

New York State Department of Civil Service
DIVISION OF CLASSIFICATION & COMPENSATION

Classification Standard

Occ. Code 6553200

Motor Vehicle Referee, Grade 25	6553200
Senior Motor Vehicle Referee, M-2	6553300
Supervising Motor Vehicle Referee, M-3	6553500

Brief Description Of Class Series

Motor Vehicle Referees conduct administrative hearings and render decisions on most traffic violations. They also adjudicate violations of the Vehicle and Traffic Law and the Commissioner's Rules and Regulations by commercial establishments such as repair shops, dealers, inspection stations, driving schools and motor carriers. Motor Vehicle Referees render decisions on certain violations of the Navigation Law by boaters and violations of the Parks, Recreation and Historic Preservation Laws by operators of snowmobiles. Motor Vehicle Referees adjudicate cases involving the Zero Tolerance Law, as well as regulations concerning emission inspections.

These positions are found only at the Department of Motor Vehicles (DMV).

Distinguishing Characteristics

Motor Vehicle Referee: full performance level; serves as a hearing officer in the Traffic Violations Bureau and Safety Hearings Program.

Senior Motor Vehicle Referee: first supervisory level; supervises Motor Vehicle Referees and coordinates their activities in conducting administrative hearings; hears and decides all post trial motions; reopens summonses and assesses fines under the Excusable Default Program.

Supervising Motor Vehicle Referee: one-position class; oversees the Administrative Adjudication Traffic Violations Bureau.

Related Classes

Unemployment Insurance Referees conduct hearings and render decisions in accordance with the New York State Unemployment Insurance Law, related statutes, and special federal programs, for claimants or employers

appealing initial determinations or proposed actions of the administrators of special programs.

Illustrative Duties

Motor Vehicle Referee

Under the general direction of the Senior Motor Vehicle Referee, serves as a hearing officer in the Traffic Violations Bureau and Safety Hearing Program.

In Traffic Violations cases, the Motor Vehicle Referee administers oaths; questions witnesses; evaluates the charges filed against motorists; analyzes and evaluates evidence presented; rules on motions, determines if the charges have been substantiated; determines appropriate penalty to be imposed if a decision of guilty is rendered considering the nature and seriousness of the offense and the potential for rehabilitation; suspends and revokes the driving privileges or vehicle registrations of the motorist as necessary; and issues bench rulings.

In Safety Hearing cases, the Motor Vehicle Referee issues written decisions based upon the admission and review of documentary evidence involving cases concerning fatal or serious accidents, chemical test refusals, misuse of junior operator privileges, franchise-dealer disputes or false statements on applications; conducts hearings for violations by commercial establishments such as body repair shops or driving schools licensed by DMV; imposes sanctions against commercial violators; and determines monetary loss to a consumer and may order restitution.

In the Excusable Default Program, the Motor Vehicle Referee determines whether to reopen default convictions, lower fines, or reopen summonses for individuals previously convicted of traffic violations.

Senior Motor Vehicle Referee

Under the general direction of the Supervising Motor Vehicle Referee, oversees Motor Vehicle Referees and support staff; coordinates the scheduling, conducting, recording and documenting of administrative hearings; submits annual budget requests to the Supervising Motor Vehicle Referee; compiles periodic reports of activities and narrative summaries of the fines and fees collected; makes recommendations for hiring new professional Motor Vehicle Referees; conducts training; hears and decides post-trial motions; ensures quality standards in adjudication programs through observation of hearings, training, and mentoring; communicates with insurance carriers, employers, police officers; attorneys and the public on DMV policies, rules, regulations and procedures; investigates and responds to complaints from third parties and complaints regarding personnel or procedures; serves on the Standards and

Practices Committee to develop and formulate uniform policies, consider interpretation of laws and resolve conflicts; and, may be called upon to assist in the development of policies and procedures, often involving analysis of relevant statutes and regulations.

Supervising Motor Vehicle Referee

Oversees the Administrative Adjudication Traffic Violations Bureau; coordinates operations of the traffic violations offices with other programs within the Department; directs the management and operation of offices and field staff; determines assignment of personnel and designates geographic regions for Safety Hearings field staff; ensures uniformity of office operations and ensures that the provisions of the Vehicle and Traffic Law and Commissioner's Regulations are carried out uniformly and properly in each area; communicates with senior police and court officials in adjudication program matters; investigates and reviews formal and informal complaints concerning misuse of discretion by Motor Vehicle Referees in application of law and/or imposition of penalties; reviews determinations of the Appeals Board; develops proposals to correct questionable practices or general interpretation issues; recommends changes to existing laws or new legislation to higher-level managers; communicates changes in laws or the Commissioner's Regulations with affected staff, outside organizations, law enforcement groups, police departments, and the judiciary; coordinates annual legal training conferences for Referees and Senior Referees; reviews and analyzes monthly reports of operations; drafts and oversees the preparation of oral and written legal opinions and interpretations regarding adjudication of traffic violations and the conduct of Safety Hearings; and provides consultation and legal interpretation to other bureaus and offices within the Department and to the public regarding the Vehicle and Traffic Law.

Minimum Qualifications

Motor Vehicle Referee

Open Competitive: Admission to the NYS Bar and two years of legal experience.

Senior Motor Vehicle Referee

Promotion: one year of service as a Motor Vehicle Referee.

Supervising Motor Vehicle Referee

Promotion: one year of service as a Senior Motor Vehicle Referee.

Note: Classification Standards illustrate the nature, extent and scope of duties and responsibilities of the classes they describe. Standards cannot and do not include all of the work that might be appropriately performed by a class. The minimum qualifications are those that were required for appointment at the time the Classification Standard was written.

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