

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Andrew Anthony Snyder, IV :
 :
 v. : No. 1377 C.D. 2010
 : Submitted: December 3, 2010
 Commonwealth of Pennsylvania, :
 Department of Transportation, :
 Bureau of Driver Licensing, :
 Appellant :

BEFORE: HONORABLE BONNIE BRIGANCE LEADBETTER, President Judge
 HONORABLE DAN PELLEGRINI, Judge
 HONORABLE ROCHELLE S. FRIEDMAN, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
 BY SENIOR JUDGE FRIEDMAN

FILED: January 5, 2011

The Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing (DOT) appeals from the June 22, 2010, order of the Court of Common Pleas of Allegheny County (trial court), which sustained the appeal of Andrew Anthony Snyder, IV (Licensee) from DOT's one-year suspension of his driving privileges. We reverse.

On January 16, 2008, Licensee pled guilty in West Virginia to driving under the influence of alcohol. West Virginia authorities suspended Licensee's driving privileges and reinstated them on April 9, 2009, when the suspension ended. On December 7, 2009, West Virginia notified DOT of Licensee's conviction. DOT then notified Licensee that his driving privileges in Pennsylvania would be suspended for one-year, effective February 9, 2010. Licensee filed an appeal with the trial court, which held a *de novo* hearing.

The trial court sustained Licensee's appeal because West Virginia failed to comply with section 2.4 of the Administrative Procedures Manual for the Driver's License Compact,¹ which required that West Virginia report Licensee's conviction to DOT within fifteen days of the conviction. The trial court also considered the fact that the delay was prejudicial to Licensee because, after West Virginia restored Licensee's driving privileges, Licensee relied on the absence of a suspension in Pennsylvania to accept a promotion from his employer that required him to drive in Pennsylvania. DOT now appeals to this court.²

DOT argues that the trial court erred in concluding that DOT could not suspend Licensee's operating privileges because of West Virginia's failure to notify DOT of Licensee's conviction in a timely manner. We agree.

The standard for sustaining an appeal based on delay requires the licensee to show that: (1) an unreasonable delay chargeable to DOT led the licensee to believe that his or her operating privileges would not be impaired; and (2) prejudice would result by having the operating privileges suspended after such delay. *Department of Transportation v. Gombocz*, 589 Pa. 404, 407, 909 A.2d 798, 800-01 (2006). "In determining whether there was an unreasonable delay attributable to

¹ 75 Pa. C.S. §1581.

² Our scope of review is limited to determining whether the necessary findings of fact are supported by competent evidence and whether the trial court committed an error of law or an abuse of discretion. *Department of Transportation v. Gombocz*, 589 Pa. 404, 407, 909 A.2d 798, 800 (2006).

DOT, the relevant time period is that between the point at which DOT receives notice of the driver's conviction . . . and the point at which DOT notifies the driver that her license has been suspended or revoked.”³ *Pokoy v. Department of Transportation, Bureau of Driver Licensing*, 714 A.2d 1162, 1164 (Pa. Cmwlth. 1998). Here, there can be no question that the delay was attributable to West Virginia authorities, not to DOT.

Accordingly, we reverse.

ROCHELLE S. FRIEDMAN, Senior Judge

³ For example, any delay caused by the judicial system's failure to notify DOT of a conviction in a timely manner will not invalidate a license suspension. *Pokoy*, 714 A.2d at 1164.

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Bureau of Driver Licensing,	:	
Appellant	:	

ORDER

AND NOW, this 5th day of January, 2011, the order of the Court of Common Pleas of Allegheny County, dated June 22, 2010, is hereby reversed.

ROCHELLE S. FRIEDMAN, Senior Judge