

INSTRUCTIONS

DRIVER'S LICENSE 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 UNABLE TO GIVE YOU LEGAL ADVICE OR HELP YOU FILL OUT/COMPLETE THE FORMS. 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 OR REGISTRATION SUSPENSION APPEALS

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.

NOTE: If your license is suspended as a result of having been convicted of a motor vehicle violation, a License Suspension Appeal is **not** the appropriate forum to argue about your conviction. You must contact the Clerk of Courts to file an appeal from the conviction. The Dauphin County Clerk of Courts office is located on the second floor of the Dauphin County Courthouse, Front and Market Streets, Harrisburg, PA.

If your vehicle registration is suspended as a result of actions taken by your insurance company (such as failing to provide notice to you of policy cancellation or changes), you cannot raise those issues in a Registration Suspension Appeal. 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.

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, phone 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, address, and driver's license operator's number or vehicle title number.
3. Lines 2-3. Use the information contained in your suspension letter to complete these two lines.
4. Sign and date the appeal.

VERIFICATION FORM

1. Print your name at the top of the form.
2. Sign and date the verification form.

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

1. Attach your suspension letter from PennDOT to the Order, Appeal from the Suspension of Operating/Registration Privileges and Verification Form. This is the original.
2. Make three (3) copies of the original for a total of four (4) documents.

3. Bring the three (3) copies and the original to the Prothonotary's Office to file (located on the first floor of the Dauphin County Courthouse, Room 101). The cost of filing will be \$117.00 (payable by cash, certified check or money order only). If you think that you cannot afford to pay the filing fee, you may file a Petition to Proceed In Forma Pauperis (IFP) (see Self Help Center In Forma Pauperis forms and instructions).
4. Once your Appeal has been filed with the Prothonotary's Office, the Prothonotary's Office will forward your Appeal to the Court Administrator's 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

5. 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 in the forms package.

HEARING PROCEDURE

Hearing dates are set by the assigned judge. A scheduling order will be mailed to you at your residence. Hearings are held at the Dauphin County Courthouse, Front and Market Streets, 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 morning or afternoon. It is strongly suggested that small children not be brought to the courtroom.

Upon entering the courthouse, you should proceed to the courtroom and check in with either the attorney handling the list of cases for that morning or afternoon 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 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. You may contact PennDOT's attorney at (717) 787-2830 to learn if PennDOT agrees with your request for a postponement of your hearing date. 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.