

DUI LAW: 75 Pa. C. S. A. §3802: Driving Under the Influence of Alcohol or Controlled Substance

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
§3802 (a) General Impairment (1) Incapable of Safe Driving (2) Blood Alcohol Content (BAC) .08% to .099% within 2 hours No BAC available No Implied Consent Violation No Crash: No injury/death or property damage	Ungraded Misdemeanor Fine: \$300.00 6 Months Minimum Mandatory Probation No Mandatory Imprisonment No License Suspension Attend Alcohol Highway Safety School CRN Evaluation & D&A assessment, if appropriate Compliance with D&A treatment as part of sentencing	Ungraded Misdemeanor Fine: \$300.00 to \$2,500.00 5 Days – 6 Months Imprisonment 12 Month License Suspension Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible in 6 Months Attend Alcohol Highway Safety School CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing	Second-Degree Misdemeanor Fine: \$500.00 to \$5,000.00 10 Days – 2 Years Imprisonment 12 Month License Suspension Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible in 6 Months CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing	Third-Degree Felony Fine: \$500.00 to \$5,000.00 Fine 10 Days – 7 Years Imprisonment 18 Month License Suspension Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible in 9 Months CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing
§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 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	Ungraded Misdemeanor Fine: \$500.00 to \$5,000.00 48 Consecutive Hours – 6 Months Imprisonment 12 Month License Suspension 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	Ungraded Misdemeanor Fine: \$750.00 to \$5,000.00 30 Days – 6 Months Imprisonment 12 Month License Suspension Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible in 6 Months Attend Alcohol Highway Safety School CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing	First-Degree Misdemeanor Fine: \$1,500.00 to \$10,000.00 90 Days – 5 Years Imprisonment 18 Month License Suspension Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible in 9 Months CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing	Third-Degree Felony Fine: \$1,500.00 to \$10,000.00 1-Year – 7 Years Imprisonment 18 Month License Suspension Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible in 9 Months CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing
§3802 (c) Highest Rate of Alcohol/ §3802 (d) Controlled Substance BAC .16% or higher within 2 hours Incapable of Safe Driving Violation of §3802: Refused chemical test of breath or blood to determine BAC or presence of controlled substance.	Ungraded Misdemeanor Fine: \$1,000.00 to \$5,000.00 72 Consecutive Hours – 6 Months Imprisonment 12 Month License Suspension 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	First-Degree Misdemeanor Fine: \$1,500.00 to \$10,000.00 90 Days – 5 Years Imprisonment 18 Month License Suspension Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible in 9 Months Attend Alcohol Highway Safety School CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing	Third-Degree Felony Fine: \$2,500.00 to \$15,000.00 1-Year – 7 Years Imprisonment 18 Month License Suspension Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible in 9 Months CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing	Third-Degree Felony Fine: \$2,500.00 to \$15,000.00 1-Year – 7 Years Imprisonment 18 Month License Suspension Mandatory 1-Year Ignition Interlock Ignition Interlock: Eligible in 9 Months CRN Evaluation & D&A assessment Compliance with D&A treatment as part of sentencing
§3803 (b) (5) Violation Committed with Minor Occupant in Vehicle (under 18) Additional Penalty Imposed	First-Degree Misdemeanor 1 Fine: Minimum \$1,000.00 18 Month License Suspension 100 Hours of Community Service	First-Degree Misdemeanor Fine: Minimum \$2,500.00 18 Month License Suspension 1 Month – 6 Months Imprisonment	Third-Degree Felony 18 Month License Suspension 6 Months - 2 Years Imprisonment	Third-Degree Felony 18 Month License Suspension 6 Months - 2 Years Imprisonment

• 3802(g)(1) violations have an enhanced penalty when there is an implied consent violation. • 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.

• §3735 Homicide by Vehicle While Driving Under the Influence: A person who unintentionally causes the death of another as the result of a violation of §3802 and who is convicted commits: 1st offense: Second-Degree Felony; Minimum Imprisonment of 3 Years; Consecutive three-year imprisonment for each death. 2nd offense: First-Degree Felony; Minimum Imprisonment of 5 Years; Consecutive five-year imprisonment for each death.

• §3735.1 Aggravated Assault by Vehicle While Driving Under the Influence: A person who negligently causes the serious bodily injury to another person as the result of a violation of §3802 and who is convicted 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.

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.
	Exemptions 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 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.	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.
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.
	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 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
						86 . . \$64.50
						87 . . \$66.50
						88 . . \$68.50
						89 . . \$70.50
						90 . . \$72.50
						91 . . \$74.50
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						97 . . \$86.50
						98 . . \$88.50
						99 . . \$90.50
						100 . \$92.50
						101 . \$94.50
						102 . \$96.50
						103 . \$98.50
						104 . \$100.50
						105 . \$102.50

PaVC - Sec. 3362 MAXIMUM SPEED LIMITS

SUBSECTION (a)(1)
35 mph in urban district.

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.

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.

EMS \$10.00 COURT COSTS (adjusted annually) JCP \$10.00

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
2nd ▶ 1543 (b)(1.1)	\$150.00	▶ Sec. 3802	\$150.00
3rd ▶ 1543 (b)(1.1)	\$300.00	▶ Sec. 3802	\$300.00
4th ▶ 1543 (b)(1.1)	\$450.00	▶ Sec. 3802	\$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) (Summary offense, fine: \$25.)
- 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	

