

**From:** National Motorists Association [mailto:nma@motorists.org]  
**Sent:** Thursday, January 22, 2009 2:39 PM  
**To:** action1@attitude.com  
**Subject:** NMA Email Newsletter: Issue #2

We have been hearing more from members and seeing more mention in the press about new "drunk driving" legislation; legalizing DUI roadblocks where they are not now legal, requiring ignition interlocks for first time offenders, making DUI a felony, increasing fines and mandating jail time. Most citizens do not realize that these initiatives and existing laws apply to people who have had as little as two or three drinks over an extended period of time. Many people drink and drive but do not see themselves as "drinking and driving," and certainly not driving drunk. But existing and new laws now make these people "drunk drivers," so here are a few reminders on avoiding a drunk driving conviction.

The presence of alcohol in your system remains for several hours after the cessation of drinking and your blood alcohol content will continue to increase for one to three hours (or longer under certain circumstances). Consequently, even though you may have not had anything to drink for hours, you may still have an illegal Blood Alcohol Content, if you are tested.

Many DUI convictions result from traffic stops that were not related to any sign of impairment. Speeding, burned out tail lights or license plate lights, failure to come to a complete stop, and not signaling a turn or lane change are typical events that lead to a "drunk driving" conviction, even though the driver was not impaired. Therefore, even if you only consumed two or three drinks over a period of hours, make sure all your lights are functional, pay attention to the speed limit, come to complete stops at stop signs, and signal your intentions.

If you are stopped, and you have had something to drink in the prior five or six hours, do not make self-incriminating statements. If the officer asks if you have been drinking, politely ignore the question and ask the officer if he would like to see your license and proof of insurance. If the officer persists, simply state that you do not wish to answer such questions, or ask "why are you asking me that kind of question?" The officer knows full well that you do not have to engage in a dialogue with him, nor answer self-incriminating questions.

You can be required to exit the car. You are not required to perform any kind of roadside sobriety test and there is no penalty for refusing to do so. The only purpose for these tests is to build a case against you and give the officer an excuse to arrest you. No matter how sober or athletic, you cannot pass a roadside sobriety test. Do not take the test.

If arrested you are required to submit to a chemical test to determine your blood alcohol content. If you refuse you will suffer severe penalties, unless you can prove the officer had no reasonable suspicion or probable cause that you were drinking and driving. In some states you can be physically forced to give blood for a BAC test.

The most common chemical test is done with a Breathalyzer that measures the alcohol in your breath and from that calculates the percentage of alcohol in your blood. Breathalyzers are inherently inaccurate, by as much as 50 percent, in determining blood alcohol content. The more and harder you blow into a breathalyzer, the higher the reading to be generated. You will be

cajoled to blow as hard as you can. If your blood alcohol content is just borderline illegal, demand a blood test for a more accurate determination.

These suggestions have been made before, but we continue to receive calls from members who, thinking they were innocent and in no way impaired, made self-incriminating statements, took roadside sobriety tests, and readily accepted Breathalyzer results and then found themselves convicted of drunk driving. We urge you not to make these same kinds of mistakes. The current state of drunk driving laws and the enforcement of these laws puts the vast majority of responsible motorists, who exercise good judgement when it comes to drinking and driving, in jeopardy of being arrested, charged and convicted of drunk driving. We do not want you to be one who suffers these punitive and often devastating consequences.

This message was sent from National Motorists Association to action1@attitude.com. It was sent from: National Motorists Association, 402 W 2nd St, Waunakee, WI 53597. You can modify/update your subscription via the link below.