

## **The DMV Hearing**

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Whether you are arrested for a DUI, or picked up a ticket that appears to be more than 4 points in one year, you are afforded a hearing before the DMV to determine if your driving privilege should be suspended. Losing your license can be devastating to your employment and family in general. Your peace and well-being may be tied to keeping your driver's license.

You must request the hearing within a specified period of time and ask the DMV to provide you with discovery (the reports). If you have changed your address and have not notified DMV, be sure to note that with them. After you have your hearing, you want to seek consultation about the issues you want to argue at the hearing. In a DMV hearing as a result of a drunk-driving arrest, there are several issues that can be raised depending on the facts of your individual case. The DMV hearing officer must address the reason the officer stopped you, whether there was probable cause to arrest, and was the Blood Alcohol Content (BAC) .08 or higher at the time of driving. There may be several defenses to allege and errors by the officers could exist which could affect the ability of the hearing officer to rule against you. All objectives to evidence and defenses should be raised at the hearing which is why it is key to get the right advice and representation.

At a negligent operator hearing, the hearing officer must establish that you suffered four (4) points in a one-year period, six (6) points in a two-year period, or eight (8) points in a three-year period, as reflected in your drive record. If you were deemed at fault for an accident, that could count as one point. There are evidentiary issues to be raised at these hearings and mitigation evidence should certainly be presented by you at the hearing. Evidence in mitigation can result in no suspension time being issued as it is in the discretion of the hearing officers to suspend for up to 6 months.

You are afforded the right to a hearing whenever the DMV takes a discretionary action against your driving privilege. You have the right to call and cross-examine witnesses and present evidence on your behalf. Having proper representation or advice prior to the DMV hearing is vital in presenting and preserving your case. Keeping your license can be vital to your employment and family; use the DMV hearing to your advantage to getting back your privilege to drive.