

"P" 11 (2019)

"M" 7 (2019)

Albany, New York

June 23, 2019

TO: All Enforcement Agencies and Magistrates

SUBJECT: Chemical Test Refusal Hearings

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