

Tioga County Self Help Kit



HOW TO FILE AN APPEAL FROM A LICENSE SUSPENSION

Disclaimer

Neither the staff in Court Administration nor the staff in any Court office will be able to give you legal advice or help you fill out/complete these forms. The information in the packets is not to be a substitute for 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 North Penn Legal Services at 1-877-953-4250.

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. At the Prothonotary's office your Appeal will be clocked-in, numbered and your receipt returned to you. The Prothonotary will keep originals and return the copies to you. One of the copies is for your records and the other copy is to be sent to PennDOT.
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 in the Summary Appeal packet.

Your License Suspension Appeal will serve to stay (postpone) your suspension while you litigate the basis for the underlying suspension, **IF** your suspension is **NOT** based on one of the provisions listed below:

- Section 1519—medical recall
- Section 1572—cancellation of license
- Section 1606—disqualification of commercial driving privilege

It is strongly recommended that you consult an attorney if your license is suspended for one of the reasons listed above, because the appeal **not** act as a stay of the suspension and **you are not allowed to continue to drive without a special court order.**

4. This packet ha the forms for the Petition and Order to schedule a hearing on your appeal of the license suspension. The suspension letter from PennDOT must be attached to this Petition. An original and two (2) copies of this appeal must be filed along with the filing fees of \$114.00 in the form of cash, money order or cashier's check. Personal checks are not acceptable.
5. Once this Petition is filed with the Prothonotary's Office and a docket number has been assigned, fill out the top portion (caption) of the Order and take it to Court

Administration to schedule a hearing. Once Court Administration schedules a hearing, return the Order back to the Prothonotary's office. You will need two copies of this document. The Prothonotary will keep the original. One of the copies is for your records and the other copy is intended for PennDOT. Attach the Order to your petition and mail them to PennDOT. **You must send PennDOT's copy by certified mail, return receipt requested.** You should keep the receipt and bring it with you to Court.

6. After you send the Petition to PennDOT, you should receive correspondence back from them as to the status of your driving privileges. It is recommended that you do not drive until you receive this letter from PennDOT. You may contact PennDOT at 1-800-932-4600 to confirm the status of your license. It is recommended that you do not drive until you receive the Court Order approved by the Judge.
7. A separate document titled "Civil Cover Sheet" must be prepared and submitted at the same time the appeal is filed.
 - Commencement of Action is PETITION
 - The Lead Defendant's Name is THE COMMONWEALTH OF PA
 - No monetary damages requested
 - Not a Class Action Suit
 - Not an MDJ Appeal
 - Check the box indicating you are Self-Represented
 - Nature of the case is a CIVIL APPEAL----LICENSE SUSPENSION

Hearing Procedure:

1. Hearing dates are set by the Court Administration office. Hearings are held on the 2nd floor of the Tioga County Courthouse at 118 Main Street, Wellsboro, PA 16901. 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. Upon entering the Courthouse, you should proceed to the Courtroom and check in with the bailiff.
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 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 contact the attorney representing PennDOT at 1-717-787-2830 as soon as possible. You must also request a “Court Continuance.” 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.

Plaintiff (Your name)

: IN THE COURT OF COMMON PLEAS
: TIOGA COUNTY, PENNSYLVANIA
:
:
: No. _____ CV _____
:
:

Vs.

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

ORDER FOR HEARING

AND NOW, this _____ day of _____, 20____, upon consideration of the petition of _____ for review of an order of the Department of Transportation suspending petitioner’s operating privilege, a hearing is granted to determine whether the action of the Department of Transportation in suspending petitioner’s operating privilege should be set aside.

A hearing is scheduled for _____ 20____, at _____ o’clock ____m., in the Main Courtroom of the Tioga County Courthouse, Wellsboro, Pennsylvania.

The petitioner is directed forthwith to serve a notice of the appeal and copies of the petition for review and order for hearing on the Department of Transportation at the address shown in the department’s notice or order, by certified mail, return receipt requested.

It is further Ordered that this petition for appeal acts as a supersedeas pending this appeal; and that all proceedings are stayed.

BY THE COURT:

Cc: Defendant
PennDOT

_____ : **IN THE COURT OF COMMON PLEAS**
Plaintiff (Your name) : **TIOGA COUNTY, PENNSYLVANIA**
: :
Vs. : **No. _____ CV _____**
: :
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
BUREAU OF DRIVER LICENSING

APPEAL FROM THE SUSPENSION OF OPERATING PRIVILEGES

TO THE HONORABLE JUDGE OF TIOGA COUNTY:

AND NOW, comes Petitioner, _____, who respectfully
avers as follows:

1. Petitioner resides at and has a mailing address of
_____.
2. Petitioner's Pennsylvania Operator's (Driver's License) Number is _____.
3. PennDOT proposes by Notice dated _____ to suspend Petitioner's
driving privileges for a period _____ year(s), pursuant to Section _____ of the Vehicle
Code, effective _____. A copy of said Notice is attached hereto as
Petitioner's Exhibit A.

3. The withdrawal and suspension of Petitioner's operating privileges is unlawful for the
following reason: _____

_____.

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

Respectfully submitted,

Petitioner

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.A § 4904, relating to unsworn falsification to authorities.

Date

Petitioner

Address: _____

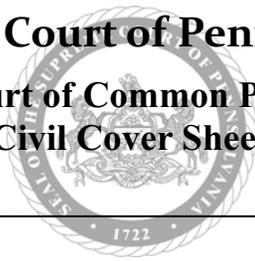
City/State/Zip: _____

Phone: _____

Cc: Defendant
PennDOT

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet



County _____

For Prothonotary Use Only:

Docket No: _____

TIME STAMP

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: _____

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:

NOTICE

Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:

Rule 205.5. Cover Sheet

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at www.pacourts.us.