

current system of arrest, test, arrest, the criminal procedure, the judicial procedure, and you are stripping that out of the court system, and you are giving it over to the Department of Motor Vehicles and the director for that, whoever that may be. Now, granted, you know we all talk about how the courts are clogged, and it is nice, well, and good, but I also think that an individual who not only relies on their license for a day-to-day basis but possibly for a living should have the ability to go to court to decide that decision, and not leave it up to a bureaucrat. In this case, the individual who makes that decision, if you look at page 20, it is the director who makes the decision to revoke or not to revoke that operator's license or driving permit. And if you look earlier back, and I think it is, I can't find it right now but I will, it is page 16, "The director shall make a determination of the issues within seven days from the conclusion of the hearing." Okay. Senator Bernard-Stevens pointed out the issue of the ten day of filing, the hearing shall be held within 20 days, the 30 days at that point are up. The 30 days are up. The director doesn't have to make a determination for another week, and you have already lost your license. The individual has already lost their license and no determination has yet come down with regard to whether or not they have been found guilty or innocent by, you know, a person who happens to be the Director of the Department of Motor Vehicles. Now it says, "The director shall adopt and promulgate such rules and regulations as he or she deems necessary to insure that the hearing will proceed in an orderly manner." What does that say? It says nothing. It says that the director can, basically, not allow an individual whose license, very likely their livelihood, is on the line, not even allow them the opportunity to speak at one of these hearings. The director shall adopt and promulgate such rules and regulations as he or she deems necessary to insure that the hearing will proceed in an orderly manner. Boom! You are guilty. That is an orderly a manner as we can deal with it. Maybe, if that is the area or if that is the tack that this legislation is trying to take, maybe that there should be no hearing. Maybe it should just be automatic. Maybe if that is the intent of this legislation, and that is what I think it is, is to not allow any individuals their day in court because that is really what it does. It takes it out of the court system, it makes an administrative function out of it, and it says, you are at the mercy of the Director of the Department of Motor Vehicles. Now, I, there is no love lost and I do not stand here and defend an individual who refuses to take the test, but as Senator Wesely pointed out