

**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
<b>§3802 (a) General Impairment</b> (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	<b>Ungraded Misdemeanor</b> 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	<b>Ungraded Misdemeanor</b> Fine: \$300.00 to \$2,500.00 5 Days – 6 Months Imprisonment 12 Month License Suspension 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	<b>Second-Degree Misdemeanor</b> Fine: \$500.00 to \$5,000.00 10 Days – 2 Years Imprisonment 12 Month License Suspension 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	<b>Third-Degree Felony</b> Fine: \$500.00 to \$15,000.00 Fine 10 Days – 7 Years Imprisonment 18 Month License Suspension DNA Sample Collected 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
<b>§3802 (b) High Rate of Alcohol</b> 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	<b>Ungraded Misdemeanor</b> 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	<b>Ungraded Misdemeanor</b> Fine: \$750.00 to \$5,000.00 30 Days – 6 Months Imprisonment 12 Month License Suspension 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	<b>First-Degree Misdemeanor</b> Fine: \$1,500.00 to \$10,000.00 90 Days – 5 Years Imprisonment 18 Month License Suspension DNA Sample Collected 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	<b>Third-Degree Felony</b> Fine: \$1,500.00 to \$15,000.00 1-Year – 7 Years Imprisonment 18 Month License Suspension DNA Sample Collected 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
<b>§3802 (c) Highest Rate of Alcohol</b> BAC .16% or higher within 2 hours <b>§3802 (d) Controlled Substance</b> Schedule 1, 2, or 3 substances not medically prescribed or their metabolites Incapable of Safe Driving Violation of §3802(a) (1): Refused chemical test of breath or blood to determine BAC or presence of controlled substance.	<b>Ungraded Misdemeanor</b> 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	<b>First-Degree Misdemeanor</b> Fine: \$1,500.00 to \$10,000.00 90 Days – 5 Years Imprisonment 18 Month License Suspension DNA Sample Collected 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	<b>Third-Degree Felony</b> Fine: \$2,500.00 to \$15,000.00 1-Year – 7 Years Imprisonment 18 Month License Suspension DNA Sample Collected 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	<b>Second-Degree Felony</b> Fine: \$2,500.00 to \$25,000.00 1-Year – 10 Years Imprisonment 18 Month License Suspension DNA Sample Collected 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
<b>§3803 (b) (5) Violation Committed with Minor Occupant in Vehicle (under 18)</b> Additional Penalty Imposed	<b>First-Degree Misdemeanor</b> Fine: Minimum \$1,000.00 18 Month License Suspension DNA Sample Collected 100 Hours of Community Service	<b>First-Degree Misdemeanor</b> Fine: Minimum \$2,500.00 18 Month License Suspension DNA Sample Collected 1 Month - 6 Months Imprisonment	<b>Third-Degree Felony</b> 18 Month License Suspension DNA Sample Collected 6 Months - 2 Years Imprisonment	<b>Third-Degree Felony</b> 18 Month License Suspension DNA Sample Collected 6 Months - 2 Years Imprisonment
<ul style="list-style-type: none"> <li>§3802(a)(1) violations have an enhanced penalty when there is an implied consent violation.</li> <li>§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.</li> <li>§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.</li> </ul>	<ul style="list-style-type: none"> <li>All penalties include up to 150 hours of community service and a Court Reporting Network (CRN) drug and alcohol (D&amp;A) evaluation.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>§3802 violation with a previous §3735 Homicide by Vehicle While DUI commits a Felony of the 3rd Degree.</li> </ul>	
<ul style="list-style-type: none"> <li>§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.</li> </ul>				

**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.	<b>Primary Enforcement</b> 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.	<b>Primary Enforcement</b> 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. <b>Exemptions</b> <b>67 Pa. Code Chapter 102:</b> 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.	<b>Primary Enforcement</b> Fine: \$75.00 plus Surcharge, EMS, JCP, or proof of car seat purchase. <b>67 Pa. Code Chapter 102:</b> 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.	<b>Primary Enforcement</b> 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.	<b>Primary Enforcement</b> 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. <b>Exemptions include:</b> • 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.	<b>Secondary Enforcement</b> Fine: \$10.00 plus Surcharge, EMS, JCP when convicted of a primary offense.
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.	<b>Primary Enforcement</b> 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
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						94 .. \$90.50
						95 .. \$92.50
						96 .. \$94.50
						97 .. \$96.50
						98 .. \$98.50
						99 .. \$100.50
						100 .. \$102.50

  

<b>PaVC - Sec. 3362</b>	<b>SUBSECTION (a)(1)</b> 35 mph in urban district.	<b>SUBSECTION (a)(1.1)</b> 65 or 70 mph on freeways (limited access highways to which the only means of ingress and egress is by interchange ramps) where posted.	<b>SUBSECTION (a)(1.2)(i) &amp; (ii)</b> 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.	<b>SUBSECTION (a)(2)</b> 55 mph in any other location.	<b>SUBSECTION (a)(3)</b> Any other maximum speed limit established.
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<b>EMS</b> \$20.00	<b>COURT COSTS</b> (adjusted annually)	<b>JCP/ATJ</b> \$22.00
<b>PaVC – Sec. 6506 Surcharge</b>		
ALL Sec. except parking	\$45.00	Sec. 4902 \$225.00
Chpt. 47	\$45.00	Chpt. 49, Sub Chpt. C & E \$225.00
<b>OFFENSE</b>	<b>1st</b> ▶ 1543 (b)(1.1) \$75.00	▶ Sec. 3802 \$75.00 ▶ Sec. 3808 (a)(2) \$75.00
	<b>2nd</b> ▶ 1543 (b)(1.1) \$150.00	▶ Sec. 3802 \$150.00 ▶ Sec. 3808 (a)(2) \$150.00
	<b>3rd</b> ▶ 1543 (b)(1.1) \$300.00	▶ Sec. 3802 \$300.00 ▶ Sec. 3808 (a)(2) \$300.00
	<b>4th</b> ▶ 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.		
<b>PaVC Sec. 3326 DUTY OF DRIVER IN CONSTRUCTION AND MAINTENANCE AREAS.</b>		
<ul style="list-style-type: none"> <li>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.</li> <li>All motorists are required to travel with their headlights on in posted work zones. (Secondary) (Summary offense, fine: \$25.)</li> <li>Motorists driving in an active work zone may be cited for exceeding the speed limit.</li> <li>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.</li> <li>Drivers will be given up to an additional 5 years jail term if convicted of homicide by vehicle in an active work zone.</li> <li>Drivers will be given up to an additional 2 years jail term if convicted of aggravated assault by vehicle in an active work zone.</li> </ul>		
<b>FINES DOUBLE</b> 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
3111	3302	3305
3112	3303	3306
3307	3309	3323
3310	3310	3326
3362	3702	3736
3362	3702	3802
3362	3702	3802

