

# WHEN CAN YOU BE TICKETED FOR DRIVING WITHOUT A LICENSE?



**LAW:** “No person, except those expressly exempted, shall drive any motor vehicle upon a **highway or public property** in this Commonwealth unless the person has a driver's license valid under the provisions of this chapter.” “Public property” only includes parking lots owned or leased by the Commonwealth. 75 Pa. Cons. Stat. § 1501(a).



**MEANING:** Based on the language of the statute, you cannot be cited for driving without a license **while only in the Home Depot parking lot** because it is not a public highway.

**DEFENSE:** If you were cited for driving without a license in the parking lot you should request a hearing to dispute the ticket. At the hearing you could make a *corpus delicti* objection (principle that a crime must have been proven to have occurred before conviction). If asked how you arrived at the parking lot, you can invoke 5th amendment protection (against self-incrimination) to not respond. If the officer never observed you driving outside the lot, then you may prevail in disputing the ticket.

**TIP:** If you are stopped in the parking lot the officer could ask you how you got to the parking lot. You should not answer that question.

## BUT WHAT ABOUT PROBABLE CAUSE? CAN THE POLICE STOP ME WHENEVER THEY WANT?

No, the police need probable cause to stop you in your car. **There is no probable cause for stopping a driver for driving without a license.** Therefore, unless there is **another** reason to stop a vehicle, such as expired registration, or speeding, there should not be a traffic stop.

⇒ If you were pulled over for another violation and then found to not have a license there is little you can do in the way of disputing the ticket, except go to court and ask to reduce the fine.

⇒ If you were stopped for no reason and cited for driving without a license, then you could go to court and argue that you were stopped without probable cause, and that your ticket for driving without a license should be dismissed because the initial stop was illegal (i.e. the “fruits” of that stop must be suppressed because the stop was without probable cause).

**NOTE ON TOWING VEHICLES:** After someone is found to be driving without a license then the police can have the vehicle towed because they cannot continue to let that person drive. This is part of the live stop program. You might ask the officer that if the car is parked, or if it can be parked, it should not be towed until you can have a friend with a license retrieve the vehicle. If the vehicle is impounded you must contact the parking authority at 888-591-3636 to find out how to recover your vehicle.

