



TRAFFIC LAW NEWSLETTER Winter, 2002

PATRIOT ACT/HOMELAND SECURITY UNAMERICAN?

I apologize for not sending out a newsletter for the past 12 months. Because of your referrals, I have been extremely busy! As a result of 9/11, Congress passed the PATRIOT Act, which is an acronym for "Providing Appropriate Tools Required to Intercept and Obstruct Terrorism." I really did not think about the PATRIOT Act much until I read an article by Robert Levy with the Cato Institute, at www.cato.org. The law is troubling for 3 reasons, according to Levy. First, the law allows the government to obtain search warrants and surveillance without probable cause;

Second, the law not only applies to a suspected terrorist act but also to ordinary criminal matters. In effect, the government has exploited the events of 9/11 to impose national police powers that skirt time honored constitutional restraints on the State.

Third, laws that compromise civil liberties normally are revisited temporarily to make sure that temporary measures necessary for national security do not last any longer than necessary. The Bush administration objected to any so called "sunset" provision. Only wiretaps and surveillance have a sunset date of 12/31/2005. In short, while we may need some temporary suspension of certain constitutional rights, the PATRIOT Act in effect goes further than applying to terrorist activities, and suspends many of what the average American would think appropriate.

Additionally the Homeland Security Act (just passed by Congress) will allow the government to compile a computer database on everything you buy, sale, or do. If you think this act only applies to non-citizens or Muslims, you are WRONG! Please take a look at the these Acts, and pay close attention as to whether the suspension of civil liberties is actually being used to fight terrorists!



NEW INSURANCE LAW FOR ALL DRIVERS!!

Effective February 1, 2003, the DMVS will implement a new data system to verify that you have mandatory liability insurance. The new law requires insurance companies to report all Vehicle ID Numbers to the DMVS, which will be placed on a computer database. If you are stopped for a moving violation, the police will check your vehicle's VIN number with that on the DMVS computer. (Heaven help us!!) If a match cannot be made, you may be charged with no insurance! Therefore, PLEASE VERIFY THAT THE VIN ON YOUR CAR MATCHES THE VIN SHOWN ON YOUR INSURANCE POLICY AND VEHICLE REGISTRATION. Keep an insurance card in your car. While this will no longer suffice as "proof" of insurance in Georgia, it will suffice in other states.

2002 IMPORTANT CASES

In DUI cases involving whether Defendant has refused to take the breath test, GA courts have held:

1. If you request a blood test at any time, the officer must reasonably accommodate such request, but only as long as you take the State's test first!
2. The request for a test (Implied Consent Warning) must be read by the officer, but there is no requirement the driver understand the reading. (the Rafael Furcal case)

In the following situations the Police had the right to stop someone: If you drive with your high beams on and don't dim them to oncoming traffic;

1. DNR Rangers can stop you (i.e., in a boat) without any reasonable suspicion;
2. Even if the officer is not certified by the State.

**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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