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## ADMINISTRATIVE LICENSE REVOCATION

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### ~ WELCOME TO ALR ~

This information is for participants in cases conducted by a SOAH Administrative Law Judge (“ALJ”) in the ALR program.

### ~ ABOUT ALR ~

The Administrative License Revocation Program (“ALR”), part of the State Office of Administrative Hearings (“SOAH”), was created by the Texas Legislature in 1993, to provide an efficient and fair process for suspending the driver’s licenses of individuals who choose to drive on Texas highways while intoxicated.

A driver who either fails or refuses to take a breath or blood test after being arrested for DWI will have his or her driver’s license suspended unless, within 15 days of the time he or she received a notice of suspension, a hearing is requested. If a hearing is requested, a SOAH ALJ will preside over the hearing.

### ~ LOCATION OF HEARINGS ~

A person may request that the hearing be held in a SOAH hearing room or by telephone. The Department of Public Safety (“DPS”) notifies any person requesting a hearing of the location, date and time of the hearing.

### ~ LAW GOVERNING HEARINGS ~

Applicable law in an ALR case may include the following:

- ★ DWI laws of the State of Texas.
- ★ Texas Transportation Code.
- ★ Administrative Procedure Act.
- ★ Texas Rules of Civil Procedure.
- ★ Rules of the Department of Public Safety.
- ★ Rules of the State Office of Administrative Hearings.

These laws and rules are available at many public and county courthouse libraries. You may request a copy of SOAH’s ALR rules by calling or writing a SOAH office, or by visiting the SOAH web-site at: <[www.soah.state.tx.us](http://www.soah.state.tx.us)>

### ~ ADMINISTRATIVE LAW JUDGES ~

A SOAH ALJ assigned to conduct the hearing listens to both sides, makes rulings on preliminary matters, and makes the final decision in the case. The ALJ is also authorized to conduct conferences prior to the hearing to resolve certain matters, issue written orders and subpoenas, and control the course of the hearing. The ALJ may also question the witnesses.

If the ALJ finds that DPS has proved its case, the ALJ will issue an order authorizing suspension of the license. If the ALJ finds that DPS has not proved its case, the license will not be suspended. The ALJ *cannot* probate the suspension, or grant an occupational or hardship driver’s license.

### ~ APPEALS ~

Either party may appeal the ALJ’s decision. Information concerning how to file an appeal is included with the ALJ’s decision provided to the parties after the hearing.

### ~ RIGHT TO COUNSEL ~

The DPS will be represented by a DPS attorney at the hearing. A defendant (the person whose driver’s license is in question) may represent himself or herself “*pro se*” or may employ an attorney. The ALJ will not appoint an attorney for the Defendant. A party intending to employ an attorney should do so early enough before the hearing date for the attorney to prepare for the hearing.

### ~ ISSUES DECIDED AT HEARING<sup>1</sup> ~

#### ***Breath Test Refusal***

(Suspension for not less than 90 days)

1. Was there reasonable suspicion or probable cause for the officer to stop or arrest the driver?
2. Was there probable cause for the officer to believe the driver was intoxicated?
3. Was the driver offered the opportunity to provide a specimen of breath or blood?

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<sup>1</sup>The issues are different for cases involving drivers under 21 years of age and for drivers of commercial vehicles.

4. Did the driver refuse to provide a specimen?

**Breath Test Failure**

(Suspension for not less than 60 days)

1. Was there reasonable or probable cause for the officer to stop and or arrest the driver?
2. Was there probable cause for the officer to believe the driver was intoxicated?
3. While driving or in actual physical control of a motor vehicle in a public place, did the driver have an alcoholic concentration of 0.08 or greater?

**~ DRIVER'S LICENSE ~  
REINSTATEMENT**

**A** driver whose license is suspended in a ALR hearing will receive information from the DPS concerning reinstatement of driving privileges. The license is not automatically reinstated after the suspension period is over, so it is important to carefully follow the instructions provided by DPS.



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**~ ADDITIONAL INFORMATION ~**

This brochure contains general information. It is not intended to be a complete legal guide to the ALR process. Additional information may be obtained from SOAH in the form of SOAH Rules.

You may call or write to the SOAH office nearest you to obtain additional information.

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# State Office of Administrative Hearings



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## Administrative License Revocation

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