



Second Judicial District Judicial Policies

Policy No.
14.02

Implied Consents and Reinstatement of Driver's License

Background

A proposal was presented to the Criminal Bench to improve the processing of implied consent cases and reinstatement of driver's licenses. The proposed policy was approved and forwarded to the full Bench for approval at the September 23, 2014 Criminal Bench Meeting.

Policy

When the Criminal Case Has Been Resolved

1. Upon the resolution of the corresponding criminal matter, the petitioner/petitioner's attorney shall immediately complete either a scheduling order which will set forth issues to be heard at the implied consent hearing or a waiver of the implied consent. (Scheduling Order and Waiver attached)
2. If Civil Assignment does NOT receive a a) proposed scheduling order or b) waiver form within 10 days of the completion of trial or the entry of a plea, Civil Assignment will prepare a proposed Order for Dismissal for consideration by the Chief Judge.
3. Motions to vacate an Order for Dismissal will be decided by the Chief Judge or the Assistant Chief Judge, based on the submissions only. All motions will be subject to the applicable motion fee.

When a Bench Warrant Has Been Issued in the Criminal Case

1. When a warrant is issued on a criminal case with a related implied consent file, Civil Assignment will enter a disposition of "Closed Administratively" in the implied consent file.
2. If the Petitioner's driver's license was temporarily reinstated, Civil Assignment will submit a proposed Order to the Chief Judge for the revocation of the temporary stay.
3. Upon the resolution of the corresponding criminal matter, the petitioner/petitioner's attorney shall immediately complete either a scheduling order which will set forth issues to be heard at the implied consent hearing or a waiver of the implied consent.

4. If Civil Assignment does NOT receive a a) proposed scheduling order or b) waiver form within 10 days of the completion of trial or the entry of a plea, Civil Assignment will prepare a proposed Order for Dismissal for consideration by the Chief Judge.

Continuance Request for Implied Consent Hearings or Hearings to Reinstate Drivers Licenses

Upon initial notice of an implied consent hearing, a hearing date may be rescheduled if a request is made within 10 days of receipt of the notice. If a request for continuance is made beyond the 10 day period, the requesting party shall file a Notice of Motion and Motion and pay the required motion fee. The motion will be decided by the Chief Judge or the Assistant Chief Judge, based on the submissions only.

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