



STATE OF NEW YORK DEPARTMENT OF MOTOR VEHICLES

6 EMPIRE STATE PLAZA, ALBANY, NY 12228

BARBARA J. FIALA
Commissioner

"P" 9 (2012)

"M" 5 (2012)

Albany, New York

May 31, 2012

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, 2012

Attached for your information are the Chemical Test Refusal and Zero Tolerance Calendar and Hearing Sites for July 1 through December 31, 2012. 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. except in Nassau and Suffolk Counties, where hearings begin at 9:00 A.M.

Rensselaer County hearings will begin at 2:30 P.M.

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
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 Office Building, Supervisors Chambers, 64 Broadway, Fonda
Nassau	Department of Motor Vehicles, 803 Axinn Avenue, Hearing Room, Garden City
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 - Hearings 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	Department of Motor Vehicles, 250 Veterans Memorial Highway, 3rd Floor, Room 3B49, Hauppauge
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, 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: 2012

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



CHEMICAL TEST REFUSAL AND ZERO TOLERANCE HEARING CALENDAR Year: 2012

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