

HOW TO FILE AN APPEAL FROM A LICENSE SUSPENSION



Disclaimer

Neither the staff in the Center nor the staff in any Court office will be able to give you legal advice or help you fill out/complete the forms. The information in the packets is not to be 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 Lawyer Referral service at 393-0737.

LICENSE SUSPENSION APPEALS

Filing Procedure:

1. Forms to appeal the suspension of your driver's license are attached.
2. Appeals of PennDOT's proposed suspension of driving privileges must be filed within thirty (30) days of the date which appears at the top of the Notice which you received from PennDOT. Your Appeal will be clocked-in, numbered and your receipt returned to you. The Prothonotary will keep original and all copies.
3. 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. In that case, you should also file an Appeal of the Summary conviction itself. Please refer to the Summary Appeal procedures. Your License Suspension Appeal will serve to stay your suspension while you litigate the basis for the underlying suspension. Attached are samples of a Petition and Order to schedule a hearing on your appeal of the license suspension. The suspension letter from PennDOT should be attached to this Petition. An original and four (4) copies of this appeal should be filed along with filing fees of \$115.00 in the form of cash, money order or cashier's check. Personal checks are not acceptable.
4. Once this Petition is filed with the Office of the Prothonotary, the Petition will be forwarded by the Prothonotary to Court Administration to schedule a hearing. Once Court Administration returns the Petitions to the Prothonotary, two (2) copies will be forwarded to you. One is your copy and the other copy is intended for PennDOT. You must send PennDOT's copy by certified mail. You should keep the receipt and bring it with you to Court. It is recommended that you do not drive until you receive the Court Order approved by the judge.
5. In addition, you should complete the top portion only of the document titled Court Administration Office Scheduling Cover Sheet. This cover sheet should be submitted when the appeal is filed. In addition, a separate document titled Prothonotary Civil Cover Sheet should also be prepared and submitted at the same time the appeal is filed. Note that the Defendant is the Commonwealth of Pennsylvania. The bottom portion of that form should not be completed.

Hearing Procedure:

1. Hearing dates are set by the Court Administration office. A Notice of a Hearing Date will be mailed to you at your residence. Hearings are held on the 3rd and 4th floors of the Lancaster County Courthouse at 50 North Duke Street, Lancaster, PA. A License Suspension Appeal is a trial in a court of law. As such, this proceeding should be taken seriously and all parties, court personnel and the judge should be treated with respect. Proper attire should be worn to Court and the judge should be addressed as “Your Honor.” The officer who issued you a Citation will be present to give testimony and you will have the opportunity to cross-examine the officer and any other witnesses, as well as to present testimony and evidence that the court feels is relevant. 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, as disruptive children will be removed. You can find out what Courtroom the hearing will be held by contacting the Court Administrator the morning of the hearing and asking for the license suspension appeals 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 bailiffs assigned to that courtroom.

2. You should be prepared with all the relevant paperwork and witnesses that you may need to call in your case. There will be an attorney representing the 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 in evidence and reviewed by the judge.

3. If for any reason you are unable to attend your License Suspension Appeal Hearing on the date scheduled, you must request a “Court Continuance”. Please refer to the Continuance procedure handout. If you fail to appear at your License Suspension Appeal Hearing and no continuance was granted by the judge, your appeal will be dismissed and the suspension will stand.

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY,
PENNSYLVANIA CIVIL ACTION – LAW

VS. :
: : No.
:
:
COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
BUREAU OF DRIVER LICENSING : :

APPEAL FROM THE SUSPENSION OF OPERATING PRIVILEGES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

AND NOW comes Petitioner, _____, by and through his/her attorney, _____ Esquire and respectfully avers as follows:

Petitioner, _____, resides at _____.

Petitioner's Pennsylvania Operator's Number is _____.

2. PennDOT proposes by Notice dated _____ to suspend Petitioner's driving privileges for a period of _____ year(s), pursuant to Section 1547 of the Vehicle Code, effective _____.

3. The withdrawal and suspension of Petitioner's operating privileges is unlawful, in that Petitioner's record with PennDOT does not warrant suspension and Petitioner did not knowingly voluntarily or intelligently refuse a chemical test on _____.

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

Respectfully submitted,

Name:

Address:

Phone number:

Dated: _____

IN THE COURT OF COMMON PLEAS
OF LANCASTER COUNTY, PENNSYLVANIA
PROTHONOTARY
CIVIL COVER SHEET

*Note: CAO SCHEDULING COVER SHEET MUST BE ATTACHED,
IF AN EVENT NEEDS TO BE SCHEDULED.*

PLEASE TYPE OR PRINT LEGIBLY ALL INFORMATION REQUESTED.
PLEASE LIST NAMES, ADDRESSES AND SOCIAL SECURITY NUMBERS
OF ADDITIONAL PARTIES ON A SEPARATE SHEET.

DO NOT STAPLE THE COVER SHEET TO THE PLEADING

ZIP CODES ARE REQUIRED & INFORMATION MUST MATCH PLEADING

CASE ID:

PLAINTIFF'S NAME

VS

DEFENDANT 'S NAME

ADDRESS:

ADDRESS:

TELEPHONE #:

TELEPHONE #:

TYPE OF ACTION:

Jury Trial Demanded: Yes No **Arbitration:** Yes No

Name of Firm and Filing Attorney OR Filing Party, Address, Telephone Number, AOPC Number

Firm:

Filing Attorney/ Party:

AOPC #

Address:

City:

State:

Zip Code:

Telephone Number:

E-mail:

Fax Number:

Signature:

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
COURT ADMINISTRATION OFFICE SCHEDULING COVER SHEET (CAOSCS)
IN ORDER TO BE PROCESSED ALL REQUESTED INFORMATION MUST BE COMPLETED

PLEASE TYPE OR PRINT LEGIBLY

PLAINTIFF Change of address

ORIGINAL CAPTION

DEFENDANT Change of address

DOCKET NO. CI-

IN THE ORPHAN'S COURT MATTER OF:

NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEYS/PRO SE

PLAINTIFF Change of address

DEFENDANT Change of address

PH: _____

PH: _____

Check one CIVIL FAMILY ORPHANS Name of person submitting CAOSCS: _____

DOMESTIC RELATIONS -- REFER TO DOMESTIC RELATIONS SECTION INSTRUCTIONS ON BACK OF FORM

NOTE: IF A NEW COMPLAINT, PROTHONOTARY'S CIVIL COVER SHEET MUST ALSO BE ATTACHED

SECTION A: REQUEST TO SCHEDULE AN EVENT

1. TYPE OF EVENT: Hearing: _____ Conference: _____

2. ESTIMATED LENGTH OF TIME: _____ FAMILY BUSINESS COURT/PICK-UP DATE _____

COURT USE ONLY:

DATE: _____ TIME: _____ PLACE: _____ JUDGE/CCO/DM: _____

SECTION B: REQUEST FOR CHANGE OF A SCHEDULED EVENT:

1. Hearing _____ Conference _____ OPPOSING COUNSEL/PARTIES IS ___ IS NOT ___ IN AGREEMENT

1st Request _____ 2nd Request _____ 3rd Request _____ ESTIMATED LENGTH OF HEARING: _____

2. REQUEST FOR: CONTINUANCE: _____ CANCELLATION: _____ *CONTINUE GENERALLY: _____ *n/a Family

3. REASON : _____

4. SPECIAL INSTRUCTIONS FOR RESCHEDULING EVENT: _____

5. Presently Scheduled for: DATE: _____ TIME: _____ PLACE: _____ JUDGE _____

SECTION C: COURT USE ONLY

Continued To: DATE: _____ TIME: _____ PLACE: _____ JUDGE: _____

Approved by Judge _____ DATE _____

Report Entered/Deleted CD AEVNT Scheduled in BANNER Verified

7/16/04

Entered on WP list Entered on Daily Report