

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JOSEPHINE COUNTY

In the Matter of the Suspension of the Driving Privileges of	)	
_____	)	PETITION FOR JUDICIAL REVIEW
	)	
Petitioner,	)	DMV NO. _____
	)	
vs.	)	Circuit Court
	)	Case No. _____
Driver and Motor Vehicle Services Branch of the Oregon Department of Transportation (DMV),	)	
_____	)	
Respondent.	)	

PETITION FOR JUDICIAL REVIEW OF ORDER OF DMV

Petition seeks judicial review of the final order of suspension of driving privileges entered by the Hearings Officer of DMV in case number \_\_\_\_\_, dated \_\_\_\_\_.

Parties to this review are:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(set out petitioner's full name and address)

And,

Driver and Motor Vehicle Services Branch of the Oregon Department of Transportation (DMV)

The Order of the DMV should be vacated because evidence in the record fails to substantially support the Hearings Officer's finding that the following requirements wer met (check those items that apply):

- " (a) The petitioner, at the time the petitioner was requested to submit to a test under ORS 813.100, was under arrest for driving while under the influence of intoxicants in violation of ORS 813.010 or a municipal ordinance.
- " (b) The police officer had reasonable grounds to believe, at the time the request was made, that the petitioner had been driving under the influence of intoxicants in violation of ORS 813.010 or a municipal ordinance.
- " (c) The petitioner refused to test under ORS 813.100 or took the test and the test disclosed that the level of alcohol in the petitioner's blood was sufficient to constitute being under the influence of intoxicating liquor under ORS 813.300

" (d) The petitioner has been informed under ORS 813.100 of the rights and consequences as described under ORS 813.000

" (e) The petitioner was given written notice required under ORS 813.100.

" (f) If the petitioner submitted to the test, the person administering the test was qualified to administer the test under ORS 813.060.

" (g) If the petitioner submitted to the test, the methods, procedures and equipment used in the test complied with requirements under ORS 813.160.

" (h) Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Set out name, OSB number (attorney only),  
address and telephone number

Petitioner

Attorney for Petitioner

(Please check one of the above)

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Petition for Judicial Review on:

Manager  
DMV Hearings  
Driver and Motor Vehicle Services Branch  
Oregon Department of Transportation  
1905 Lana Avenue N.E.  
Salem, Oregon 97314

and,

Attorney General or Designee  
General Counsel Division  
Transportation - Implied Consent Unit  
100 Justice Building  
Salem, Oregon 97310

by mailing by registered or certified mail to those persons a true and correct copy thereof, certified by me as such, placed in a sealed envelope addressed to them at the addresses set forth, and deposited in the United States Post Office at \_\_\_\_\_, Oregon, on \_\_\_\_\_ (date) with the postage prepaid.

\_\_\_\_\_  
 Petitioner  
 Attorney for Petitioner  
(Please check one of the above)