

Anyone who has received a notice of suspension under this section shall not apply for or receive a duplicate operator's license while the matter is pending. A person who violates this subsection shall be fined not more than \$500.00.

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 THE WHITE COPY OF THIS FORM AND MAIL IT IN THE ENVELOPE PROVIDED OR DELIVER IT WITHIN SEVEN DAYS TO THE COMMISSIONER OF MOTOR VEHICLES, ATTENTION: DRIVER IMPROVEMENT, 120 STATE STREET, MONTPELIER, VT 05603. KEEP THE GREEN 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 MAY NOT 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 judge 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 as described in the "Notice of Intention to Suspend" on the front of this Request. **If your license has not already been suspended by operation of law, you will be assessed court costs of \$75.00. If the court rules in your favor at this hearing, the court will notify the Department of Motor Vehicles, you will be reinstated and the \$50 reinstatement fee will be waived by the Department.**

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

Date

Signature

Tel. No./Home

Address

Tel. No./Work

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