

OFFICE OF THE PROTHONOTARY

Of York County

Pamela S. Lee
Prothonotary
Billie Jo Bones
Deputy Prothonotary
Gregory E. Gettle
Solicitor



York County Judicial Center
45 North George Street
York, Pennsylvania 17401
Telephone (717) 771-9611
www.yorkcountypa.org

LICENSE SUSPENSION APPEAL INSTRUCTIONS Fee in York County \$225

TIMELINESS OF APPEAL

In order to be timely, the appeal must be filed in the Prothonotary's Office within 30 days of the mail date of the suspension notice (which should be attached as an exhibit to the appeal). The mail date will be indicated on the top of the notice. Begin counting the 30 days on the day following the mail date. If the 30th day falls on a Saturday, Sunday or legal holiday, the appeal is timely if it's filed on the next business day. The filing fee of \$225 must be paid by cash, money order or credit. A copy of the appeal must be served on PennDOT at the address listed on the suspension notice.

DRIVING PRIVILEGES

In order to determine whether you may drive once the appeal is filed, you must contact PennDOT. The privilege to continue to drive depends on the type of suspension you received. Call PennDOT at 1-800-932-4600.

SCHEDULING A HEARING

Once you file the appeal, you must take 3 copies of the appeal and the original detached scheduling order to Court Administration on the 4th floor of the Judicial Center. Court Administration will give you an order with the date for the hearing. Copies of this order and your petition for appeal must be sent to PennDOT by you, and the detached certificate of service indicating when you sent notice to PennDOT must be filed by you in the Prothonotary's office. We strongly suggest that you send the documents to PennDOT by certified mail. File the receipt with your certificate of service. If you don't do this, your appeal will not be heard on the scheduled date.

IN FORMA PAUPERIS

If you are filing In Forma Pauperis (IFP), you may be required by a Judge to attend a separate hearing to determine your eligibility for IFP. If you are granted IFP without a hearing, you will receive what is called a Stipulation of No Contest from the County Solicitor. If the IFP is not granted and you want to pursue the appeal, you must pay the \$225 filing fee within 10 days or the case will be stricken.

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

YORK

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:
COMM OF PA DOT

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)

SECTION B

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.

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 YORK COUNTY, PENNSYLVANIA

_____: No.: _____
(Print your name)

vs. _____: Driver's License / Auto Registration
Appeal

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BUREAU OF DRIVER LICENSING

APPEAL OF DRIVER'S LICENSE / AUTO REGISTRATION SUSPENSION

AND NOW, this _____, 20_____, comes the Appellant,
(insert date)

_____, by his / her attorney,
(Print your name)

_____, and states as follows:

1. Appellant's Pennsylvania operator's number or automobile registration number is:

2. PennDOT proposes, by Notice dated _____, 20_____
(Insert "mailing" date here)

to suspend Appellant's driving privileges automobile registration for a period of
_____ pursuant to Section _____ of the Vehicle
(Insert length of suspension)

Code, which suspension is to be effective _____, 20_____.
(Insert suspension effective date)

*** A copy of the Notice sent by PennDOT is attached to this Appeal. ***

3. The suspension of Appellant's operating privileges is contrary to law in that:
(Check those which apply)

- The police lacked reasonable grounds to request Appellant to submit to a chemical test;
- Appellant did not knowingly or intelligently refuse a chemical test;
- The conviction on which Appellant's suspension is based was overturned by successful appeal, OR is currently under appeal. (Attach a copy of the court docket to this Appeal)
- Other (specify reason:) _____

-OR-

The suspension of Appellant's automobile registration is contrary to law in that:

- My failure to have insurance was for a period of less than 31 days AND I did not drive nor permit anyone else to drive my vehicle during the time it was without insurance. (Attach proof of insurance to this Appeal and either a notarized statement or PennDOT form MV-221 to document non-operation of the vehicle.)
- Other (specify reason:) _____

WHEREFORE, Appellant respectfully requests this Honorable Court to sustain the appeal from the suspension of operating privileges or automobile registration.

Respectfully submitted,

(Print name here:)

VERIFICATION

The undersigned hereby states that the statements made in the attached Appeal of Suspension or Registration are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements in the attached Appeal are made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsification to authorities.

(Signature) _____

(Print Name:) _____

Address: _____

City / State / Zip: _____

Telephone Number: _____

e-mail address: _____ @ _____

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

_____ : No.: _____
(Print your name) :
: vs. : Driver's License / Auto Registration
: : Appeal
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :
BUREAU OF DRIVER LICENSING :
:

CERTIFICATE OF SERVICE

[To be filed in the Prothonotary's Office after service of Petition and Order]

The undersigned hereby certifies that on _____, 20____
(Date of mailing)

I caused to be mailed by regular mail, postage prepaid, a copy of the Appeal, Order

Scheduling Hearing, and all attachments, to:

Office of Chief Counsel
Vehicle and Traffic Law Division
Riverfront Office Center, 3rd Floor
1101 South Front Street
Harrisburg, PA 17104-2516

Date: _____, 20____

(Signature:) _____
(Print your name:) _____

Address: _____
City / State / Zip: _____
Telephone: _____

*** This form must be completely filled out and filed in the Prothonotary's office promptly

after mailing the documents to PennDOT. ***

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

_____ : NO.
(Print your name) :
 :
 :
 vs. : Driver's License/Auto Registration
 : Appeal
 COMMONWEALTH OF PENNSYLVANIA :
 DEPARTMENT OF TRANSPORTATION :
 BUREAU OF DRIVER LICENSING :

ORDER SCHEDULE HEARING ON APPEAL

AND NOW, this _____ day of _____, 20____, a hearing is scheduled on the Appeal of Petitioner for **Wednesday, the _____ day of _____, 20__ at 9:00 a.m., in Multipurpose Room #5009, 5th floor, York County Judicial Center, 45 North George Street, York, Pa. 17401**, at which time testimony will be taken and argument heard.

A copy of this Order has been served on Appellant. It shall be Appellant's responsibility to serve a copy of this Appeal, all attachment, and this Order on the attorney for the Commonwealth, at the following address:

Office of Chief Counsel
Vehicle and Traffic Law Division
Riverfront Office Center, 3rd Floor
1101 South Front Street
Harrisburg, Pa. 17104-2516

Appellant shall file a Certificate of Service with the Prothonotary stating the date that service was made on the Commonwealth of Pennsylvania.

BY THE COURT:

Judge