

YOU & the LAW



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Big rig accidents cause thousands of deaths every year

If you're involved in a wreck with a tractor-trailer rig, the chances are that you won't walk away without injury or lots of damage to your vehicle.

It's no wonder that a crash between a tractor-trailer and a family vehicle too often results in death, injury or significant property damage: A fully loaded tractor-trailer can weigh 20 times more and be almost five times longer than the average car. These huge vehicles, also popularly referred to as "18-wheelers" and "big rigs," can be challenging to control when speeding down a highway, even with an experienced and well-trained driver behind the wheel.

Statistics compiled by the National Highway Traffic Safety Administration demonstrate the extent of the problem. In 2012, the most recent year for which complete statistics are available, 3,921 people were killed and 104,000 were injured in U.S. crashes involving trucks weighing more than 10,000 pounds. That same year, 333,000 large trucks were involved in traffic crashes.

Almost three out of every four people killed or injured in crashes involving large trucks were riding in vehicles other than the truck. In 2012, large



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trucks made up for 4 percent of all registered vehicles, but accounted for 8 percent of all vehicles involved in fatal crashes. In addition, large trucks are more likely to be involved in fatal, multiple-vehicle crashes that involve a fatality.

So, what can the average driver do to protect him- or herself from a

wreck with a big rig? First, it is important to know that most of the commercial big-rig drivers you see on the road probably completed considerable training and testing before being allowed behind the wheel.

State and federal laws and regulations require big rigs to meet certain safety standards and carry considerable liability insurance policies. Rules also limit the time drivers of large commercial trucks can be on duty before taking a rest or sleep break.

What drivers can do

Following basic safety driving rules that apply to all motorists goes a long way toward avoiding collisions with big rigs. These good driving habits include not drinking and driving, obeying speed limits, not tailgating, passing on the left side only, avoiding distractions, slowing down when roads are wet and

always wearing seat belts.

Since crashes with big rigs frequently involve deaths, injuries and extensive property damage, it is important that victims of such accidents obtain proper medical treatment and seek assistance from an attorney with experience in such cases.



IRS imposter scams increase across the nation

The Internal Revenue Service and the Federal Trade Commission are reporting significant increases in a variety of sophisticated, illegal schemes by which thieves who claim to be IRS agents initiate contact with legitimate taxpayers. The common goal of these schemes is to get innocent victims to send money to the scam artists or to trick victims into revealing personal information that is later used to swindle from others.

While these illegal schemes peak during tax-filing season, scam artists are active 12 months a year. The FTC reports that in 2014 it received an increase of almost 50,000 consumer complaints about IRS imposter scams.

While the IRS scammers use a variety of methods to coax taxpayers into sending them money, many of the schemes involve frightening taxpayers by making direct or veiled threats. Some of these scams

are perpetuated through telephone calls while others involve fake email notices of “taxes due.”

How scams work

The scam artists use sophisticated methods. For example, your phone’s caller ID might show the call coming from the IRS, and the caller might give a badge number and know the last four digits of your Social Security number. Some callers tell victims they will be arrested if they don’t immediately pay taxes they “owe.”

The IRS impersonator then instructs the potential victim to make his or her payment by wire transfer or by placing money on a prepaid debit card. Some scammers even make follow-up phone calls pretending to be police and threatening to arrest the victim if payment is not made.

Another popular scam involves an IRS impersonator contacting a

taxpayer concerning any of a variety of fake tax issues. In this scam, the crook’s goal is to obtain the taxpayer’s Social Security number and other personal identification information. The scam artist then quickly files a fake tax return in the victim’s name and claims a refund from the IRS.

Scams in which some of the con artists used certain types of commercially available tax software programs became so pervasive earlier this year that use of that particular software was briefly suspended for some tax returns.

Report suspected scammers

If you think a tax scammer is targeting you, contact the Treasury Inspector General for Tax Administration at 800-366-4484. You should also report the suspected scam to the Federal Trade Commission at ftc.gov or 800-366-4484.

Tips to help avoid becoming a victim of a tax scam

- ✓ Avoid anybody who initially contacts you by phone or email claiming to be from the IRS. If the IRS needs to contact you, its initial contact will be by regular mail.
- ✓ The IRS will never require you to pay taxes via a wire transfer or a prepaid debit card.
- ✓ It’s likely a scam if the caller threatens to have you arrested or deported, or to confiscate your driver’s license unless you pay.
- ✓ Be suspicious of first-time callers who claim they’re from the IRS and provide a “badge number,” know all or part of your Social Security number, or whose caller ID appears to be the IRS.
- ✓ Avoid a “tax preparer” who contacts you and guarantees that you’ll get a large refund from the IRS if you allow him or her to prepare your taxes.



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How private is the data on your cell phone and computer?

In the early 1980s, computers, email, the Internet, cell phones and social media were uncommon or non-existent in the average American home. With an eye toward the soon-to-arrive explosive growth of electronic media, in 1986 Congress passed the Electronic Communications Privacy Act.

It has been almost 30 years since that law was enacted, and how Americans use electronic media has changed dramatically. Over the years, Congress has made changes to the act, but many privacy rights advocates believe a more extensive update is past due.

Many cell phone and computer users are hardly aware of the extensive and lasting record that those devices create. For example, many of the tasks you perform on your personal computer leave a record on that computer and with other sources, even if you think you've deleted them. That can include such activities as information searches you've conducted, email messages you've sent and received, and documents you've created and saved.

Even when you press the "delete" key, many documents, photos, information searches and other activities you've performed can be recovered by someone who has access to your computer. Recovery of data you thought you deleted can sometimes be done with little effort or could require use of special programs, but in many instances, it can be done.

The potential risks to the privacy of information can be even greater with your cell phone. Many cell phones are set to keep track of where you go. This is a handy and, in most cases, safe tool, but it can also



"Many of the tasks you perform on your personal computer leave a record on that computer and with other sources, even if you think you've deleted them."

compromise your privacy. Many of the apps that people install on cell phones use the phone's location to provide such information as driving directions, nearby restaurants and stores, and traffic and weather reports. Many 911 emergency systems can determine from where you are calling, even if you are unable to provide that information yourself.

What many people don't know is that their cell phone service provider can retain such location-tracking information for a year or longer. While your service provider does not make this information available to the general public, it can be obtained by law enforcement and certain other official agencies as part of an investigation. In fact, legal searches of suspects' computers and cell phones have helped law enforcement agencies solve untold numbers of crimes.

The proliferation of data stored on or by electronic devices has often come into conflict with the Fourth Amendment to the U.S. Constitution, which states: "The right of the

people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated ..." This, in turn, has resulted in numerous court cases over the right to privacy and electronic snooping. In some of these cases, courts have pointed out that problems exist with the Electronic Communications Privacy Act.

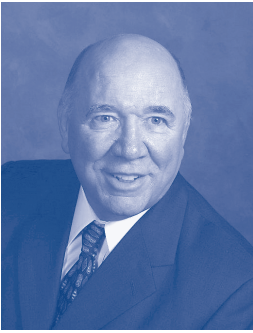
Privacy rights advocates and other interested parties have been urging Congress to update the 1986 Electronic Communications Privacy Act with a goal of straightening privacy rights.

The Digital Due Process Coalition is one of several organizations spearheading this effort. The Coalition states that among its goals is "to simplify, clarify, and unify the ECPA standards, providing stronger privacy protections for communications and associated data in response to changes in technology and new services and usage patterns, while preserving the legal tools necessary for government agencies to enforce the laws, respond to emergency circumstances and protect the public."

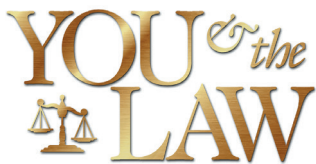
Coalition members include many of the nation's largest companies that provide communications services to consumers, computer and cell phone manufacturers, as well as politically liberal and conservative organizations. Additional information regarding this issue is available at digitaldueprocess.org.

In 2014 Democratic and Republican senators introduced a bill to update the Electronic Communications and Privacy Act.





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How many drinks does it take to register .08 BAC?

The blood-alcohol concentration test is a measurement of how much alcohol is in your blood. Every state uses the .08 level to determine if you should be arrested or issued a citation for driving while intoxicated.

A drunk-driving arrest and conviction is a serious legal matter that can land you in jail and cost you thousands of dollars in fines, court costs, legal fees and other expenses. In addition, a drunk driver who causes an injury, a fatality and/or property damage can be sued in civil court by his or her victims.

There is no simple answer to how much alcohol a person can consume before he or she reaches the .08 BAC level. Many factors go into how quickly a person

becomes too impaired to drive after drinking. These include gender, rate of consumption, an individual's size, drink strength, how much food the individual consumed, individual alcohol tolerance and even age.

A popular belief is that it's safe for a person if he or she consumes one drink per hour, but becoming alcohol-impaired is not a one-size-fits-all proposition. A young woman weighing 125 pounds who's not accustomed to drinking can become intoxicated with much less alcohol than an older, large man who drinks regularly.

Some people believe they can tell when they've become too intoxicated to drive. However, one of the results of intoxication is that your judgment is compromised and

you are less inhibited. To put it another way: Failure to recognize impairment can be a symptom of impairment.

Police use a "breathalyzer" to measure the level of alcohol in a driver's blood. An officer usually detects other signs of impairment before asking someone to take this test, which requires the driver to blow into a tube attached to the device. Blood tests are also sometimes used to determine BAC level or the levels of other medicines and drugs.



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