



State:

Pennsylvania

Statute/Law:

§ 3802. *Driving after imbibing alcohol or utilizing drugs.*

Per Se Law?:

Yes

Statute/Law Language:

(d) Controlled substances.--An individual may not drive, operate or be in actual physical control of the movement of a vehicle under any of the following circumstances:

(1) There is in the individual's blood any amount of a:

(i) Schedule I controlled substance, as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act;

(ii) Schedule II or Schedule III controlled substance, as defined in The Controlled Substance, Drug, Device and Cosmetic Act, which has not been medically prescribed for the individual; or

(iii) Metabolite of a substance under subparagraph (i) or (ii).

(2) The individual is under the influence of a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle.

(3) The individual is under the combined influence of alcohol and a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle.

(4) The individual is under the influence of a solvent or noxious substance in violation of 18 Pa.C.S. § 7303 (relating to sale or illegal use of certain solvents and noxious substances).

Penalties Following Conviction:

For a first offense: 72 hours-6 months imprisonment, with \$1,000-\$5000 in fines;

For second offense: 90 days-5 years imprisonment, with \$1,500-\$10,000 in fines;





For third or subsequent offense: 1-5 years imprisonment, with \$2500-10,000 in fines.

Discretionary Court-Ordered Penalties:

The first time offender may be placed in the Accelerated Rehabilitation Disposition Program, the successful completion of which may lead to dismissal of charges. A first or second time offender may also be sentenced to a residential inpatient rehabilitation program, or house arrest with electronic surveillance coupled with a drug treatment program as an alternative to mandatory imprisonment. The court may also order community service, restitution to a victim, day-time work release, or order the defendant to pay laboratory costs associated with the chemical testing. Repeat offenders will be required to install ignition interlock devices.

For more information:

<http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/75/00.038..HTM>

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