

<b>OPERATOR'S PETITION FOR COURT REVIEW OF RMV LICENSE SUSPENSION FOR CHEMICAL TEST REFUSAL</b>	CIVIL DOCKET NO. <i>(for court use only)</i>	<b>Trial Court of Massachusetts District Court Department</b>
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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	SOCIAL SECURITY NO.
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 <b>X</b>
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**FOR COURT CLERK'S USE ONLY**

This proceeding is civil in nature and is not part of the underlying criminal OUI case. A judge must 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]). **The Registry of Motor Vehicles requests at least 10 days advance notice of the review date.**

Please review that the petitioner has provided all the information required above and then complete the rest of this form. **Fax** a photocopy of this form immediately to the Registry of Motor Vehicles Suspension Department at **(617) 351-9003**. The RMV will then forward a copy of the RMV hearing record to the court prior to the date when this petition will be reviewed. Questions may be directed to (617) 351-9947.

DATE & TIME OF SCHEDULED COURT REVIEW <i>(within 30 days from filing of petition)</i>		
COURT NAME & ADDRESS	COURT EMPLOYEE'S NAME	COURT EMPLOYEE'S PHONE NO. & EXTENSION
	DATE FAXED TO RMV <i>(keep FAX confirmation in file)</i>	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                       |   |
| <input type="checkbox"/> | <input type="checkbox"/> | The Registry exceeded its constitutional or statutory authority. <i>(If yes, see specific findings below.)</i>                      |
| <input type="checkbox"/> | <input type="checkbox"/> | The Registry made an erroneous interpretation of the law. <i>(If yes, see specific findings below.)</i>                             |
| <input type="checkbox"/> | <input type="checkbox"/> | The Registry acted in an arbitrary and capricious manner. <i>(If yes, see specific findings below.)</i>                             |
| <input type="checkbox"/> | <input type="checkbox"/> | The Registry made a determination which is unsupported by the evidence in the record. <i>(If yes, see specific findings below.)</i> |

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
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