

County of Adams

LICENSE SUSPENSION/REVOICATION APPEAL PROCEDURES

SELF-HELP KIT

Disclaimer

It is strongly recommended that you consult an attorney.

This packet of information is intended to help you file an appeal from a suspension or revocation of your Pennsylvania driving privileges if you wish to do so without an attorney. This packet is not intended to be a substitute for professional legal advice. If you proceed without an attorney, you will be held to the same standard of conduct and knowledge as an attorney when it comes to procedural requirements and the presentation of evidence.

No staff member in any court office is permitted to give you legal advice or help you fill out/complete these forms. The Court assumes no responsibility and accepts no liability for actions taken by users of these instructions or the documents contained herein. These instructions and documents do not represent a comprehensive analysis of any of the topics discussed.

If you wish to obtain the services of an attorney but do not know whom to contact, please call the Court Administrator's Office at 717-337-9846 or the Pennsylvania Lawyer Referral Service at 1-800-692-7375.

Last Updated: November 24, 2014

PLEASE READ ALL OF THESE INSTRUCTIONS BEFORE YOU BEGIN

TIMELINESS OF APPEAL

Appeals of the Pennsylvania Department of Transportation's (DOT) proposed suspension or revocation of one's operating privileges must be filed within thirty (30) days from the mail date that appears at the top of the Notice that you received from DOT. If the 30th day falls on a Saturday, Sunday or legal holiday, the appeal must be filed on the next business day the courthouse is open.

PROPER FORM

There is no statutory provision governing the form of the notice of appeal and the Pennsylvania Rules of Civil Procedure are not applicable to license suspension/revocation appeals. However, Adams County Local Rule of Judicial Administration 520 prescribes the procedure for filing the appeal.¹ The appeal must be in legible written or typed form set forth on paper not exceeding 8.5 x 11 inches. A sample form for appeals is available on the Adams County website:

www.adamscounty.us

THIS FORM IS NOT THE PROPER FORM TO APPEAL A SUMMARY CONVICTION AND WILL NOT SERVE THAT PURPOSE

If your license is being suspended or revoked as a result of having been convicted of a motor vehicle violation, a license suspension appeal is not the appropriate procedure to argue that your conviction was improper. Instead, you must file a timely appeal from the conviction in the Office of the Clerk of Courts in the county where the conviction was imposed.

There may also be other circumstances where the forms contained herein are not applicable.

FILING PROCEDURE

1. Forms to appeal the suspension or revocation of your driver's operating license are attached.
2. The Appeal must be filed in the Office of the Prothonotary of Adams County located on the first floor of the Adams County Courthouse, 117 Baltimore Street, Gettysburg, Pa. 17325.
3. Cover sheet - You are required to submit a Supreme Court of Pennsylvania Court of Common Pleas Civil Cover Sheet. This form has been included in this packet and has been completed for you other than the area entitled Lead Plaintiff's Name. The name that appears on your license should be placed in this blank. This Cover Sheet should be filed with the Prothonotary at the time you file your appeal.

¹ A copy of the Adams County Rules of Judicial Administration is available for inspection at <http://www.adamscounty.us/Dept/CourtOfCommonPleas/Documents/ACRJA.pdf>.

4. Appeal form –

- a. On the Appeal print your name above “Appellant” in the caption at the top of the form. The docket number in the caption will be provided by the Prothonotary.
- b. Fill in all of the blank lines with the appropriate information.
- c. Your telephone number and address are required in case you need to be contacted by the Court or DOT. If your address or telephone information changes you must promptly notify the Court and DOT in writing.
- d. Place a check mark () behind either “suspension” or “revocation”, whichever is appropriate.
- e. Attach a copy of the Official Notice of the suspension or revocation as Exhibit A.
- f. In paragraph 6 of the Appeal, you are requesting that the Court delay the effective date of the suspension until the appeal is resolved. If the stay is granted, you may continue to drive until further order from the Court or notice from DOT. However, if the suspension or revocation is based upon any of the following sections, a stay will not be granted by the Court immediately upon the filing of the appeal:
 - Section 1503 (relating to persons ineligible for licensing; license issuance to minors; junior driver’s license)
 - Section 1504 (relating to classes of licenses)
 - Section 1509 (relating to qualifications for school bus driver endorsements)
 - Section 1514 (relating to expiration and renewal of driver’s license)
 - Section 1519 (relating to determination of incompetency)
 - Section 1572 (relating to cancellation of driver’s license)
 - Section 1609.3 (relating to noncompliance with certification requirements)

If the action of DOT is due to one of those sections and you wish for the court to delay the action DOT indicates it has taken in the notice you received, you must file a separate Motion requesting the Court to grant a supersedeas until final determination of the appeal by the Court and state the reasons why a supersedeas should be granted. The Court will decide whether and when to schedule a hearing on the motion.

- g. You must sign the Appeal at the end on the line provided. The term “pro se” means that you are representing yourself.
5. Verification – The verification appears immediately after the signature line for the appeal. Sign and date the verification.
 6. Proposed Order – Submit the proposed order.

7. Submit an original and three (3) copies of the documents to the Prothonotary. The Prothonotary will time-stamp each copy and will return at least two copies to you. One copy is for you and the other is to be served upon DOT in accordance with the Service Procedure discussed below.
8. The Prothonotary will charge a filing fee. If you think that you cannot afford to pay the filing fee, you may file a Petition to Proceed in Forma Pauperis (IFP) (see Adams County web site). A judge will review the petition and decide whether you can proceed with your appeal without paying the filing fee.
9. Once the appeal is filed the Prothonotary will forward it to the assigned judge and an order will be entered scheduling a hearing on the appeal.

SERVICE PROCEDURE

1. Immediately after filing your appeal you must send a time-stamped copy to DOT by certified mail return receipt requested to:

Pennsylvania Department of Transportation
Office of Chief Counsel
1101 South Front Street
Third Floor, Riverfront Office Center
Harrisburg, PA 17104-2516
2. When you receive the green card indicating the date that DOT received the copy of your appeal, prepare the Certificate of Service of Appeal form, attach the green card to the form and file this with the Prothonotary's Office.
3. After you file the appeal, the court will enter an Order setting the matter for hearing. Upon receipt of that Order you must send a copy to DOT by certified mail, return receipt requested. When you receive the green card indicating the date that DOT received the copy of the Order, prepare the Certificate of Service of Hearing Order form, attach the green card to the form and file this with the Prothonotary's office.

HEARING PROCEDURE

1. A hearing date will be set by the assigned judge. By law, DOT must be given at least sixty (60) days advance notice of the hearing. The scheduling order, indicating the date and time of the hearing, will be mailed to you at your address.
2. If for any reason you are unable to attend your hearing on the date it is scheduled, you should contact the attorney representing DOT at 717-787-2830 as soon as possible and discuss whether he/she is opposed to a continuance to a later date. You should then file a motion with the Prothonotary stating the date of the hearing, the reason you are unable to attend, and whether the DOT attorney (name the attorney) is or is not opposed to your request. Absent agreement of all parties, a continuance will only be granted for good cause. The judge will either grant or deny your motion. If the motion is granted, you will be notified in writing of the new date and time for the hearing. Unless you receive notification that the hearing is continued, you should plan to attend the hearing as scheduled. If the judge has not granted the continuance and you fail to appear at the

scheduled time, your appeal may be dismissed and the suspension/revocation reinstated.

3. The hearing is a trial in a court of law. As such, this proceeding should be taken seriously. There may be more than one hearing scheduled for the same date and time therefore you should arrange to be away from home or work accordingly. It is strongly suggested that small children not be brought to the courtroom.
4. Normally DOT will have the burden of proceeding first with its evidence. There will be an attorney representing DOT who is familiar with the law and procedure. After DOT presents its evidence you will be given the opportunity to present your evidence. Even if you file the appeal without an attorney you may have an attorney represent you at the hearing. You should come to the hearing prepared with all the relevant paperwork and witnesses that you may need to call on your behalf.

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

Adams

County

For Prothonotary Use Only:

Docket No:

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- Complaint Writ of Summons Petition
 Transfer from Another Jurisdiction Declaration of Taking

Lead Plaintiff's Name: _____ Lead Defendant's Name: Commonwealth of Pennsylvania, Dept of Transportation

Are money damages requested? Yes No Dollar Amount Requested: within arbitration limits (check one) outside arbitration limits

Is this a Class Action Suit? Yes No Is this an MDJ Appeal? Yes No

Name of Plaintiff/Appellant's Attorney: _____
 Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

SECTION B

- TORT** (do not include Mass Tort)
- Intentional
 - Malicious Prosecution
 - Motor Vehicle
 - Nuisance
 - Premises Liability
 - Product Liability (does not include mass tort)
 - Slander/Libel/ Defamation
 - Other: _____

- CONTRACT** (do not include Judgments)
- Buyer Plaintiff
 - Debt Collection: Credit Card
 - Debt Collection: Other _____
 - Employment Dispute: Discrimination _____
 - Employment Dispute: Other _____
 - Other: _____

- CIVIL APPEALS**
- Administrative Agencies
 - Board of Assessment
 - Board of Elections
 - Dept. of Transportation
 - Statutory Appeal: Other _____
 - Zoning Board
 - Other: _____

- MASS TORT**
- Asbestos
 - Tobacco
 - Toxic Tort - DES
 - Toxic Tort - Implant
 - Toxic Waste
 - Other: _____

- REAL PROPERTY**
- Ejectment
 - Eminent Domain/Condemnation
 - Ground Rent
 - Landlord/Tenant Dispute
 - Mortgage Foreclosure: Residential
 - Mortgage Foreclosure: Commercial
 - Partition
 - Quiet Title
 - Other: _____

- MISCELLANEOUS**
- Common Law/Statutory Arbitration
 - Declaratory Judgment
 - Mandamus
 - Non-Domestic Relations Restraining Order
 - Quo Warranto
 - Replevin
 - Other: _____

- PROFESSIONAL LIABILITY**
- Dental
 - Legal
 - Medical
 - Other Professional: _____

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Appellant

No. _____ -S- _____

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
BUREAU OF DRIVER LICENSING
Appellee

APPEAL FROM SUSPENSION/REVOCAION OF OPERATING PRIVILEGES

AND NOW, this ____ day of _____, 20____, comes the Appellant,

_____, who respectfully avers as follows:

1. Appellant, _____, resides at _____
_____,
Adams County, Pennsylvania, 17_____ and the telephone number at which he/she
can be contacted during normal daytime business hours is (_____) - ____ - ____
_____.
2. Appellant's Pennsylvania Operator's Number is _____.
3. Appellee is Commonwealth of Pennsylvania, Department of Transportation, Bureau of
Driver Licensing, hereinafter DOT.
4. Appellant has received notice dated _____ that his/her operating
privileges has been suspended (____) revoked (____) by DOT effective _____
for a period of _____ days/months/years (circle one) pursuant to Section _____
of the Pennsylvania Vehicle Code. A copy of said notice is attached hereto and marked
as Exhibit "A".

5. Appellant respectfully suggests that DOT's proposed suspension (___) revocation (___) is unlawful or improper because _____

6. Appellant requests that this Appeal act as a supersedeas and stay the imposition of the suspension (___) revocation (___) pending further order of this Court.

WHEREFORE, Appellant respectfully requests this Honorable Court schedule a hearing on this appeal, grant a supersedeas and, after hearing, sustain this appeal.

Respectfully submitted,

Appellant, pro se

I verify that the statements made in this Appeal are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

Date

Appellant

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

No. _____ -S- _____

Appellant

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
BUREAU OF DRIVER LICENSING
Appellee

ORDER OF COURT

AND NOW, this ____ day of _____, 20____, in consideration of the
Appeal From License Suspension/Appeal filed on _____, 20____, a
hearing will be held on _____, 20____, at _____ : _____ .m. in
Courtroom No. _____, _____ Floor, Adams County Courthouse, 117 Baltimore Street,
Gettysburg, Pennsylvania.

The action of the Department of Transportation in suspending/revoking the Appellant's
driving privileges is/is not stayed and shall/shall not act as a supersedeas pending further Order
of Court.

Appellant is directed forthwith to serve a copy of this Order on the Pennsylvania
Department of Transportation, Office of Chief Counsel, 1101 South Front Street, Third Floor,
Riverfront Office Center, Harrisburg, PA 17104-2516 by certified mail, return receipt requested.
Appellant shall file a Certificate of Service of the Order with the Prothonotary upon completion of
service.

BY THE COURT,

Judge

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Appellant

No. _____ -S- _____

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
BUREAU OF DRIVER LICENSING
Appellee

CERTIFICATE OF SERVICE OF APPEAL

The undersigned hereby certifies that on _____, 20____, I caused to be mailed by United States certified mail, return receipt requested, a copy of the Appeal From Suspension/Revocation of Operating Privileges filed in the above matter, to the Pennsylvania Department of Transportation, Office of Chief Counsel, Third Floor, Riverfront Office Center, Harrisburg, Pennsylvania 17104-2516. The return receipt signed by a representative of the Pennsylvania Department of Transportation is attached hereto.

Date

Appellant

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

No. _____ -S- _____

Appellant

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
BUREAU OF DRIVER LICENSING

Appellee

CERTIFICATE OF SERVICE OF HEARING ORDER

The undersigned hereby certifies that on _____, 20____, I caused to be mailed by United States certified mail, return receipt requested, a copy of the Order of Court dated _____, 20____, scheduling a hearing in the above matter, to the Pennsylvania Department of Transportation, Office of Chief Counsel, Third Floor, Riverfront Office Center, Harrisburg, Pennsylvania 17104-2516. The return receipt signed by a representative of the Pennsylvania Department of Transportation is attached hereto.

Date

Appellant