

COMMONWEALTH COURT OF PENNSYLVANIA

Kyle Lewis Schreiber v. Commonwealth of Pennsylvania,
Department of Transportation, Bureau of Driver Licensing

No. 787 C.D. 2021 · No. No. 787 C.D. 2021 · Decided February 6, 2023

SUMMARY

The Commonwealth Court of Pennsylvania affirmed the dismissal of Kyle Lewis Schreiber’s statutory appeal from a 12-month driver’s license suspension imposed after a subsequent DUI conviction. The court held that a prior DUI-related acceptance of Accelerated Rehabilitative Disposition could be treated as a prior offense for purposes of the civil license suspension provisions of the Vehicle Code, and that Commonwealth v. Chichkin did not require a different result.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Christine Fizzano Cannon; Michael H. Wojcik; Stacy Wallace
JURISDICTION	Pennsylvania
DECIDED	February 6, 2023
DOCKET	No. 787 C.D. 2021
DISPOSITION	affirmed
PROCEDURAL POSTURE	Licensee appealed the Court of Common Pleas of Lehigh County's dismissal of his statutory appeal from a 12-month driver's-license suspension imposed by the Department of Transportation.
STANDARD OF REVIEW	The Court determines whether the trial court's factual findings are supported by substantial evidence and whether the trial court committed an error of law or abused its discretion.
PRECEDENTIAL VALUE	unreported memorandum opinion; nonprecedential
PARTIES	Kyle Lewis Schreiber v. Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing

TOPICS

- judicial review of agency action
- administrative law
- statutory interpretation
- due process
- appellate procedure

PRACTICE AREAS

administrative law

motor vehicle law

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether a prior acceptance of ARD may be treated as a prior offense under 75 Pa.C.S. § 3806 for purposes of imposing a civil 12-month driver's-license suspension under section 3804(e)(2)(i).
2. Whether *Commonwealth v. Chichkin* rendered the statutory suspension invalid or otherwise barred use of the prior ARD in a license-suspension proceeding.

HOLDINGS

1. A prior DUI-based acceptance of ARD may be treated as a prior offense under 75 Pa.C.S. § 3806 for purposes of imposing a civil driver's-license suspension under section 3804(e).

KEY QUOTATIONS

“Accordingly, because license suspensions are civil proceedings, the Chichkin ruling does not invalidate Section 3806(a) of the Vehicle Code for civil license suspension purposes.” (at 5-6)

“For this reason, and in light of the Superior Court’s express overruling of Chichkin, we find no error in the trial court’s determination that Chichkin was inapplicable to Licensee’s driver’s license suspension because a license suspension is a civil, not a criminal, penalty.” (at 6)

FACTUAL BACKGROUND

Licensee entered an Accelerated Rehabilitative Disposition program in May 2013 after an October 2012 DUI arrest. In August 2020, he pleaded guilty to and was convicted of an ungraded-misdemeanor DUI arising from conduct in December 2019. The Department then imposed a 12-month suspension under 75 Pa.C.S. § 3804(e)(2)(i), treating the prior ARD as a prior offense under section 3806.

PROCEDURAL HISTORY

The Department imposed a 12-month suspension after receiving a certified conviction for Licensee's 2019 ungraded-misdemeanor DUI and treating his 2013 acceptance into ARD following an earlier DUI arrest as a prior offense. The trial court conducted a de novo hearing and denied the statutory appeal. Licensee appealed to the Commonwealth Court, which affirmed.

DISPOSITION

affirmed

CASES CITED

- *Negovan v. Department of Transportation, Bureau of Driver Licensing*, 172 A.3d 733 (Pa. Cmwlth. 2017)
- *Commonwealth v. Chichkin*, 232 A.3d 959 (Pa. Super. 2020)
- *Alleyne v. United States*, 570 U.S. 99 (2013)

- Commonwealth v. Moroz, 284 A.3d 227 (Pa. Super. 2022) (en banc)
- Ferguson v. Department of Transportation, Bureau of Driver Licensing, 267 A.3d 628 (Pa. Cmwlth. 2021)
- Ferguson v. Department of Transportation, Bureau of Driver Licensing, 280 A.3d 859 (Pa. 2022)
- Germantown Cab Co. v. Philadelphia Parking Authority, 27 A.3d 280 (Pa. Cmwlth. 2011)

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