

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNA.

DANIEL RICHARD BLETZ :  
Petitioner :  
v. : NO. 03-02,120  
: :  
COMMONWEALTH OF PENNSYLVANIA :  
DEPARTMENT OF TRANSPORTATION :  
Respondent :

OPINION AND ORDER

The Petitioner, Daniel Richard Bletz, is before the Court Appealing his Suspension of Driving Privileges based upon an alleged unreasonable delay prejudicial to him in being notified of his suspension as it related to a 1999 conviction in the State of Texas. To sustain an appeal of a driver's license suspension based on delay, the licensee must show that:

1. An reasonable delay chargeable to the Department of Transportation led licensee to believe that his operating privileges would not be impaired, and
2. Prejudice would result by having operating privileges suspended after such a delay.

Terraciano v. Commonwealth of Pennsylvania,  
Department of Transportation, 753 A.2<sup>nd</sup> 233 (Pa. 2000).

Here the Texas violation arrived at the PA Department of Transportation in December 2002, and the suspension to Mr. Bletz was not issued until December 2003, nearly one year later. The Department of Transportation produced no

evidence whatsoever to show that this one year delay was caused by anything other than mere administrative inaction. Therefore, the court concludes that the delay was unreasonable.

Petitioner Bletz testified credibly that he would not have moved from his home in Jersey Shore, PA and obtained employment requiring driving in the State of North Carolina had he believed that his driving privileges were impaired or subject to suspension. Therefore, the court finds that Mr. Bletz changed his circumstances to his detriment and therefore, suffered prejudice. Id at 237.

In short, administrative delay within the Department of Transportation constituted unreasonable delay and caused legal prejudice to Mr. Bletz, and therefore, suspension of his driver's license is precluded.

**ORDER**

**AND NOW**, this 12th day of April, 2004, the Appeal of Daniel Richard Bletz, is **SUSTAINED** and the Suspension of his Driver's License is vacated.

BY THE COURT,

Richard A. Gray, Judge

C: Marc Drier, Esquire  
District Attorney's Office  
Com. Of PA, Dept. of Transportation  
Office of Chief Counsel  
Third Floor, Riverfront Office Center  
Harrisburg, PA 17104-2516