

# The Ultimate Georgia DUI Law Fact Sheet

Today, the average cost for even a first-time DUI conviction can range from \$5,000 to \$20,000. Learn how to protect your rights in the state of Georgia.

## How To Interact With The Police

### 1. Remain Silent

You aren't obligated to answer any questions. All you are required to provide is your driver's license, registration and proof of insurance.

Don't ever testify against yourself by admitting to drinking alcohol. If you choose to respond, answer neutrally, such as "I have nothing to say on that officer" or "Why do you ask?"

Limit speaking so the officer can't notice slurred speech or the smell of alcohol.

### 2. Politely Refuse Field Sobriety Tests

They are subjective and can't help you. There is no penalty for refusing. If asked to do these tests, respond with "I believe they are too subjective."

### 3. Politely Refuse Roadside Breathalyzers

They are inaccurate and only help establish probable cause.

### 4. Don't Run or Resist

Fight in court, not the street



## Are Breathalyzers Accurate?

Breath tests can give **inaccurate** measures of BAC, as alcohol is absorbed into the blood, not the lungs. The following things can skew results:

- Medical Issues Including: Diabetes, Anorexia, Heartburn, & Liver Disease
- Chewing Gum or Taking Cough Syrup
- High Protein Diets
- Air Quality of the Testing Environment
- Dentures & Other Foreign Objects

## Should I Refuse a Breath Test?

If an officer is only questioning you, refuse all breath tests. They **are not** legally required.

However, after an officer places you under arrest, you are required to take a chemical test, according to Georgia's 'implied consent' law.

**If given the choice of a breath or blood test, choose the breath test – they are more unreliable and easier to defend against.**

If you are arrested and refuse the test, your license will automatically be suspended, based on the chart below::

1 <sup>ST</sup> ARREST	2 <sup>ND</sup> ARREST	3 <sup>RD</sup> ARREST
1 Year	3 Years	5 Years

Alternatively, the officer may seek a warrant for a 'forced blood draw.' If approved, you will be physically forced to give a blood sample.

## Disputing Blood Tests

Most defenses against blood tests will center on procedural errors, such as:

- Was the person who drew blood qualified?
- Was blood properly stored & transported?
- Did the crime lab test it properly?
- Were any interfering substances present?
- Was chain of custody established?
- Did the officer read the implied consent notice and/or give correct information?

## Did you know?

You can be charged for a DUI, even if you are operating a bike, and not a car. If operating a boat, you can get a BUI.

## Save Your License

Georgia will automatically suspend your license if your test reads .08 or higher, or if you refuse the breath test.

You have **10 business days** to appeal the suspension & save your license. Otherwise it will remain suspended.

You will need to send a letter of appeal to the Department of Driver's Services with a check for \$150. A hearing will be scheduled 30-45 days after the letter is received.

## DUI School

Every person convicted of a DUI is required to complete DUI School, which has 2 parts:

1. **Assessment** [130 question survey]
2. **Intervention** [20 hours of class sessions]

See a list of schools at: <http://bit.ly/duischoolga>

The total cost is \$335. You should enroll prior to trial, to avoid hardship, if you do get convicted.

## Restricted Licenses

If your license is suspended, you won't be able to drive **anywhere**, including work and school.

If it was your first DUI conviction in the past 5 years, you can apply for a restricted license. However, anyone under 21 is not eligible.

## BAC Quick Facts

- ✓ **Absorption** of alcohol varies depending on height, weight, gender, and other factors. A 120lb female will have a higher BAC than a 220lb male, after consuming the same drinks.
- ✓ You **cannot** rid your body of alcohol by sweating or vomiting it out. Alcohol is absorbed into your blood, not your stomach.
- ✓ Alcohol burns off at a precise rate of .016 BAC per hour. This **metabolization** rate is true regardless of size. A 5'2" female burns off alcohol at the same rate as a 6'1" male.

## Hardship Plates

After a 2nd DUI conviction, you must relinquish all license plates of vehicles registered to you.

If you share a vehicle, this can cause hardship on your family. Luckily, Georgia offers Hardship Plates for people in this situation.

You will need to complete a special application and bring it to your local tag office. The process can take 3-5 days, and family members can be without the car for 1-2 weeks.

Another approach is to switch the vehicle registration to someone else's name. With this method, you won't surrender any license plates. However, you can't do this if you are still paying auto loans, or if the vehicle is leased.

## Alternative Transportation

Make sure you get home safe. Or, if your license has been suspended, get around town with these alternative transportation methods.



**UBER**  
Ride Sharing



**LYFT**  
Ride Sharing



**MARTA**  
Public Bus

Eagle Cab Taxi Services : (706) 333-3333  
Greyhound Bus Station : (404) 584-1728