

DRIVER LICENSING ADMINISTRATIVE HEARINGS FACT SHEET

PURPOSE:

Administrative Hearings are held for the following reasons:

- to request a record review for the purposes of updating the record;
- to appeal the Department's denial or recall of an Occupational Limited License (OLL);
- to appeal the Department's denial, recall or cancellation of a Probationary License (PL);
- to appeal the Department's recall or cancellation of an Ignition Interlock License (II); or
- to appeal the Department's denial, recall, or cancellation of an Ignition Interlock Limited License (IILL).

Appeal

You have the right to appeal the above listed Department determination within 30 days of the date of the Department's notice or letter giving rise to the appeal. According to the Department Rules of Administrative Practice and Procedure at 67 Pa. Code Chapter 491, the appeal must contain the following:

The request for hearing should contain:

1. A clear and concise statement of the facts of the case, including all essential elements of the claim.
2. A clear and specific list of the legal issues upon which the appeal is based and the desired remedy.
3. A copy of the denial letter, statutory or regulatory provision or other documents which gives rise to the appeal.
4. For the party requesting the hearing, an address where documents and pleadings may be served.
5. An address and daytime telephone number where the petitioner may be reached.

If the petitioner obtains counsel, the counsel's appearance must be entered with PennDOT's Driver Licensing Docket Clerk at least 14 days prior to the Hearing.

Administrative Hearings are **NOT** held:

- to dispute the Department's calculation of suspension credit;
- to determine the validity of a suspension/revocation action;
- to make a correction or adjustment to a driving record;
- to reduce a suspension or revocation period; or
- to dispute the Department's ordering of the ignition interlock requirement.

REQUIREMENTS:

A request for a hearing must be made in writing, sent via US Mail to the address below, and contain:

- the petitioner's name;
- the driver's license number, non-driver or identification number (if known);
- date of birth;
- current mailing address;
- phone number;
- the signature of the petitioner or the petitioner's counsel; and
- \$100 filing fee (check or money order only) (This fee is non-refundable.) made payable to the Commonwealth of Pennsylvania;

Petitions that do not meet the above requirements may be rejected.

PLEASE NOTE:

Before you petition the Department for an Administrative Hearing be aware of the following:

- Hardship or extenuating circumstances is NOT a factor in determining eligibility for an OLL/PL; and
- The \$100.00 filing fee is non-refundable.

HEARING LOCATION:

All driver license Administrative Hearings are held in Harrisburg.
Hearings cannot be conducted in absentia.

HEARING FORMAT

At the direction of the Hearing Officer, the Petitioner will testify under oath, present evidence and witness(s), and answer questions asked by the Bureau of Driver Licensing's counsel or representative. The Bureau of Driver Licensing counsel or representative will present evidence and witness(s), and the Petitioner or his or her counsel may then ask questions to the Bureau and its witness(s).

- The petitioner is not required to be represented by an attorney.

PROPOSED REPORT AND FINAL ORDER:

Following the hearing, the Hearing Officer will issue a Proposed Report containing the proposed findings of facts, a discussion of the applicable law and relevant evidence of record, conclusions of law and an order. Each party (the driver and the Department) will have 30 days from the mail date of the Proposed Report to file Exceptions to the report pursuant to 67 Pa. Code Section 491.12. The date of receipt by the Driver Licensing Docket Clerk determines the timeliness of the document. If no timely Exceptions are received, the proposed report becomes final.

REGULATIONS:

For more information regarding Administrative Hearings, please see 67 Pa. Code 491.1 et seq.

MAILING ADDRESS:

Driver Licensing Docket Clerk
1101 South Front Street, 3rd Floor
Harrisburg, PA 17104-2516
Telephone: (717) 783-5325