

"P" 12 (2020)

"M" 8 (2020)

Albany, New York

June 25, 2020

TO: All Enforcement Agencies and Magistrates

SUBJECT: Correction to Memo "P"11/"M"7 - Chemical Test Refusal Hearings

This memo is being reissued solely to correct the date of memo "P"11/"M"7 issued June 23, 2020.

Due to the **Covid-19** pandemic all Safety and Business Hearings will be conducted via teleconference and scheduled by the DMV.

**There will not be a Hearing Calendar Schedule for July – December 2020.**

**Effective immediately please DO NOT schedule a HEARING DATE on the AA-137 (Notice of Temporary Suspension and Notice of Hearing). Please replace the date/location section with "DMV will MAIL a date and time for a hearing by telephone."**

**Manually replacing the "date/location" section is a short-term approach until we update form AA-137 within the following weeks.**

We will notify both law enforcement and the motorist by MAIL of the hearing date and time. Instructions will be included on how to access the hearing.

**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) must BOTH be sent to the Safety & Business Hearings Bureau using the mailing address or fax number provided on form AA-137.
- Provide the motorist with a copy of the Report of Refusal to Submit to Chemical Test (AA-134).
- Be sure to record the motorist's and law enforcement officer's telephone numbers on form AA-137.

**Enforcement Agencies please remember:**

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

Thank you for your cooperation in this matter.

Mark J.F. Schroeder  
Commissioner