



THE FLOYD LAW FIRM PC

Legal  
Sense

The Floyd Law Firm PC  
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**Are you guaranteed a car if you have confirmed reservations?** Not necessarily. First, you must have a valid driver's license. In several states, major car rental companies have electronic links to government computers where they can quickly obtain driver records (motor vehicle reports) when someone wants to rent a car. They may refuse a rental contract if the applicant has too many violations on his or her record. Some major rental and leasing companies also require that customers have a major credit card and be at least 18 years old; some consider only credit card holders aged 25 or older. The company might waive the age requirement if you have an account number in your name through a motor club or other association or if you have a rental account through your business.

You also should be aware that discounts are available through so many bodies—professional organizations, unions, frequent-flier clubs, etc.—that many people seldom pay the full price for their rental cars. When you pick up your car, it may be possible to negotiate for an upgrade to a better car. But what the rental agency

## The Ins and Outs of Car Rentals

Spring break puts many families in mind of a vacation, and rental cars are often a part of that happy picture. Still, it pays to remember that the contract the rental company asks you to sign at the counter is a legal contract. Make sure that you read and understand the terms. The contract should clearly list the base rate for the rental car, any extra fees, and the length of the rental period.

can give, it also can take away by charging for “extras.” Additional fees might include drop-off fees that will apply if you pick up and return the car in different locations. There may also be fuel charges, extra mileage fees, and fees for renting equipment such as child safety seats or ski racks.

The company is almost certain to offer you the Collision Damage Waiver (CDW) option. If you agree to an extra charge, the rental company will cover damage to your rental car. However, that coverage usually does not include personal injuries or personal property damage. Before accepting this option, make sure your own automobile, medical, and homeowner's insurance policies would not already protect you in an accident involving a rented car. (*Hint: If those policies don't protect you, talk to your insurance broker because this is standard coverage, although your own policy's deductible may be higher than that offered by the CDW.*) Coverage outside the United States is not standard, but your credit card nevertheless may offer insurance that does apply outside the country. Finally, check with your credit card company to see if using your card to rent a car comes with any insurance benefits and find out what they are.



**IF YOU ARE STOPPED BY POLICE...**

*It can happen at any time—a police car appears in your rearview mirror, red lights flashing. What now?*

The first order of business is to pull over to the side of the road as soon as it is safe to do so. The police officer will pull in behind your vehicle and park.

Although there is no specific etiquette for police stops, generally you should remain in your car and wait for the officer to approach. You will be asked to show your driver’s license, and possibly your vehicle registration and proof of insurance, so while you’re waiting, you might take these items out of your wallet. Avoid making sudden movements and try to keep your hands in plain sight.

The officer may question you about your identity if the picture or physical description on your license doesn’t seem to match you.

If an officer starts to write a ticket, there is usually nothing you can do to stop it. Sometimes, however, you may be able to point out helpful circumstances beforehand: “But officer, that ‘No Left Turn’ sign is facing the wrong way.”

**What if the officer wants to search your car?** If you don’t object to the intrusion and are certain you have absolutely nothing to hide, you can always give the officer search permission to proceed. If you don’t want the officer to search, you should state clearly and not consent.



The law governing which area of your car the police may search in which circumstances is constantly changing. Moreover, state laws sometimes offer motorists greater protections against traffic stops and searches than federal laws do. If you have a question about a search the police have conducted of your vehicle, it is best to consult a lawyer in your state.

Generally, however, it is safe to say that if the officer has lawfully stopped your vehicle and has probable cause to arrest you, he or she has the right to search you, the passenger compartment and any containers in the passenger compartment. And if the officer has probable cause to believe that evidence of a crime like drugs is present in your vehicle, he or

she can search anywhere that evidence might be located, including the trunk, without a search warrant.

And the officer may be allowed to “stop and frisk” you even if you are not under arrest if the officer has a reasonable suspicion that you are involved in an illegal activity or are carrying a concealed weapon.

**What if you’ve had a few drinks?** Driving under the influence is a serious offense that under some circumstances can be charged as a felony with a possible prison sentence.

A police officer will stop you anytime he or she has reason to believe you are driving under the influence of alcohol. Among the behaviors that will cause an officer to become suspicious: driving erratically by repeatedly slowing down and then putting on a burst of speed; weaving from lane to lane; driving too slow; straddling the center lane; driving in the wrong lane.



If after approaching your car the officer smells an odor of alcohol, the officer will ask you to get out of your car and to stand beside it. After you obey the officer and get out of your car, you probably will be asked to perform a series of “field tests” or to take a “preliminary breath test.”

Different police departments employ different field tests. You may be asked to touch your index finger to your nose while closing your eyes and holding your head back, or to stand for 30 seconds on one foot, or to walk an imaginary straight line, or to allow the officer to shine a flashlight into your eyes to evaluate the reaction of your pupils.

Depending on the results of the field or preliminary breath tests, you may be asked to give a blood sample, give a urine sample, or take a Breathalyzer test. Can you refuse to perform the tests? Yes. But should you? There is no categorical answer to this question.

**On the one hand, unless you are positive you’ve only had one or two alcoholic beverages, common wisdom holds that it may be harder to convict a driver if no tests were taken. On the other hand, if you refuse to take a test, your driver’s license will probably be suspended automatically for a long period of time. In some states, your refusal can be used against you in court. Clearly you are in serious trouble either way—and in serious need of a lawyer.**



## Dog Law

### **“Isn’t Every Dog Entitled to One Bite ?”**

Spring is puppy-shopping season for many dog lovers. But it pays to remember that although dogs may be a person’s best friend, they are potentially dangerous property in the eyes of the law.

Following widely publicized maulings by American Pit Bull Terriers, many communities and states that had not already done so began considering legislation that would make it easier to hold dog owners liable for their pets’ first unprovoked attack on humans. Dog bite laws vary greatly from state to state, but in many states landlords can also sometimes be held liable for injuries caused by their tenants’ dogs.



But isn’t “every dog entitled to one bite?” In a word, no. That saying is an imprecise paraphrase of old English laws under which dog owners generally would not be held accountable for their pet’s “first bite” unless the owner knew or should have known that the dog had a propensity to bite. After the first bite, the owner would be deemed to have been put on notice and could be held liable for any subsequent incidents.

Even under that rule, which may still be in effect in some states, a dog may not actually have to bite someone for the owner to be put on notice that it is *likely* to bite someone. A dog’s habit of snarling and lunging at passersby, for example, might be enough to alert the owner of the dog’s dangerous nature.

And although there is considerable debate over whether an entire breed can be viewed as “vicious,” some juries may view a pit bull owner’s explanations with the sort of skepticism auto insurers accord drivers of high-performance sport cars.

Well, if state laws are rendering owners liable for their dogs’ first bite, what good is a guard dog? The answer is that if you would be entitled to shoot an intruder because of serious harm, your dog would also be entitled to

attack. On the other hand, you would not be entitled to shoot a small child who wandered onto your property; nor would you be allowed to permit your dog to attack him or her.

For situations falling between those two extremes, some states permit dog owners to defend a lawsuit by showing that their pet was provoked, that the victim was a trespasser, or that the property was posted with warning signs.

***Of course, owners who “sic” their dogs on someone run the risk of being charged with assault or even murder, just as if they had deliberately shot that person. In sum, then, owners should be alert to their dogs’ temperament and take appropriate precautions to protect others from harm. In many states, simply saying “He never bit anyone before” may be akin to saying “I didn’t know the gun was loaded”—a less than perfect defense to a negligence suit.***

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THE FLOYD LAW FIRM PC



### Word About Our Firm

The Floyd Law Firm PC is a general practice law firm established in 1973. We have four attorneys who can handle almost every type of legal work which you, your family or your business may require. We take great pride in our team of lawyers, legal assistants, legal secretaries, and staff members. Each attorney, legal assistant and legal secretary is an expert in one or more fields. This expertise allows us to provide superior legal services in a number of fields of law such as Personal Injury Claims, Community Association, General Trial Work, Golf Industry, Estate Planning, Estate Administration, Social Security Disability, Elder Law, Real Estate Transactions, Family Law, Worker's Compensation, Wills and Trusts and Criminal Law. We hope you will meet our well-qualified team and allow them to work together for your benefit.

**Website:**

**[www.floydlaw.com](http://www.floydlaw.com)**

## NEWS FROM THE FLOYD LAW FIRM

The following have anniversaries with The Floyd Law Firm: **Congratulations to all!**

**Lynn A. Brazell**, real estate paralegal, celebrated 5 years on 3/18/07!

**Evone P. Morris**, probate legal assistant, celebrated 40 years on 4/1/07!

**Peggy Sue Ross**, real estate coordinator, celebrated 3 years on 4/7/07!

**Linda S. Davis**, receptionist, celebrates 4 years on 4/22/07!

**R. Jeffrey Sawyer**, attorney in real estate, will be getting married to **Angela Templeton** in May. Congratulations **Jeffrey** and **Angela!!**

**Dalton B. Floyd, Jr.** was recently asked to serve on the Coastal Education Foundation Advisory Board.

**Dundee W. Carter**, attorney for Probate matters has left to be an Associate Judge for Horry County Probate Court and **Terrence R. Real**, attorney, will be assuming the responsibility for our probate clients. **Joann Pirrung**, probate legal assistant, is also leaving us and moving to California to be with her children. **Evone P. Morris** will be assisting Mr. Real on Probate matters. Dundee and Jo Ann will be missed by all!