



TRAFFIC LAW NEWSLETTER Spring, 2006

NHSTA Releases Findings of Break-through Research on Real World Driver Behavior

"Driver inattention" is the leading factor in most crashes and near-crashes, according to a research report by the National Highway Traffic Safety Administration on April 20, 2006.



Nearly 80% of crashes and 65% of near crashes involved some form of driver inattention within 3 seconds before the event. Primary causes are cell phone use and drowsiness. Key findings include: Drowsiness is a significant problem that increases a driver's risk of crash or near crash by at least a factor of four.

The most common distraction is the use of cell phones. However, the number of crashes and near crashes attributable to dialing is nearly identical to the number associated with listening or talking. Dialing is more dangerous but occurs less often than talking or listening.

Reaching for a moving object increased the risk of a crash or near crash by 9 times; looking at an external object 3.7 times; reaching by 3 times; applying makeup by 3 times; dialing a hand held device by 3 times; and talking or listening to a hand held device by 1.3 times.

Results are available at the NHSTA web site:
<http://www.nhtsa.dot.gov>

Pink tags for DUI Conviction??

A.P. A Republican Senator in New Port Richey, FL, wants a law requiring bright pink plates on vehicles driven by convicted DUI drivers. Sen Mike Fasano filed a bill earlier this month that requires the final 3 characters on the plate to read "DUI".



"Maybe it will embarrass people and keep them from drinking and driving", Fasano said. The bill also says police "may stop any vehicle that bears a DUI plate without probable cause to check the driver." About 840,000 of Florida's 15 million licensed drivers have an active DUI sanction on their driving records, according to the Florida Department of Highway Safety. "It could take 2 years to get the support, but I think it is worth the effort," said Fasano. "If I can't get a House sponsor, then maybe I can get it passed in the Senate and attached to a larger transportation bill." End of story Editorial: Maybe we can get a tag for Fasano bearing the communist Chinese flag, since he obviously hasn't read the 4th amendment to the U.S. Constitution, but seemingly knows a great deal about totalitarian police state tactics.

CASE OF THE MONTH:

I got a not guilty verdict on misdemeanor vehicular homicide in State Court of Fulton; client and friend were in town from Nashville; early in the morning my client ran into the back of a moving truck on I-285; his passenger was in back seat not wearing a seat belt; client charged with following too close; although the Judge allowed evidence that the officer smelled alcohol on my client's breath, jury found client guilty of following too close, and not guilty on vehicular homicide.

Just in today: Client is charged with a DUI, while on felony probation; client is in jail, and for purposes of probation, she admits the allegations; judge in Superior Court revokes first offender status; later, client is found not guilty of DUI in State Court; My motion to reinstate her first offender status was granted today by the Superior Court;

Thanks for the referrals!!

**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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