

"P" 10

"M" 6

Albany, New York

October 30, 2018

TO: All Enforcement Agencies and Magistrates

SUBJECT: Hearing Calendar Schedule and Sites for the Chemical Test Refusal Program
and Zero Tolerance Law for January 1 through June 30, 2019

Important changes have been made to the TIME of hearings for the following counties: BROOME - TIOGA - ONONDAGA. Please use the attached calendar to confirm the times, hearing sites and dates for your county.

Magistrates please remember:

- The **Notice of Temporary Suspension and Notice of Hearing (AA-137) AND the Report of Refusal to Submit to Chemical Test (AA-134)** should both be sent to the Safety & Business Hearings Bureau using the mailing address or fax number provided on form AA-137 **WITHIN 48 HOURS OF THE ARRAIGNMENT**.
- Notify the motorist AND the police officer of the hearing date with their copy of the Notice of Hearing.
- Once you assign a hearing date and notify the motorist and police officer, **please do not reschedule or assign another date**. The Safety Hearing Unit will handle all reschedules.

Enforcement Agencies please remember:

- Provide the court with a copy of the Report of Refusal to Submit to Chemical Test (AA-134).
- This chemical test refusal hearing is independent of the criminal court case.
- Officer appearance is critical at this administrative hearing.

Police and motorist requests for adjournments should be made to 518-474-1509.

The electronic version of the AA-137 is found on the VPASS and TSLED Web Transactions application on our website. You can contact TSLED at 1-800-948-7533 with access inquiries.

Additional AA-137 forms can be ordered using the TSLED supply form MV-14M.



HEARINGS WILL BE HELD AT **9AM** FOR ALL COUNTIES LISTED BELOW.

TO ASSIGN A HEARING DATE, SEE THE AVAILABLE DATES FOR YOUR COUNTY BELOW.

COUNTY	JANUARY	FEBRUARY	MARCH
NY, KINGS, RICHMOND	HELD DAILY 9AM (EXCEPT THURSDAYS)	HELD DAILY 9AM (EXCEPT THURSDAYS)	HELD DAILY 9AM (EXCEPT THURSDAYS)
BRONX	HELD THURSDAYS ONLY 9AM	HELD THURSDAYS ONLY 9AM	HELD THURSDAYS ONLY 9AM
QUEENS	HELD TUESDAYS & THURSDAYS ONLY 9AM	HELD TUESDAYS & THURSDAYS ONLY 9AM	HELD TUESDAYS & THURSDAYS ONLY 9AM
NASSAU	HELD MONDAYS & WEDNESDAYS 9AM	HELD MONDAYS & WEDNESDAYS 9AM	HELD MONDAYS & WEDNESDAYS 9AM
SUFFOLK	HELD DAILY 9AM (EXCEPT WEDNESDAYS)	HELD DAILY 9AM (EXCEPT WEDNESDAYS)	HELD DAILY 9AM (EXCEPT WEDNESDAYS)
ALBANY	7, 14, 28	4, 11, 25	4, 11, 18, 25
BROOME	8, 15, 22, 29	5, 12, 26	5, 12, 19, 26
MONROE	3, 7, 10, 14, 17, 24, 28, 31	4, 7, 11, 14, 21, 25, 28	4, 7, 11, 14, 18, 21, 25, 28
ONONDAGA	3, 10, 24, 31	7, 14, 21, 28	7, 14
RENSSELAER	7, 14, 28	4, 11, 25	4, 11, 18, 25
TIOGA	8, 15, 22, 29	5, 12, 26	5, 12, 19, 26
WESTCHESTER	2, 7, 9, 14, 16, 23, 28, 30	4, 6, 11, 13, 20, 25, 27	4, 6, 11, 13, 18, 20, 25, 27

COUNTY	APRIL	MAY	JUNE
NY, KINGS, RICHMOND	HELD DAILY 9AM (EXCEPT THURSDAYS)	HELD DAILY 9AM (EXCEPT THURSDAYS)	HELD DAILY 9AM (EXCEPT THURSDAYS)
BRONX	HELD THURSDAYS ONLY 9AM	HELD THURSDAYS ONLY 9AM	HELD THURSDAYS ONLY 9AM
QUEENS	HELD TUESDAYS & THURSDAYS ONLY 9AM	HELD TUESDAYS & THURSDAYS ONLY 9AM	HELD TUESDAYS & THURSDAYS ONLY 9AM
NASSAU	HELD MONDAYS & WEDNESDAYS 9AM	HELD MONDAYS & WEDNESDAYS 9AM	HELD MONDAYS & WEDNESDAYS 9AM
SUFFOLK	HELD DAILY 9AM (EXCEPT WEDNESDAYS)	HELD DAILY 9AM (EXCEPT WEDNESDAYS)	HELD DAILY 9AM (EXCEPT WEDNESDAYS)
ALBANY	1, 8, 15, 22, 29	6, 13, 20	3, 10, 17, 24
BROOME	2, 9, 16, 23	7, 14, 21, 28	11, 18, 25
MONROE	1, 4, 8, 11, 15, 18, 22, 25, 29	2, 6, 9, 13, 16, 20, 23, 30	3, 6, 10, 13, 17, 20, 24, 27
ONONDAGA	4, 11, 18, 25	2, 9, 16, 30	6, 13, 20, 27
RENSSELAER	1, 8, 15, 22, 29	6, 13, 20	3, 10, 17, 24
TIOGA	2, 9, 16, 23	7, 14, 21, 28	11, 18, 25
WESTCHESTER	1, 3, 8, 10, 15, 17, 22, 24, 29	1, 6, 8, 13, 15, 20, 22, 29	3, 5, 10, 12, 17, 19, 24, 26



HEARINGS WILL BE HELD AT **10AM** FOR ALL COUNTIES LISTED BELOW.
TO ASSIGN A HEARING DATE, SEE THE AVAILABLE DATES FOR YOUR COUNTY BELOW.

COUNTY	JANUARY	FEBRUARY	MARCH
COLUMBIA	9	13	20
DUTCHESS	7, 14, 28	4, 11, 25	11, 18, 25
FULTON	10	7	14
GREENE	9	13	20
HAMILTON	10	7	14
HERKIMER	8, 29	12, 26	12, 26
MADISON	8, 29	12, 26	12, 26
MONTGOMERY	10	7	14
ONEIDA	8, 29	12, 26	12, 26
ORANGE	8, 15, 22, 29	5, 12, 19, 26	5, 12, 19, 26
PUTNAM	16	13	13
ROCKLAND	8, 22	5, 19	5, 19
SARATOGA	11, 25	8, 15	8, 22
SCHENECTADY	23	13	13
SCHOHARIE	23	13	13
SULLIVAN	18	15	15
ULSTER	9, 23	6, 20	6, 20
WARREN	3	7	7
WASHINGTON	3	7	7

COUNTY	APRIL	MAY	JUNE
COLUMBIA	24	22	19
DUTCHESS	8, 15, 29	6, 13, 20	3, 17, 24
FULTON	18	16	13
GREENE	24	22	19
HAMILTON	18	16	13
HERKIMER	2, 16, 30	7, 21	4, 18
MADISON	2, 16, 30	7, 21	4, 18
MONTGOMERY	18	16	13
ONEIDA	2, 16, 30	7, 21	4, 18
ORANGE	2, 9, 16, 23, 30	7, 14, 21, 28	4, 11, 18, 25
PUTNAM	10	8	5, 26
ROCKLAND	2, 16, 30	14, 28	11, 25
SARATOGA	12, 26	10, 24	14, 28
SCHENECTADY	3	8	5
SCHOHARIE	3	8	5
SULLIVAN	12	10	7, 28
ULSTER	3, 17	1, 15, 29	12, 26
WARREN	11	9	6
WASHINGTON	11	9	6



CHEMICAL TEST REFUSAL AND ZERO TOLERANCE HEARING CALENDAR

HEARINGS WILL BE HELD AT 1:00PM FOR ALL COUNTIES LISTED BELOW.
TO ASSIGN A HEARING DATE, SEE THE AVAILABLE DATES FOR YOUR COUNTY BELOW.

COUNTY	JANUARY	FEBRUARY	MARCH
ALLEGANY	2, 30	27	27
CATTARAUGUS	2, 30	27	27
CAYUGA	4	1	1
CHAUTAUQUA	3, 31	28	28
CHEMUNG	10	7	7
CHENANGO	11	8	8
CLINTON	15	5	5
CORTLAND	9	6	6
DELAWARE	11	8	8
ERIE	3, 8, 10, 15, 17, 22, 24, 29, 31	5, 7, 12, 14, 19, 21, 26, 28	5, 7, 12, 14, 19, 21, 26, 28
ESSEX	15	5	5
FRANKLIN	15	5	5
GENESEE	11	8	8
JEFFERSON	2	6	13
LEWIS	2	6	13
LIVINGSTON	15	5	5
NIAGARA	7, 14, 28	4, 11, 25	4, 18, 25
ONTARIO	9	6	6
ORLEANS	11	8	8
OSWEGO	7	4	4
OTSEGO	11	8	8
ST. LAWRENCE	15	19	5
SCHUYLER	10	7	7
SENECA	8, 25	5, 22	12, 29
STEUBEN	10	7	7
TOMPKINS	9	6	6
WAYNE	8, 25	5, 22	12, 29
WYOMING	11	8	8
YATES	9	6	6



HEARINGS WILL BE HELD AT 1:00PM FOR ALL COUNTIES LISTED BELOW.
TO ASSIGN A HEARING DATE, SEE THE AVAILABLE DATES FOR YOUR COUNTY BELOW.

COUNTY	APRIL	MAY	JUNE
ALLEGANY	24	22	19
CATTARAUGUS	24	22	19
CAYUGA	5	3, 31	28
CHAUTAUQUA	25	23	20
CHEMUNG	4, 18	2, 16	6, 20
CHENANGO	5	3	7
CLINTON	9	14	11
CORTLAND	3, 17	8, 29	12, 26
DELAWARE	5	3	7
ERIE	2, 4, 9, 11, 16, 18, 23, 25, 30	2, 7, 9, 14, 16, 21, 23, 28, 30	4, 6, 11, 13, 18, 20, 25, 27
ESSEX	9	14	11
FRANKLIN	9	14	11
GENESEE	5	3, 31	28
JEFFERSON	3	1, 29	26
LEWIS	3	1, 29	26
LIVINGSTON	9	7	4
NIAGARA	1, 15, 22	6, 13, 20	3, 10, 17
ONTARIO	3, 24	8, 22	5, 26
ORLEANS	5	3, 31	28
OSWEGO	8	6	3
OTSEGO	5	3	7
ST. LAWRENCE	16	21	18
SCHUYLER	4, 18	2, 16	6, 20
SENECA	2, 26	7, 24	4, 21
STEUBEN	4, 18	2, 16	6, 20
TOMPKINS	3, 17	8, 29	12, 26
WAYNE	2, 26	7, 24	4, 21
WYOMING	5	3, 31	28
YATES	3, 24	8, 22	5, 26

When scheduling a Motor Vehicles hearing, please use the next available date for your county, but do not use a hearing date that occurs on the same date as the arraignment. In addition to scheduling the "Time of Hearing", **New York City Courts** should also request that police officers include their tax registry number and assigned precinct on form AA-134 (Report of Refusal to Submit to Chemical Test). This information is also needed on form AA-137 (Notice of Temporary Suspension and Notice of Hearing).

Once you have assigned a hearing date, please do not reschedule a subsequent hearing date for the same case because it may create a duplicate suspension on the motorist's driving record. Moreover, rescheduling often results in situations where either the police officer or motorist is not aware of when to appear for the rescheduled chemical test refusal hearing. When the motorist or police officer wants to reschedule the assigned hearing date, have them contact the Safety and Business Hearing Bureau at (518) 474-1509.

Section 1194(2) of the Vehicle and Traffic Law requires a court to suspend the motorist's driver license at the time of arraignment, even when the scheduled date for the DMV hearing is more than 15 days after the arraignment. DMV will terminate the suspension when required by law. Courts should send form AA-137 (Notice of Temporary Suspension to Submit to Chemical Test and Notice of Hearing), and a copy of form AA-134 (Report of Chemical Test Refusal), along with the defendant's New York State driver license, if surrendered, to the Safety and Business Hearing Bureau. The effective date of the temporary license suspension for refusing to submit to a chemical test is the date of arraignment. **Do not confiscate out-of-state licenses.** In addition, be sure the police officer has copies of form AA-137 and form AA-134 to present at the hearing.

If the defendant signs the WAIVER OF HEARING FORM, it is not necessary to schedule a date for a hearing. Write "Hearing Waived" in the appropriate box on the front of the "Notice of Hearing", and complete the "Waiver of Hearing" information on the back. Send the waiver information to the Safety and Business Hearing Bureau along with the other forms, including the driver license.

The Zero Tolerance Law went into effect on November 1, 1996. It pertains to motorists under the age of 21, and imposes a disqualification of their driver license/privilege if they are found driving with an alcohol content of .02 - .07. Courts will continue to routinely process the Chemical Test Refusal Program as they have always done, while police are responsible for processing hearing requests concerning the Zero Tolerance Law. Forms used for Zero Tolerance hearings are AA-137A and AA-137A.1.

Section 25.24 of the Parks, Recreation and Historic Preservation Law was amended to provide stiff penalties and sanctions for persons convicted of snowmobiling while intoxicated (SWI), snowmobiling while ability impaired (SWAI), or snowmobiling while impaired by drugs. This legislation mirrors the alcohol and drug-related violation provisions of Article 31 of the Vehicle and Traffic Law and Section 49-a of the Navigation Law, as added by Chapter 805 of the Laws of 1992, regarding boating while intoxicated. Section 49-a of the Navigation Law concerns penalties for boating while intoxicated. These include suspensions of operating privileges and a Department of Motor Vehicles hearing

for chemical test refusals. Upon arraignment on a charge of operating a vessel/snowmobile while under the influence of alcohol or drugs, and upon presentation of the police officer's refusal report, the operator's privilege to operate a vessel/snowmobile is temporarily suspended by the court pending a chemical test hearing. The suspension is effective on the arraignment date. The court's suspension pending hearing will be terminated by operation of law in 15 days or on the date of the Department of Motor Vehicles hearing, whichever comes first. This suspension must be imposed even if the hearing date will occur more than 15 days after arraignment. Further action will be taken by the Department of Motor Vehicles on the date of hearing. Use the same hearing dates as on the attached calendar.

The court will complete a Notice of Temporary Suspension & Notice of Hearing for Vessels and Snowmobiles (form AA-137V). Copies of form AA-137V must be given to the defendant and police officer; a copy should also be sent to the Department of Motor Vehicles Safety and Business Hearing Bureau and to the Office of Parks, Recreation and Historic Preservation.

Legislation with respect to zero tolerance for vessel operators became effective on April 1, 1999. That law added a new section 49-b to the Navigation Law. Vessel operators, under 21 years of age, who are suspected of a violation of section 49-b, will be detained by police and asked to submit to a chemical test. The under-21 operator will have the option of a DMV hearing or of waiving such a hearing, whether or not the chemical test is taken. If the operator requests a hearing, he/she will retain full privilege to operate a vessel until the DMV hearing. Forms used for this section of the Navigation Law are AA-137VZT and AA-137VZT.1. There is NO CONVICTION for this charge. Please use the attached calendar to schedule hearing dates.

Additional Motor Vehicles hearings forms (AA-137, AA-134, AA-137A, AA-137A.1, AA-137V, AA-137VZT and AA-137VZT.1) can be obtained by writing to New York State Department of Motor Vehicles, TSLED Bureau, 6 Empire State Plaza, Albany, NY 12228 or by calling our TSLED Supply Unit at (518) 486-6583. Please be sure to include in your request the title of the form, the form number, quantity needed and your full mailing address and zip code.

Thank you for your cooperation in this matter.

Theresa L. Egan
Executive Deputy Commissioner

Attachments