

Vehicle and Traffic Law

Offenses against the Vehicle and Traffic Law may be violations, misdemeanors or felonies, depending generally on the blood alcohol content of the offender or previous convictions. Penalties may include fines, probation, imprisonment, community service, loss of driving privileges and alcohol awareness programs. Be aware that loss of driving privileges may occur prior to a finding of guilt. Also, be aware that automobile crashes that involve an intoxicated operator causing injury or death may result in assault or homicide charges against the operator.

Sec. 1192 prohibits the operation of a motor vehicle while:

- the driver's ability to operate a motor vehicle is impaired by the consumption of alcohol,
- the driver's ability to operate a motor vehicle is impaired by drugs, or
- the driver is intoxicated, per se, as determined by a chemical analysis of the blood, breath, urine or saliva measuring the BAC to be more than .08 of one per centum by weight.

Sec. 1192-a prohibits the operation of a motor vehicle by a person under 21 years of age after having consumed alcoholic beverages.

Sec. 1227 prohibits the consumption of alcoholic beverages or the possession of an open container containing an alcoholic beverage in a motor vehicle.