

INSTRUCTIONS

DRIVER'S LICENSE SUSPENSION OR REGISTRATION SUSPENSION APPEAL

***IT IS STRONGLY RECOMMENDED THAT
YOU CONSULT AN ATTORNEY***

DISCLAIMER

THE SELF HELP CENTER STAFF AND THE STAFF IN ANY COURT OFFICE ARE NOT PERMITTED TO GIVE YOU LEGAL ADVICE. THE INFORMATION IN THE PACKETS IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIANCE ON THEIR CONTENTS. IF YOU WANT TO OBTAIN THE SERVICES OF AN ATTORNEY BUT DO NOT KNOW WHOM TO CONTACT, YOU MAY CALL THE DAUPHIN COUNTY LAWYER REFERRAL SERVICE AT (717) 232-7536.

DRIVER'S LICENSE SUSPENSION OR **REGISTRATION SUSPENSION** **APPEALS**

PLEASE NOTE: License Suspension Appeals are filed in the county where the person lives except in the case of a refusal under section 1547 of the Motor Vehicle Code. In that instance, the appeal is filed in the county where the refusal took place.

Appeals of the Pennsylvania Department of Transportation's (PennDOT) proposed suspension of operating or registration privileges **must be filed within thirty (30) days** from the 'Mail Date' that appears at the top of the Notice that you received from PennDOT. Indicate whether your appeal involves a license or registration suspension throughout the form by crossing out or circling the appropriate words.

DO NOT USE THIS FORM without carefully reviewing the information described below if **any** of the following apply to you. In these situations, using this form and filing the appeal **WILL NOT** change the suspension. If you use these forms and your suspension is not changed, you will not be able to get the amount of your filing fees back from the Prothonotary.

1. **DO NOT USE THIS FORM** if your operating license has been suspended as the result of having been convicted of a motor vehicle violation, **AND** you have not filed an appeal of this conviction with the Clerk of Courts and had the conviction overturned. In this situation, the court **does not** have the power to change your suspension.

You are deemed to have been **convicted** of a motor vehicle violation if you **paid** the fine to the Magisterial District Judge, or **pled guilty** before the Magisterial District Judge or were **found guilty after a hearing** before the Magisterial District Judge or the court.

A COURT CAN NOT CHANGE THE SUSPENSION IF THE CONVICTION HAS NOT BEEN OVERTURNED.

Your notice of suspension that you received from PennDOT lists the section of the Vehicle Code which is the reason for your suspension. It is a number such as 1786, 1532, 1543 etc. Appendix A contains a complete list of the sections of the Vehicle Code which apply in this situation. If your license is suspended for one of the reasons listed in Appendix A, your first step should be to contact the Clerk of Courts to file an appeal within **thirty (30) days** from the date of the conviction. The Dauphin County Clerk of Courts is located on the first floor of the Dauphin County Courthouse, 101 Market

Street, Harrisburg, PA. Many times when you receive a ticket from a police officer for violating a section of the Vehicle Code, you will pay the fine without realizing that by paying the fine or pleading guilty, you will lose your driver's license as a result. In order for a Court to change this suspension imposed by PennDOT, you will need to appeal the ticket by filing an appeal with the Clerk of Courts within thirty (30) days from the date of the conviction. **YOU DO NOT USE THIS FORM TO FILE AN APPEAL WITH THE CLERK OF COURTS.**

2. DO NOT USE THIS FORM if you **have**

filed an appeal of the conviction with the Clerk of Courts within thirty (30) days of the conviction date

and

the suspension **has not** yet gone into effect.

The effective date of the suspension is also indicated in the notice you received from PennDOT. In this situation, you should send a copy of the appeal you filed with the Clerk of Courts along with a letter requesting a delay of the suspension to PennDOT at the address listed on the suspension form. PennDOT will then delay the suspension for six (6) months to allow time for the appeal of your conviction to be heard by the Court. You do not need to file a license suspension appeal with the Prothonotary.

If you cannot meet these two conditions, then PennDOT cannot delay the suspension unless you file a license or registration suspension appeal using this form.

3. DO NOT USE THIS FORM if it is more than thirty (30) days after the conviction date as indicated in the notice you received from PennDOT. In this situation, you may only challenge the conviction by permission by the Court by filing a *Nunc Pro Tunc* appeal with the Clerk of Courts. This is very complicated and you should contact an attorney to discuss how to proceed.

4. DO NOT USE THIS FORM if the reason for suspension is because you received a citation for failing to provide **proof of insurance** (Section 1786) for the date and time of the violation. If you cannot prove that you had insurance at that time, the Court is **unable** to change your suspension.

5. DO NOT USE THIS FORM if your vehicle registration is suspended as the result of **actions taken by your insurance company** such as failing to provide notice to you of policy cancellation or changes. You **cannot**

successfully raise those issues in a Registration Suspension Appeal and the Court **cannot** change the suspension.

Instead, you must file a complaint with the **Insurance Department** which is located on the 13th Floor, at Strawberry Square, Harrisburg, PA 17120 and may be reached at 1-877-881-6388. **If** you file a complaint **and** the Insurance Department agrees to investigate the matter, **send** a copy of the Insurance Department correspondence to PennDOT along with a request to delay the suspension until the complaint is resolved. You **do not** need to file a registration suspension appeal **if** PennDOT **agrees** to delay the suspension.

6. **DO NOT USE THIS FORM** if you **do not** wish to challenge the suspension **but** wish to request a **'work license'** (Occupational Limited License).

Instead, you should follow procedures established by PennDOT. You apply for a 'work license' by submitting a **DL-15 Form** to PennDOT. The Court **does not** have any authority to review or grant a 'work license'. The DL-15 form may be obtained at a PennDOT license center or downloaded from the website at www.dmv.state.pa.us.

7. **DO NOT USE THIS FORM** if it is more than thirty (30) days after the 'Mail Date' on the Notice you received from PennDOT. The Court does not have the power to review appeals filed more than thirty (30) days after the Notice is mailed unless you file a special *Nunc Pro Tunc* appeal. This appeal is complicated and you should contact an attorney to discuss how to proceed. If you file an appeal using this form and it is filed more than thirty (30) days after the Mail Date, the appeal will be dismissed without any hearing and you will not receive a refund of the filing fee from the Prothonotary.

IF NONE OF THE ABOVE SITUATIONS APPLY, FOLLOW THESE INSTRUCTIONS FOR COMPLETING THE FORMS.

FILING PROCEDURE

ORDER

NOTE: Use the **Scheduling and Supersedeas Order** for all appeals **except** when the reason for the operating privilege suspension (which will be listed in the Notice from PennDOT) is under **Sections 1519, 1572, or 1611** of the Vehicle Code. For these appeals, use the **Scheduling Order**. When the reason for the suspension **is** under **Sections 1519, 1572, or 1611**, you **may not** continue to drive after the effective date of the suspension unless the Court issues an Order to that effect after holding a preliminary hearing. **If your suspension is under Sections 1519, 1572, or 1611 and you would like to continue to drive pending the**

hearing on the appeal, you must file a motion for a hearing with the Prothonotary.

1. Print your full legal name in the space at the top of the appropriate 'Order' form. The Prothonotary's Office will assign your case number when you file the appeal.
2. Do not fill in the date or the judge's name. The Court will complete the rest of the 'Order'.
3. Complete your name and address on the bottom of the order underneath the word 'Distribution.'
4. Staple the 'Order' form on top of the Appeal form.

APPEAL FROM THE SUSPENSION OF OPERATING/REGISTRATION PRIVILEGES FORM

1. Print your name, address, telephone number, and email address (if you have one) at the top of the form and print your name on the line to the left of 'IN THE COURT OF COMMON PLEAS.' Print your name in the space in the sentence beginning with 'AND NOW.'
2. Line 1. Print your name and your complete mailing address. Do not write your driver's license operator's number on this form but complete the Confidential Information Form and write your driver's license operator's number on that form. **If you print out the packet from the Self Help Center page of the Dauphin County website, the Confidential Information Form and the Confidential Information Form Abuse Victim Addendum are not included. You must print out these forms in accordance with the instructions appearing on the webpage.**
3. Line 2. Use the information contained on the first page of your suspension letter to complete this line.
4. Line 3. – Indicate why you believe your operating/registration privileges should **not** be suspended.
5. Sign and date the appeal.

VERIFICATION

1. Print your name on the blank line.

2. Sign and date the Verification.¹

CERTIFICATION

1. Print your name on the blank line.
2. Sign and date the Certification.

CONFIDENTIAL INFORMATION FORM

Complete your name, docket number and your driver's license operator's number. If you print out the packet from the Self Help Center page of the Dauphin County website, the Confidential Information Form and the Confidential Information Form Abuse Victim Addendum are not included. You must print out these forms in accordance with the instructions appearing on the webpage.

ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY FORM

Complete this form and file it at the same time as you file the Appeal.

AFTER YOU HAVE COMPLETED THE ORDER, APPEAL FROM THE SUSPENSION OF OPERATING/REGISTRATION PRIVILEGES, VERIFICATION, CERTIFICATION AND CONFIDENTIAL INFORMATION FORMS:

1. Make three (3) copies of the original for a total of four (4) documents.
2. Bring the three (3) copies and the original to the Prothonotary's Office to file. The Prothonotary's Office is located on the first floor of the Dauphin County Courthouse, Room 101, 101 Market Street, Harrisburg, PA. The Prothonotary's Office is open from 8:00 a.m. – 4:30 p.m. Monday – Friday. The Prothonotary's Office charges a filing fee which must be paid at the time of filing of the appeal by cash, certified check, or money order (made payable to Dauphin County Prothonotary). See Prothonotary's Fee Schedule. If you think that you cannot afford to pay the filing fee, you may file a Petition to Proceed *In Forma Pauperis* (IFP) Civil (see Self Help Center *In Forma Pauperis* Civil forms and instructions).
3. Once your appeal has been filed with the Prothonotary's Office, the Prothonotary's Office will forward your appeal to the Court Administrator's

¹ Please note the language on the Verification Form which warns you about making any false statement on the form. You may be criminally prosecuted for providing any false information.

Office for assignment to a judge. The Prothonotary's Office will give you two (2) certified copies of your appeal.

- a. One (1) copy is for you.
- b. One (1) copy is for PennDOT.

You **must** immediately send PennDOT's copy by certified mail **return receipt requested** to:

Pennsylvania Department of Transportation
Office of Chief Counsel
Third Floor, Riverfront Office Center
Harrisburg, PA 17104-2516

- 4. When you receive the green card indicating the date that PennDOT received the copy of your appeal, **prepare an affidavit of service and attach the green card and file this with the Prothonotary's Office.** There is an affidavit of service form in the forms package.

HEARING PROCEDURE

Hearing dates are set by the assigned judge. A scheduling order will be mailed to you. Hearings are held at the Dauphin County Courthouse, 101 Market Street, Harrisburg, PA.

A License or Registration Suspension Appeal is a trial in a court of law. As such, this proceeding should be taken seriously.

Treat all parties, court personnel, and the judge with respect.

Wear proper attire to court. Do not wear tank tops, halter tops, or shorts.

Address the judge as "Your Honor."

You should arrange to be away from home, work, your children, etc. for the entire day. Small children, under the age of twelve (12), may not be brought to the courtroom as they will not be admitted.

Upon entering the courthouse, you should proceed to the courtroom and check in with either the attorney handling the list of cases for that day or one of the clerks assigned to that courtroom.

At your hearing, you will have the opportunity to present testimony and evidence that the court feels is relevant. The only issues before the court are whether PennDOT properly sent to you notice of the suspension and whether or

not the suspension was properly imposed. The law does not permit the court to consider defenses or explanations such as your lack of understanding of the law, hardship, economic difficulties or reasons for lapse of insurance. Again, you may wish to consult with an attorney to be certain you are properly prepared to present your case. Be sure to be prepared with **all** relevant paperwork and **all** witnesses you may need to call in your case. There will be an attorney representing PennDOT on the other side at the hearing. The attorney for PennDOT will be familiar with the rules of evidence and you may need an attorney to help you have your documents accepted into evidence and reviewed by the judge.

If, for any reason, you are unable to attend your Suspension Appeal Hearing on the date scheduled, **you should contact PennDOT’s attorney at (717) 787-2830 to discuss your request. If you are unable to contact PennDOT’s attorney or make arrangements to continue the appeal, you must file a motion for a continuance with the Prothonotary.** The motion should contain a statement as to whether PennDOT agrees or disagrees with your request for a continuance and the reasons why you are requesting a continuance. If you fail to appear at your Suspension Appeal Hearing and the judge does not grant a continuance, your appeal may be dismissed and the suspension will stand.

APPENDIX A

If the Notice of Suspension from PennDOT lists the reason for suspension of your driver’s license as one of the following sections of the Vehicle Code, the court cannot grant your appeal to remove the suspension unless you are able to overturn your conviction. The conviction can be overturned if you successfully appeal the citation in a summary appeal (filed with the Clerk of Courts office). If you believe that you were not convicted and the suspension was improperly imposed, you should contact the Magisterial District Judge or court to obtain certified documents in support of your position. Those documents should then be submitted to PennDOT for review.

VEHICLE CODE SECTION	VIOLATION
1543	Driving while suspended
3802	Driving under the influence
1532	Driving without a license (1501)
	Underage alcohol offenses (6308)
	Reckless driving, fleeing, etc (various)
	Controlled substance violations (various)

FORMS

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(YOUR NAME)

: IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA

v.

:
:
: NO: _____ CV _____ LS
:
:
:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BUREAU OF DRIVER LICENSING

SCHEDULING AND SUPERSEDEAS ORDER

AND NOW, this _____ day of _____, 20____, upon presentation of the within Appeal From Suspension of Operating/Registration Privilege, it is hereby ordered that a hearing on this matter shall be held on the _____ day of _____, 20____, at _____ .m. in Courtroom _____ of the Dauphin County Courthouse, 101 Market Street, Harrisburg, PA. The action of the Pennsylvania Department of Transportation in suspending the driving/registration privileges of the petitioner is hereby stayed pending a final decision of the court to the extent provided under §1550(b) and §1377 of the Motor Vehicle Code. Petitioner must serve a copy of the appeal on the Pennsylvania Department of Transportation.

BY THE COURT:

JUDGE

DISTRIBUTION:

Petitioner's Name and Address
Pennsylvania Department of Transportation, Office of Chief Counsel, Third Floor,
Riverfront Office Center, Harrisburg, PA 17104-2516

_____ : IN THE COURT OF COMMON PLEAS
 (YOUR NAME) : DAUPHIN COUNTY, PENNSYLVANIA
 :
 :
 v. : NO: _____ CV _____ LS
 :
 :
 COMMONWEALTH OF PENNSYLVANIA :
 DEPARTMENT OF TRANSPORTATION :
 BUREAU OF DRIVER LICENSING :

SCHEDULING ORDER

AND NOW, this _____ day of _____, 20____, upon presentation of the within Appeal From Suspension of Operating Privilege, it is hereby ordered that a hearing on this matter shall be held on the _____ day of _____, 20____, at _____ o'clock _____.m. in Courtroom No. _____ of the Dauphin County Courthouse, 101 Market Street, Harrisburg, PA. The petitioner may request a separate preliminary hearing to be scheduled at the Court's earliest convenience if the Petitioner wishes to request that the action of the Pennsylvania Department of Transportation in suspending his/her operating privileges be stayed pending a final decision of the Court as provided in §1550(b) of the Motor Vehicle Code. Petitioner must serve a copy of the appeal on the Pennsylvania Department of Transportation.

BY THE COURT:

 JUDGE

DISTRIBUTION:

 Petitioner's Name and Address
 Pennsylvania Department of Transportation, Office of Chief Counsel, Third Floor,
 Riverfront Office Center, Harrisburg, PA 17104-2516

Name: _____

Address: _____

City: _____, PA Zip: _____

Telephone: _____

Email: _____

(YOUR NAME)

v.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BUREAU OF DRIVER LICENSING

: IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
: NO: _____ CV _____ LS
:
:
:
:
:

APPEAL FROM THE SUSPENSION OF OPERATING/REGISTRATION PRIVILEGES

AND NOW, Petitioner, _____
(Your Name) respectfully avers as follows:

1. Petitioner, _____,
(Your Name) resides at _____
(Your Complete Mailing Address)

_____. Petitioner's Pennsylvania Operator's/Title Number is provided on the Confidential Information Form that I have filed simultaneously with this appeal. (See Confidential Information Form).

2. PennDOT proposes by Notice dated _____ to suspend Petitioner's operating/registration privileges for a period of _____ day(s)/month(s)/year(s), pursuant to Section(s) _____ of the Vehicle Code, effective _____.

3. The withdrawal and suspension of Petitioner's operating/registration privileges is unlawful for the following reasons:

WHEREFORE, Petitioner respectfully requests that this Honorable Court allow him/her to take an appeal from the suspension of his/her operating/registration privileges.

Respectfully Submitted,

Signature of Petitioner

Date

VERIFICATION

I, _____, verify that the facts set forth in the Appeal From the Suspension of Operating/Registration Privileges are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities, which may include two (2) years imprisonment and fines of up to \$5000.00.

Date

Signature of Petitioner

CERTIFICATION

I, _____, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Date

Signature of Petitioner

_____ : IN THE COURT OF COMMON PLEAS
 (Your Name) : DAUPHIN COUNTY, PENNSYLVANIA
 :
 : NO. _____ CV _____ LS
 :
 COMMONWEALTH OF PENNSYLVANIA :
 DEPARTMENT OF TRANSPORTATION :
 BUREAU OF DRIVER LICENSING

AFFIDAVIT OF SERVICE

I, _____, hereby verify that on
 (Your Name)
 _____, 20____, I served the Commonwealth of Pennsylvania, Department
 of Transportation, Bureau of Driver Licensing with a true and correct copy of the
 Suspension Appeal by United States Postal Service, first class mail, postage prepaid,
 certified, restricted delivery, return receipt requested. The return receipt signed by the
 Pennsylvania Department of Transportation is attached hereto. I verify that the
 statements made in this affidavit are true and correct. I understand that false
 statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to
 unsworn falsification to authorities, which may include two (2) years imprisonment and
 fines up to \$5000.00.

Date: _____

Signature of Petitioner

CERTIFICATION

I, _____, certify that this filing complies with the provisions of the *Case
 Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential
 information and documents differently than non-confidential information and documents.

Date

Signature