

Victims of DUI Drivers

What you should know before you settle.

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VICTIMS of DUI ACCIDENTS What Should I Know About DUI?

Phillip H. Miller and his law firm have extensive experience representing victims of DUI drivers. This firm routinely sues drunk drivers and takes action to revoke their driving privileges and/or punish them financially.

The offense of DUI (Driving Under the Influence) is a crime. DUI is committed when an individual operates a motor vehicle on any highway, street, alley way, shopping center complex or apartment building parking lot while under the influence of an intoxicant.

Tennessee law states that one is presumed to be under the influence if they have a Blood Alcohol Content (BAC) of .10 or higher.

Despite the law, many drivers do not take personal responsibility for their actions. Many DUI drivers refuse breath tests or get their charges reduced to reckless driving. Others plead guilty, go to “DUI School”, and continue to drink and drive. Claims against these drivers are a valuable addition to criminal prosecution, and send a message that drunk drivers will not get off lightly.

We aggressively prosecute DUI drivers and have received a jury verdict of one million dollars in punitive damages against a DUI driver. This kind of result can only occur when there is aggressive

prosecution by a firm like Phillip Miller and Associates on behalf of a DUI victim.

If you have been injured at the hands of an intoxicated driver, you should consult with an attorney who is specifically knowledgeable and active in this area of the law. You need to know and understand your rights under the law. Phillip Miller and Associates are here to help you. Call now for a free consultation. Get answers fast.

The Facts about Intoxicated Drivers:

- * The economic cost of alcohol-involved crashes is over \$45 Billion per year.
- * About 3 in every 10 Americans will be involved in an alcohol-related crash at some time in their lives.
- * Every 33 minutes, someone is killed in an alcohol-related crash.
- * About one-third of all DUI drivers are repeat offenders.
- * DUI drivers have a greater risk of involvement in a fatal crash.
- * Alcohol was involved in 38% of fatal crashes and 7% of all crashes
- * Over one-third of all deaths for people ages 15-20 years old, result from Motor Vehicle crashes, over one-third of these motor vehicle fatalities involved alcohol.

TENNESSEE DUI LAW (Can it solve the problem without your taking a stand as a victim?):

DUI- 1st Offense: Sentenced to a minimum of 48 hours in jail, fined a minimum of \$350.00 with license suspension for one year.

DUI-2nd Offense:

Sentenced to a minimum of 45 days in jail, fined a minimum of \$600.00 with license suspension for two years. Also, your vehicle is subject to seizure under Tennessee Law.

DUI-3rd Offense:

Sentenced to a minimum of 120 days in jail, fined a minimum of \$1,100.00 with license suspension for three years.

The maximum punishment for any DUI conviction in the state of Tennessee at the current time is 11 months and 29 days in jail with a \$10,000.00 fine.

THE TENNESSEE LAW REGARDING:

Driving While Impaired:

- * It is against the law for a minor under the age of twenty-one to drive or be in control of a motor vehicle with a BAC of .02 as measured by breath or blood test.
- * For individuals over twenty-one, the breath or blood level concentration limit (BAC), is set higher at .08 and .09.
- * The first offense for driving under the influence makes you subject to a fine and will count as a DUI conviction for sentencing purposes if a person receives a subsequent DUI conviction. Second and third offense conviction of Driving

While Impaired are sentenced as a second or third offense DUI.

Driving While Intoxicated:

- * It is against the law to drive or be in control of a motor vehicle if a person is under the influence of alcohol or drugs and registers a .10 BAC on the breath test machine.
- * A person who registers .20 BAC or higher on the breath or blood test can be prosecuted as an Aggravated Offender. An Aggravated Offender must be sentenced to more jail time under Tennessee law.

Refusal to Submit to a Breath or Blood Test:

- * A police officer can order a person to submit to a breath or blood test of the officer's choice, if the officer has reasonable grounds to believe a person is driving under the influence of alcohol or drugs.
- * If the person believed to be driving under the influence refuses to submit to testing, that person's license may be suspended for a period of one to five years, depending on the circumstances.

Violation of Open Container Law:

- * It is against the law for a driver of a motor vehicle to have any open containers of alcohol in the vehicle. Presently, this law does not apply to passengers.

Parties to a Crime:

- * It is unlawful to assist another person in driving an automobile while intoxicated or impaired. The most common violation of this law is lending one's car to a person who has been drinking.
- * The Tennessee Law mandates that the assisting party to an impaired person, who is believed to be under the influence of alcohol or drugs, will be guilty of the same crime. In essence, a sober person can be found guilty of DUI or Driving While Impaired just on the basis of assisting the drunk driver.