

JUST WHAT THE LAWYER ORDERED - ROAD RULES

Legal eagles Nicholas Aw and Montague Choy give us the skinny on thing to note when you are behind the wheel

What legally constitutes road rage?

Nicholas Says: There is no one definition but it is where one behaves in a manner that places the other party in fear of his personal safety. So it could be going over to the other driver's car and banging on his bonnet or assaulting him ... or driving dangerously and placing the party in fear of his life.

What is the penalty? Do both parties get penalised?

Nicholas Says: The Court takes a serious view and the benchmark for a first-time offender is at least two weeks in jail if the injuries are minor. If weapons are used or one is a repeat offender, you're likely to get a longer sentence. For the party on the defence, it's best to not get involved. Legally, the best thing is to run away-if you retaliate, you could be charged for affray.

Is there any way to mitigate such actions?

Nicholas Says: no violence of any kind will be tolerated by the court. whether you are the culprit or victim, if you use any force against the other party, be prepared to receive a fine or go to jail.

What is the penalty for drink driving? What is the acceptable drinking limit?

Nicholas Says: there is no acceptable drinking limit though the legal limit is 35ml as in the eyes of the law, as long as you have had one drop of alcohol and you drive recklessly, you can be charged for drink driving. It does not matter if you are below the legal limit.

Here's a scenario: you're driving while drunk and crash into a lamppost and wreck it. But it's a lonely dark road. Should you run away from the scene and then make a report that your car was stolen?

Nicholas Says: That's making a false report and you can land in jail for up to two months.

When is it okay to use a mobile in the car? What is the penalty for misuse?

Nicholas Says: Whenever you get into the car, you must always ensure that your handsfree is connected. Never touch your phone while driving and only receive calls by touching the button on your earpiece. If you have to make an urgent call, use the voice tag facility.

Suppose you were hit by another guy's car and his passenger dies. Though it's clearly his fault (he beat a red light), he happened to see you using a phone at the point of impact. How would the case go down?

Nicholas Says: It would be an issue of whether while driving and holding the phone, you contributed to the accident. Besides a civil suit for a claim in damages, the police could also charge you for using the mobile.

When it necessary to call a lawyer when an accident has occurred?

Nicholas Says: You can call your lawyer to ask what you need to do but the steps are clearly stated in the General Insurance Association forms that come with your auto insurance docket. You should make a note of the other car's model and the registration number and

exchange particulars and insurance company details with the other driver. You need only make a police report if there is personal injury or death.

Nicholas Aw and Montague Choy are directors of Clifford Law Corporation, a limited liability law corporation. Clifford Law Corporation is a full service law firm that is familiar with the handling of Probate and Estate matters, Corporate and Commercial matters, Family issues, Civil and Criminal litigation as well as Intellectual property matters.

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