

License, Registration, Insurance: Don't Drive Off Without Them

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Most people know and understand that when operating a motor vehicle, you must have your license, registration certificate and insurance identification card in your possession. Failure to produce these documents is a motor vehicle violation and can be the basis for a summons and fines. There are even more reasons to always have your documents while driving, as one driver recently learned.

In State v. Hamlett, the police officer asked the driver for his credentials, license, registration and proof of insurance. The defendant explained that his car was rented by a friend and provided the police officer with an expired state-issued identification card. The driver could not find any additional identifying material. While the officer waited for the documents, he became suspicious when he found a half-empty bottle of vodka in the car, and smelled what he described as an odor of burnt marijuana. The driver continued to try to find identifying documents, but could not. The driver was ordered out of the vehicle. The officer then entered the vehicle and conducted a search for the vehicle's credentials in the side visor, glove compartment and, ultimately, in an open compartment located near the gear shift. There, the officer found cocaine, heroin and marijuana. The driver was arrested.

The court recognized that police have the authority to conduct limited warrantless searches of motor vehicles to produce proof of ownership and insurance. The search was proper because the driver was either unable or unwilling to produce the credentials. Citing other cases, the court limited its decision, stating that a driver must be given an opportunity to produce his credentials and that a warrantless search for credentials can only be conducted if the driver is unable or unwilling to do so. If the driver is not provided with that opportunity, a warrantless search is not justified. Any search must be limited to the usual areas such as visor, glove box and console. It is unbelievable how many people drive without carrying the necessary identification—and while assuming the added risk of transporting illegal material.

Always be sure to travel with your most current license, proof of insurance and vehicle registration. Contact Einhorn Barbarito if you find yourself in a situation similar to the one above.