

Can You Get a DUI If You're Not Driving?

The answer to that question is yes! Even though it doesn't seem possible, it really can happen.

I have defended many "DUI without driving cases over the years. People are usually charged by the legal concept of "actual physical control" of any vehicle.

If you put your keys in the ignition to play the radio or to heat the car, even if you're sleeping, you can still be arrested for DUI.

You might be sitting in your car with the key in the ignition, with the engine on, and have no intention of driving your vehicle. And you may be arrested for DUI because you are considered to be in actual physical control of your vehicle.

Actual physical control, by definition, means the defendant must physically be in or on the vehicle and have the capability to operate the vehicle, regardless of whether or not you drove the vehicle at the time.

In California, in addition to actual physical control, there needs to be actual "volitional movement" by the car or evidence thereof.

If you refuse a chemical test, the same rules apply as for a regular DUI test. Often, people will lose their license for a period and be expected to attend DUI classes. A heavy fine is almost always levied by the court, and you will face an increase in the cost of your automobile insurance.

If you are arrested while sleeping in your car, it's a good idea to see if any businesses in the area have video surveillance camera to establish no "volitional movement".

A simple way to avoid such charges, it's advisable to not drink and drive, arrange alternate transportation or have a designated driver. The best way to avoid an arrest for DUI without driving is to get rid of the car keys.

One place to put the keys is in the trunk. Unfortunately, most people don't think of that until after they've been arrested.

For more information regarding GPS Monitoring Devices, Bail Bond, Ignition Interlock Devices (IID), Calculate BAC, Marijuana DUI, DUI Info OC, Can Periodontal Disease Affect Breathalyser, Calculate Your Alcohol Tolerance, and more, visit Orange County Drunk Driving Attorney Daryl B. Thompson at www.drunkdrivinglawyer.com. You deserve the best DUI Lawyer Orange County. Call now for your free consultation at 1 (866) DUI-BUST.