

PENNDOT APPEAL INFORMATION

Any person whose license/operating privileges or vehicle registration has been denied or suspended has a right to appeal to the Court of Common Pleas in the County where the individual resides.

This appeal must be filed within **30 days** after the entry of the Department of Transportation's order, which is the date of service or the date of mailing if service is by mail. Failure to timely file an appeal deprives the Court from having subject matter jurisdiction to hear the appeal.

The filing of the appeal acts a supersedeas pending the determination of the appeal. In other words, it stays or stops the suspension until the Court makes its determination.

Upon filing an appeal, the Court is required to set a hearing on the matter. The Department of Transportation is entitled to at least **30 days** prior written notice of the hearing.

The Petitioner must serve a copy of the appeal on the Department of Transportation at the address shown on the notice Petitioner received. Service must be by **certified mail**, return receipt requested, immediately upon filing the appeal.

The Court will take testimony and examine the facts of the case at the hearing.

INSTRUCTIONS

- (1) Complete form and attach copy of notice/letter which you received from PENNDOT.
- (2) File completed form in the Prothonotary's Office on the 1st floor. There is a **filing fee \$128.00** which must be paid at the time of filing. The Prothonotary's Office will only accept *cash or money order* for payment.
- (3) Once form is filed, take paperwork to the Court Administrator's Office on the 2nd floor to have a hearing scheduled. The Court Administrator's Office will schedule a hearing on the matter and make the necessary copies for you.
- (4) You will receive a copy for yourself and a copy to serve on PENNDOT. It is your responsibility to serve the copy on PENNDOT by **certified mail**, return receipt requested, immediately upon filing the appeal.
- (5) Show up for hearing on the date scheduled.

_____, :
 PETITIONER : IN THE COURT OF COMMON PLEAS
 : OF NORTHUMBERLAND COUNTY, PA
 :
 vs. :
 : CIVIL LAW ACTION
 : CIVIL DOCKET NO. _____
 :
 COMMONWEALTH, :
 DEPARTMENT OF :
 TRANSPORTATION, :
 RESPONDENT : APPEAL FROM DRIVER'S
 LICENSE SUSPENSION

ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY

- (1) I am the Petitioner in the above-captioned matter.
- (2) This is a new case and I am representing myself in this case and have decided not to hire an attorney to represent me.

OR (check only one box)

This is **NOT** a new case and Attorney: _____ previously represented me in this case. However, I have decided not be presented by that Attorney and hereby direct the Prothonotary to remove that Attorney as counsel of record in this case.

On _____, 20____, I provided a copy of this form to that Attorney listed above at the following address: _____.

- (3) My address for the purpose of receiving all future pleadings and other legal notices is _____.

This is my home address. This is not my home address.

- (4) My telephone number is: _____.

- (5) **I UNDERSTAND THAT I MUST INFORM THE PROTHONOTARY'S OFFICE EVERY TIME MY ADDRESS OR TELEPHONE NUMBER CHANGES – NO EXCEPTIONS.**

- (6) On _____, 20____, I provided a copy of this form to all other attorneys of record or other self-represented parties at the following addresses as listed below: *(use reverse side if you need more space.)*

Name: _____ Address: _____

Name: _____ Address: _____

- (7) I fully understand that by deciding to represent myself, the Court will hold me to the same standards of knowledge regarding the Statutory law, Evidence law, Local and State rules of Procedure and applicable case law as a Pennsylvania licensed attorney, and that I must be fully prepared to meet those responsibilities. I also understand the Court cannot and will not provide any advice to me about how to present my case or defend claims against me.

I verify that the statements made in this Entry of Appearance as a Self-Represented Party are true and correct. I understand that if I make false statements herein, that I am subject to the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities which could result in a fine and/or prison term.

Date: _____

Signature: _____

| | | |
|-----------------|---|------------------------------|
| _____ | : | IN THE COURT OF COMMON PLEAS |
| PETITIONER : | : | OF NORTHUMBERLAND COUNTY, PA |
| | : | |
| vs. | : | CIVIL LAW ACTION |
| | : | CIVIL DOCKET NO. _____ |
| | : | |
| COMMONWEALTH, | : | |
| DEPARTMENT OF | : | |
| TRANSPORTATION, | : | APPEAL FROM DRIVER'S |
| RESPONDENT: | : | LICENSE SUSPENSION |

ORDER

AND NOW, this _____ day of _____, 20____, upon consideration of the foregoing Petition for Appeal from the Order of the Director of the Bureau of Driver Licensing Suspending Operating Privileges of the Petitioner, _____, a hearing is granted de novo to determine whether the Petitioner is subject to the suspension of his or her operating privileges.

This appeal shall act as a supersedes of the suspension order.

A hearing is scheduled for the _____ day of _____, 20____ at _____ a.m./p.m. in Courtroom # _____ of the Northumberland County Courthouse, 201 Market Street, Sunbury, PA 17801.

BY THE COURT:

Judge

_____, : IN THE COURT OF COMMON PLEAS
 PETITIONER : OF NORTHUMBERLAND COUNTY, PA
 :
 vs. : CIVIL LAW ACTION
 : CIVIL DOCKET NO. _____
 :
 COMMONWEALTH, :
 DEPARTMENT OF :
 TRANSPORTATION, :
 RESPONDENT: APPEAL FROM DRIVER'S
 LICENSE SUSPENSION

**PETITION FOR APPEAL FROM THE ORDER OF THE
 DIRECTOR OF THE BUREAU OF DRIVER LICENSING
 SUSPENDING OPERATING PRIVILEGES**

TO THE HONORABLE JUDGES OF SAID COURT:

The petition of _____, respectfully represents that:

- (1) Petitioner is an adult individual residing at
 _____,
 _____, County, Pennsylvania.
- (2) Petitioner is duly licensed to operate motor vehicles in the Commonwealth of Pennsylvania, Operator's License No. _____.
- (3) On _____, the Director of the Bureau of Driver Licensing, Pennsylvania Department of Transportation, suspended Petitioner's operating privileges effective _____ under the authority of Section _____ of the Motor Vehicle Code.
A copy of the notice/letter is attached hereto as "Exhibit A".
- (4) The said Order of the Director of the Bureau of Driver Licensing is illegal, arbitrary, unreasonable and an abuse of discretion and contrary to the law.

WHEREFORE, Petitioner respectfully requests that the appeal be allowed and that a hearing de novo be granted to determine whether Petitioner is subject to suspension of operating privileges and that this appeal act as a supersedeas pending hearing and that upon conclusion thereof, the Order of the Director of the Bureau of Driver Licensing be vacated and the appeal sustained.

Petitioner: _____

VERIFICATION

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

DATE: _____

Petitioner: _____

Phone #: _____