

STATE OF VERMONT

SUPERIOR COURT

Unit

CRIMINAL DIVISION

Incident No. \_\_\_\_\_

Department \_\_\_\_\_

Date of Incident \_\_\_\_\_

Time \_\_\_\_\_  AM  PM

NOTICE OF INTENTION TO SUSPEND
AND / OR
DISQUALITY DRIVER'S LICENSE OR PRIVELEGE TO OPERATE
(Pursuant to Sections 1205, 1218 and/or 4116 of Title 23 of the Vermont Statutes)

Table with 4 columns: Name, Driver's License #, State, CDL Yes/No; Mailing Address, Driving Commercial Vehicle/Hazardous Material Yes/No; Town/City, State + Zip Code, Social Security #, US DOT#; Date of Birth, Age, Home Phone, Cell Phone.

- Checkboxes for various violation types: first violation, subsequent violation, BAC levels, refusal of breath/blood test, commercial vehicle violations.

THEREFORE, the Commissioner of Motor Vehicles will be notified to

- Checkboxes for suspension or disqualification of license/privilege.

Unless this is the first offense and you request a hearing to argue that your license should not be suspended or disqualified, your driver's license, commercial driver's license and/or your privilege to operate a motor vehicle is suspended and/or disqualified beginning \_\_\_\_\_.

(date suspension and/or disqualification begins)

If this is your first violation of 23 V.S.A. Section 1201, and you do not request a hearing, your license will be suspended as provided in this notice. If after July 1, 1991, you were convicted of a violation of 23 V.S.A. Section 1201 or had your license suspended pursuant to 23 V.S.A. Section 1205, your license will be suspended on the 11<sup>th</sup> day after you receive this notice, whether or not you request a hearing. It is a crime to operate, attempt to operate or be in actual physical control of a vehicle while your privilege to operate is suspended.

- 1.) YOU HAVE THE RIGHT TO ASK FOR A HEARING BEFORE THE COURT TO CONTEST THE SUSPENSION AND/OR DISQUALIFICATION OF YOUR OPERATOR'S LICENSE. IF JUDGMENT IS ENTERED AGAINST YOU IN THIS PROCEEDING, YOU WILL BE ASSESSED COURT COSTS OF \$90.00.
- 2.) If you do not request a hearing, your license will be suspended and/or disqualified as provided in this notice.
- 3.) If you wish to request a hearing before the Court, you must mail or deliver your request for a hearing to the Commissioner of Motor Vehicles by: Date Request Due
- 4.) If your request for a hearing is not mailed or delivered to the Commissioner of Motor Vehicles by Date Request Due, you waive your right to a hearing and your license will be suspended and/or disqualified as provided in this notice.
- 5.) In order to request a hearing, sign the section of this form and mail or deliver the form to the Commissioner of Motor Vehicles at 120 State Street, Montpelier, VT 05603.
- 6.) If you request a hearing, you or your attorney must appear at a preliminary hearing at the Court in:  
\_\_\_\_\_ (county) \_\_\_\_\_ (court address), on  
\_\_\_\_\_ (date) at \_\_\_\_\_ (time)  AM  PM.  
This hearing will be scheduled to take place within 21 days from the date of the offense.

This notice was  hand delivered  mailed to the operator on \_\_\_\_\_ (date issued).

An affidavit describing the reasons the breath test was requested by the officer:

- was given or mailed to the defendant with this notice.
- will be mailed at a later date.

Officer's Signature: \_\_\_\_\_ / Officer's Number: \_\_\_\_\_

Officer's Printed Name: \_\_\_\_\_

If you are detained, arrested, lodged or released upon citation for a second or subsequent violation of 23 VSA 1201, no person shall sell, transfer, or encumber the title to a vehicle that may be subject to immobilization or forfeiture unless approved by the court in which the charge is filed for good cause shown.

**REQUEST FOR HEARING REGARDING INTENTION TO SUSPEND**

**To Request a Hearing, sign the bottom of this form and mail it in the envelope provided or deliver it within seven days to:**

**Commissioner of Motor Vehicles, Attention: Driver Improvement  
120 State St., Montpelier, VT 05603.  
Keep a copy for your records.**

IF YOU REQUEST A HEARING by the date indicated on the Notice of Intention to Suspend:

1. If after July 1, 1991, you have not been convicted of a violation of Operating a Vehicle while under the Influence (23 V.S.A. section 1201) or had your operator's license suspended pursuant to 23 V.S.A. section 1205, or if you are facing a violation of Operating a Commercial Vehicle while under the Influence (23 V.S.A. section 1218 and/or 4116), your license will not be suspended or your privilege to operate a motor vehicle will not be taken away until after the final hearing on the suspension, and then only if the judge decides against you.
2. A preliminary hearing will be held at the time and place given on the Notice on the front of this Request. **THIS IS THE ONLY NOTICE YOU WILL RECEIVE FOR THIS HEARING.** At the preliminary hearing, the judge will tell you about your rights. You will also have a chance to see all affidavits, reports, breath or blood test results, and any other written testimony or evidence that the State plans to use at the final hearing, and to learn the names and addresses of any of the State's witnesses. Likewise, you must bring with you to the preliminary hearing any reports, breath or blood test results, and any other written testimony or evidence that you plan to use at the final hearing for the State to look at. You must also bring the names and addresses of any witnesses you plan to use. **ANY EVIDENCE OR WITNESSES' NAMES NOT BROUGHT TO THE PRELIMINARY HEARING FOR INSPECTION BY THE STATE MAYNOT BE ALLOWED TO BE USED IN THE FINAL HEARING.**
3. Either you or your attorney must appear at this preliminary hearing. If you do not have an attorney who can appear for you, and it would create a major hardship for you to appear, you must write to the court telling them why it would create a hardship and ask to be excused. **IF YOU DO NOT ATTEND AND HAVE NOT BEEN GRANTED AN EXCUSE BY THE COURT, THE COURT MAY ENTER A JUDGMENT AGAINST YOU AND NOTIFY THE COMMISSIONER OF MOTOR VEHICLES TO SUSPEND YOUR LICENSE, IF YOUR LICENSE HAS NOT ALREADY BEEN SUSPENDED BY OPERATION OF LAW.** At the end of the preliminary hearing, the court will give you a time and date for the final hearing on suspension, which will be held within 21 days after the preliminary hearing.
4. At the final hearing on the suspension, you and the State will present your evidence and arguments to the judge. For information regarding the issues to be determined at the final hearing, see Title 23, Sections 1202 and 1205 (of the Vermont Statutes Annotated). If the Court rules against you at this hearing, the court will notify the Commissioner of Motor Vehicles, who will then suspend your license or privilege to operate a motor vehicle. You will be assessed court costs of \$90.00. If the court rules in your favor at this hearing, the court will notify the Department of Motor Vehicles, you will be reinstated if you meet all the reinstatement requirements.

**I REQUEST A HEARING IN THE COURT TO CONTEST THE SUSPENSION OF MY DRIVER'S LICENSE OR PRIVILEGE TO OPERATE A MOTOR VEHICLE.**

Date	Signature		
Home Address			
Town/City	State + Zip Code	Home Phone	Cell Phone

**PLEASE NOTE: THIS IS A CIVIL HEARING. CRIMINAL CHARGES MAY ALSO BE BROUGHT AGAINST YOU.**