



TRAFFIC LAW NEWSLETTER July, 2006

ANNUAL NEW LAWS ISSUE

July 1 is the date in which most of the new laws passed by the Legislature this year go into effect. Below are some of the more interesting new laws this year. I hope some of my editorial comments don't offend.



Can you tell I am pretty much disgusted with the way our liberties are being eroded by the majority party, which I thought was the party of "less government"? Of course, the other party (the Dems) aren't any better. To make matters worse, these are only the Georgia laws, so you can imagine what is coming from Washington.

As of this writing, the voter ID law has been suspended because of court order. Also, the sex offender law that would prevent sex offenders from living anywhere in the State, other than the Okefenokee Swamp, has currently been suspended.

DUI: HB 1275 allows police to take your blood forcibly by obtaining a search warrant. Holy East Germany, Batman!! Do our legislators secretly wear brown shirts under those suits??

Dogs: HB 1497 provides penalties for owners of "vicious" dogs.

Cars: HB 1193 prohibits the owning or operation of a car containing SECRET compartments.

Barratry: HB 804 eliminates the crime of barratry. What is barratry? It is the crime of exciting and stirring up of groundless actions in the courts or administrative proceedings. Who knew? I have seen some lawyers and judges committing crimes for years, and I didn't even know it!

Museums: SB 195 recognizes 2006 as the "year of the museum." Do we have any in Georgia?? Oh, wait! The bill also regulates loans to abandoned property and provides for a process for establishing ownership of property loaned to museums. Now if I can only remember which museum I loaned my Rembrandt to.

No Duty to Retreat: SB 306 provides that a person who uses threats or force in accordance with the law has no duty to retreat. Do you remember when Ted Kennedy said a person could not use force to protect their own property in their home? Well, he's not from here, is he?

(continued.....)

NEW LAWS (continued)

Feticide: SB 77 revises the definition of feticide. The term 'unborn child' means a member of the species homo sapiens at any stage of development who is carried in the womb

Eminent Domain: HB 1313 requires that use of eminent domain powers be a public use and cannot be for purely economic development. This is the bill that would prevent a city or county from taking your property and allowing WalMart to build on your property.

LAWS THAT DID NOT PASS:

A bill to ban the sale of marijuana flavored candy. A bill that would have required a person convicted of a 2nd DUI to display "CONVICTED OF DUI" bumper sticker on their car. (There goes those fun loving compassionate conservatives again)

A DIET COKE WITH THAT RUM?

Mixing alcohol with a diet drink may cut a few calories, but it also seems to speed alcohol into the blood stream faster, with the hazards that could entail.

Sugar-free mixers speed gastric emptying which rapidly boosts blood alcohol levels, reported Chris Rayner, M.D., of the Royal Adelaide Hospital in Adelaide, Australia, in a presentation at Digestive Disease Week sessions here.

Dr. Rayner and colleagues measured gastric emptying and blood alcohol in eight healthy male volunteers.

The men, who were tested after fasting, consumed vodka mixed with orange juice on one day and vodka mixed with a sugar-free orange-flavored drink on another day. In each case the drink contained 30 g of ethanol, which was the equivalent of about three mixed drinks.

"Both the peak blood ethanol concentration and the area under the blood ethanol concentration curve between baseline and 180 minutes was significantly higher ($P < 0.001$) when the men consumed vodka mixed with the diet drinks," Dr. Rayner said.

(continued.....)



A DIET COKE WITH THAT RUM? (continued)

The mean gastric emptying time was 21.1 minutes when vodka was mixed with the diet drink versus 36.3 minutes when vodka was mixed with a regular mixer ($P < 0.01$).

It was "really surprising what a marked difference we observed," he said. "In all cases the men's blood alcohol concentrations reached levels that would be considered beyond legal limits when they consumed the diet drinks."

Lee M. Kaplan, M.D., Ph.D of Massachusetts General Hospital commented that the findings are preliminary. Moreover, Dr. Kaplan pointed out that the study volunteers were all men, which is significant because men metabolize alcohol differently than women.

INNACCURATE BREATH TESTERS PROMPT CONSUMER REFUNDS

Herald Salinas Bureau

If you've been depending on a breath analyzer from Sharper Image to tell you if you're too drunk to drive, your trust has been misplaced -- but you may be in for some money.

Monterey County District Attorney Dean Flippo announced Friday that his office has reached a settlement with the Sharper Image Corp. for falsely advertising the accuracy of a line of breath analyzers. Under the terms of the settlement, the corporation will pay a \$100,000 penalty and reimburse consumers who purchased the devices, a restitution that could amount to \$1.2 million.

The case involved Sharper Image's advertising and sales of a digital breath alcohol tester. Marketed under the model numbers BT 300, BT 301 and BT 302, the devices were said to be "accurate to .001 percent blood-alcohol level."

The case was initiated by the San Diego city attorney's consumer protection unit after a city employee compared the device's results to a breath tester used by the San Diego Police Department during a training program. According to the complaint, joined by the District Attorney's Office, the device was not accurate.

Without admitting wrongdoing, Sharper Image has agreed to stop selling the \$100 devices and to give full refunds to any California consumer who purchased one. The company has agreed to write to those who purchased them, or consumers can contact Sharper Image directly.

Authorities have no knowledge of any injuries caused by the use of the breath tester, but recommend that people stop using them and not rely on those or similar devices when considering driving or other dangerous activities.

Chief Assistant District Attorney Terry Spitz said it is increasingly common for consumer protection units throughout the state to cooperate on cases such as this. The teams post electronic bulletins and meet monthly throughout the state to keep up on work other units are doing that might apply in their jurisdictions.

MY 4 SIMPLE RULES IF YOU ARE STOPPED BY POLICE

1. DON'T ADMIT DRINKING (OR ANYTHING ELSE)
2. DON'T DO ANYTHING ON SIDE OF ROAD
3. DO TAKE BREATH TEST IF YOU'VE REALLY HAD 2 DRINKS
4. DON'T TAKE TEST IF MORE THAN 2 DRINKS*



* Refusing to take the State test (at jail or hospital) could result in losing your license for a full year; the only way of getting the license back earlier is to win the DUI; on the other hand, if the officer does not try to suspend the license because of a refusal, the State does not have a blood alcohol level to use against you!

MY 1 SIMPLE RULE FOR PARENTS OF CHILDREN UNDER AGE 21

If your child gets a traffic ticket, regardless of how minor you may think it is, **DO NOT PAY TICKET WITHOUT CALLING ME!!!**

WHAT DO I DO IF STOPPED BY THE POLICE??

For the answer, [see my page on "your legal rights"](#) and [print out a copy](#) to keep in your car!



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Practice dedicated exclusively to defense of those accused of DUI, serious traffic offenses, and drug offenses.

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