

CHAPTER 4: DRIVING RECORD INFORMATION

This chapter provides important information about your driving record. PennDOT maintains a driving record for every licensed driver in Pennsylvania. The Bureau of Driver Licensing keeps reports on various offenses and convictions on every driver received from the police and courts. You can obtain a copy of your driving record on our website at www.dmv.state.pa.us. You will need your driver's license number, date of birth, last four digits of your Social Security number and your credit card information.

THE PENNSYLVANIA POINT SYSTEM

The purpose of the point system is to help to improve driving habits and to ensure safe driving. Points are added to a driving record, when a driver is found guilty of certain driving violations. PennDOT begins to take corrective action when a driving record reaches six (6) or more points.

When a driving record reaches six (6) or more points for the first time, the driver will receive a written notice to take a written special point examination. When the driving record is reduced below six (6) points and reaches six (6) or more points for a second time, the driver will have to attend a Departmental hearing. Further accumulations of six (6) or more points will result in additional Departmental hearings and/or suspensions of your driving privilege.

In addition to these requirements, the driving privilege of a person under the age of 18 will be suspended if that person accumulates six (6) or more points or is convicted of driving 26 mph or more over the posted speed limit. The first suspension will be for a period of 90 days. Any additional occurrences will result in a suspension of 120 days.

A table showing the number of points given for specific traffic violations can be found at www.dmv.state.pa.us, in "The Pennsylvania Point System" fact sheet.

POINT REMOVAL FOR SAFE DRIVING

Three (3) points are removed from a driving record for every 12 consecutive months in which a person is not under suspension or revocation or has not committed any violation, which results in the assignment of points or the suspension or revocation of the driving privilege. Once a driving record is reduced to zero and remains at zero points for 12 consecutive months, any further accumulation of points is treated as the first accumulation of points.

SUSPENSIONS AND REVOCATIONS

Your driving privilege will be suspended or revoked, if you are convicted of any one of the following traffic violations (*this is only a partial listing*):

- Operating a vehicle while under the influence of drugs or alcohol.
- Felony involving a vehicle.
- Homicide by vehicle.
- Reckless driving.
- Racing on highways.
- Fleeing from a police officer.
- Driving when your driver's license is already suspended or revoked.
- Driving without lights to avoid identification.
- Failure to stop when you are driving a vehicle involved in a crash (*hit-and-run offense*).
- Second or any additional offense of driving without a valid driver's license within a 5-year period.
- Failure to stop for a school bus with its red lights flashing and stop arm extended (*60-day suspension*).
- Failure to comply with a railroad crossing gate or barrier (*30-day suspension*).

If your driving privilege is going to be suspended or revoked, a written notice will be mailed to you listing the date when the suspension/revocation will begin. Your driver's license and/or learner's permit must be returned to the Bureau of Driver Licensing by the effective date of suspension listed on the notice, or the state police and local police will be notified to pick up the driver's license.

No credit toward serving the suspension or revocation shall be earned until the driver's license/learner's permit is surrendered to PennDOT. In the case of an unlicensed driver, an Acknowledgement of Suspension/Revocation (Form DL-16LC) or an affidavit acknowledging the sanction must be surrendered to PennDOT in lieu of a driver's license/learner's permit. You may appeal the suspension/revocation in the Court of Common Pleas (Civil Division) in your county of residence. The appeal must be filed **within 30 days** of the mailing date of the Department's notice. In addition to serving the suspension or revocation, proof of payment for any fines and costs owed, proof of insurance (financial responsibility), and a restoration fee must be paid before your driving privilege will be restored.

After your driving privilege is restored, your driving record will show five (5) points, regardless of the number of points that appeared on your record before your driving privilege was suspended, except in the cases of:

- Underage drinking.
- A 15-day suspension resulting from a hearing for the second accumulation of six (6) points.
- Suspension for failing to respond to a citation.

DRIVING WITHOUT INSURANCE

- According to Pennsylvania state law, **you must maintain automobile liability insurance on your registered vehicle at all times.**
- If PennDOT finds your vehicle was not covered by insurance for a period of 31 days or longer, your registration will be suspended for three (3) months. In addition, if you operated or permitted the operation of your vehicle without insurance, your driving privilege will also be suspended for a period of three (3) months.
- In order to have your driving privilege and registration restored, you must submit the following:
 - ◆ Proof your vehicle is currently insured.
 - ◆ The required restoration fees.

WHAT TO DO IF YOU ARE STOPPED BY THE POLICE

You will know a police officer wants you to pull over when he or she activates the flashing red and blue lights on top of the police vehicle. In some instances, an unmarked police vehicle may be equipped with a flashing red light only.

For your safety and the safety of others, police recommend you do the following

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| <ul style="list-style-type: none"> • Activate your turn signal and drive as close as safely possible to the right edge of the road, stop, and park your vehicle safely away from traffic. • Turn on your vehicle's interior light as soon as you stop and before the officer approaches, if it is nighttime. • Limit your movements and the movements of your passengers - do not reach for anything in the vehicle. • Alert the officer immediately, if you are transporting any type of firearm. • Place your hands on the steering wheel, and ask any passengers to have their hands in view. • Keep your vehicle doors closed as the officer approaches, and stay inside your vehicle, unless the officer asks you to get out. | <ul style="list-style-type: none"> • Keep your seat belt fastened until the officer has seen you are appropriately restrained. • Wait until the officer asks you to retrieve your driver's license, registration and insurance cards. Do not hand the officer your wallet - just the requested items. • Always be polite. The officer will tell you what you did wrong. You may receive only a warning or you may be cited for a traffic violation. If you disagree with the citation, you are entitled to a court hearing where you can present your arguments. It is not in your best interest to argue with the officer at the scene. If you believe you have not been treated in a professional manner, you should contact the appropriate police department at a time following the traffic stop, and ask for a supervisor. |
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Remember, police lights can be red and blue, or could be red only on unmarked police vehicles. You may also see flashing white lights used in addition to these lights. **If the vehicle is flashing only blue lights, then it is not a police officer.** If you see flashing red and blue lights or flashing red lights only and you are still not certain the person pulling you over is actually a police officer, you may drive to the nearest well-lit, populated area, but acknowledge you understand the request to stop by turning on your flashers and driving at a reduced speed. You may ask the officer for identification, and should do so if the individual who has stopped you is not in uniform or has an unmarked vehicle. Most officers in unmarked vehicles are wearing police uniforms, and police officers always possess a photo ID card and a badge.

CRASHES

Do not stop at a crash unless you are involved or if emergency help has not yet arrived. Keep your attention on your driving and keep moving, watching for people who might be on or near the road. Do not block the way for police, firefighters, ambulances, tow trucks and other rescue vehicles.

If you are in a crash, you should do the following:

1. Stop your vehicle at or near the crash scene. If you can, move your vehicle off of the road so you do not block traffic. Many crashes are caused when traffic stops or slows for an initial crash.
2. Call the police, if anyone is hurt or dies. If the drivers of the vehicles are hurt and cannot call the police, then witnesses at or near the crash scene must call for help.
3. Call the police, if any vehicle needs to be towed.
4. Get the information listed below from the other driver(s) involved in the crash:
 - Names and addresses
 - Telephone numbers
 - Registration numbers
 - Insurance company names and policy numbers
5. Get the names and addresses of other individuals involved in the crash and any witnesses of the crash.
6. If the crash involves a parked vehicle or damage to property, stop immediately, and try to find the owner. If you cannot find the owner, leave a note in a place where it can be seen and call the police. The note should include the date and time of the crash, your name and a telephone number where you can be reached.
7. If the police do not investigate a crash and someone has died or been injured, or if a vehicle must be towed, send a Driver's Accident Report Form (AA-600) within five (5) days to:

PA Department of Transportation
 Bureau of Highway Safety & Traffic Engineering
 P.O. Box 2047
 Harrisburg, PA 17105-2047

Please note:
To obtain a Driver's Accident Report Form (AA-600), visit our website at www.dmv.state.pa.us, or contact your local or state police.

FLEEING OR ELUDING POLICE

Each year, there are about 450 crashes caused when a driver attempts to flee or elude police, resulting in 40 to 50 major injuries or fatalities on Pennsylvania roadways.

If a driver is convicted of fleeing or attempting to elude police, the penalty is a one-year suspension of the driving privilege, a fine of \$500, plus court costs and other fees, and could include time in jail.

DRIVING UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE

WHAT CONSTITUTES A DUI (DRIVING UNDER THE INFLUENCE)?

The penalties for driving while under the influence of alcohol or drugs are severe. In Pennsylvania, if you are of legal drinking age (21 or older), you are considered to be driving "while under the influence" **if your blood alcohol level is .08 or higher**. But, you also may be convicted of DUI at lower BAC levels, if you are stopped by police for driving erratically (too slow, too fast, straddling your lane, making wide turns, stopping for no reason, failing to obey traffic signs and signals, etc.).

If you are under age 21, Pennsylvania's laws do not permit you to drive with any measurable alcohol in your system. If you are under 21, you are considered to be driving under the influence if your blood alcohol level is .02 or greater.

PENNSYLVANIA'S IMPLIED CONSENT LAW (CHEMICAL TESTING FOR ALCOHOL OR DRUGS)

The Implied Consent law is very important to you as a driver. The law covering chemical testing says you have agreed to take such a test — just by being licensed to drive in Pennsylvania. If the police arrest you for driving while under the influence of alcohol or drugs and you refuse to take one (1) or more chemical tests of breath, blood or urine, your driving privilege will be automatically suspended for one (1) year. This suspension is in addition to the suspension imposed for a conviction or Accelerated Rehabilitative Disposition (ARD) for driving while under the influence.

Even if you are found not guilty of driving while under the influence, your driving privilege will be suspended for one (1) year for a first-time refusal to take a blood, breath or urine test. If you refuse to take a test and you are found guilty of DUI, your driving privilege may be suspended for two and a half (2 1/2) years, depending on your BAC level at the time of the arrest. If you refuse chemical testing and have had a prior DUI conviction or a prior refusal for chemical testing, you will face an 18-month suspension for the refusal, plus 18 more months for the DUI conviction, for a total suspension of three (3) years.

SEVERE PENALTIES

The penalties become more severe for these three (3) things: the higher your blood alcohol concentration, the more serious the injuries and damages resulting from a crash while driving under the influence, and the more times you are convicted for DUI.

The following three (3) tables summarize the penalties for driving under the influence at different levels of impairment. In addition to the penalties listed in these tables, alcohol highway safety school will be required for first or second offenses at any level of impairment. For second and third offenses at any level of impairment, you will be required to have an ignition interlock system (dashboard breath tester) installed in your vehicle for one (1) year. You may also be required to undergo alcohol-abuse screening and treatment at any level of impairment for first and subsequent offenses, if deemed necessary by the courts, and a judge may impose up to 150 hours of community service.

If you are under 21 years of age and you are convicted of driving under the influence (your BAC is .02 or higher), you will be subject to the penalties listed in Table 2, "High Rate," even if your BAC is less than the levels specified for those penalties.

If you are involved in a crash resulting in bodily injury, death or property damage, you are subject to the penalties listed in Table 2, "High Rate," rather than those listed in Table 1, "General Impairment," even if your BAC is lower than the levels listed in Table 2, "High Rate."

Anyone who drives under the influence of controlled substances and drivers who refuse a chemical test are subject to the penalties listed in Table 3, "Highest Rate."

TABLE 1 - GENERAL IMPAIRMENT: .08 TO .099 BLOOD ALCOHOL CONCENTRATION

(Note: These penalties apply to drivers of legal drinking age.)

Penalty	First Offense	Second Offense	Third Offense
Sentence	6 months probation	5 days to 6 months in prison	10 days to 2 years in prison
Fine	\$300	\$300 - \$2,500	\$500 - \$5,000
License	No action	12-month suspension	12-month suspension

TABLE 2 - HIGH RATE: .10 TO .159 BLOOD ALCOHOL CONCENTRATION

(Note: This table also applies to drivers under age 21 with a BAC of .02 or more; commercial vehicle drivers with a BAC of .04 or more; school bus drivers with a BAC of .02 or more; and drivers with BAC of .08 to .099 and who are involved in a crash resulting in serious bodily injury, death or vehicle or property damage.)

Penalty	First Offense	Second Offense	Third Offense
Sentence	2 days to 6 months in prison	30 days to 6 months in prison	90 days to 5 years in prison
Fine	\$500 - \$5,000	\$750 - \$5,000	\$1,500 - \$10,000
License	12-month suspension (occupational limited license after 60-day suspension)	12-month suspension	18-month suspension

TABLE 3 - HIGHEST RATE: .16 BLOOD ALCOHOL CONCENTRATION AND UP

(Note: This table also applies to drivers who refuse chemical testing at any BAC level and drivers convicted of driving under the influence of Schedule I, II or III substances that are not medically prescribed, a combination of another drug and alcohol or substances such as inhalants.)

Penalty	First Offense	Second Offense	Third Offense
Sentence	3 days to 6 months in prison	90 days to 5 years in prison	1 year to 5 years in prison
Fine	\$1,000 - \$5,000	\$1,500	\$2,500 minimum
License	12-month suspension (occupational limited license after 60-day suspension)	18-month suspension	18-month suspension

If your penalty includes a maximum probation or prison time of six (6) months (you are a first-time offender at any level or a second-time offender in the "General Impairment" or "High Rate"), your DUI crime has been charged as an ungraded misdemeanor. The charge of ungraded misdemeanor means if you contest the case, you are not entitled to a jury trial.

For a first offense at the high and highest rates of impairment, you may be accepted into the Accelerated Rehabilitative Disposition (ARD) program.

If you are accepted into the ARD program you will:

- Lose your license for up to 90 days for ARD.
- Remain under court supervision for six (6) months.
- Pay a fine of between \$300 and \$5,000 in addition to related fees and other costs.
- Undergo alcohol and drug evaluation.
- Undergo alcohol and drug rehabilitation treatment, if necessary.
- Participate in 12 1/2 hours of Alcohol Highway Safety School.

ZERO TOLERANCE LAW (UNDER 21 DUI)

The Zero Tolerance law establishes serious consequences for those under 21, who drive with any measurable amount of alcohol in their blood. The law reduced the Blood Alcohol Content (BAC) from .08 to .02 for minors (under 21) charged with Driving Under the Influence.

WHY ZERO TOLERANCE?

Traffic crashes are the number one (1) cause of death for teenagers in the United States.

Driving involves multiple tasks, the demands of which change continually. To drive safely, you must be alert, make decisions based on ever-changing information present in the environment and be able to maneuver based on these decisions. Drinking alcohol impairs a wide range of skills necessary for carrying out these tasks.

If you are under 21 and are convicted of DUI for the first time, you will go to jail for a term ranging from two (2) days to six (6) months, your license will be suspended for a full year, and you will pay a fine of \$500 to \$5,000.

UNDERAGE DRINKING

If you are under age 21, it is against the law to buy alcohol, consume alcohol, have alcohol in your possession or have alcohol in the vehicle you are driving. Even if you are not driving, your driving privilege will be suspended if you are under 21 years of age and are convicted of lying about your age to obtain alcohol, carrying a false ID card, or purchasing, consuming, possessing or transporting alcohol. In addition, if you are underage and are arrested and detained for blood, breath and/or urine testing, parental consent to conduct these tests is not required, but the police will notify your parents of the arrest.

The minimum penalties for underage drinking are as follows:

- A fine of up to \$500 plus court costs.
- A 90-day suspension for the first offense.
- A one (1) year suspension for the second offense.
- A two (2) year suspension for the third and subsequent offenses.

The courts may require you to be evaluated to determine the extent of your involvement with alcohol and may also require you to successfully complete a program of alcohol education, intervention or counseling.

If you do not have a driver's license, you will be ineligible to apply for a learner's permit for the time period of the suspension. If you are under 16 years of age, your suspension will not begin until your 16th birthday, **provided you acknowledge your suspension, and it is received any time prior to your 16th birthday.**

In addition to serving a suspension, a restoration fee must be paid before your driver's license will be returned or your application for a Non-Commercial Learner's Permit (DL-180) considered for processing.

ONE FACT REMAINS: It is against the law for anyone under age 21 to consume, possess or transport alcohol. Again, remember, if you are cited for underage drinking, a vehicle does not have to be involved for you to lose your driving privilege.

DO NOT risk the consequences.

Adults, even parents, who are convicted of knowingly and intentionally supplying minors with alcohol are subject to a fine of at least \$1,000 for the first offense and \$2,500 for each additional offense and face up to one year in jail. Adults are even liable for guests who drink in their homes. If, for example, you had 17 teenagers in your home for a party and they were drinking alcohol, the party could cost you \$41,000. That's \$1,000 for the first teenage drinker and \$2,500 for each of the other 16 drinkers.

DRIVER'S LICENSE COMPACT (DLC)

The DLC is a compact among member states and the District of Columbia to maximize law enforcement efforts nationwide. The major provisions of the DLC, which member states are committed to uphold and enforce, are:

- The "one driver's license" concept, which requires the surrender of an out-of-state driver's license when application for a driver's license in another state is made.
- The "one driver record" concept, which requires that a complete driver record be maintained in the driver's state of residence to determine driving eligibility in the home state, as well as for his or her non-resident operator's privilege in other jurisdictions.
- Reporting of all traffic convictions and driver's license suspensions/revocations of out-of-state drivers to the home state licensing agency, as well as other appropriate information.
- The assurance of uniform and predictable treatment of drivers by treating offenses committed in other states as though they have been committed in the home state.

The following offenses, if committed in a member state, would be treated as though the offense had occurred in Pennsylvania, and the appropriate sanction would be imposed under the provisions of our Vehicle Code:

- Manslaughter or negligent homicide resulting from the operation of a vehicle (Section 3732).
- Driving a vehicle while under the influence of alcoholic beverages or a narcotic to a degree rendering the driver incapable of safely driving a vehicle (Section 3802).
- Failure to stop and render aid in the event of a vehicle accident resulting in the death or personal injury of another (Section 3742).
- Any felony in the commission of which a vehicle is used (Crimes Code and Dangerous Drug Act Offenses).

Not responding to an out-of-state citation will result in the indefinite suspension of your Pennsylvania driving privilege until a response is made to the location indicated on the citation.

CHAPTER 4 REVIEW QUESTIONS

1. **THE MINIMUM DRINKING AGE IN THIS STATE IS ____ YEARS.**
 - A. 9
 - B. 20
 - C. 21
 - D. 18

2. **PEOPLE UNDER 16 YEARS OF AGE WHO USE A FALSE IDENTIFICATION CARD TO BUY ALCOHOL WILL:**
 - A. Receive a driving suspension that starts on their 16th birthday
 - B. Not be able to take the driver's exam until their 21st birthday
 - C. Receive a driving suspension that starts on their 21st birthday
 - D. Be sent to an alcohol safety education class

3. **IF A PERSON UNDER 21 YEARS OLD CONSUMES ALCOHOL, BUT IS NOT DRIVING A MOTOR VEHICLE, THE PENALTY FOR A FIRST OFFENSE IS:**
 - A. A 90-day driver license suspension and up to a \$500 fine
 - B. A 6-month probation
 - C. Sentence to a corrections institution
 - D. Points on the driving record

4. **PARENTAL CONSENT TO CONDUCT BREATH, BLOOD, AND URINE TESTS IS:**
 - A. Not required
 - B. Required from only one parent
 - C. Required for people under 16 years old
 - D. Required from both parents

5. **IT IS AGAINST THE LAW FOR ANYONE UNDER THE AGE OF 21 TO ____ ALCOHOL.**
 - A. Wear clothing advertising
 - B. Be in the presence of
 - C. Consume
 - D. Serve

6. **IT IS AGAINST THE LAW FOR ANYONE UNDER THE AGE OF 21 TO ____ ALCOHOL.**
 - A. Wear clothing advertising
 - B. Possess
 - C. Serve
 - D. Be in the presence of

7. **IT IS AGAINST THE LAW FOR ANYONE UNDER THE AGE OF 21 TO ____ ALCOHOL.**
 - A. Serve
 - B. Wear clothing advertising
 - C. Be in the presence of
 - D. Transport

8. **ONE OF THE PENALTIES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL IS A(N):**
 - A. 5 – year driver's license suspension
 - B. \$100.00 fine
 - C. Attendance to Alcohol Highway Safety School
 - D. 12 – hour sentence in jail

9. IF YOU ARE ARRESTED FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND YOU REFUSE TO TAKE THE BLOOD TEST, YOU WILL RECEIVE A:

- A. Drug counseling treatment
- B. Sentence of one day in jail
- C. Driver's License Suspension
- D. \$300.00 fine

10. IF A POLICE OFFICER REQUIRES YOU TO TAKE A BLOOD, BREATH, OR URINE TEST, YOU:

- A. May choose the test you prefer
- B. Must sign a consent form
- C. May refuse if underage
- D. Must take the test, or your license will be suspended

11. FOR A FIRST CONVICTION FOR DRIVING UNDER THE INFLUENCE AT ANY BLOOD ALCOHOL CONCENTRATION LEVEL, YOU COULD:

- A. Lose your license for up to 5 years
- B. Be required to conduct a public education class on the dangers of drunk driving
- C. Be required to drive with a restricted occupational license
- D. Pay a fine of at least \$300

12. IF UNDER 21 YEARS OF AGE YOU ARE CONSIDERED TO BE DRIVING WHILE UNDER THE INFLUENCE IF YOUR BLOOD ALCOHOL LEVEL IS:

- A. .08% or higher
- B. .10% or higher
- C. .05% or higher
- D. .02% or higher

13. IF YOU ARE UNDER AGE 21 AND ARE CONVICTED OF DRIVING UNDER THE INFLUENCE OF ALCOHOL, YOU WILL RECEIVE A ____ LICENSE SUSPENSION FOR A FIRST OFFENSE.

- A. 60-Day
- B. 30-Day
- C. 6-Month
- D. 1-Year

14. IF YOU ARE UNDER AGE 21, AND ARE CONVICTED OF CARRYING A FALSE ID CARD, YOU WILL BE REQUIRED TO PAY A \$500 FINE AND YOUR LICENSE WILL BE SUSPENDED FOR 90 DAYS.

- A. Only if your blood alcohol content (BAC) is .02% or higher
- B. Even if you were not driving
- C. Only if you were driving at the time of arrest
- D. Only if your blood alcohol content (BAC) is .02% or higher and you were driving at the time of arrest

15. THE ZERO TOLERANCE LAW REDUCED THE BLOOD ALCOHOL CONTENT (BAC) FROM .08% TO ____ FOR DRIVERS UNDER 21 TO BE CHARGED WITH DRIVING UNDER THE INFLUENCE.

- A. .02%
- B. .05%
- C. .07%
- D. .00%

16. IF YOU ARE STOPPED BY A POLICE OFFICER, YOU SHOULD:

- A. Unbuckle your seat belt and lower your window
- B. Get your paperwork ready before the officer reaches your car
- C. Stay in your vehicle with your hands on the steering wheel, and wait for the officer to approach you
- D. Get out of your car and walk toward the patrol car

CHAPTER 4 ANSWER KEY

1. C
2. A
3. A
4. A
5. C
6. B
7. D
8. C
9. C
10. D
11. D
12. D
13. D
14. B
15. A
16. C