

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2000 Session of
1989

INTRODUCED BY DALEY AND ROBINSON, OCTOBER 16, 1989

REFERRED TO COMMITTEE ON TRANSPORTATION, OCTOBER 16, 1989

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for judicial review.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Section 1550 of Title 75 of the Pennsylvania
6 Consolidated Statutes is amended to read:

7 § 1550. Judicial review.

8 (a) General rule.--Any person who has been denied a driver's
9 license, whose driver's license has been canceled or whose
10 operating privilege has been recalled, [canceled,] suspended or
11 revoked by the department shall have the right to appeal to the
12 court vested with jurisdiction of such appeals by or pursuant to
13 Title 42 (relating to judiciary and judicial procedure). The
14 appellant shall serve a copy of the petition for appeal,
15 together with a copy of the notice of the action from which the
16 appeal has been taken, upon the department's legal office.

17 (b) Supersedeas.--[The filing] Filing and service of [the] a

1 petition for appeal from a suspension or revocation shall
2 operate as a supersedeas [and no recall, suspension,
3 cancellation or revocation shall be imposed against such person]
4 until final determination of the matter by the court vested with
5 the jurisdiction of such appeals, except that filing and service
6 of a petition for appeal from denial or cancellation of a
7 driver's license under section 1503 (relating to persons
8 ineligible for licensing), 1504 (relating to classes of
9 licenses), 1509 (relating to qualifications for Class 4
10 license), 1514 (relating to expiration and renewal of drivers'
11 licenses), 1519 (relating to determination of incompetency) or
12 1572 (relating to cancellation of driver's license) shall not
13 act as a supersedeas unless ordered by the court after a hearing
14 attended by the petitioner. Further review by another court
15 shall not operate as a supersedeas unless a court of competent
16 jurisdiction determines otherwise.

17 (c) Proceedings of court.--The court shall set the matter
18 for hearing upon [30 days] 60 days' written notice to the
19 department and determine whether the [petitioner is in fact the
20 person whose] petitioner's driver's license should be denied or
21 canceled; the petitioner's operating privilege [is subject to
22 the recall, suspension, cancellation or revocation] should be
23 suspended, revoked or recalled; or the petitioner's endorsement
24 should be removed.

25 Section 2. This act shall take effect in 60 days.