



# ADMINISTRATIVE LICENSE REVOCATION MANUAL

## A Practitioner's Guide to Administrative License Revocation

### Lawrence G. Boyd

#### CHAPTER 1

### HIERARCHY OF GOVERNING ALR LAWS

#### Section I. Relationship of Governing Statutes

- A. Failure
- B. Refusal
- C. Both
- D. Conflict Between SOAH Rules and the Transportation Code

#### Section II. Original ALR Statutes Control Over Transportation Code Revisions

- A. Generally
- B. Recodified Statutes
- C. Legislative and Constitutional Declarations Prohibiting Substantive Change
  1. Statutes
  2. Constitution
- D. Texas Supreme Court's Decisions Relating to Conflicts Between Former Statutes and Recodification

#### CHAPTER 2

### SETTING AN ALR HEARING

#### Section I. Preliminary Procedural Steps Required of Arresting Officer

- A. Contents of the Notice
- B. Consequence of Misstated/Omitted Grounds
- C. Method of Service of Notice
- D. Rescission of Notice

#### Section II. Report to DPS by Arresting Officer (Form DIC-23)

- A. Generally
- B. Status of Five-Day Rule
- C. Contents of the Officer's Sworn Report in a Failure Case: The "Complaint" Requirement
- D. Contents of the Statutory Warning (Form DIC-24) As a Mandatory Component of the Arresting Officer's Report in Refusal Cases
  1. CDL Warnings
  2. General Improper Warnings
  3. Effect of Improper, or No, Written Warnings

#### Section III. Initial Decision: In Person or by Telephone

- A. General Rule Regarding Telephone Hearings
- B. Advantages in a Telephone Hearing
- C. Method of Request
  1. Written Request Transmission
  2. Telephone Request
- D. Deadline Compliance
- E. Sufficiency of Information in Request
- F. Rejection Notice From DPS

- G. Missed the Fifteen-Day Deadline?
- H. Defendant's Right to Waive Hearing Demand

#### **Section IV. Notice Requirements**

- A. Shall: When It Means "Shall" and When It Means "May"
- B. Timing
- C. Contents of DPS's Notice of Hearing/Trial Amendments
  - 1. DPS's Notice of Hearing Is a Pleading
  - 2. Trial Amendments
- D. Location of Hearing
- E. Hearing Officer
  - 1. Vesting Authority
  - 2. Recusal

#### **Section V. What Happens After You Win the Hearing**

- A. Rescinding the Suspension
- B. Reinstatement of License: Fee Requirement

#### **Section VI. What Happens After You Lose the Hearing**

### **CHAPTER 3**

## **PREHEARING STRATEGIES**

#### **Section I. Prehearing Discovery Pursuant to SOAH Rules**

- A. Discovery Rules Changed on January 20, 2009
  - 1. What is Discoverable
  - 2. Where to Direct Discovery Requests
  - 3. When You May Request Discovery
  - 4. DPS's Required Response and Deadline
  - 5. Mandatory Continuance for DPS's Late Furnishing of Discovery
  - 6. Effectiveness of TCDLA Participation in Rule-Making Hearing/Your Dues at Work
  - 7. Contrast to Prior Regulations Governing Discovery
  - 8. Scope of Administrative Discovery
  - 9. Maintenance and Repair Records
  - 10. Inadmissibility of Documents Not Furnished Within Five-Day Deadline
  - 11. DPS's Right to Reciprocal Discovery

#### **Section II. Right to Require Presence of Witnesses**

- A. SOAH Regulations Governing Subpoenas at ALR Hearings Were Extensively Modified Effective January 20, 2009
  - 1. Section 159.103. Subpoenas
- B. Compelling the Presence of Breath-Test Operator and/or Technical Supervisor at the ALR Hearing—Significant Legislative Change
  - 1. Procedure Prior to September 1, 2009
  - 2. Procedure On or After September 1, 2009

#### **Section III. Continuances**

- A. Defense Continuances
  - 1. Continuance As Matter of Right/"Five-Day" Continuance
  - 2. Further SOAH Continuance Due to Illness of Defendant
- B. DPS Continuance

1. ALR Forty-Eight-Hour Deadline Rule  
(Applies Until 9/1/09, when the new statute requiring the defense to Subpoena the Technical Supervisor and BTO Takes Effect)
2. SOAH's Version of the DPS Continuance for Unavailability of Technical Supervisor and BTO  
(Applies Until 9/1/09, when the new statute requiring the defense to Subpoena the Technical Supervisor and BTO Takes Effect)
3. SOAH's DPS Continuance for Unavailability of a Witness Subpoenaed by the Defense

#### **Section IV. Decision of ALJ and Effective Date of Suspension**

#### **Section V. Withdrawal of Counsel**

#### **Section VI. Failure to Appear; Vacating Default Order**

- A. General Rule
- B. DPS Burden
- C. Vacating a Default Order
- D. Appearance by Counsel/Decision to Have Client at Hearing
- E. Rescission and Expunction

## **CHAPTER 4**

### **THE STEPS TO A SUCCESSFUL HEARING**

#### **Section I. Why Have an ALR Hearing?**

- A. The Easy Win
- B. It May Be Your Only Chance for Discovery
  1. A Suppression Hearing May Be Too Little, Too Late
  2. The State's "Layer-Cake" Defense

#### **Section II. The ALR Advantage**

#### **Section III. A Must-Do Checklist**

- A. Demand the Hearing by Fax
- B. Demand Discovery
- C. Demand the Appearance of the Breath-Test Operator and the Technical Supervisor (until September 1, 2009, when you will have to request a subpoena)
- D. Keep an Eye Out for Your Initial Notice of Hearing
- E. Use Your Five-Day Continuance
- F. Subpoena the Arresting Officer

#### **Section IV. The Blueprint for Cross-Examination**

- A. Arresting Officers
- B. Technical Supervisors
- C. Breath-Test Operators
- D. Impeachment by Evidence of Prior Inconsistent Statements

## **CHAPTER 5**

### **DPS's PROOF AT THE ALR HEARING**

#### **Section I. Suspension Law Inapplicable When Not Under Arrest**

- A. Authority
  - 1. Arrest Requirement for Refusals
  - 2. Arrest Requirement for Failures
  - 3. Case Law
- B. In Texas “Arrest” Is Defined by Statute
- C. Recent Court Decisions: Defendant Taken to Hospital Not Under Arrest
- D. Significance of Why and How Blood Sample Was Taken

## **Section II. Source of the Elements**

- A. Issues for Failure Hearing Under Transportation Code Chapter 524
- B. Issues for Refusal Hearing Under Transportation Code Chapter 724

## **Section III. Stops and Arrests**

- A. Determining the Standard
- B. Preserving Complaints of Illegal Arrests and Detentions

# CHAPTER 6

## **VEHICULAR STOPS: REASONABLE SUSPICION AND PROBABLE CAUSE**

### **Section I. Reasonable Suspicion: The Standard**

- A. Cases Where Court Did Not Require AO Testimony That AO Believed Defendant Was DWI
  - 1. Defendant “All Over the Road”
  - 2. Slow Driving That Impedes Normal Flow of Traffic
  - 3. Weaving Within a Lane Plus Acceleration and Deceleration
- B. Case Where Court Required AO Testimony That AO Believed Defendant Was DWI

### **Section II. What Constitutes a Stop?**

- A. Defining the Terms
- B. Examples of “Mere Encounter”
  - 1. The Case of Dumb and Dumber
  - 2. Case Where Overhead Emergency Lights Did Not a Detention Make but Another Case Where Use of a Spotlight Combined With Other Factors Did

### **Section III. Right to Stop**

- A. CCA Rejects “As Consistent With Innocent Activity” Test
- B. Limits on Length and Purpose of Detention
- C. Conclusory Information Is Insufficient

### **Section IV. Probable Cause Is the Proper Standard for a Traffic Stop**

- A. Sufficiency Examples
  - 1. Anytime the Officer Reasonably Believes You Have Committed an Offense
  - 2. Speeding
  - 3. Failure to Signal
  - 4. Following Too Closely
  - 5. Left Lane for Passing Only
  - 6. Unsafe Turn
  - 7. Impeding Traffic
  - 8. Tag Poorly Lit
  - 9. No Seat Belt
  - 10. Failure to Stop When Exiting a Driveway
  - 11. License Plate Frame

12. Wide Right Turn
  13. Anti-Noise Violation
  14. Driver Passed Out in Parked Car
  15. Vehicle's Owner Has Warrants and Driver Matches Description
  16. Stopping on a Crosswalk or in an Intersection
  17. Will "Driving on a Shoulder" Supplant "Weaving" as The Reason for a DWI Stop, Thereby Eliminating Case Law Requirements of "Unsafety" in Many Cases?
  18. Littering
  19. Other Examples
- B. Insufficiency Examples
1. Cracked Taillights
  2. No Front License Plate—Out-of-State Vehicle
  3. Multiple Lane Changes
  4. Failure to Yield Leaving Parking Lot
  5. Slow Speed
  6. Following Too Closely
  7. Driver Passed Out in a Parked Car
  8. Driving Onto a Private Oil Field at Night
  9. Exhibition of Acceleration
- C. Special Problems Related to Speeding
- D. When Is Weaving Really a Traffic Violation?
1. Weaving Within a Lane
  2. Crossing Outside a Lane
  3. Examples of Unsafe Manner
  4. Weaving Alone Does Not Equal Reasonable Suspicion of DWI
  5. Does Failure to Signal a "Weave" Amount to an Offense?
- E. Can Officers Stalk Drivers to Develop Probable Cause?
- F. Practice Notes

#### **Section V. When Probable Cause Is Not Witnessed by Arresting Officer**

- A. Reports From Unnamed Civilians
1. When Held Sufficient
  2. When Held Insufficient
- B. Reports From Named Civilians
1. When Credibility Is Unknown
  2. When Credibility Is Known
- C. Arrest Request From Another Officer
1. Credibility
  2. Conclusory
  3. Information Known by Requesting Officer
- D. Police Bulletin
- E. Driver Involved in "Disturbance" Leaves Scene
- F. Observation Contradicting Information Received

#### **Section VI. Vehicular Search Incident to Arrest**

## CHAPTER 7

### STOPS WHERE REASONABLE SUSPICION INAPPLICABLE

## **Section I. Checkpoint Stops**

- A. DWI Checkpoints
- B. Non-DWI Checkpoints
- C. Multi-Purpose Checkpoint
- D. What Constitutes a Checkpoint?

## **Section II. Water Safety Check of Boats**

## **Section III. Community Caretaking Stop**

# CHAPTER 8

## **BREACHES OF THE PEACE, CITIZEN’S ARRESTS, AND GEOGRAPHIC JURISDICTION**

### **Section I. Citizen’s Arrest**

- A. Authorization
- B. DWI: Offense Against the Public Peace?
- C. Standard of Evidence

### **Section II. Geographic Jurisdiction**

- A. Historically Speaking
- B. Current Rules of Jurisdiction
- C. *But see Dixon v. State*
- D. Special Types of Peace Officers

# CHAPTER 9

## **PROBABLE CAUSE TO ARREST FOR DWI**

### **Section I. Continued Detention for Field Sobriety Tests (“Intervening” Probable Cause)**

- A. Limits on Length and Purpose of Detention
- B. Continued Detention to Wait for SFST Officer
- C. Factors Providing Reasonable Suspicion for Continued Detention

### **Section II. What Constitutes an Arrest in Texas**

- A. Code of Criminal Procedure Definition
- B. Recent Appellate Trend Narrows What Qualifies

### **Section III. Probable Cause to Arrest**

- A. Relationship of Texas and U.S. Constitutional Safeguards
- B. Federal Standard of Probable Cause
- C. Texas’s Standard of Probable Cause: CCP Article Fourteen.
  - 1. Committed in Presence
  - 2. Not Committed in Presence
  - 3. DWI Implications Where Driving Not Observed by Officer or Magistrate

### **Section IV. Does Implied Consent Apply to Offenses Other Than DWI?**

- A. Public Intoxication
- B. Arrest Involving Felony

### **Section V. Residence Entry Limitations to Warrantless Arrests**

### **Section VI. Accident Investigations/Defendant’s “Accident Investigation” Statement Regarding Driving**

- A. Argument for Involuntariness Rejected by the Court of Criminal Appeals
- B. Accident Investigation/Authority to Investigate Accident/Monetary Amount/Confidentiality

## **Section VII. Probable Cause With Relation to the “Operating” Requirement**

- A. The *Denton* Definition
- B. Pre-*Denton* Definition
- C. Pre-*Denton* Holdings
  - 1. Examples Sufficient to Prove Operating
  - 2. Examples Insufficient to Prove Operating
- D. DPS Does Not Have to Wheel the Defendant

## CHAPTER 10

### PROBABLE CAUSE REGARDING INTOXICATION

#### **Section I. Standardized Field Sobriety Tests as Basis for “Intoxication”**

- A. The Horizontal Gaze Nystagmus Test
- B. The Vertical Gaze Nystagmus Test
- C. The One-Leg-Stand and the Walk-and-Turn Tests

#### **Section II. Probable Cause Regarding DWI Intoxication**

- A. Definition
- B. Examples of Sufficient Probable Cause
- C. Examples of Insufficient Probable Cause
- D. The Portable Breath Test

#### **Section III. Probable Cause Regarding Public Intoxication**

- A. Definition
- B. Public Place Requirement
  - 1. Places that Qualify as “Public”
  - 2. Places Not Qualifying as “Public”
- C. “May Endanger” Element
- D. Statutory Defense to Public Intoxication

## CHAPTER 11

### PROBABLE CAUSE ELEMENTS IN ALR

#### **Section I. Probable Cause Regarding “The Person” Element**

- A. Person Other Than Defendant
- B. In-Court Identification

#### **Section II. The “While” Element**

- A. Relating Test Results to Time of Driving
- B. *Daubert-Kelly* Standard
- C. Requirement for Retrograde Extrapolation and Applicability to ALR Hearing
  - 1. General Rule for ALR Practice: Breath Test Evidence in an ALR Hearing Does Not Have to Be Extrapolated
  - 2. Relevance of *Mata* to ALR Practice
  - 3. Error in a Criminal Case to Admit Improperly Extrapolated Breath Test Evidence?
  - 4. Reasons Courts Have Excluded Defense Experts’ Testimony Regarding Problems With Breath Testing
- D. Parallel Criminal Case
- E. Austin Court Incorrectly Applies *Geesa* Criminal Standard
- F. Applicable Civil Law Standard Parallels Pre-*Geesa* Criminal Standard
- G. Proof of Time of Driving
  - 1. Examples of Sufficient Evidence of Time of Driving
  - 2. Examples of Insufficient Evidence of Time of Driving
- H. Time of Drinking: Pre- or Post-Driving?

### **Section III. The “Operating” Element**

- A. Where There are *Res Gestae* Statements by Defendant
  1. Examples Where Statement Alone Sufficient
  2. Cases Where No Statement Was Given
  3. Uncorroborated Statement Insufficient Evidence of *Corpus Delicti*
- B. Where There Are No Statements by Defendant

### **Section IV. The “Motor Vehicle” Element**

### **Section V. The “Public Place” Element**

### **Section VI. The “Intoxicated” Element**

### **Section VII. The “Placed Under Arrest” Element**

### **Section VIII. The “Offered An Opportunity to Give a Specimen Under This Act” Element**

- A. “Under This Act”
- B. Stating Incorrect Time for Alcohol Concentration

### **Section IX. The “Did the Person Refuse To Give A Specimen” Element**

- A. Potential Defenses
  1. Mixed Warnings
  2. Inability to Give Sufficient Sample
  3. The “Justified Refusal” Doctrine
- B. Constructive Refusal
  1. Nonresponsive Answers Amount to a Refusal
  2. Request for Lawyer
- C. Invalid Defenses
  1. Right of Counsel
  2. Failure to Give *Miranda* Warning
  3. Right to Alternative Test
  4. Defendant Already Provided A Specimen

### **Section X. The “On Proper Request of the Officer” Element**

### **Section XI. Voluntariness Issues**

- A. Consent Must Be Voluntary
- B. Involuntary Consent: *Erdman* Error
  1. Requirements
  2. Authorized Consequences Limited to Two
  3. Establishing Involuntariness of Consent
- C. Voluntariness When Sample Taken for Medical Purpose

## **CHAPTER 12**

### **SPECIAL PROBLEMS OF PROOF AT ALR HEARINGS**

#### **Section I. Proof Required for Enhancement**

- A. Proof Must Be Submitted at Hearing
- B. Sufficiency

#### **Section II. Issues Unique to Proof Offered Through Documents**

- A. The Hearsay Problem at the ALR Hearing
  1. Recent Supreme Court Case Calls All Following Case Law Into Serious Question
  2. In the Situation Where No Party Brings in Any Live Witnesses, the Evidence in the Hearing Consists of Public Records Under 803(8) of the Texas Rules of Evidence

3. The 803(8) “Public Records” Exception of the Texas Rules of Evidence Has Been Interpreted to Allow an Affidavit by a Non-arresting Officer
  4. The 803(8) “Public Records” Rule of Evidence Has Been Interpreted So As to Exclude Affidavits Consisting of Mere Conclusions of Law or Fact
  5. Hearsay Statements From Civilian Witnesses
  6. DPS’s Documentary Evidence May Consist of Faxed Copies of Properly Authenticated Public Records
  7. Blood Test Records
  8. Criminal Courts Do Not Place Great Trust in Hearsay Reports by Police Officers
- B. Paper Cases: Objecting to Certain Common Defects in DPS’s Documentary Evidence
1. Notary Seal
  2. Incorporation by Reference

## CHAPTER 13

### BREATH TEST: RISK OF FALSE HIGH RESULTS

#### Section I. Relationship Between Number of Drinks Consumed and Alcohol Concentration

#### Section II. Risk Factors

- A. The Intoxilyzer 5000 and the “Averaging” Compromise
- B. “At The Time of Driving” Issue
- C. Risk of “Residual Alcohol”
- D. Forced Exhalation Risk
- E. Body Temperature Variations
- F. The Instrument’s Own Tolerance for Error
- G. Inability to Distinguish Between Alcohol and Other Substances
- H. Transient Error

#### Section III. Instrument Reliability and Analysis Validity

## CHAPTER 14

### THE BLOOD TEST

#### Section I. Taking of Blood Specimen

- A. General Rule
- B. Mandatory Requirement
  1. Fatality or Likelihood of Fatality (Law Prior to September 1, 2009)
  2. Fatality, Likelihood of Fatality, Individual Other than Defendant Has Suffered Serious Bodily Injury, Individual Other Than Defendant Has Suffered Bodily Injury & Been Transported to Medical Facility, DWI w/Child Passenger, or DWI Where Officer Has Information Regarding Prior Convictions (New Law to go into Effect on September 1, 2009)
- C. Refusal Is to Be Honored, Exceptions, and Search Warrants
  1. Implied Consent Law Did Not “Trump” Search Warrants
  2. Which Officials May Currently Issue a Search Warrant to Take Blood
- D. Lack of Refusal Does Not Mean Lack of Consent
- E. Who May Take Blood Specimen
  1. Qualified Individual
  2. Immunity from Liability
- F. Right to Request Additional Specimen
- G. The “Justified Refusal” Doctrine/“Sanitary Place” and “Qualified Individual” Requirement for Blood Draws

#### Section II. Right of Discovery

- A. Defendant Has Right to Full Information Regarding Analysis
- B. SOAH Rules: Section 159.151. Prehearing Discovery

**Section III. Blood Sample Requested by Officer**

- A. Where Request Made When Not Under Arrest: Suspension Law Does Not Apply
- B. General Constitutional Principles Trump Suspension Law

**Section IV. Physician-Patient Privilege**

- A. In Civil Cases
- B. In Criminal Cases
  1. No Physician-Patient Privilege in Criminal Cases in Texas Absent Evidence of Significant State Involvement
  2. HIPAA Did Not Restore a Defendant’s Right to Privacy in Medical Records

**Section V. Practice Notes**

- A. Commentary Regarding Admissibility of Blood Test Results in Criminal Cases
- B. The “While” Element
- C. Plasma or Serum Specimen Gives Reading Higher Than Whole Blood  
Table of “Average” Conversion Factors Documented in Scientific Literature
- D. Other Potential Hospital Inaccuracy Factors
- E. Potential Error in Hospital-Drawn Cases Where Nonqualified Individual Draws Blood:
- F. Interferants:
- G. Acceptable Margin of Error
- H. Right to Confront & Cross-Examine State’s Crime Lab Analyst

**Section VI. Proof of Intoxication in DWI Cases by Substances Other Than Alcohol**

- A. Recent Pronouncements by the Court of Criminal Appeals Concerning Whether “Drug” Intoxication Evidence Requires Expert Testimony Regarding the Effect of the Drugs/ Preservation of Error at Trial and in the Appellate Process
- B. Courts of Appeals Have Held that it is Error to Admit Evidence of the Presence of a Controlled Substance in a Defendant’s System Without Evidence of the Effect of the Substance and Retrograde Extrapolation

**CHAPTER 15**

**HANDLING AN ALR APPEAL**

**Section I. “Substantial Evidence” Standard of Review**

- A. Source
- B. Statutory Review Directive
- C. Interpretive Opinions Regarding Substantial Evidence Review
- D. Circumstantial Evidence Review: Circumstances Consistent With Either of Two Facts Where Neither More Probable

**Section II. Notice of Appeal**

**Section III. Court Hearing Appeal: County Court at Law in County of Arrest**

- A. Generally
- B. Wrong County Equals Jurisdictional Defeat of Appeal
- C. Procedure in County Courts

**Section IV. (Very) Temporary Stay of Suspension**

**Section V. Record**

- A. Cost
- B. New Deadline for Requesting Record
- C. Burden to File and to Present the Record
- D. Incomplete Record

**Section VI. Additional Evidence**

**Section VII. Effect of Successful Appeal on DPS Driving Record: Absent a Request to the Contrary**

- A. Policy Absent Request
- B. Request Pursuant to 37 Tex. Admin. Code § 17.11(e): A Notification Request Should Be Made

**Section VIII. Further Appellate Review by the Courts of Appeals**

- A. No Review by Courts of Appeals?
- B. Authority to Modify a Judgment

**CHAPTER 16**

**CHAPTER 522. (Selections)**

**TEXAS TRANSPORTATION CODE**

**COMMERCIAL DRIVER'S LICENSES AND**

**ALCOHOL CONSUMPTION SUSPENSIONS AND RELATED SECTIONS**

**Subchapter A. General Provisions**

- Sec. 522.003. Definitions
- Sec. 522.004. Applicability
- Sec. 522.005. Rulemaking Authority

**Subchapter B. License or Permit Required**

- Sec. 522.011. License or Permit Required; Offense
- Sec. 522.013. Nonresident License
- Sec. 522.015. License or Permit Issued by Other Jurisdiction

**Subchapter C. License or Permit Application and Issuance**

- Sec. 522.026. Limitation on Number of Driver's Licenses; Offense

**Subchapter F. Notification of Conviction, Administration Action, or Previous Employment**

- Sec. 522.061. Notification of Conviction to Department or Employer
- Sec. 522.062. Notification of Conviction to Licensing Authority in Other State
- Sec. 522.063. Notification of Disqualification
- Sec. 522.064. Notification of Previous Employment and Offenses

**Subchapter G. Unauthorized Driving**

- Sec. 522.071. Driving While Disqualified Prohibited
- Sec. 522.072. Employer Responsibilities

**Subchapter H. Disqualification From Driving Commercial Motor Vehicle**

- Sec. 522.081. Disqualification
- Sec. 522.082. Reinstatement Following Disqualification for Life
- Sec. 522.083. Update of Records
- Sec. 522.084. Notification to Other Jurisdiction
- Sec. 522.085. Probation of Disqualification Prohibited
- Sec. 522.086. Issuance of Essential Need or Occupational Driver's License Prohibited
- Sec. 522.087. Procedures Applicable to Disqualification
- Sec. 522.088. Applicability of Other Law
- Sec. 522.089. Effect of Suspension, Revocation, Cancellation, or Denial of License Under Other Laws
- Sec. 522.090. Additional Penalty
- Sec. 522.091. Recognition of Action Taken by Other State
- Sec. 522.092. Suspension, Revocation, Cancellation, or Denial of Driver's License Under Other Laws

**Subchapter I. Driving While Having Alcohol, Controlled Substance, or Drug in System**

- Sec. 522.101. Driving While Having Alcohol in System Prohibited
- Sec. 522.102. Implied Consent to Taking of Specimen

- Sec. 522.103. Warning by Peace Officer
- Sec. 522.104. Submission of Report to Department
- Sec. 522.105. Disqualification of Driver
- Sec. 522.106. Affidavit by Certified Breath Test Technical Supervisor

**Article 6687b-2, Vernon's Texas Civil Statutes: Disqualification From Driving Commercial Vehicle for Failing or Refusing Breath or Blood Test**

- Section 3. Definitions
- Section 10. Driving Commercial Vehicle While License Suspended
- Section 25. Basis and Duration of Disqualification
- Section 27. Implied Consent Applicability

**Conversion Tables, Former Statutes to Recodified Statutes**

- Table 1. Commercial Disqualification for Test Failure or Refusal

**CHAPTER 17**

**SUSPENSIONS AND MINORS  
TEXAS TRANSPORTATION CODE**

**Section I. Test Failure: § 524**

- A. § 524.001. Definitions
- B. § 524.011. Arresting Officer's Duties for Driver's License Suspension
- C. § 524.012. Department's Determination for Driver's License Suspension
- D. § 524.022. Period of Suspension
- E. § 524.023. Application of Suspension Under Other Laws
- F. § 524.035. Hearing
- G. § 524.042. Stay of Suspension of Appeal
- H. § 524.043. Review: Additional Evidence

**Section II. Test Refusal: § 724**

- A. § 724.001. Definitions
- B. § 724.011. Consent to Taking of Specimens—Implied Consent Law
- C. § 724.012. Taking of Specimen
- D. § 724.015. Information Provided by Officer Before Requesting Specimen
- E. § 724.035. Suspension or Denial of License

**Section III. Driving Under the Influence of Alcohol by a Minor (Effective September 1, 1997, for Offenses Committed On or After That Date)**

- A. A Minor Who Is Not a Child
- B. A Minor Child Who Is a Child

**Section IV. Representing Minors in the Age of "Zero Tolerance"**

- A. Possessory Offenses and Automatic License Suspensions
- B. Driving Under the Influence of Alcohol by a Minor
  - 1. General
  - 2. Does DUIM Require Proof of Actual Full-Custody "Arrest"?
  - 3. Must Minor be Prosecuted for DUIM (In Pari Materia)
  - 4. Proof Requirements for DUIM
  - 5. Portable Breath Testing and Proof of "Detectable Amount"
- C. Reporting Requirements
- D. Public Intoxication by Minor/License Suspension
- E. Delinquent Conduct Definition

- F. Processing Juveniles at Adult Facilities
- G. Justice of the Peace/Municipal Court Jurisdiction
- H. Minor “ALRS” Under Transp. Code § 524 (“Failures”)
- I. Minor “ALRS” Under Transp. Code § 724 (“Refusals”)

## CHAPTER 18

### OCCUPATIONAL LICENSES TEXAS TRANSPORTATION CODE

#### Subtitle B. Driver’s Licenses and Personal Identification Cards

##### Chapter 521. Driver’s Licenses and Certificates

- Sec. 521.241. Definitions
- Sec. 521.242. Petition
- Sec. 521.243. Notice to State; Presentation of Evidence
- Sec. 521.244. Hearing; Order; Determination of Essential Need
- Sec. 521.245. Required Counseling
- Sec. 521.246. Ignition Interlock Device Requirement
- Sec. 521.2465. Restricted License
- Sec. 521.247. Approval of Ignition Interlock Devices by Department
- Sec. 521.2475. Ignition Interlock Device Evaluation
- Sec. 521.2476. Minimum Standards for Vendors of Ignition Interlock Devices
- Sec. 521.248. Order Requirements
- Sec. 521.249. Notice to Department; Issuance of Occupational License
- Sec. 521.250. Court Order in Operator’s Possession
- Sec. 521.251. Effective Date of Occupational License
- Sec. 521.252. License Revocation
- Sec. 521.253. Criminal Penalty
- Sec. 521.457. Driving While License Invalid

## CHAPTER 19

### THE STATUTES: TEXAS TRANSPORTATION CODE AND CONTROLLING ORIGINAL STATUTES

#### Section I. Chapter 524. Administrative Suspension of Driver’s License for Failure to Pass Test for Intoxication

##### Subchapter A. General Provisions

- Sec. 524.001. Definitions
- Sec. 524.002. Rules, Application of Administrative Procedure Act

##### Subchapter B. Suspension Determination and Notice

- Sec. 524.011. Officer’s Duties for Driver’s License Suspension
- Sec. 524.012. Department’s Determination for Driver’s License Suspension
- Sec. 524.013. Notice of Department’s Determination
- Sec. 524.014. Notice of Suspension
- Sec. 524.015. Effect of Disposition of Criminal Charge on Driver’s License Suspension

##### Subchapter C. Suspension Provisions

- Sec. 524.021. Suspension Effective Date
- Sec. 524.022. Period of Suspension
- Sec. 524.023. Application of Suspension Under Other Laws

#### Subchapter D. Hearing and Appeal

- Sec. 524.031. Hearing Request
- Sec. 524.032. Hearing Date, Rescheduling
- Sec. 524.033. State Office of Administrative Hearings
- Sec. 524.034. Hearing Location
- Sec. 524.035. Hearing
- Sec. 524.036. Failure to Appear
- Sec. 524.037. Continuance
- Sec. 524.038. Instrument Reliability and Analysis Validity
- Sec. 524.039. Appearance of Technicians at Hearing
- Sec. 524.040. Notice Requirements
- Sec. 524.041. Appeal From Administrative Hearing
- Sec. 524.042. Stay of Suspension on Appeal
- Sec. 524.043. Review, Additional Evidence
- Sec. 524.044. Transcript of Administrative Hearing

#### Subchapter E. Reinstatement and Reissuance of Driver's License

- Sec. 524.051. Reinstatement and Reissuance

### **Section II. Chapter 724. Implied Consent**

#### Subchapter A. General Provisions

- Sec. 724.001. Definitions
- Sec. 724.002. Applicability
- Sec. 724.003. Rulemaking

#### Subchapter B. Taking and Analysis of Specimen

- Sec. 724.011. Consent to Taking of Specimen
- Sec. 724.012. Taking of Specimen
- Sec. 724.013. Prohibition on Taking Specimen if Person Refuses, Exception
- Sec. 724.014. Person Incapable of Refusal
- Sec. 724.015. Information Provided by Officer Before Requesting Specimen
- Sec. 724.016. Breath Specimen
- Sec. 724.017. Blood Specimen
- Sec. 724.018. Furnishing Information Concerning Test Results
- Sec. 724.019. Additional Analysis by Request

#### Subchapter C. Suspension or Denial of License on Refusal of Specimen

- Sec. 724.031. Statement Requested on Refusal
- Sec. 724.032. Officer's Duties for License Suspension, Written Refusal Report
- Sec. 724.033. Issuance by Department of Notice of Suspension or Denial of License
- Sec. 724.034. Contents of Notice of Suspension or Denial of License
- Sec. 724.035. Suspension or Denial of License

#### Subchapter D. Hearing

- Sec. 724.041. Hearing on Suspension or Denial
- Sec. 724.042. Issues at Hearing
- Sec. 724.043. Findings of Administrative Law Judge
- Sec. 724.044. Waiver of Right to Hearing
- Sec. 724.045. Prohibition on Probation of Suspension
- Sec. 724.046. Reinstatement of License or Issuance of New License
- Sec. 724.047. Appeal

Sec. 724.048. Relationship of Administrative Proceeding to Criminal Proceeding

Subchapter E. Admissibility of Evidence

Sec. 724.061. Admissibility of Refusal of Person to Submit to Taking of Specimen

Sec. 724.062. Admissibility of Refusal of Request for Additional Test

Sec. 724.063. Admissibility of Alcohol Concentration or Presence of Substance

Sec. 724.064. Admissibility in Criminal Proceeding of Specimen Analysis

**Section III. Article 6687b-1, Vernon's Texas Civil Statutes, Suspensions for Failing the Breath Test or Blood Test**

Section 1. Definitions

Section 2. Officers Duties for Driver's License Suspension

Section 3. Arresting Officer's Sworn Report Requirements

Section 4. Alternative Mailed Notice of Suspension by Mail, Requirements

Section 5: Factors Determining DPS Suspension, Estoppel Disclaimer, Consequence of DWI Acquittal

Section 6. Commencement and Duration of Suspension, Credit Toward DWI Suspensions

Section 7. Hearing Request Deadline, Jurisdiction Vested in Administrative Law Judge, Hearing Shall Be Held Before Fortieth Day, Hearing Request Stays Suspension

(a) Request a Hearing

(b) Location for Hearing; Ten-Day Requirement; Record; Issues at Hearing

(c) Telephone Conference Hearing

(d) Suspension Prohibited if Concentration Below Statutory Level

(e) Unjustified Failure to Appear

(f) Continuances for Defendant

(g) Filing Appeals; Court and Deadline

(h) Stay of Suspension on Appeal, Substantial Evidence Review

(i) Copy to State Office of Administrative Hearings and DPS

(j) Remand for Additional Evidence, No Additional Stay

(k) Transcript of Hearing

(l) No Probation

(m) Breath Test Technical Supervisor's Affidavit, Contesting Affidavit for Defense

(n) Appearance of Breath Test Operator & Technical Supervisor on Request, Five-Day Deadline, DPS Right to Reschedule

(o) ALR Suspension Violation Equals DWLS

(p) Administrative Procedure Act (APA) Applies Where Not Inconsistent, SOAH's Limits Regarding Rules Inconsistent With APA, Judge's Decision Immediately Appealable

Section 8. Fees for Reinstatement

Section 9. DPS and SOAH Shall Adopt Rules

Statutory Notes

Section 17. DPS and SOAH Cooperation and Funding

Section 18. Applicability of Act With Relation to Date of Offense

Section 19. DPS to Make Annual Report to Legislature

Section 21. Reinstatement Fee Requirement to Prevail

**Section IV. Article 6701L-5, Vernon's Texas Civil Statutes, Suspensions for Refusing the Breath Test or Blood Test**

Section 1. Implied Consent

Section 2. Arrestee's Refusal to Be Honored, Exception

(a) Refusal to Be Honored

- (b) Before Requesting Test Officer Shall Inform Orally and in Writing
- (c) Signature Evidencing Refusal
- (d) Officer Shall Serve Notice of Suspension and Report to DPS
- (e) Officer's Report to DPS
- (f) Five Business Days Reporting Deadline
- (g) DPS Shall Develop Notice of Suspension Form
- (h) Alternative Notice of Suspension by Mail; Requirements
- (i) Commencement and Duration of Suspension
- (j) Fifteen-Day Hearing Request Deadline, Jurisdiction With SOAH-ALR Judge, Location for Hearing, Hearing Shall Be Held Before Fortieth Day
- (k) Telephone Conference Hearing
- (l) Issues at Hearing
- (m) Consequence of Findings
- (n) No Probation
- (o) Unjustified Failure to Appear
- (p) Continuances for Defendant
- (q) Hearing Request Mandatory for Appeal
- (r) Estoppel Disclaimer; Consequence of Acquittal
- (s) Article 6687b-1: Applicability to Refusal Proceedings
  - (f) Continuances for Defendant
  - (g) Filing Appeals: Court and Deadline
  - (h) Stay of Suspension on Appeal; "Substantial Evidence" Review
  - (i) Copy to State Office of Administrative Hearings and DPS
  - (j) Remand for Additional Evidence, No Additional Stay
  - (k) Transcript of Hearing
- (t) ALR Report Is Governmental Record
- (u) DWLS Statute Applicable
- (v) Fees for Reinstatement

Section 3. Requirements for Valid Breath and Blood Analysis

- 1. Relevant Statutory Text
- 2. Definitions

Section 4. Appeals

Section 4(a). DPS and SOAH Shall Adopt Rules

Section 5. Provisions Are Severable

Statutory Notes

- Section 17. DPS and SOAH Cooperation and Funding
- Section 18. Applicability of Act With Regard to Date of Offense
- Section 21. Reinstatement Fee Requirement to Prevail

**Conversion Tables, Former Statutes to Recodified Statutes**

- Table 1: Suspension for Test Failure
- Table 2: Suspension for Test Refusal
- Table 3: Commercial Disqualification for Test Failure or Refusal
- Table 4: Occupational Licenses and Driving While License Suspended

**CHAPTER 20**

**SOAH RULE CHANGES AND COMMENTS**

Chapter 159. Rules of Procedure for Administrative License Suspension Proceedings

Subchapter A. General

Subchapter B. Representation

Subchapter C. Witnesses and Subpoenas

Subchapter D. Discovery

Subchapter E. Hearing and Prehearing

Subchapter F. Disposition of Case

**CHAPTER 21**

**ADMINISTRATIVE PROCEDURE AND PRACTICE: CHAPTER 2001.  
ADMINISTRATIVE PROCEDURE AND TEXAS REGISTER ACT**

**Subchapter A. General Provisions**

- Sec. 2001.001. Purpose
- Sec. 2001.002. Short Title
- Sec. 2001.003. Definitions
- Sec. 2001.004. Requirement to Adopt Rules of Practice and Index Rules, Orders, and Decisions
- Sec. 2001.005. Rule, Order, or Decision Not Effective Until Indexed

**Subchapter B. Rulemaking**

- Sec. 2001.021. Petition for Adoption of Rules
- Sec. 2001.022. Local Employment Impact Statements
- Sec. 2001.023. Notice of Proposed Rule
- Sec. 2001.024. Content of Notice
- Sec. 2001.025. Effective Date of Notice
- Sec. 2001.026. Notice to Persons Requesting Advance Notice of Proposed Rules
- Sec. 2001.027. Withdrawal of Proposed Rule
- Sec. 2001.028. Notice of Proposed Law Enforcement Rules
- Sec. 2001.029. Public Comment
- Sec. 2001.030. Statement of Reasons For or Against Adoption
- Sec. 2001.031. Informal Conferences and Advisory Committees
- Sec. 2001.032. Legislative Review
- Sec. 2001.033. State Agency Order Adopting Rule
- Sec. 2001.034. Emergency Rulemaking
- Sec. 2001.035. Substantial Compliance Requirement; Time Limit on Procedural Challenge
- Sec. 2001.036. Effective Date of Rules; Effect of Filing With Secretary of State
- Sec. 2001.037. Official Text of Rule
- Sec. 2001.038. Declaratory Judgment

**Subchapter C. Contested Cases: General Rights and Procedures**

- Sec. 2001.051. Opportunity for Hearing and Participation; Notice of Hearing
- Sec. 2001.052. Contents of Notice
- Sec. 2001.053. Right to Counsel
- Sec. 2001.054. Licenses
- Sec. 2001.055. Interpreters for Deaf or Hearing Impaired Parties and Witnesses

- Sec. 2001.056. Informal Disposition of Contested Case
- Sec. 2001.057. Continuances
- Sec. 2001.058. Hearing Conducted by State Office of Administrative Hearings
- Sec. 2001.059. Transcript
- Sec. 2001.060. Record
- Sec. 2001.061. Ex Parte Consultations
- Sec. 2001.062. Examination of Record by State Agency; Proposal for Decision

**Subchapter D. Contested Cases: Evidence, Witnesses, and Discovery**

- Sec. 2001.081. Rules of Evidence
- Sec. 2001.082. Exclusion of Evidence
- Sec. 2001.083. Privilege
- Sec. 2001.084. Objections to Evidence
- Sec. 2001.085. Written Evidence
- Sec. 2001.086. Documentary Evidence
- Sec. 2001.087. Cross-Examination
- Sec. 2001.088. Witnesses
- Sec. 2001.089. Issuance of Subpoena
- Sec. 2001.090. Official Notice; State Agency Evaluation of Evidence
- Sec. 2001.091. Discovery From Parties: Orders for Production or Inspection
- Sec. 2001.092. Discovery From Parties: Identity of Witness or Potential Party; Expert Reports
- Sec. 2001.093. Discovery From Parties: Copy of Previous Statement
- Sec. 2001.094 through 2001.102. Omitted. Inapplicable to ALR
- Sec. 2001.103. Mileage and Per Diem of Witness or Deponent

**Subchapter E: Contested Cases: Testimony of Child**

Omitted. Inapplicable to ALR

**Subchapter F. Contested Cases: Final Decisions and Orders; Motions for Rehearing**

- Sec. 2001.141. Form of Decision; Findings of Fact and Conclusions of Law
- Sec. 2001.142. Notification of Decisions and Orders
- Sec. 2001.143. Time of Rendering Decision
- Sec. 2001.144. Decisions; When Final
- Sec. 2001.145 through Sec. 2001.147 Omitted. Inapplicable to ALR

**Subchapter G. Contested Cases: Judicial Review**

- Sec. 2001.171. Judicial Review
- Sec. 2001.172. Scope of Judicial Review
- Sec. 2001.173. Trial De Novo Review Omitted. Inapplicable to ALR
- Sec. 2001.174. Review Under Substantial Evidence Rule or Undefined Scope of Review
- Sec. 2001.175. Procedures for Review Under Substantial Evidence Rule or Undefined Scope of Review
- Sec. 2001.176. Petition Initiating Judicial Review
- Sec. 2001.177. Cost of Preparing Agency Record
- Sec. 2001.1775. Modification of Agency Findings or Decision
- Sec. 2001.178. Cumulative Effect

**Subchapter H. Court Enforcement**

- Sec. 2001.201. Court Enforcement of Subpoena or Commission
- Sec. 2001.202. Court Enforcement of Final Orders, Decisions and Rules

**Subchapter I. Exceptions**

- Sec. 2001.221. Driver's Licenses

Sec. 2001.222 through Sec. 2001.226 Omitted. Inapplicable to ALR

## **Subchapter Z. Miscellaneous**

Sec. 2001.901. Appeal From District Court

Sec. 2001.902. Saving Clause

## **Section 2002 Overview**

- A. Generally
- B. Texas Register Publication
- C. Administrative Code Publication

# CHAPTER 22

## DPS RULES REGARDING ALR SUSPENSIONS

### **Chapter 19. Texas DPS Regulations**

#### **Subchapter A. Breath Alcohol Testing Regulations**

- § 19.1 Definitions
- § 19.2 Instrument Certification
- § 19.3 Approval of Reference Sample Devices
- § 19.4 Approval of Techniques, Methods, and Programs
- § 19.5 Operator Certification
- § 19.6 Technical Supervisor Certification
- § 19.7 Approval of Courses of Instruction
- § 19.8 Revisions

#### **Subchapter B. Texas Ignition Interlock Device Regulations**

- § 19.21 Explanation of Terms and Actions
- § 19.22 Procedure for Device Approval
- § 19.23 Technical Requirements
- § 19.24 Miscellaneous Requirements
- § 19.25 Maintenance and Calibration Requirements
- § 19.26 Approval, Denial, and Withdrawal of Approval
- § 19.27 Certification and Inspection of Service Centers
- § 19.28 Service Representation
- § 19.29 Ignition Interlock Device Inspector

### **Chapter 17. Administrative License Revocation**

- § 17.1 Scope
- § 17.2 Definitions
- § 17.3 Notice of Suspension or Disqualification
- § 17.4 ALR Reports
- § 17.5 Intake
- § 17.6 Rescission
- § 17.7 Administrative Suspension or Disqualification of Driver's License
- § 17.8 Hearing Requests
- § 17.9 Hearings
- § 17.10 Out-of-State Orders and Judgments
- § 17.11 Appeals
- § 17.12 Final Order of Suspension or Disqualification
- § 17.13 Effect of Acquittal; Notification to the Department
- § 17.14 Enforcement of Suspensions or Disqualifications
- § 17.15 Reinstatement

## CHAPTER 23

### THE SOAH RULES OF PROCEDURE FOR ALR HEARINGS

#### **Title 1, Texas Administrative Code, Chapter 159, Rules of Procedure for Administrative License Suspension Hearings:**

- § 159.1 Scope
- § 159.3 Definitions
- § 159.5 Computation of Time
- § 159.7 Other SOAH Rules of Procedure
- § 159.51 Withdrawal of Counsel
- § 159.101 Breath Test Operator and Technical Supervisor
- § 159.103 Subpoenas
- § 159.151 Prehearing Discovery
- § 159.201 Scheduling and Notice of Hearing
- § 159.203 Waiver or Dismissal of Hearing
- § 159.205 General Request for Relief
- § 159.207 Continuances
- § 159.209 Participation by Telephone or Videoconference
- § 159.211 Hearings
- § 159.213 Failure to Attend Hearing and Default
- § 159.251 Hearing Disposition
- § 159.253 Decision of the Judge
- § 159.255 Appeal of Judge's Decision

#### **Title 1, Texas Administrative Code, Chapter 161, Requests for Records:**

- § 161.1 Charges for Copies of Public Records

#### **Title 1, Texas Administrative Code, Chapter 70, Cost of Copies of Public Information:**

- § 70.1 Purpose
- § 70.2 Definitions
- § 70.3 Charges for Providing Copies of Public Information
- § 70.4 Requesting an Exemption
- § 70.5 Access to Information Where Copies Are Not Requested
- § 70.6 Format for Copies of Public Information
- § 70.7 Estimates and Waivers of Public Information Charges
- § 70.8 Processing Complaints of Overcharges
- § 70.9 Examples of Charges for Copies of Public Information
- § 70.10 The Attorney General Charge Schedule
- § 70.11 Informing the Public of Basic Rights and Responsibilities under the Public Information Act

## CHAPTER 24

### APPLICABLE TEXAS RULES OF CIVIL PROCEDURE

Rule 18b. Grounds for Disqualification and Recusal of Judges

SOAH Rule § 159.17

Rule 176.5. Service [*Successor to Rule 178*]

- Rule 176.7. Protection of Person From Undue Burden and Expense
  - 192.3. Scope of Discovery
  - 192.4. Limitations on Scope of Discovery
  - 192.5. Work Product
  - 192.6. Protective Orders
  - 192.7. Definitions
  - 193.2. Objection to Written Discovery
  - 193.3. Asserting a Privilege
  - 193.7. Production of Documents Self-Authenticating
- Rule 196. Requests For Production and Inspection To Parties; Requests and Motions For Entry Upon Property
  - 196.1. Request for Production and Inspection to Parties
  - 196.2. Response to Request for Production and Inspection
  - 196.3. Production
  - 196.6. Expenses of Production
- 205.2. Notice
- 205.3. Production of Documents Without Deposition
- 215.2. Failure to Comply With Order or With Discovery Request
- 215.3. Abuse of Discovery Process in Seeking, Making, or Resisting Discovery

## APPENDIX A

### ALR Practice Forms

- | <u>No.</u> | <u>Title of Form and (Format Type)</u>   |
|------------|--|
| 1          | Request for Hearing—Refusal (Fax/Request)  |
| 2          | Request for Hearing—Failure (Fax/Request)  |
| 3          | Request for Hearing—DUIM (Fax/Request)   |
| 4          | Agreed “5-Day” Continuance (Fax/Request)   |
| 5          | Motion For Continuance (Motion)  |
| 6          | Motion to Transfer Venue (Motion)  |
| 7          | Discovery Request—Refusal (Letter/Fax)   |
| 8          | Discovery Request—Breath Test Failure (Letter/Fax)   |
| 9          | Discovery Request—Blood Test Failure (Letter/Fax)  |
| 10         | Motion to Compel—Failure (Motion)  |
| 11         | Request For Subpoena (Form)  |
| 12         | Subpoena Form— <i>Front</i> Side (Form)  |
| 13         | Subpoena Form— <i>Back</i> Side (Form)   |
| 14         | Sample Mandamus Petition to Compel ALJ to Issue Subpoena — <i>Petition For Writ of Mandamus</i> (Petition) |
| 15         | Application for District Court Enforcement of Administrative Subpoena (Petition)                           |
| 16         | Sample Cover Letter for Subpoena Request (Letter)  |
| 17         | Sample Cover Letter for Served Subpoena (Letter)   |
| 18         | Subpoena in Force Letter to Witness Following Continuance (Letter)   |
| 19         | Letter Brief in Support of Request for <i>Subpoena Duces Tecum</i> for CMI Technical Manual (Letter/Fax)   |
| 20         | Post-Hearing Letter Brief—Availability of Priors for Enhancement (Letter/Fax)                              |
| 21         | Post-Hearing Letter Brief—Yield Right-of-Way (Letter/Fax)  |
| 22         | Post-Hearing Letter Brief—Regional Hits (Letter/Fax)   |
| 23         | Appeal of Administrative License Suspension—Short Form (Appeal)  |
| 24         | Appeal of Administrative License Suspension—Brief Incorporated (Appeal)                                    |
| 25         | Sample Letter Requesting SOAH Transcript of ALR Hearing (Letter)   |

- 26 Sample Letter Forwarding ALR Appeal to DPS and SOAH (Letter via Certified Mail)
- 27 Sample ODL Petition With Multiple Options (Petition)
- 28 Sample ODL Order With Multiple Options (Order)
- 29 Sample Letter Forwarding *Petition* and *Order Granting Occupational License* to DPS (Letter via Certified Mail)
- 30 Sample Letter Forwarding *Petition* and *Order Granting Occupational License* to Client (Letter via Hand Delivery)
- 31 Sample Letter Telling Client to Cease Driving Due to Lack of SR-22 (Letter)
- 32 Demand to DPS for Rescission After Acquittal (Letter/Fax)
- 33 Affidavit Regarding Insufficient Extrapolation Information (Affidavit)
- 34 Motion to Set Aside Default Order (Motion)
- 35 Sample Letter Requesting Hearing Compact Disc (Letter)