

PUBLIC DRUNKENNESS
Section 5505 of the Pennsylvania Crimes Code (Title 18)

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.

Penalty	1st Offense
Fine	0-\$300
Jail	0-90 days

MISREPRESENTATION OF AGE TO PURCHASE LIQUOR OR MALT OR BREWED BEVERAGES
Section 6307 of the Pennsylvania Crimes Code (Title 18)

A person is guilty of a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violations if he/she 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.

Penalty	1st Offense	2nd Offense	Subsequent Offenses
Fine	0-\$300	0-\$500	0-\$500
Jail	0-90 days	1 year	1 year
License Suspension	90 days	1 year	2 years

PURCHASE, CONSUMPTION, POSSESSION OR TRANSPORTATION OF LIQUOR OR MALT OR BREWED BEVERAGES BY A MINOR
Section 6308 of the Pennsylvania Crimes Code (Title 18)

A person commits a summary offense if he/she, 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.

Penalty	1st Offense	2nd Offense	Subsequent Offenses
Fine	0-\$300	0-\$500	0-\$500
Jail	0-90 days	0-90 days	0-90 days
License Suspension	90 days	1 year	2 years

REPRESENTING TO LIQUOR DEALERS THAT A MINOR IS OF AGE
Section 6309 of the Pennsylvania Crimes Code (Title 18)

A person is guilty of a misdemeanor of the third degree if he/she 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.

Penalty	Offense
Fine	\$300-\$2500
Jail	0-1 year

INDUCEMENT OF MINORS TO BUY LIQUOR OR MALT OR BREWED BEVERAGES
Section 6310 of the Pennsylvania Crimes Code (Title 18)

A person is guilty of a misdemeanor of the third degree if he/she hires or requests or induces any minor to purchase, or offer to purchase, liquors or malt or brewed beverages from a duly licensed dealer for any purpose.

Penalty	Offense
Fine	\$300-\$2500
Jail	0-1 year

SELLING OR FURNISHING LIQUOR OR MALT OR BREWED BEVERAGES TO MINORS
Section 6310.1 of the Pennsylvania Crimes Code (Title 18)

A person commits a misdemeanor of the third degree if he/she intentionally and knowingly sells or furnishes or purchases with the intent to sell or furnish any liquor or malt or brewed beverages to persons less than 21 years of age.

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 reasonable, customarily and traditionally required as an integral part of the service or ceremony.

Penalty	1st Offense	2nd Offense and Subsequent Offenses
Fine	\$1000-\$2500	\$2500
Jail	0-1 year	0-1 year

**MANUFACTURE OR SALE OF FALSE IDENTIFICATION CARD
Section 6310.2 of the Pennsylvania Crimes Code (Title 18)**

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.

Penalty	1st Offense	2nd Offense and Subsequent Offenses
Fine	\$1000-\$2500	\$2500 - \$5000
Jail	0-2 years	0-2 years

**CARRYING A FALSE IDENTIFICATION CARD
Section 6310.3 of the Pennsylvania Crimes Code (Title 18)**

A person commits a summary offense for a first violation and a misdemeanor of the third degree for subsequent violations if he/she, being under 21, possesses an identification card falsely identifying that person by name, age, date of birth or photograph as being 21 years or age or older or 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.

Penalty	1st Offense	2nd Offense	Subsequent Offenses
Fine	0-\$300	0-\$500	0-\$500
Jail	0-90 days	0-1 year	0-1 year
License Suspension	90 days	1 year	2 years

Parental Notification.

**SELLING OR FURNISHING NONALCOHOLIC BEVERAGES TO PERSONS UNDER 21
Section 6310.7 of the Pennsylvania Crimes Code (Title 18)**

A person commits a summary offense if he intentionally and knowingly sells or furnishes nonalcoholic beverages to any person under 21 years of age.

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 not containing more than 0.5% alcohol by volume.

Penalty	Offense
Fine	0-\$300
Jail	0-90 days

RESTRICTION ON ALCOHOLIC BEVERAGES
Section 7513 of the Pennsylvania Crimes Code (Title 18)

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 in a motor vehicle while the motor vehicle is located on any highway in this commonwealth.

This section does not prohibit possession or consumption by passengers in the passenger areas of a motor vehicle designed, maintained or used primarily for the lawful transportation of persons for compensation, including buses, taxis and limousines, or persons in the living quarters of a house coach or house trailer.

Any person who violates this section commits a summary offense.

Penalty	Offense
Fine	0-\$300
Jail	0-90 days

DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR REVOKED
Section 1543 of the Pennsylvania Vehicle Code

A person is guilty of a summary offense if he/she is driving while his/her operating privileges are suspended or revoked due to a charge for driving under the influence or as a condition of acceptance of Accelerated Rehabilitative Disposition (ARD) or for refusal to take a chemical test.

The mandatory penalty is a \$1,000 fine, 90 days in jail and an additional 1-year license suspension.

A person who has an amount of alcohol by weight in his/her blood that is equal to or greater than .02% or is under the influence of a controlled substance at the time of testing and who drives a motor vehicle on any highway or traffic way of this Commonwealth at a time when the person's operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition for a violation of driving under the influence or for refusal to take a chemical test or is suspended under section 1581 for an offense substantially similar to a violation of section 3802 (driving under the influence) or former section 3731 shall, upon a first conviction, be guilty of a summary offense and shall be sentenced to pay a fine of \$ 1,000 and to undergo imprisonment for a period of not less than 90 days.

A second violation shall constitute a misdemeanor of the third degree, and upon conviction thereof the person shall be sentenced to pay a fine of \$ 2,500 and to undergo imprisonment for not less than six months.

A third or subsequent violation of this paragraph shall constitute a misdemeanor of the first degree, and upon conviction thereof the person shall be sentenced to pay a fine of \$ 5,000 and to undergo imprisonment for not less than two years.

**CHEMICAL TESTING TO DETERMINE AMOUNT OF ALCOHOL OR CONTROLLED
SUBSTANCE**

Section 1547 of the Vehicle Code

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 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 period of 12 months

MINOR PROHIBITED FROM OPERATING WITH ANY ALCOHOL IN SYSTEM

Section 3718 of the Pennsylvania Vehicle Code

Notwithstanding any other provision of this title, a minor (person under 21 years of age) 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 section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

HOMICIDE BY VEHICLE WHILE DRIVING UNDER THE INFLUENCE

Section 3735 of the Pennsylvania Vehicle Code

Any person who unintentionally causes the death of another person as the result of driving under the influence of alcohol or controlled substance and who is convicted of violating [the law regarding driving under the influence] is guilty of a felony of the second degree when the violation is the cause of death.

The penalty is a mandatory sentence of 3-10 years incarceration and consecutive 3-10 year terms for each victim whose death is a result. The fine may be as high as \$25,000 per victim.

AGGRAVATED ASSAULT BY VEHICLE WHILE DRIVING UNDER THE INFLUENCE

Section 3735.1 of the Pennsylvania Vehicle Code

Any person who negligently causes serious bodily injury to another person as the result of a violation of section 3802 (relating to driving under the influence of alcohol or controlled substance) and who is convicted of violating section 3802 commits a felony of the second degree when the violation is the cause of the injury.

DRIVING UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE
Section 3802 of the Pennsylvania Vehicle Code

Pennsylvania has set .08% Blood Alcohol Content (BAC) as the legal limit for Driving Under the Influence (DUI) convictions.

This law became effective September 30, 2003.

[Click here for more information](#)

updated 09-27-04

Disclaimer: This information is not intended to be legal advice, but merely conveys general information related to drinking and driving. For more information, please contact your local District Attorney's Office or a private attorney.

A person shall not drive, operate or be in actual physical control of the movement of any vehicle:

- While under the influence of alcohol to a degree which renders the person incapable of safe driving;
- While under the influence of any controlled substance to a degree which renders the person of incapable of safe driving;
- While under the combined influence of alcohol and any controlled substance to a degree which renders the person incapable of safe driving; or
- While the amount of alcohol by weight in the blood of the person who is an adult is 0.08% or greater or a minor is 0.02% or greater.

It is considered prima facie evidence if an adult has 0.08%, a minor has 0.02% or anyone operating a commercial vehicle has 0.04% or more by weight of alcohol in his or her blood at the time of driving, operating or being in actual physical control of the movement of said vehicle. For the purpose of this section, the chemical test of the sample of the person's breath, blood or urine shall be from a sample obtained within two hours after the person drove, operated or was in actual physical control of the vehicle.

In some cases, first time DUI offenders may be eligible for the Accelerated Rehabilitative Disposition (ARD) program. Offenders **may not be eligible** for the ARD Program if they:

- Have been convicted of a DUI within the past ten (10) years
- Have seriously injured or killed someone as the result of a DUI crash or
- Have been charged at the time of a DUI with other specific serious vehicle violations.

In addition, the District Attorney may have other requirements that may disqualify someone from ARD.

The ARD program consists of the following:

- *up to 12-month license suspension*
- *community service*
- *restitution*
- *6-month court supervision*
- *attendance at Alcohol Highway Safety School and its costs*
- *CRN evaluation*
- *court and administrative costs*
- *treatment and other conditions that a judge may impose*