

"P" 5 (2017)

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Albany, New York

May 10, 2017

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, 2017

Attached for your information are the Chemical Test Refusal and Zero Tolerance Calendar and Hearing Sites for July 1 through December 31, 2017. 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 have been made for the following counties:

RENSSELAER COUNTY (Hearings will be held in our Albany office beginning at 1:00PM)

WASHINGTON COUNTY (Hearings will be held in our Ft. Edward office beginning at 1:00PM)

Please see the attached calendar to confirm hearing sites and dates for your county.

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
NY, Kings, Richmond	2 Washington St., NY, NY 10004 - Held Daily (except Thursdays)
Bronx	696 E. Fordham Road, 1st Floor, Room 7, Bronx, NY 10458 - Hearings held only on Thursdays at 9:00 A.M.
Queens	168-35 Rockaway Blvd. 2nd Fl, Jamaica, NY 11434 - Hearings held only on Tuesdays and Thursdays 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 468, 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, Genesee
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 1:00 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 1:00 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
NY,Kings,Rich	HELD DAILY 1PM (EXCEPT THURSDAYS)	HELD DAILY 1PM (EXCEPT THURSDAYS)	HELD DAILY 1PM (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
Albany	10, 24	7, 14, 21, 28	11, 18, 25
Allegany	12	9	13
Broome	11, 18, 25	1, 8, 15, 22	12, 19, 26
Cattaraugus	12	9	13
Cayuga	12	9	6
Chautauqua	13	17	21
Chemung	6, 20	17	14, 28
Chenango	14	11	8
Clinton	18	15	12
Columbia	17	2	6
Cortland	26	23	27
Delaware	14	11	8
Dutchess	10, 17, 24	14, 21, 28	11, 18, 25
Erie	11, 18, 19, 20, 25, 26, 27	1, 2, 15, 22, 23, 29, 30, 31	6, 7, 12, 14, 19, 26, 27
Essex	18	15	12
Franklin	18	15	12
Fulton	13	10	7
Genesee	21	11	15
Greene	17	2	6
Hamilton	13	10	7
Herkimer	11, 25	8, 22	5, 19
Jefferson	19	16	13
Lewis	19	16	13
Livingston	18	22	19
Madison	11, 25	8, 22	5, 19
Monroe	6, 10, 13, 17, 20, 24, 27	3, 7, 10, 14, 17, 21, 28, 31	7, 11, 14, 18, 21, 25, 28
Montgomery	13	10	7
Nassau	9AM EVERY MONDAY & WEDNESDAY	9AM EVERY MONDAY & WEDNESDAY	9AM EVERY MONDAY & WEDNESDAY
Niagara	10, 17, 24, 31	7, 14, 21, 28	11, 18, 25
Oneida	11, 25	8, 22	5, 19
Onondaga	6, 13, 20, 27	3, 10, 17, 24	7, 14, 21, 28
Ontario	12	9	6
Orange	11, 18, 25	8, 15, 22, 29	5, 12, 19, 26
Orleans	21	11	15
Oswego	18	15	19
Otsego	14	11	8
Putnam	12	16	13
Rensselaer	10, 24 -- START TIME 1 PM	7, 14, 21, 28 -- START TIME 1 PM	11, 18, 25 -- START TIME 1 PM
Rockland	11, 25	8, 22	5, 19
St. Lawrence	25	22	26
Saratoga	21	11, 25	8, 22
Schenectady	26	30	27
Schoharie	26	30	27
Schuyler	6, 20	17	14, 28
Seneca	11	8	12
Steuben	6, 20	17	14, 28
Suffolk	HELD DAILY 9AM (EXCEPT WEDNESDAYS)	HELD DAILY 9AM (EXCEPT WEDNESDAYS)	HELD DAILY 9AM (EXCEPT WEDNESDAYS)
Sullivan	14	18	15
Tioga	11, 18, 25	1, 8, 15, 22	12, 19, 26
Tompkins	26	23	27
Ulster	5, 19	9, 30	13, 27
Warren	6	3	7
Washington	6 -- START TIME 1 PM	3 -- START TIME 1 PM	7 -- START TIME 1 PM
Wayne	11	8	12
Westchester	1PM EVERY MONDAY & WEDNESDAY	1PM EVERY MONDAY & WEDNESDAY	1PM EVERY MONDAY & WEDNESDAY
Wyoming	21	11	15
Yates	12	9	6



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