



## DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 297

May 24, 2005

### MIRANDA WARNINGS NOT REQUIRED DURING "ORDINARY" TRAFFIC STOPS

**Reference:** Scott R. Clark  
v.  
Municipality of Anchorage

Alaska Court of Appeals  
Opinion No. 1983  
\_\_\_\_\_ P.3d \_\_\_\_\_  
May 13, 2005

#### **FACTS:**

Anchorage police stopped a vehicle because the registration on its rear license plate had expired and the vehicle also had a broken taillight. The driver, Clark, was asked to produce his driver's license, vehicle registration and proof of insurance. Anchorage Municipal Code (AMC) 09.28.030(B) makes it unlawful for any person to operate a motor vehicle without proof of insurance. This Code complies with Alaska Statutes in Title 28. Clark informed the officer that he did not have insurance. Clark was cited for violating AMC 09.28.030.

Clark argues that his admission of not having insurance should be suppressed because police did not give him Miranda warnings.

#### **ISSUE:**

Does this ordinance requiring motorists to produce proof of insurance unlawfully compel motorists to incriminate themselves, to speak against their will, and violate their right to refuse to submit to a search?

**HELD:** No. When a police officer stops a motorist for a traffic violation, "the officer may ask the motorist to produce routine driving documents."

**REASONING:**

1. Routine traffic stops do not implicate the constitutional right to remain silent, and Clark had not explained what legitimate privacy interest he has in a document that shows that he has the required insurance.

2. Issuing citations during a traffic stop for "various violations" is part of a routine traffic stop and does not establish custody for Miranda purposes.

**NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:**

File Legal Bulletin No. 297 numerically under Section R of the manual.