

"P" 5 (2016)

"M" 4 (2016)

Albany, New York

May 18, 2016

TO: All Enforcement Agencies and Magistrates

SUBJECT: Hearing Calendar Schedule and Sites for the Chemical Test Refusal Program
and Zero Tolerance Law for July 1 through December 31, 2016

Attached for your information are the Chemical Test Refusal and Zero Tolerance Calendar and Hearing Sites for July 1 through December 31, 2016. 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.

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. Consequently, 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 they may call 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



All hearings begin at 1 P.M. unless otherwise noted below.

| COUNTY | HEARING SITE |
|--|---|
| NYC - Kings, NY, Queens, Richmond Bronx | } 2 Washington St. NY, NY 10004 - Held Daily (No hearings on Thursdays) 696 E. Fordham Road, 1st Floor, Room 7, Bronx, NY 10458 - Hearings held on Thursdays only at 9:00 A.M. |
| 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, 258 Main Street, Oneonta |
| Clinton | Clinton County Government Center, County Clerk's Conference Room, Margaret Street, Plattsburgh |
| Columbia | Columbia-Greene Community College, Professional Academic Ctr., Room 612, 4400 Rt 23, Hudson |
| Cortland | Cortland County Courthouse, 46 Greenbush Street, Suite 101, Cortland |
| Delaware | Oneonta City Hall, 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 Conference Room, Margaret Street, Plattsburgh |
| Franklin | Clinton County Government Center, County Clerk's Conference Room, Margaret Street, Plattsburgh |
| Fulton | County Annex Building, 20 Park Street, Fonda |
| Genesee | Batavia Town Hall, 3833 West Main Street Road, Batavia |
| Greene | Columbia-Greene Community College, Professional Academic Ctr., Room 612, 4400 Rt 23, Hudson |
| Hamilton | County Annex Building, 20 Park Street, 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 |
| Lewis | State Office Building, Hearing Room, 317 Washington Street, Watertown |
| 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 Annex Building, 20 Park Street, Fonda |
| Nassau | Department of Motor Vehicles, 803 Axinn Avenue, Hearing Room, Garden City - 9:00 A.M. Mon. and Wed. only. |
| 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 Court, 1023 Hook Rd., 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, 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 - Hearings will begin at 2:30 P.M. |
| 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 - 9:00 A.M. Daily (No hearings on Wednesdays). |
| 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, Washington County Municipal Ctr., 383 Broadway, Room C009 Basement, Ft. Edward |
| Washington | Washington County Courthouse, 383 Broadway, Room C009 Basement, Ft. Edward - Hearings will begin at 2:00 P.M. |
| 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 Court, 1023 Hook Rd., Farmington |





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



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