



BARBARA J. FIALA  
Commissioner

# STATE OF NEW YORK DEPARTMENT OF MOTOR VEHICLES

6 EMPIRE STATE PLAZA, ALBANY, NY 12228

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"P" 21 (2012)

"M" 15 (2012)

Albany, New York

December 6, 2012

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, 2013

Attached for your information are the Chemical Test Refusal and Zero Tolerance Calendar and Hearing Sites for January 1 through June 30, 2013. In addition to our standard Chemical Test Refusal Program used by the courts, police agencies are also sharing in the use of this hearing calendar for their Zero Tolerance Law violations.

Important: Changes in hearing sites may have been made since the last calendar. Please consult the attached Hearing Sites list to confirm which hearing site has been suggested for your county.

When scheduling a Motor Vehicles hearing, use the next available date for your county. In addition to scheduling the "Time of Hearing" at 1 p.m., **NEW YORK CITY COURTS** should also request that police officers include their tax registry number and assigned precinct on the AA-134 (Report of Refusal to Submit to Chemical Test). This information is also needed on the 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. Consequently, when the motorist or police officer wants to reschedule the assigned hearing date, have them write to: Department of Motor Vehicles, Safety and Business Hearing Bureau, 6 Empire State Plaza, Albany, New York 12228, or they may call our Safety and Business Hearing Bureau at (518) 474-1509. We will then make the necessary changes in regard to the hearing.

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 both the Notice of Temporary Suspension and/or Notice of Hearing (Form AA-137), and a copy of the Chemical Test Refusal Report (AA-134), 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 the 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 the AA-137VZT.1. There is NO CONVICTION for this charge. Please use the attached calendar to schedule hearing dates.

Senior Administrative Law Judges are available to answer any questions concerning legal matters. They can be reached at (518) 474-0875.

Additional Motor Vehicles hearings forms (AA-137, 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. 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.

Barbara J. Fiala  
Commissioner

Attachments

**CHEMICAL TEST REFUSAL AND ZERO TOLERANCE  
HEARING SITES****All hearings begin at 1 P.M. unless otherwise noted below.**

COUNTY	HEARING SITE
Albany	Department of Motor Vehicles, 224-260 South Pearl Street, Albany
Allegany	Machias Town Office Bldg., 3489 Roszyk Road & Route 16, Machias
Broome	State Office Building, Room 308, 44 Hawley Street, Binghamton
Cattaraugus	Machias Town Office Bldg., 3489 Roszyk Road & Route 16, Machias
Cayuga	Cayuga County Office Bldg., 160 Genesee Street, 6th Floor, Caucus Room, Auburn
Chautauqua	Town of Hanover Justice Court, 68 Hanover Street, Silver Creek
Chemung	Town of Erwin, Town Hall, 310 Town Center Road, Painted Post
Chenango	Oneonta City Hall, Basement Conference Room, 258 Main Street, Oneonta
Clinton	Clinton County Government Center, County Clerk's Office Naturalization Room, Margaret Street, Plattsburgh
Columbia	Columbia-Greene Community College, Professional Academic Ctr., Class Room 611, 4400 Rt 23, Hudson
Cortland	Cortland County Courthouse, 46 Greenbush Street, Suite 101, Cortland
Delaware	Oneonta City Hall, Basement Conference Room, 258 Main Street, Oneonta
Dutchess	Pleasant Valley Town Hall, 1554 Main Street (Rte. 44), Pleasant Valley
Erie	Safety Hearing Room, Room 360-1, Ellicott Square Building, 295 Main Street, Buffalo
Essex	Clinton County Government Center, County Clerk's Office Naturalization Room, Margaret Street, Plattsburgh
Franklin	Clinton County Government Center, County Clerk's Office Naturalization Room, Margaret Street, Plattsburgh
Fulton	County Office Building, Supervisors Chambers, 64 Broadway, Fonda
Genesee	Batavia Town Hall, 3833 West Main Street Road, Batavia
Greene	Columbia-Greene Community College, Professional Academic Ctr., Class Room 611, 4400 Rt 23, Hudson
Hamilton	County Office Building, Supervisors Chambers, 64 Broadway, Fonda
Herkimer	Department of Motor Vehicles, State Office Building, 207 Genesee Street, Room 104, Utica
Jefferson	State Office Building, Hearing Room, 317 Washington Street, Watertown - <b>Hearings will begin at 10:00 A.M.</b>
Lewis	State Office Building, Hearing Room, 317 Washington Street, Watertown - <b>Hearings will begin at 10:00 A.M.</b>
Livingston	Livingston County Government Center, 6 Court Street, Geneseo
Madison	Department of Motor Vehicles, State Office Building, 207 Genesee Street, Room 104, Utica
Monroe	Reynolds Arcade Building, 16 E. Main Street, 5th Floor, Rochester
Montgomery	County Office Building, Supervisors Chambers, 64 Broadway, Fonda
Nassau	Department of Motor Vehicles, 803 Axinn Avenue, Hearing Room, Garden City - <b>Hearings will begin at 9:00 A.M.</b>
NY City	19 Rector Street, 2nd Floor, Manhattan
Niagara	City Court of Niagara Falls, Niagara Falls Municipal Bldg., 1925 Main Street, Niagara Falls
Oneida	Department of Motor Vehicles, State Office Building, 207 Genesee Street, Room 104, Utica
Onondaga	Department of Motor Vehicles, Western Lights Plaza, 4671 Onondaga Blvd., Suite 100B, Syracuse
Ontario	Town of Farmington Town Hall, 1000 County Road 8, Farmington
Orange	Department of Motor Vehicles, 555 Hudson Valley Ave., Suite 103, New Windsor
Orleans	Batavia Town Hall, 3833 West Main Street Road, Batavia
Oswego	City Hall, Municipal Building, 141 South First Street, City Courtroom, 2nd Floor, Fulton
Otsego	Oneonta City Hall, Basement Conference Room, 258 Main Street, Oneonta
Putnam	Town of Patterson Justice Court, 1144 Route 311, Patterson
Rensselaer	Department of Motor Vehicles, 224-260 South Pearl Street, Albany - <b>Hearings will begin at 2:30 P.M.</b>
Rockland	DMV, Samsondale Professional Building, Route 9W, West Haverstraw
St. Lawrence	Board of Legislators Chambers, St. Lawrence County Courthouse, 48 Court Street, Canton
Saratoga	Cooperative Extension Building, 50 West High Street, Ballston Spa
Schenectady	Princetown Town Hall, 165 Princetown Plaza, Schenectady
Schoharie	Princetown Town Hall, 165 Princetown Plaza, Schenectady
Schuyler	Town of Erwin, Town Hall, 310 Town Center Road, Painted Post
Seneca	Wayne County Hall of Justice, 54 Broad Street, Lyons
Steuben	Town of Erwin, Town Hall, 310 Town Center Road, Painted Post
Suffolk	DMV, 250 Veterans Memorial Hwy., 3rd Fl., Rm 3B49, Hauppauge - <b>Hearings held daily, except Wed., at 9:00 A.M.</b>
Sullivan	Town Hall, Town of Thompson, 4052 Rte. 42, Monticello
Tioga	State Office Building, Room 308, 44 Hawley Street, Binghamton
Tompkins	Cortland County Courthouse, 46 Greenbush Street, Suite 101, Cortland
Ulster	New Paltz Town Court, 23 Plattekill Avenue, New Paltz
Warren	Washington County Courthouse, 383 Broadway, Room C009 Basement, Ft. Edward - <b>Hearings will begin at 2:00 P.M.</b>
Washington	Washington County Courthouse, Washington County Municipal Ctr., 383 Broadway, Room C009 Basement, Ft. Edward
Wayne	Wayne County Hall of Justice, 54 Broad Street, Lyons
Westchester	Department of Motor Vehicles, 1 Larkin Plaza, 2nd Floor, Yonkers
Wyoming	Batavia Town Hall, 3833 West Main Street Road, Batavia
Yates	Town of Farmington Town Hall, 1000 County Road 8, Farmington





# CHEMICAL TEST REFUSAL AND ZERO TOLERANCE HEARING CALENDAR

Year: 2013

COUNTY	JANUARY	FEBRUARY	MARCH
Albany	8, 22, 31	7, 14, 28	7, 18, 28
Allegany	16	13	13
Broome	8, 16, 23, 29	7, 13, 20, 26	4, 12, 20, 27
Cattaraugus	16	13	13
Cayuga	23	27	27
Chautauqua	17	14	14
Chemung	17	14	14
Chenango	11	8	8
Clinton	15	19	12
Columbia	30	13, 27	20, 27
Cortland	25	15	22
Delaware	11	8	8
Dutchess	7, 14, 28	4, 11, 25	4, 11, 18
Erie	2, 3, 8, 9, 14, 18, 23, 25, 29, 30	5, 6, 12, 15, 19, 20, 26, 27	5, 7, 11, 12, 20, 22, 27, 28
Essex	15	19	12
Franklin	15	19	12
Fulton	24	28	21
Genesee	11	8	8
Greene	30	13, 27	20, 27
Hamilton	24	28	21
Herkimer	7, 17, 28	4, 11, 25	11, 19, 28
Jefferson	9 START TIME 10:00AM	13 START TIME 10:00AM	13 START TIME 10:00AM
Lewis	9 START TIME 10:00AM	13 START TIME 10:00AM	13 START TIME 10:00AM
Livingston	22	26	19
Madison	7, 17, 28	4, 11, 25	11, 19, 28
Monroe	3, 7, 14, 16, 23, 28, 31	4, 7, 21, 25, 28	7, 11, 14, 20, 21, 28
Montgomery	24	28	21
Nassau	EVERY MONDAY, WEDNESDAY & FRIDAY	EVERY MONDAY, WEDNESDAY & FRIDAY	EVERY MONDAY, WEDNESDAY & FRIDAY
N.Y.C.	HEARINGS HELD DAILY	HEARINGS HELD DAILY	HEARINGS HELD DAILY
Niagara	7, 24, 28	4, 21, 25	4, 18, 21
Oneida	7, 17, 28	4, 11, 25	11, 19, 28
Onondaga	7, 14, 28	4, 11, 25	4, 11, 18
Ontario	9	6	6
Orange	8, 15, 29	5, 12, 19, 26	5, 12, 19
Orleans	11	8	8
Oswego	18	15	15
Otsego	11	8	8
Putnam	16	13	13
Rensselaer	8, 22, 31 START TIME 2:30PM	7, 14, 28 START TIME 2:30PM	7, 18, 28 START TIME 2:30PM
Rockland	3, 17, 31	14, 21, 28	14, 21, 28
St. Lawrence	15	5	12
Saratoga	4, 18	1, 15	8, 15
Schenectady	9, 23	13, 27	20, 27
Schoharie	9, 23	13, 27	20, 27
Schuyler	17	14	14
Seneca	29	19	19
Steuben	17	14	14
Suffolk	HEARINGS HELD DAILY (Except Wednesday)	HEARINGS HELD DAILY (Except Wednesday)	HEARINGS HELD DAILY (Except Wednesday)
Sullivan	4	8	8
Tioga	8, 16, 23, 29	7, 13, 20, 26	4, 12, 20, 27
Tompkins	25	15	22
Ulster	9, 23	6, 20	6, 20
Warren	17 START TIME 2:00PM	14 START TIME 2:00PM	21 START TIME 2:00PM
Washington	17	14	21
Wayne	29	19	19
Westchester	EVERY MONDAY & WEDNESDAY	EVERY MONDAY & WEDNESDAY	EVERY MONDAY & WEDNESDAY
Wyoming	11	8	8
Yates	9	6	6



# CHEMICAL TEST REFUSAL AND ZERO TOLERANCE HEARING CALENDAR

Year: 2013

COUNTY	APRIL	MAY	JUNE
Albany	8, 18, 30	23, 30	4, 13, 27
Allegany	17	15	12
Broome	9, 15, 24, 30	7, 15, 22, 28	4, 10, 19, 25
Cattaraugus	17	15	12
Cayuga	24	22	19
Chautauqua	18	23	20
Chemung	18	16	13
Chenango	12	10	7
Clinton	16	21	11
Columbia	10, 24	8, 15	5, 19
Cortland	26	24	21
Delaware	12	10	7
Dutchess	1, 15, 29	6, 13, 20	3, 10, 24
Erie	3, 4, 9, 11, 15, 16, 24, 26, 30	1, 7, 9, 14, 16, 22, 24, 28, 29	4, 6, 10, 11, 17, 19, 26, 27
Essex	16	21	11
Franklin	16	21	11
Fulton	25	23	20
Genesee	12	10	14
Greene	10, 24	8, 15	5, 19
Hamilton	25	23	20
Herkimer	1, 15, 29	6, 20, 31	10, 17, 24
Jefferson	17 START TIME 10:00AM	15 START TIME 10:00AM	12 START TIME 10:00AM
Lewis	17 START TIME 10:00AM	15 START TIME 10:00AM	12 START TIME 10:00AM
Livingston	23	21	18
Madison	1, 15, 29	6, 20, 31	10, 17, 24
Monroe	4, 8, 15, 18, 23, 25, 29	2, 6, 9, 13, 21, 23, 29	4, 10, 13, 17, 20, 25, 27
Montgomery	25	23	20
Nassau	EVERY MONDAY, WEDNESDAY & FRIDAY	EVERY MONDAY, WEDNESDAY & FRIDAY	EVERY MONDAY, WEDNESDAY & FRIDAY
N.Y.C.	HEARINGS HELD DAILY	HEARINGS HELD DAILY	HEARINGS HELD DAILY
Niagara	8, 25, 29	6, 20, 30	3, 13, 24
Oneida	1, 15, 29	6, 20, 31	10, 17, 24
Onondaga	1, 8, 22	6, 13, 20	3, 17, 24
Ontario	10	8	5
Orange	2, 9, 16, 23, 30	7, 14, 28	4, 11, 18, 25
Orleans	12	10	14
Oswego	19	17	14
Otsego	12	10	7
Putnam	10	8	12
Rensselaer	8, 18, 30 START TIME 2:30PM	23, 30 START TIME 2:30PM	4, 13, 27 START TIME 2:30PM
Rockland	11, 18, 25	9, 16, 30	13, 20, 27
St. Lawrence	16	14	11
Saratoga	12, 26	3, 17	7, 21
Schenectady	10, 24	8, 22	5, 26
Schoharie	10, 24	8, 22	5, 26
Schuyler	18	16	13
Seneca	16	14	11
Steuben	18	16	13
Suffolk	HEARINGS HELD DAILY (Except Wednesday)	HEARINGS HELD DAILY (Except Wednesday)	HEARINGS HELD DAILY (Except Wednesday)
Sullivan	12	10	14
Tioga	9, 15, 24, 30	7, 15, 22, 28	4, 10, 19, 25
Tompkins	26	24	21
Ulster	3, 17	1, 15	5, 26
Warren	11 START TIME 2:00PM	16 START TIME 2:00PM	6 START TIME 2:00PM
Washington	11	16	6
Wayne	16	14	11
Westchester	EVERY MONDAY & WEDNESDAY	EVERY MONDAY & WEDNESDAY	EVERY MONDAY & WEDNESDAY
Wyoming	12	10	14
Yates	10	8	5