

LEGAL NEWS, presented by Attorney G. Randolph Rice, Jr.,

## GLOVEBOX GUIDE – How to Handle a Traffic Stop

New traffic laws took effect on October 1, 2010, including a law that prohibits drivers from using a cell phone without a hands free device. The bill, introduced by Senator Norman Stone, and entitled the John Arnick Electronic Communications Traffic Safety Act of 2010 provides for a first offense fine of \$40 and subsequent offense fines of \$100.

So this month, I think it is appropriate to discuss some advice on how to handle a traffic stop.

### Before the traffic stop:

1. Don't use your cell phone, purchase a hands free device and use it all the time;
2. Don't speed or drive recklessly;
3. Signal and pull over quickly and safely;
4. Roll down your window and turn off your vehicle;
5. Wait for the officer to ask for your documents, don't rummage through your car, this is suspicious;
6. Stay in your vehicle unless instructed otherwise.

### During the traffic stop:

1. Treat the officer with courtesy and respect;
2. Let the officer speak first, don't be aggressive;
3. Don't incriminate yourself, never admit guilt;
4. Don't make excuses, lie or beg;
5. You don't have to answer any questions, simply tell the officer politely that you prefer to not answer any questions;
6. If stopped for a DUI or DWI, there is not legal requirement that you submit to any field sobriety tests, you may politely refuse the request from the officer;
7. You don't have to give consent to any searches;
8. Sign the tickets; refusal can result in more citations.

### After the traffic stop:

1. If you're arrested, remain cooperative;
2. If you're arrested for a DUI or DWI, you are lawfully obligated to submit to a breath or blood chemical test. If you refuse to submit to a test, the first time your license will be suspended for 120 days and one (1) year for a second of subsequent offense. If you submit to a test and your alcohol concentration is at least 0.08 but less than 0.15, the suspension will be for 45 days for first offense and 90 days for your second or subsequent offense. For test results of 0.15 or more, the suspension for a first offense will be 90 days and second or subsequent offense will be for 180 days.
3. You don't have to answer any questions, you can remain silent;
4. Hire an Attorney Immediately. If you've been issued citations, contact me immediately 24/7 at 410.288.2900 to ensure that you maintain your license and reduce any MVA penalties;

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- CRIMINAL DEFENSE
- DUI/DWI/MVA TRAFFIC OFFENSES
- PERSONAL INJURY/ AUTO ACCIDENTS
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