50 |
| | | | | | | 96 .. \$94.50 |
| | | | | | | 97 .. \$96.50 |
| | | | | | | 98 .. \$98.50 |
| | | | | | | 99 .. \$100.50 |
| | | | | | | 100 .. \$102.50 |

| | | | | | |
|---|---|--|---|---|--|
| <p>PaVC - Sec. 3362</p> <p>MAXIMUM SPEED LIMITS</p> | <p>SUBSECTION (a)(1) 35 mph in urban district.</p> | <p>SUBSECTION (a)(1.1) 65 or 70 mph on freeways (limited access highways to which the only means of ingress and egress is by interchange ramps) where posted.</p> | <p>SUBSECTION (a)(1.2)(i) & (ii) 25 mph in a residence district, if the highway is not a numbered traffic route and is functionally classified by the department as a local highway.</p> | <p>SUBSECTION (a)(2) 55 mph in any other location.</p> | <p>SUBSECTION (a)(3) Any other maximum speed limit established.</p> |
|---|---|--|---|---|--|

| EMS | \$20.00 | COURT COSTS (adjusted annually) | JCP/ATJ | \$22.00 | | |
|--|--------------------------|---------------------------------|-----------------------------|---------|------|------|
| PaVC – Sec. 6506 Surcharge | | | | | | |
| ALL Sec. except parking | \$45.00 | Sec. 4902 | \$225.00 | | | |
| Chpt. 47 | \$45.00 | Chpt. 49, Sub Chpt. C & E | \$225.00 | | | |
| OFFENSE | | | | | | |
| 1st | ▶ 1543 (b)(1.1) \$75.00 | ▶ Sec. 3802 \$75.00 | ▶ Sec. 3808 (a)(2) \$75.00 | | | |
| 2nd | ▶ 1543 (b)(1.1) \$150.00 | ▶ Sec. 3802 \$150.00 | ▶ Sec. 3808 (a)(2) \$150.00 | | | |
| 3rd | ▶ 1543 (b)(1.1) \$300.00 | ▶ Sec. 3802 \$300.00 | ▶ Sec. 3808 (a)(2) \$300.00 | | | |
| 4th | ▶ 1543 (b)(1.1) \$450.00 | ▶ Sec. 3802 \$450.00 | ▶ Sec. 3808 (a)(2) \$450.00 | | | |
| Sec. 3306 (a)(1) | \$60.00 | Sec. 3362 (6-15 mph over) | \$45.00 | | | |
| Sec. 3345 (a) | \$75.00 | Sec. 3362 (16-25 mph over) | \$60.00 | | | |
| Sec. 3745 | \$60.00 | Sec. 3362 (26+ mph over) | \$75.00 | | | |
| Motorcycle, motor-driven cycle, pedalcycle, motorized pedalcycle or recreational vehicle not intended for highway use are exempt from surcharge. | | | | | | |
| PaVC Sec. 3326 DUTY OF DRIVER IN CONSTRUCTION AND MAINTENANCE AREAS. | | | | | | |
| <p>■ Active work zones must be designated at the start with a white strobe flashing light or other unique illuminating device attached to the "Active Work Zone When Flashing" sign.</p> <p>■ All motorists are required to travel with their headlights on in posted work zones. (Secondary) (Summary offense, fine: \$25.)</p> <p>■ Motorists driving in an active work zone may be cited for exceeding the speed limit.</p> <p>■ Motorists convicted of driving 11 miles per hour or more above the posted speed limit, or who are involved in a crash in an active work zone and are cited and convicted for failing to drive at a safe speed will automatically lose their license for 15 days.</p> <p>– Drivers will be given up to an additional 5 years jail term if convicted of homicide by vehicle in an active work zone.</p> <p>– Drivers will be given up to an additional 2 years jail term if convicted of aggravated assault by vehicle in an active work zone.</p> | | | | | | |
| FINES DOUBLE for violation of any of the following sections if violated in an active work zone manned by workers acting in their official capacity: | | | | | | |
| 3102 | 3114 | 3304 | 3307 | 3323 | 3362 | 3736 |
| 3111 | 3302 | 3305 | 3309 | 3326 | 3702 | 3802 |
| 3112 | 3303 | 3306 | 3310 | 3361 | 3714 | |

PENNSYLVANIA VEHICLE CODE SAFETY VIOLATIONS

Child Passenger Safety Law

Primary Enforcement

Section 4581 (a)(1)(i) Restraint Systems
 All drivers are responsible to secure children from birth to age 4 in an approved child passenger restraint system.

Section 4581 (a)(1)(ii) Restraint Systems
 All drivers are responsible to secure children younger than age 2 in a rear-facing car seat, to be used until the child outgrows the maximum weight and height limits designated by the car seat manufacturer. (Effective August 12, 2016; Verbal warnings issued for one-year after this section takes effect.)

FINE: \$75.00 plus court costs, Surcharge, EMS, JCP or proof of car seat purchase.

Section 4581 (a)(1.1)

All drivers are responsible to secure children from 4 years of age up to 8 years of age in a seat belt system and an appropriately fitting child booster seat.

FINE: \$75.00 plus court costs, Surcharge, EMS, JCP or proof of car seat purchase.

Safety Belt Use Law

Primary Enforcement

Section 4581 (a)(2)(i) (A) Restraint Systems
 Drivers who are under 18 years of age shall be secured in a properly fitted seat belt system.

Section 4581 (a)(2)(i) (B) Restraint Systems
 Drivers are responsible to secure all children from 8 years of age up to 18 years of age in a seat belt system any where in the vehicle.

FINE: \$10.00 plus Surcharge, EMS and JCP – no court costs assessed.

Secondary Enforcement

Section 4581 (a)(2)(ii) Restraint Systems

A driver and front seat passenger, 18 years of age or older, shall wear a properly adjusted and fastened seat belt system.

Exemptions include carriers of medical or psychological excuses signed by a physician, rural letter carriers, deliverers of goods or service vehicle operators driving at speeds less than 15 mph and making frequent stops, drivers and front seat passengers of automobiles manufactured before July 1, 1966.

FINE: \$10.00 plus Surcharge, EMS, and JCP when convicted of a primary offense.

Primary Enforcement

Section 4581 (a)(3) Restraint Systems

A driver who is under 18 may not operate a motor vehicle in which the number of passengers exceeds the number of available seat belts in the vehicle.

FINE: \$10.00 plus Surcharge, EMS and JCP - no court costs assessed.

Passengers in Open Trucks

Section 3719

An open bed pick-up truck or open flat bed truck may not be driven at any speed if a child less than 18 years of age is occupying the bed of the truck or trailer.

An open bed pick-up truck or open flat bed truck may not be driven at a speed of more than 35 miles per hour if any person is occupying the bed of the truck.

FINE: \$50.00 plus 2 points

Refer to vehicle code for additional exemptions.

Meeting or Overtaking School Bus

Section 3345 (a)

The driver of a vehicle meeting or overtaking a school bus shall stop at least 10 feet before reaching the school bus when the red signal lights are flashing and the side signal stop arm is activated.

The driver shall not proceed until the red lights are no longer flashing and all children have reached a place of safety.

The driver of a vehicle approaching an intersection where a school bus is stopped with its red signal lights flashing shall stop until the red lights are no longer flashing and all children have reached a place of safety.

FINE: \$250.00 plus 5 points and a 60 day license suspension. (\$35 surcharge)

Section 3345 (b)

The driver of a vehicle meeting or overtaking any school bus shall proceed past the school bus with caution and shall be prepared to stop when the amber signal lights are flashing.

Section 3345 (g)

The driver of a vehicle upon a highway or traffic way with separate roadways need not stop upon meeting or passing a school bus with actuated red signal lights which is on a different roadway.

Right-of-Way of Pedestrians in Crosswalks

Section 3542 (a)

When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way to a pedestrian in any marked or unmarked crosswalk.

FINE: \$50.00 plus 2 points

Prohibiting Text-Based Communications Law

Primary Enforcement

Section 3316 (A)

No driver shall operate a motor vehicle while using an interactive wireless communication device to send, read or write a text-based communication while the vehicle is in motion.

Interactive Wireless Communications Device includes a wireless phone, personal digital assistant, smart phone, portable or mobile computer or similar device that can be used for texting, instant messaging, emailing or browsing the Internet.

The term does not include a device being used exclusively as a global positioning or navigation system, a system that is physically or electronically integrated into the vehicle, or a communication device that is affixed to a mass transit vehicle, bus or school bus.

Text-based communication is defined as a text message, instant message, electronic mail, or other communication composed or received on an interactive communications device.

FINE: \$50.00 plus court costs, Surcharge, EMS, and JCP. The law does not authorize seizure or forfeiture of an interactive wireless communication device.

Special Speed Limitations

Section 3365 (b)

School Zones

The driver of a vehicle shall not exceed 15 mph in a designated school zone.

FINE: \$35.00

An additional \$2 is added for each mile in excess of 5 mph over the maximum speed limit. A driver may be cited and receive a maximum fine of \$500 and 3 points if the speed is in excess of 11 mph over the speed limit. Second and subsequent offenses will result in a 60 day suspension.

Persons Ineligible for Licensing; License Issuance to Minors; Junior Driver's License

Section 1503 (c)

The department may issue a junior driver's license to a person 16 or 17 years of age. The junior driver's license shall automatically become a regular license when the junior driver attains 18 years of age.

No licensed junior driver shall drive a vehicle upon a public highway between 11 p.m. and 5 a.m. unless accompanied by a spouse 18 years of age or older, a parent or a person in loco parentis.

A licensed junior driver may drive a vehicle upon a public highway between 11 p.m. and 5 a.m. between the junior driver's home and activity or employment or if the junior driver is a member of a volunteer fire company authorized by the fire chief to engage in fighting fires, is engaged in public or charitable service or is employed and carrying an affidavit or certificate of authorization signed by the fire chief, supervisor, or employer indicating the probable schedule of activities.

For the first six months after the issuance of the junior driver's license, a junior driver shall not drive a vehicle with more than one passenger under 18 years of age who is not a member of the driver's immediate family unless accompanied by a legal guardian.

After the first six months, a junior driver shall not drive a vehicle with more than three passengers under 18 years of age who are not members of the driver's immediate family unless accompanied by a legal guardian. If the junior driver has been partially or fully responsible for a reportable accident or has been convicted of any violation during the first six months, they may not drive with more than one passenger under the age of 18 unless accompanied by a legal guardian.

In the event that a licensed junior driver is involved in a reportable accident for which the junior driver is partially or fully responsible or is convicted of any violation, the department may suspend the operating privileges of the junior driver until the age of 18 is attained or for a period of time not exceeding 90 days.

Immediate family includes siblings and step siblings as well as foster or adopted children living in the same household.

Pedalcycle Helmets for Certain Persons

Section 3510 (a)





A person under 12 years of age shall not operate a pedalcycle or ride as a passenger on a pedalcycle unless the person is wearing an approved pedalcycle helmet. This also applies to a person who rides:

- upon a pedalcycle while in a restraining seat attached to a pedalcycle; or,
- in a trailer towed by a pedalcycle.

FINE: All inclusive fine and costs not to exceed \$25.00.

Pedalcycle is defined as a vehicle propelled solely by human powered pedals. Tricycles and "Big Wheels" with a main driving wheel of 20" diameter or under and primarily designed for children 6 years and younger are not subject to the helmet law.

Child Passenger Safety Guide for Law Enforcement

| Age & Weight Guidelines | Rear-Facing Car Seat | Forward-Facing Car Seat | Booster | Seat Belt |
|-------------------------------------|--|--|---|--|
| |  <p>Birth to age 2. Children should ride in a rear-facing car seat as long as possible, at least to age 2 and until they reach the highest weight or height by the car seat manufacturer.</p> <p><i>Note: If a child outgrows, in height or weight, the currently available rear-facing car seat, follow the manufacturer's instructions to appropriately secure these children.</i></p> |  <p>Children who are at least age 2 and have outgrown their rear-facing car seat, should use a forward-facing car seat for as long as possible, up to the highest weight or height allowed by the car seat manufacturer.</p> |  <p>Children who have outgrown their forward-facing car seat with a harness should use a belt-positioning booster seat. Children should remain in a belt-positioning booster seat until the vehicle lap and shoulder belt fit properly.</p> |  <p>Children who have outgrown the belt-positioning booster seat at approximately 4 feet 9 inches tall and between 8 – 12 years of age should always wear a properly fitted lap and shoulder belt.</p> |
| Selection: Type of Car Seat | <p>Rear-Facing Only Car Seat OR Rear-Facing Convertible Car Seat</p> <p>WEIGHT: Minimum and maximum weights are provided on a car seat label – weight can range from birth to 50 pounds.</p> <p>HEIGHT: The child is too tall for the car seat if the top of the child's head is within 1-inch of the top of the car seat.</p> | <p>Forward-facing Convertible Car Seat OR Forward Facing only/Combination Car Seat with Harness</p> <p>WEIGHT: Minimum and maximum weights are provided on a car seat label – weight can range from 20 pounds to 90 pounds.</p> <p>HEIGHT: The child is too tall for the car seat if the child's ears are above the top of the car seat.</p> | <p>High-Back Belt-Positioning Booster Seat OR No-Back Belt-Positioning Booster Seat (Use only when the vehicle seating position provides a head restraint)</p> <p>WEIGHT: Minimum and maximum weights are provided on a booster seat label – weight can range from 30 pounds to 125 pounds.</p> | <p>Lap and Shoulder Belt</p> <p>Lap belts do not provide upper body protection. As a result, head, neck, and spine injuries can occur.</p> <p>It is recommended that all vehicle occupants use a lap and shoulder belt to provide both lower and upper body protection.</p> |
| Direction: | Rear-Facing | Forward-Facing | Forward-Facing | Forward-Facing |
| Location: | All children under the age of 13 should ride in a back seat of the vehicle. | | | |
| Harnessing: | <p>Harness straps must be <i>at or below</i> shoulder level AND Harness straps fit snugly on the child AND Harness retainer clip is at armpit level.</p> | <p>Harness straps must be <i>at or above</i> shoulder level AND Harness straps fit snugly on the child AND Harness retainer clip is at arm pit level.</p> | <p>Always used with a Lap and Shoulder Belt. NEVER use a Booster Seat with only a lap belt.</p> | <p>The shoulder belt should rest snugly across the center of the chest and shoulder. NEVER place the shoulder belt under the arm or behind the back. The lap belt should be placed low and snug across the hips/upper thighs.</p> |
| Installation: Seat Belt or LATCH | <p>NEVER place a rear-facing car seat in the front seat with an active passenger-side front air bag.</p> <p>Car seats are installed at no more than a 45 degree angle following the manufacturer's instructions.</p> <p>Car seats should be secured with the vehicle seat belt or the lower anchors of the LATCH system routed and locked through the correct belt path.</p> <p>The secured car seat allows no more than 1-inch of side-to-side movement when pulled at the belt path.</p> | <p>Move the vehicle seat all the way back if car seat is installed in the front seat with an active passenger-side front air bag.</p> <p>Review car seat instructions to determine if the car seat must be upright, or if there is an approved forward-facing reclined position.</p> <p>Secured the car seat with the vehicle seat belt or lower anchors of the LATCH system routed and locked through the correct belt path. The secured car seat allows no more than 1-inch of side-to-side movement when pulled at the belt path.</p> <p>Use the tether with the seat belt or the lower anchors, whenever possible for forward-facing.</p> | <p>Booster seat is used with a Lap and Shoulder Belt in a back seat of the vehicle.</p> <p>Move the vehicle seat all the way back if the booster seat is placed in the front seat in front of an active passenger-side front air bag.</p> <p>The shoulder belt should rest snugly across the center of the chest and shoulder.</p> <p>NEVER place the shoulder belt under the arm or behind the back.</p> <p>The lap belt should be placed low and snug across the hips/upper thighs.</p> | <p>Seat Belts can be used when the child is:</p> <ul style="list-style-type: none"> Able to sit with back and hips against the vehicle seat back without slouching; Able to bend their knees easily over the front edge of the vehicle seat with their feet flat on the floor. Stay correctly seated for the entire ride. <p>Always use a properly positioned head restraint.</p> |

Driving After Imbibing Alcohol or Controlled Substance

§3802 (a) (1) General Impairment

An individual may not drive, operate or be in control of a vehicle after imbibing a sufficient amount of alcohol that renders that individual incapable of safely driving.

§3802 (a) (2)

An individual may not drive, operate or be in control of a vehicle after imbibing a sufficient amount of alcohol that the breath or blood alcohol concentration is 0.08% but less than 0.10% within two hours of driving.

§3802 (b) High Rate of Alcohol

An individual may not drive, operate or be in control of a vehicle after imbibing a sufficient amount of alcohol that the breath or blood alcohol concentration is 0.10% but less than 0.16% within two hours of driving.

§3802 (c) Highest Rate of Alcohol

An individual may not drive, operate or be in control of a vehicle after imbibing a sufficient amount of alcohol that the breath or blood alcohol concentration is 0.16% or higher within two hours of driving.

§3802 (d) Controlled Substances

- An individual may not drive, operate or be in control of a vehicle if:
 - there is any amount of a non-prescribed Schedule I, II, III controlled substance or its metabolite in the blood.
- The individual is under the influence of a drug or combination of drugs which impairs the individual's ability to safely drive.
- The individual is under the combined influence of alcohol and a drug or combination of drugs which impairs the individual's ability to safely drive.
- The individual is under the influence of a solvent or noxious substance.

§3802 (e) Minors (under 21)

A minor may not drive, operate or be in control of a vehicle after imbibing a sufficient amount of alcohol that the breath or blood alcohol concentration is 0.02% or higher within two hours of driving.

§3802 (f) Commercial or School Vehicles

- An individual may not drive, operate or be in control of a commercial vehicle, school bus or school vehicle if after imbibing a sufficient amount of alcohol that the breath or blood alcohol concentration is:
 - 0.04% or greater within two hours of driving a commercial vehicle.
 - 0.02% or greater within two hours of driving a school bus or school vehicle.
- An individual may not drive, operate or be in control of a commercial vehicle, school bus or school vehicle if after imbibing a sufficient amount of alcohol that renders that individual incapable of safely driving.
- An individual may not drive, operate or be in control of a commercial vehicle, school bus or school vehicle while the individual is under the influence of a controlled substance or combination of controlled substances.
- An individual may not drive, operate or be in control of a commercial vehicle, school bus or school vehicle while the individual is under the combined influence of alcohol and a controlled substance or combination of controlled substances.

§3802 (g) Exception to Two-Hour Rule

- Evidence of alcohol or controlled substance concentration more than two hours after driving, operating, or in control of a vehicle is sufficient under the following circumstances:
 - There is good cause that the chemical test sample could not be obtained within 2-hours; and
 - It is established that the person did not imbibe any alcohol or utilize a controlled substance between the time of the arrest and the time the sample was obtained.

§3803 Grading – See Chart

§3804 Penalties – See Chart

Pennsylvania Crimes and Offenses - Title 18

§6307 Misrepresentation of age to secure liquor, malt, or brewed beverages

A minor falsely representing that he is 21 to procure alcohol, malt, or brewed beverages is guilty of:

- 1st Offense: Summary
- 2nd Offense: 3rd-Degree Misdemeanor
- Fine: Up to \$500.00

§6308 Purchase, Consumption, Possession, or Transportation of Liquor, Malt or Brewed Beverages

A minor attempts to purchase, purchases, consumes, possesses or knowingly transports any liquor, malt, or brewed beverage commits a summary offense.

- 1st Offense: Up to \$500.00
- 2nd and Subsequent Offenses: Up to \$1,000.00
- Police Department shall notify the parents or guardian of the minor.

§6310.1 Selling or Furnishing Liquor or Malt or Brewed Beverages to Minors

Intentionally and knowingly selling or furnishing any liquor, malt or brewed beverage to a minor commits a misdemeanor of the 3rd degree.

- 1st Offense: Not less than \$1000.00
- 2nd and Subsequent Offenses: \$2500.00

§6310.3 Carrying a False Identification Card

A minor possessing an identification card falsely identifying that the minor is 21 years of age or older or obtains or attempts to obtain liquor, malt, or brewed beverages is guilty of:

- 1st Offense: Summary
- 2nd Offense: 3rd-Degree Misdemeanor
- Fine: Up to \$500.00
- Police Department shall notify the parents or guardian of the minor.

INFORMATION: 1-800-CAR-BELT (1-800-227-2358)

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