

SENATOR LINDSAY: Right, and that's the first...

SENATOR PIRSCH: So...

SENATOR LINDSAY: That's the first thing I'd mentioned, that it does strike that part of the bill which suspends the license on failure to pass the test. It leaves it in on the refusal to submit to the test.

SENATOR PIRSCH: Okay. I have another question. Senator Beyer, in his amendment, talked about extending the period of time of a hearing from 30 to 40 days, because they needed more time. And your amendment is saying, if no hearing is held within a 20-day period, the matter shall be dismissed.

SENATOR LINDSAY: Um-huh.

SENATOR PIRSCH: Now, does that mean then that there will not be sufficient time to prepare, which is the reason they extended it to 40 in the first place, and after 20 days that will be automatically dismissed? What protection do you have?

SENATOR LINDSAY: See, I'm not sure that's the sole reason for extending it to 40 days. Now, part of the problem is, but I guess that's not going to be around anymore, is that the 1987 compromise between Senators Hall, Lamb and Wesely, which said if you plead guilty the administrative proceeding is forgotten about, and it's dismissed and you move on and just handle it in the criminal court. What the intending to move that to 40 days is you can be...within 40 days you are going to have an arraignment. An arraignment is generally when you'll make your plea of guilty and take your lumps. And the idea was to extend it from, I'm not sure why the extent (sic) was from 30 to 40, I was not involved in that. But my guess is that's why. If there is another reason to allow more time to prepare, then maybe that is the case. What the intent of the amendment was, it shortens that time. If that's Senator Beyer's concern, to have that hearing quickly, let's put it within 20 days. The preparation will actually take place during those 15 working days before...when the client first comes to the lawyer, says I want to appeal this, you have 15 days to file a petition so there's still roughly the same time. It shifts that from before the filing of the petition or excuse me, from after the filing of the petition to before the filing of the petition.