

ZERO TOLERANCE

Mixing alcohol with driving is always extremely dangerous. If you're under 21 and you're caught driving with *ANY measurable* amount of alcohol in your blood, you may be arrested for Driving Under the Influence (DUI). The "Zero Tolerance" law (Section 3802(e) of the PA Vehicle Code) lowered the Blood Alcohol Content (BAC) for minors to .02%.

WHY ZERO TOLERANCE?

In your first few years of driving, you are still learning to handle the demands of the road. A good driver needs clear vision, sound judgment and reasoning, quick reflexes, and solid concentration. Drinking—even a little bit—messes up all of these skills.

Traffic crashes are the number one cause of death for teenagers in the United States. Young drivers between 15 and 20 years old make up 6.4% of the total drivers on the road, but they account for 13% of all drivers involved in fatal crashes and 15% of all the drivers involved in police-reported crashes. 31% of these young drivers who were killed in motor vehicle crashes had been drinking.¹ In 2010, 31% of the driver deaths on Pennsylvania roadways involved drunk drivers from the 16-20 age group. This is up from 27% in 2009.²

Crimes Code, Title 18
Vehicle Code, Title 75

¹U.S. Department of Transportation, National Highway Traffic Safety Administration, 2008

²Pennsylvania Department of Transportation, 2013

IMPLIED CONSENT

PA VEHICLE CODE, TITLE 75

Section 1547

Chemical Testing to Determine Amount of Alcohol or Controlled Substance

Any person who drives, operates, or is in actual physical control of the movement of a motor vehicle in Pennsylvania shall be deemed to have given consent to one or more chemical tests of breath, blood or urine for the purposes of determining the alcoholic content of blood or the presence of a controlled substance if a police officer has reasonable grounds to believe that person to have been driving, operating or in actual physical control of the movement of the motor vehicle while under the influence of alcohol or a controlled substance or both; or which was involved in an accident in which the operator or passenger of any vehicle involved or a pedestrian required treatment at a medical facility or was killed.

If a person placed under arrest for driving under the influence refuses to submit to a chemical test, the testing shall not be conducted, but upon notice by the police officer, the Department of Transportation shall suspend the operating privilege of the person for a minimum of 12 months or 18 months under certain circumstances.

IGNITION INTERLOCK

An ignition interlock system uses a breath analyzer to detect whether the driver has recently consumed alcohol. If so, the vehicle cannot be started.

The Pennsylvania Liquor Control Board's
Bureau of Alcohol Education
offers a variety of alcohol
education materials free of charge.

For more information,
please contact us:

Pennsylvania Liquor Control Board Bureau of Alcohol Education

Northwest Office Building
Harrisburg, PA 17124-0001

www.lcb.state.pa.us

Or call our toll-free line:

1 (800) 453-PLCB (7522)

Hearing Impaired:

TDD/TTY (717) 772-3725



PLCB DISCLAIMER OF LIABILITY

This information is not intended to be legal advice, but merely conveys information pertinent to alcohol-related

offenses. For more information or further clarification, please contact your local District Attorney's Office or a private attorney.

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Under 21 IN PENNSYLVANIA



Know the Laws



| <div> <div>UNDER 21 IN PENNSYLVANIA — KNOW THE LAWS</div> <div>Crimes Associated With Underage Drinking</div> </div> | | | | |
|---|--|--|--|--|
| <div>PA CRIMES CODE, TITLE 18</div> <div>OFFENSE</div> | SANCTIONS | | | |
| | PENALTY | 1ST OFFENSE | 2ND OFFENSE | SUBSEQUENT OFFENSE |
| <div>Section 5505 Public Drunkenness</div> <div>A person is guilty of a summary offense if he appears in any public place manifestly under the influence of alcohol... to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity.</div> | <div>Fine</div> <div>Jail</div> | <div>0 – \$300</div> <div>0 – 90 days</div> | <div>0 – \$300</div> <div>0 – 90 days</div> | <div>0 – \$300</div> <div>0 – 90 days</div> |
| <div>Section 6307 Misrepresentation of Age to Secure Liquor or Malt or Brewed Beverages</div> <div>A person is guilty of a summary offense for a 1st violation and a misdemeanor of the 3rd degree for any subsequent violations if he being under the age of 21 years, knowingly and falsely represents himself to be 21 years of age or older to any licensed dealer, distributor or other person, for the purpose of procuring or having furnished to him, any liquor or malt or brewed beverages.</div> | <div>Fine</div> <div>Jail</div> <div>License Susp.</div> | <div>0 – \$300</div> <div>0 – 90 days</div> <div>90 days</div> | <div>0 – \$500</div> <div>0 – 1 year</div> <div>1 year</div> | <div>0 – \$500</div> <div>0 – 1 year</div> <div>2 years</div> |
| <div>Section 6308 Purchase, Consumption, Possession or Transportation of Liquor or Malt or Brewed Beverages</div> <div>A person commits a summary offense if he, being less than 21 years of age, attempts to purchase, purchases, consumes, possesses or knowingly and intentionally transports any liquor or malt or brewed beverages.</div> | <div>Fine</div> <div>Jail</div> <div>License Susp.</div> <div>Notify Parent (of minor)</div> | <div>0 – \$300</div> <div>0 – 90 days</div> <div>90 days</div> <div>Yes</div> | <div>0 – \$500</div> <div>0 – 90 days</div> <div>12 months</div> <div>Yes</div> | <div>0 – \$500</div> <div>0 – 90 days</div> <div>2 years</div> <div>Yes</div> |
| <div>Section 6309 Representing That a Minor is “of Age”</div> <div>A person is guilty of a misdemeanor of the third degree if he knowingly, willfully and falsely represents to any licensed dealer, or other person, any minor to be of full age, for the purpose of inducing [that] person to sell or furnish any liquor or malt or brewed beverages to the minor.</div> | <div>Fine</div> <div>Jail</div> | <div>\$300 – \$2,500</div> <div>0 – 1 year</div> | <div>\$300 – \$2,500</div> <div>0 – 1 year</div> | <div>\$300 – \$2,500</div> <div>0 – 1 year</div> |
| <div>Section 6310 Inducement of Minors to Buy Liquor or Malt or Brewed Beverages</div> <div>A person is guilty of a misdemeanor of the third degree if he hires or requests or induces any minor to purchase or offer to purchase, liquor or malt or brewed beverages from a duly licensed dealer for any purpose.</div> | <div>Fine</div> <div>Jail</div> | <div>\$300 – \$2,500</div> <div>0 – 1 year</div> | <div>\$300 – \$2,500</div> <div>0 – 1 year</div> | <div>\$300 – \$2,500</div> <div>0 – 1 year</div> |
| <div>Section 6310.1 Selling or Furnishing Liquor or Malt or Brewed Beverages to Minors</div> <div>A person commits a misdemeanor of the third degree if he intentionally and knowingly sells or furnishes, or purchases with the intent to sell or furnish, any liquor or malt or brewed beverages to a person who is less than 21 years of age.</div> <div>This section does not apply to any religious service or ceremony which may be conducted in a private home or a place of worship where the amount of wine served does not exceed the amount reasonably, customarily and traditionally required as an integral part of the service or ceremony.</div> | <div>Fine</div> <div>Jail</div> | <div>\$1,000 – \$2,500</div> <div>0 – 1 year</div> | <div>\$2,500</div> <div>0 – 1 year</div> | <div>\$2,500</div> <div>0 – 1 year</div> |
| <div>Section 6310.2 Manufacture or Sale of False Identification Card</div> <div>A person commits a misdemeanor of the second degree if he intentionally, knowingly or recklessly manufactures, makes, alters, sells or attempts to sell an identification card falsely representing the identity, birth date or age of another.</div> | <div>Fine</div> <div>Jail</div> | <div>\$1,000 – \$5,000</div> <div>0 – 2 years</div> | <div>\$2,500 – \$5,000</div> <div>0 – 2 years</div> | <div>\$2,500 – \$5,000</div> <div>0 – 2 years</div> |
| <div>Section 6310.3 Carrying a False Identification Card</div> <div>A person commits a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violations if he, being under 21 years of age, possesses an identification card falsely identifying that person by name, age, date of birth or photograph as being 21 years of age or older and obtains or attempts to obtain liquor or malt or brewed beverages by using the identification card of another or by using an identification card that has not been lawfully issued to or in the name of that person who possesses the card.</div> | <div>Fine</div> <div>Jail</div> <div>License Susp.</div> <div>Notify Parent (of minor)</div> | <div>0 – \$300</div> <div>0 – 90 days</div> <div>90 days</div> <div>Yes</div> | <div>0 – \$500</div> <div>0 – 90 days</div> <div>1 year</div> <div>Yes</div> | <div>0 – \$500</div> <div>0 – 90 days</div> <div>2 years</div> <div>Yes</div> |
| <div>Section 6310.7 Selling or Furnishing Nonalcoholic Beverages to Persons Under 21</div> <div>A person commits a summary offense if he intentionally and knowingly sells or furnishes nonalcoholic beverages to any person under 21 years of age.</div> <div>As used in this section, the term “nonalcoholic beverage” means any beverage intended to be marketed or sold as nonalcoholic beer, wine, or liquor having some alcohol content but does not contain more than 0.5% alcohol by volume.</div> | <div>Fine</div> <div>Jail</div> | <div>0 – \$300</div> <div>0 – 90 days</div> | <div>0 – \$300</div> <div>0 – 90 days</div> | <div>0 – \$300</div> <div>0 – 90 days</div> |
| <div>PA VEHICLE CODE, TITLE 75</div> <div>OFFENSE</div> | SANCTIONS | | | |
| | PENALTY | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
| <div>Section 3718 Minor Prohibited from Operating with any Alcohol in System</div> <div>Notwithstanding any other provision of this title, a minor shall not drive, operate or be in physical control of a motor vehicle while having any alcohol in his system. A person who violates this subsection commits a summary offense.</div> | <div>Fine</div> | <div>\$100</div> | <div>\$100</div> | <div>\$100</div> |
| <div>Section 3809 Restriction on Alcoholic Beverages</div> <div>It is unlawful for any person who is an operator or an occupant in any motor vehicle to be in possession of an open alcoholic beverage container or to consume any alcoholic beverage or controlled substance while the motor vehicle is located on any highway in this Commonwealth. Any person who violates this section commits a summary offense.</div> | <div>Fine</div> | <div>\$25</div> | <div>\$25</div> | <div>\$25</div> |
| <div>Section 3802(e) DUI-Minors</div> <div>A minor may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the minor’s blood or breath is .02% BAC or over within two hours after the minor has driven, operated or been in actual physical control of the movement of the vehicle.</div> <div> <div>Additional Penalties May Include:</div> <ul style="list-style-type: none"> Alcohol Highway Safety School; CRN Evaluation Alcohol Highway Safety School; CRN Evaluation; Ignition Interlock; D & A Assesssment & Compliance CRN Evaluation; Ignition Interlock; D & A Assessment & Compliance </div> | <div>Fine</div> <div>Jail</div> <div>License Susp.</div> <div>Notify Parent (of minor)</div> | <div>\$500 – \$5,000</div> <div>48 hrs. – 6 mos.</div> <div>12 months</div> <div>Yes</div> | <div>\$750 – \$5,000</div> <div>30 days – 6 mos.</div> <div>12 months</div> <div>Yes</div> | <div>\$1,500 – \$10,000</div> <div>90 days – 5 years</div> <div>18 months</div> <div>Yes</div> |
| <div> <div>*CRN Evaluation: Refers to Court Reporting Network, an assessment tool</div> <div> </div> <div>**Ignition Interlock: 1 year (mandatory) D & A Assessment and Compliance: Mandatory Drug and Alcohol Assessment and compliance with D & A treatment as condition of sentencing</div> </div> <div>Note: DUI offenders less than 21 years old also face underage drinking charges and the accompanying penalties.</div> | | | | |