OPERATOR'S PETITION FOR COURT REVIEW OF RMV LICENSE SUSPENSION FOR CHEMICAL TEST REFUSAL

CIVIL DOCKET NO. (court use only)

Trial Court of Massachusetts
District Court Department

This petition for review may be filed in the appropriate District Court division only after the operator has appeared at the RMV for a license suspension hearing and the RMV has issued a decision. It must be filed within 30 days after issuance of the Registrar's final determination (G.L. c.90,§24[1][g]), along with a filing fee of $195 (G.L. c.262,§§ 2, 4C) unless waived for indigency (G.L. c.261,§§ 27A-29). The statute requires that the Court's review be limited to"the record established at the hearing before the registrar"(§24[1][g]) and therefore the operator may not introduce additional evidence before the Court.

OPERATOR'S NAME		DATE OF BIRTH
LICENSE NO.	STATE ISSUING LICENSE	DATE OF ARREST
POLICE DEPT.	DATE OF RMV HEARING	DATE OF RMV DECISION

Pursuant to G.L. c. 90,§24(1)(g), I request court review of the decision of the Registrar of Motor Vehicles upholding the suspension of my license, permit or right to operate a motor vehicle under G.L. c. 90,§ 24(1)(f)(1) based on my alleged refusal to submit to a chemical test or analysis of my breath or blood at the time of my arrest for operating a motor vehicle while under the influence of intoxicating liquor.

DATE	SIGNATURE OF OPERATOR
	X

FOR COURT CLERK'S USE ONLY

This proceeding is civil in nature and is not part of the underlying criminal OUI case. Please review that the petitioner has provided all the information required above and then complete this portion of this form. Fax a photocopy of this form immediately to the Registry of Motor Vehicles Suspension Department at (857) 368-0019. By way of appearance and answer, the RMV will forward copies of the RMV hearing record to the court and to the operator within 15 days. A judge must then review this petition" as soon as possible" and no later than 30 days after the petition is filed (G.L. c.90§24[1][g]). RMV questions may be directed to (857) 368-8207

DATE & TIME OF SCHEDULED COURT REVIEW (within 30 days from filing of petition)

COURT NAME & ADDRESS	COURT EMPLOYEE'S NAME	COURT EMPLOYEE'S PHONE NO. & EXTENSION
	DATE FAXED TO RMV (keep FAX confirmation in file)	CLERK'S OFFICE FAX NO.

DECISION OF THE COURT

(To be completed by Judge after court review)

This Court's review is limited to"the record established at the hearing before the registrar"(G.L. c.90,§24[1][g]). The Registrar has relied on the submission of that hearing record, including the hearing officer's decision, for its appearance and answer in this matter. After review of that hearing record, I find as follows:

YES	NO	
☐	☐	The Registry exceeded its constitutional or statutory authority. **(If yes, see specific findings below.)**
☐	☐	The Registry made an erroneous interpretation of the law. **(If yes, see specific findings below.)**
☐	☐	The Registry acted in an arbitrary and capricious manner. **(If yes, see specific findings below.)**
☐	☐	The Registry made a determination which is unsupported by the evidence in the record. **(If yes, see specific findings below.)**

SPECIFIC FINDINGS:

Accordingly, it is ORDERED that judgment shall enter:

☐ **AFFIRMING** ☐ **REVERSING** the Registrar's determination:

☐ **DISMISSING** the petition for review because it was not timely filed.

☐ **DISMISSING** the petition for review because the petitioner failed to appear, the Registry's hearing record serving as its appearance and answer.

DATE	JUDGE'S SIGNATURE	JUDGE'S PRINTED NAME
	X	

CLERK-MAGISTRATE: Please FAX the result of the judicial review to the RMV immediately at (857) 368-0019 (07/2012)

Go to mass.gov to access District court forms