

DUI LAW: 75 Pa. C. S. A. §3802

| 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 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General Impairment BAC .08% to .099% (Blood Alcohol Content) Incapable of Safe Driving No BAC Available No Implied Consent Violation No crash/injury or damage | Ungraded Misdemeanor \$300.00 Fine 6 Months Mandatory Minimum Probation No Mandatory Imprisonment No License Suspension Attend Alcohol Highway Safety School CRN Evaluation Pending CRN, full assessment and compliance with D & A treatment as part of sentencing | Ungraded Misdemeanor \$300.00 to \$2,500.00 Fine 5 Days – 6 Months Imprisonment 12 Month License Suspension Mandatory 1-Year Ignition Interlock Attend Alcohol Highway Safety School CRN Evaluation Mandatory D & A assessment with D & A treatment as a condition of sentencing | Second-Degree Misdemeanor \$500.00 to \$5,000.00 Fine 10 Days – 2 Years Imprisonment 12 Month License Suspension Mandatory 1-Year Ignition Interlock CRN Evaluation Mandatory D & A assessment with D & A treatment as a condition of sentencing | Second-Degree Misdemeanor \$500.00 to \$5,000.00 Fine 10 Days – 2 Years Imprisonment 12 Month License Suspension Mandatory 1-Year Ignition Interlock CRN Evaluation Mandatory D & A assessment with D & A treatment as a condition of sentencing |
| High Rate DUI BAC .10% to .159% Minors .02% BAC or greater Incapable of Safe Driving with Crash, Damage, or Injuries Commercial drivers (.04% or greater BAC) and school bus/vehicle drivers (.02% or greater BAC) Comm./school vehicles incapable of safe driving BAC .08% to .099% Crash/Injury/Damage | Ungraded Misdemeanor \$500.00 to \$5,000.00 Fine 48 Consecutive Hours – 6 Months Imprisonment 12 Month License Suspension Attend Alcohol Highway Safety School CRN Evaluation Pending CRN, full assessment and compliance with D & A treatment as part of sentencing | Ungraded Misdemeanor \$750.00 to \$5,000.00 Fine 30 Days – 6 Months Imprisonment 12 Month License Suspension Mandatory 1-Year Ignition Interlock Attend Alcohol Highway Safety School CRN Evaluation Mandatory D & A assessment with D & A treatment as a condition of sentencing | First-Degree Misdemeanor \$1,500.00 to \$10,000.00 Fine 90 Days – 5 Years Imprisonment 18 Month License Suspension Mandatory 1-Year Ignition Interlock CRN Evaluation Mandatory D & A assessment with D & A treatment as a condition of sentencing | First-Degree Misdemeanor \$1,500.00 to \$10,000.00 Fine 1-Year – 5 Years Imprisonment 18 Month License Suspension Mandatory 1-Year Ignition Interlock CRN Evaluation Mandatory D & A assessment with D & A treatment as a condition of sentencing |
| Highest Rate DUI BAC .16% and higher Controlled Substances (Drug DUI's) Incapable Safe Driving and Refusing Chemical Testing* (Refusals) BAC .08% to .099% Refused testing of blood or breath | Ungraded Misdemeanor \$1,000.00 to \$5,000.00 Fine 72 Consecutive Hours – 6 Months Imprisonment 12 Month License Suspension Attend Alcohol Highway Safety School CRN Evaluation Mandatory D & A assessment with D & A treatment as a condition of sentencing | First-Degree Misdemeanor \$1,500.00 to \$10,000.00 Fine 90 Days – 5 Years Imprisonment 18 Month License Suspension Mandatory 1-Year Ignition Interlock Attend Alcohol Highway Safety School CRN Evaluation Mandatory D & A assessment with D & A treatment as a condition of sentencing | First-Degree Misdemeanor \$2,500.00 to \$10,000.00 Fine 1-Year – 5 Years Imprisonment 18 Month License Suspension Mandatory 1-Year Ignition Interlock CRN Evaluation Mandatory D & A assessment with D & A treatment as a condition of sentencing | First-Degree Misdemeanor \$2,500.00 to \$10,000.00 Fine 1-Year – 5 Years Imprisonment 18 Month License Suspension Mandatory 1-Year Ignition Interlock CRN Evaluation Mandatory D & A assessment with D & A treatment as a condition of sentencing |
| Violation Committed Involving Minor Occupant in Vehicle (under 18) Additional Penalty Imposed | First-Degree Misdemeanor 18 Month License Suspension Minimum \$1,000.00 Fine 100 Hours of Community Service | First-Degree Misdemeanor 18 Month License Suspension Minimum \$2,500.00 Fine 1 Month - 6 Months Imprisonment | First-Degree Misdemeanor 18 Month License Suspension 6 Months - 2 years Imprisonment | First-Degree Misdemeanor 18 Month License Suspension 6 Months - 2 years Imprisonment |

- All First Level offenses can be disposed of at the District Justice Level
- Ungraded Misdemeanors = No Jury Trial Permitted!
- Although 3802(a)(1) violations are graded as misdemeanor 2's, they appear to be subject to an enhanced penalty when there is an implied consent violation also.
- All penalties include up to 150 hours of community service and a Court Reporting Network (CRN) drug and alcohol (D&A) evaluation.
- When a full assessment is completed and the 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.

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

| Section | Offense | Fine | Exemptions |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4581 (a)(1) | All drivers 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, MCARE, EMS, JCP, or proof of car seat purchase. | |
| 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. | Primary Enforcement Fine: \$75.00 plus MCARE, EMS, JCP, or proof of car seat purchase. | 67 Pa. Code Chapter 102: All children who are 4 years of age but younger than 8 years of age: * and weigh less than 40 pounds, may remain securely fastened in a child restraint system with a harness appropriate for their 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 positions 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 child restraint system 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. 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 form developed by the Department which shall require the following information: 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. |
| 4581 (a)(2)(i) | Driver who is under 18 years of age and all front seat passengers must be restrained. Drivers are responsible for themselves and to secure all 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 MCARE, EMS, JCP - no court costs assessed. | |
| 4581 (a)(2)(ii) | Driver and all front seat passengers must be restrained. | Secondary Enforcement Fine: \$10.00 plus MCARE, EMS, JCP when convicted of a primary offense. | Exemptions include: * 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 MCARE, EMS, JCP - no court costs assessed. | DISCLAIMER: This TIPP Fine Card is printed as a public service. The PA Traffic Injury Prevention Project, the PA Chapter of the American Academy of Pediatrics and PennDOT make no representation as to the accuracy, completeness or utility, and assume no liability for any general or specific use of or reliance on the information provided herein. |

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 |
| 41 .. \$57 | 51 .. \$57 | 56 .. \$57 | 61 .. \$57 | 71 .. \$57 | 78 .. \$58.50 | 83 .. \$58.50 |
| 42 .. \$59 | 52 .. \$59 | 57 .. \$59 | 62 .. \$59 | 72 .. \$59 | 79 .. \$60.50 | 84 .. \$60.50 |
| 43 .. \$61 | 53 .. \$61 | 58 .. \$61 | 63 .. \$61 | 73 .. \$61 | 80 .. \$62.50 | 85 .. \$62.50 |
| 44 .. \$63 | 54 .. \$63 | 59 .. \$63 | 64 .. \$63 | 74 .. \$63 | | |
| 45 .. \$65 | 55 .. \$65 | 60 .. \$65 | 65 .. \$65 | 75 .. \$65 | 81 .. \$64.50 | 86 .. \$64.50 |
| 46 .. \$67 | 56 .. \$67 | 61 .. \$67 | 66 .. \$67 | 76 .. \$67 | 82 .. \$66.50 | 87 .. \$66.50 |
| 47 .. \$69 | 57 .. \$69 | 62 .. \$69 | 67 .. \$69 | 77 .. \$69 | 83 .. \$68.50 | 88 .. \$68.50 |
| 48 .. \$71 | 58 .. \$71 | 63 .. \$71 | 68 .. \$71 | 78 .. \$71 | 84 .. \$70.50 | 89 .. \$70.50 |
| 49 .. \$73 | 59 .. \$73 | 64 .. \$73 | 69 .. \$73 | 79 .. \$73 | 85 .. \$72.50 | 90 .. \$72.50 |
| 50 .. \$75 | 60 .. \$75 | 65 .. \$75 | 70 .. \$75 | 80 .. \$75 | 86 .. \$74.50 | 91 .. \$74.50 |
| | | | | | 87 .. \$76.50 | 92 .. \$76.50 |
| | | | | | 88 .. \$78.50 | 93 .. \$78.50 |
| | | | | | 89 .. \$80.50 | 94 .. \$80.50 |
| | | | | | 90 .. \$82.50 | 95 .. \$82.50 |
| | | | | | | |
| | | | | | 91 .. \$84.50 | 96 .. \$84.50 |
| | | | | | 92 .. \$86.50 | 97 .. \$86.50 |
| | | | | | 93 .. \$88.50 | 98 .. \$88.50 |
| | | | | | 94 .. \$90.50 | 99 .. \$90.50 |
| | | | | | 95 .. \$92.50 | 100 .. \$92.50 |
| | | | | | 96 .. \$94.50 | 101 .. \$94.50 |
| | | | | | 97 .. \$96.50 | 102 .. \$96.50 |
| | | | | | 98 .. \$98.50 | 103 .. \$98.50 |
| | | | | | 99 .. \$100.50 | 104 .. \$100.50 |
| | | | | | 100 .. \$102.50 | 105 .. \$102.50 |

| | | |
|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PaVC - Sec. 3362 MAXIMUM SPEED LIMITS | SUBSECTION (a)(1) 35 mph in urban district. | SUBSECTION (a)(1.1) 70 mph on freeways (limited access highways to which the only means of ingress and egress is by interchange ramps) where posted. |
| | 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. | SUBSECTION (a)(2) 55 mph in any other location. |
| | | SUBSECTION (a)(3) Any other maximum speed limit established. |

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|-------------------------------------------|---------------------------------|-------------------------------------------------|
| EMS \$10.00 | COURT COSTS (adjusted annually) | JCP \$10.00 |
| PaVC – Sec. 6506 Surcharge (MCARE) | | |
| 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.

- 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.
- All motorists are required to travel with their headlights on in posted work zones. (Secondary) (Effective February 21, 2003, Fine: \$25.00)
- Motorists driving in an active work zone may be cited for exceeding the speed limit by one mile – speed tolerances are eliminated.
- 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.
- Drivers will be given up to an additional 5 years jail term if convicted of homicide by vehicle in an active work zone.
- Drivers will be given up to an additional 2 years jail term if convicted of aggravated assault by vehicle in an active work zone.

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) Restraint Systems

All drivers are responsible to secure children from birth to age 4 in an approved child passenger restraint system.

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

Primary Enforcement 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.

Exemptions are allowed under the law. Guidelines have been prepared by the Department of Transportation to provide guidance for exemptions for Section 4581 (a)(1.1).

A copy of the guidelines can be obtained from 1-800-CAR BELT.

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

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.

Safety Belt Use Law

Primary Enforcement

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

Drivers who are under 18 years of age and all front seat passengers must be restrained.

Drivers who are 18 years of age are responsible for themselves and to secure all children from 8 years of age up to 18 years of age in a seat belt system anywhere in the vehicle.

FINE: \$10.00 plus MCARE, 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 MCARE, 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 MCARE, 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.

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.

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 devices 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, MCARE, 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.

Child Passenger Safety Guide for Law Enforcement

| Age & Weight Guidelines | Rear-Facing Car Seats | Forward-Facing Car Seats | Booster Seats | Seat Belts |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  REAR-FACING |  FWD-FACING |  BOOSTER |  SEAT BELT | |
| | Birth to at least 2 years of age or until the highest weight or height allowed by the manufacturer of the car seat. | Children 2 years of age, or those younger than 2 who have outgrown their rear-facing car seat, should use a forward-facing car seat with a harness for as long as possible, up to the highest weight or height allowed by the manufacturer of the car seat. | 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. | 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 for optimal protection. |
| Selection: Type of Child Safety Seat (CSS) | Infant-only CSS OR Rear-Facing Convertible CSS Minimum and maximum weights are provided on child safety seat label - weight can range from birth to 45 pounds. 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. | Forward-facing Convertible CSS OR Forward Facing only CSS/Combination CSS with Harness Minimum and maximum weights are provided on child safety seat label - weight can range from 20 pounds to 90 pounds. The child is too tall for the car seat if the child's ears are above the top of the top of the car seat. | High-Back Belt-Positioning Booster Seat OR No-Back Belt-Positioning Booster Seat (Use only when the vehicle seating position provides a head restraint) Minimum and maximum weights are provided on child safety seat label - weight can range from 30 pounds to 125 pounds. | Lap and Shoulder Belt Lap belts only do not provide upper body protection. As a result, head, neck, and spine injuries can occur. It is recommended that all vehicle occupants use a lap and shoulder belt to provide both lower and upper body protection. |
| 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. | | | |
| Installation: Harness Straps | Harness straps must be at or below shoulder level AND Harness straps fit snugly on the child AND Harness retainer clip is at armpit level. | Harness straps must be at or above shoulder level AND Harness straps fit snugly on the child AND Harness retainer clip is at arm pit level. | Belt-Positioning Booster Seats are always used with a Lap and Shoulder Belt. NEVER use a Booster Seat with only a lap belt. | Seat Belts can be used when children can: *Sit with their back and hips against the vehicle seat back without slouching; *Bend their knees easily over the front edge of the vehicle seat with their feet flat on the floor; *Safely wear the seat belt *Use a properly positioned head restraint. |
| Installation: Seat Belt or LATCH | NEVER place a rear-facing car seat in the front seat with an active passenger-side airbag. Child safety seat should be installed at no more than a 45 degree angle following manufacturer's instructions. Child safety seat should be secured with the vehicle seat belt or the LATCH system routed through the correct belt path. Seat belt/LATCH is tight and locked in place allowing no more than 1 inch of side-to-side movement. | Move vehicle seat all the way back if car seat is placed in the front seat in front of an active passenger-side airbag. Many forward-facing car seats should be in the upright position. Child safety seat should be secured with the vehicle seat belt or the LATCH system routed through the correct belt path. Seat belt/LATCH is tight and locked in place allowing no more than 1 inch of side-to-side movement. | Booster seat is used with a Lap and Shoulder Belt in a back seat of the vehicle. 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 airbag. 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. | 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. |

Driving After Imbibing Alcohol or Utilizing Drugs

Section 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.

Section 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.

Section 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.

Section 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.

Section 3802 (d) Controlled Substances

An individual may not drive, operate or be in control of a vehicle if:

- there is any amount of a controlled substance in the blood.
- the individual is under the influence of a drug or drugs which impairs the individual's ability to drive.
- the individual is under the combined influence of alcohol and a drug or combination of drugs which impairs the individual's ability to drive.
- the individual is under the influence of a solvent or noxious substance.

Section 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.

Section 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.

Section 3803 Grading - See Chart

Section 3804 Penalties - See Chart

Pennsylvania Crimes and Offenses - Title 18

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

A minor is guilty of a summary offense for a first violation and a misdemeanor of the 3rd degree for subsequent violations for falsely representing that he is 21 to procure alcohol, malt, or brewed beverages.

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

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

Section 6310.3 Carrying a False Identification Card

A minor is guilty of a summary offense for a first violation and a misdemeanor of the 3rd degree for subsequent violations for possessing an identification card falsely identifying that minor as being 21 years of age or older or obtains or attempts to obtain liquor, malt, or brewed beverages.

Section 6310.4 Restriction of Operating Privileges

A minor convicted of section 6307, 6308, or 6310.3 will have their operating privileges suspended.

Section 6310.4 (b) Duration of Suspension

- First Offense - 90 days from the date of suspension
- Second Offense - One year from the date of suspension
- Third Offense or Subsequent Offenses - Two years from the date of suspension

Section 6310.4 (c) Non-Drivers

If the minor is under 16 when convicted, the suspension of operating privileges shall commence upon the 16th birthday.

INFORMATION: 1-800-CAR-BELT

(1-800-227-2358)

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