

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

INSTRUCTIONS
DRIVER'S LICENSE OR REGISTRATION SUSPENSION APPEAL

******IT IS STRONGLY RECOMMENDED THAT
YOU CONSULT AN ATTORNEY******

DISCLAIMER

THE STAFF IN ANY COURT OFFICE ARE UNABLE TO GIVE YOU LEGAL ADVICE OR HELP YOU FILL OUT/COMPLETE FORMS. THE INFORMATION IN THIS DOCUMENT IS NOT 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 1-800-692-7375 (PA RESIDENTS ONLY); OR 1-800-932-0311 x 235 (OUT OF STATE RESIDENTS).

DRIVER'S LICENSE OR REGISTRATION SUSPENSION APPEALS

Appeals of the Pennsylvania Department of Transportation's (PennDOT) proposed suspension of operating or registration privileges **must be filed within thirty (30) days** from the mail date that appears at the top of the Notice that you received from PennDOT. Indicate whether your appeal involves a license or registration suspension throughout the form by checking (√) the appropriate words.

NOTE: 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. You must contact the Clerk of Courts to file an appeal from the conviction. The Clearfield County Clerk of Courts office is located on the first floor of the Clearfield County Courthouse, 230 East Market Street, Clearfield, PA 16830.

If your vehicle registration is suspended as a result of actions taken by your insurance company (such as failing to provide notice to you of policy cancellation or changes), you cannot raise those issues in a Registration Suspension Appeal. Instead, you must file a complaint with the Insurance Department, which is located on the 13th Floor, at Strawberry Square, Harrisburg, PA 17120 and may be reached at 1-877-881-6388.

FILING PROCEDURE ORDER

NOTE: Use the **Scheduling Order and Petition** for all appeals **except** when the reason for the operating privilege suspension (which will be listed in the Notice from PennDOT) is under **Sections 1519, 1572, or 1611** of the Vehicle Code. For these appeals, use the **Scheduling Order**. When the reason for the suspension is under **Sections 1519, 1572, or 1611**, you **may not** continue to drive after the effective date of the suspension unless the Court issues an Order to that effect after holding a preliminary hearing.

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If your suspension is under Sections 1519, 1572, or 1611 and you would like to continue to drive pending the hearing on the appeal, you must file a motion with the Prothonotary for a hearing before a judge.

SCHEDULING ORDER

1. Legibly print your full legal name in the space at the top of the Scheduling Order. The Prothonotary's Office will assign your case number when you file the appeal.
2. Do not fill in the date or the judge's name. The court will complete the rest of the Order.

**PETITION FOR APPEAL FROM THE SUSPENSION OF
OPERATING/REGISTRATION PRIVILEGES FORM**

1. At the top of the petition, print your name as 'Petitioner'. Do not enter a docket number in the blank spaces; the Prothonotary will assign a number when you file this document. Print your name in the space in the sentence beginning with "AND NOW."
2. Legibly enter all required information in the spaces provided. Sign and date the petition.

VERIFICATION FORM

1. Print your name at the top of the form.
2. Sign and date the verification form.

**AFTER YOU HAVE COMPLETED THE ORDER, APPEAL FROM THE SUSPENSION
OF OPERATING/REGISTRATION PRIVILEGES AND VERIFICATION FORMS:**

1. Attach your suspension letter from PennDOT to the Scheduling Order, Appeal from the Suspension of Operating/Registration Privileges and Verification Form. This is the original petition to be filed in the Prothonotary's Office.
2. Make three (3) copies of the original, for a total of four (4) document packets.
3. Bring the three (3) copies and the original to the Prothonotary's Office to file (located on the first floor of the Clearfield County Courthouse. There is a fee, refer to fee schedule (payable by cash, certified check or money order only). If you think that you cannot afford to pay the filing fee, you may file a Petition to Proceed In Forma Pauperis (IFP) (see Clearfield County Courts web page for this form.)
4. Once your Appeal has been filed with the Prothonotary's Office, the Prothonotary's Office will forward your Appeal to the Court Administrator's Office for assignment to a judge and for scheduling a hearing on your Appeal. The Prothonotary's Office will give you two (2) certified copies of your appeal.
 - a. One (1) copy is for you.
 - b. One (1) copy is for PennDOT.You **must** immediately send PennDOT's copy by certified mail **return receipt requested** to:
Pennsylvania Department of Transportation
Office of Chief Counsel
Third Floor, Riverfront Office Center
Harrisburg, PA 17104-2516
5. When you receive the green card indicating the date that PennDot received the copy of your appeal, prepare the Certificate of Service form, attach the green card to the form, and file this with the Prothonotary's Office.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

HEARING PROCEDURE

Hearing dates are set by the assigned judge. The scheduling order, indicating the date and time of the hearing of your Appeal, will be mailed to you at your residence. Hearings are held at the Clearfield County Courthouse, 230 East Market Street, Clearfield, PA 16830.

A License or Registration Suspension Appeal is a trial in a court of law. As such, this proceeding should be taken seriously. Treat all parties, court personnel, and the judge with respect.

Wear proper attire to court. Do not wear tank tops, halter tops, shorts, or torn clothing .

Address the judge as "Your Honor."

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.

Upon entering the courthouse, you should proceed to the courtroom and be seated in the public seating area, or where directed by the Security Officer.

At your hearing, you will have the opportunity to present testimony and evidence that the Court feels is relevant. The only issues before the Court are whether PennDOT properly sent to you notice of the suspension and whether or not the suspension was properly imposed. The law does not permit the Court to consider defenses or explanations such as your lack of understanding of the law,

hardship, economic difficulties or reasons for lapse of insurance. Again, you may wish to consult with an attorney to be certain you are properly prepared to present your case. Be sure to be prepared with *all* relevant paperwork and *all* witnesses 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 into evidence and reviewed by the judge.

If, for any reason, you are unable to attend your Suspension Appeal Hearing on the date scheduled, **you must file a motion with the Prothonotary for a continuance.** The judge will either Grant or Deny your motion. You will be notified if the continuance is denied, or granted, and the new date and time it may be continued to.

If you fail to appear at your Suspension Appeal Hearing and the judge does not grant a continuance, your appeal may be dismissed and the suspension will stand.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

Petitioner

vs. No. _____

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Respondent

SCHEDULING ORDER

AND NOW, this ____ day of _____ 20__, upon consideration of the PETITION FOR APPEAL FROM AN ORDER OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION SUSPENDING OPERATORS LICENSE, a Supersedeas is granted and a stay of Suspension of the Petitioner's operators license is granted; and a Rule shall be and is hereby issued upon the Commonwealth to appear in Court and show cause, if any, why the prayer of said petition should not be granted.

RULE RETURNABLE and a hearing on the merits of said petition shall be and is hereby scheduled for _____, 20__ at _____ AM / PM in Courtroom No. ____, of the Clearfield County Courthouse, Clearfield, Pennsylvania.

_____hour will be reserved for this hearing.

BY THE COURT:

Fredric J. Ammerman
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

	:	
Petitioner	:	
vs.	:	NO. ____-____-CD
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF TRANSPORTATION	:	
Respondent	:	
	:	

**PETITION FOR APPEAL FROM THE SUSPENSION OF
OPERATING / REGISTRATION PRIVILEGES**

AND NOW, comes the Petitioner, _____, and sets forth the following:

1. Petitioner currently resides at:

Street Name & #, PO Box #	City	State	Zip Code
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County of: _____ E-mail address: _____

2. Petitioner's Date of Birth: _____ Driver's License #: _____

3. Date of violation: _____

4. This is a suspension of Petitioner's () Driver's License or () Registration

5. Type of violation as cited on Notice of Suspension of Driver's License Privileges: _____

6. Mailing date on Notice of Suspension of Driver's License Privileges: _____

7. Length of suspension of Petitioner's License: _____

8. Petitioner respectfully requests the Court to order Respondent, Commonwealth of Pennsylvania, Department of Transportation, to vacate the suspension imposed in this matter, based upon the following reasons:

Respectfully submitted,

Date

Petitioner

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

_____ :
Petitioner :
vs. : NO. ____ - ____ -CD :
COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION :
Respondent :
:

VERIFICATION

I, _____, hereby verify that the facts set forth
in the foregoing Appeal of Suspension of Operating / Registration Privileges
are true and correct to the best of my knowledge, information and belief. I
understand that false statements herein are made subject to the penalties of
18 PA. C.S. § 4904, relating to unsworn falsification to authorities.

DATE: _____ SIGNATURE _____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

Petitioner
vs.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION
Respondent

NO. ____-____-CD

CERTIFICATE OF SERVICE

AND NOW, on the date stated below, I, _____,

hereby certify that I this day served the foregoing 'PETITION FOR APPEAL FROM THE SUSPENSION OF OPERATING / REGISTRATION PRIVILEGES' by depositing a copy of the same via United States mail, first class, postage prepaid, **Certified Mail, Return Receipt Requested**, at _____ (name of post office), addressed to the following:

Pennsylvania Department of Transportation

Office of Chief Counsel

Third Floor, Riverfront Office Center

Harrisburg, PA 17104-2516

DATE

SIGNATURE

**Note: Green 'Return Receipt' card must be attached to this document, and the document filed with the Clearfield County Prothonotary.*