



Motorcycle Attorney Tip

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Detection of DUI Motorcyclists

The National Highway Traffic Safety Administration (NHTSA) commissions and oversees research in all areas of transportation safety. For years this federal agency has distributed training materials to law enforcement on cues of impairment to be used in identifying impaired drivers. NHTSA has actually researched and developed an entirely separate list of "cues of impairment" for motorcyclists that law enforcement looks for in stopping motorcyclists suspected of DUI. Some cues mirror those used to detect impaired automobile drivers while some are unique to motorcyclists. NHTSA has divided the cues into two categories of seven cues each; Excellent Cues meaning there is a 50% or greater probability that the motorcyclist is DUI, and Good Cues meaning there is a 30 to 50% probability that the motorcyclist is DUI. You can find this material and other valuable materials at www.nhtsa.dot.gov and search for DWI Detection or follow the links at www.SAIENNILAWGROUP.com.

Excellent cues are drifting during a turn or curve, trouble with dismount (i.e. engaging the kick stand, swinging your leg smoothly over the seat), trouble with balance at stop, turning problems (i.e. late braking, improper lean angle), inattentive to surroundings, inappropriate or unusual behavior (i.e. riding holding an object in one hand, dropping something) and weaving. Good cues are erratic movements while going straight (which ignores that we sometimes must move erratically or evasively to avoid something in our path), operating without lights at night, recklessness, following too closely, running stop sign or red light, evading a police officer's attempted stop and riding the wrong way and against opposing traffic.

Officers are trained to watch motorcyclists for these behaviors and initiate DUI investigations where these cues are observed. Some of these cues are normal safe riding practices but can still bring the attention of police. You may be moving within a lane avoiding tar snakes, maximizing traction or riding turns utilizing a delayed apex and an officer may stop you for drifting or weaving. If you are stopped and have consumed any alcohol you are in trouble!

Be aware of these cues, ride safely and remember drinking and riding is even more risky than drinking and driving. Don't do it. But if you do and are stopped remember the advice of prior Attorney Tips; refuse any field sobriety tests, invoke your constitutional right to remain silent and refuse to answer questions (DO NOT ATTEMPT TO OFFER EXCUSES OR EXPLANATIONS) and ask to contact an attorney who understands DUIs and riding. Being stopped, investigated, charged or indicted for ANY crime DOES NOT EQUAL GUILT!