

## INTRODUCTION

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Rules 601--606 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of explanatory reports.

The text of the proposed new rules precedes the Report, and is entirely new.

We request that interested persons submit written suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Pamela S. Walker, Counsel  
Supreme Court of Pennsylvania  
Minor Court Rules Committee  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717-231-9546  
or email to: [minorrules@pacourts.us](mailto:minorrules@pacourts.us)

no later than January 30, 2015.

December 15, 2014

**BY THE MINOR COURT RULES COMMITTEE:**

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**Bradley K. Moss, Chair**

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**Pamela S. Walker**  
Counsel

## REPORT

### **New Rules 601--606 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges**

#### APPEALS FROM HEARING OFFICER DETERMINATIONS IN AUTOMATED RED LIGHT ENFORCEMENT ACTIONS

##### **I. Introduction**

The Minor Court Rules Committee (“Committee”) is proposing new rules to accommodate statutory changes to the Vehicle Code providing for the use of automated red light enforcement systems in certain municipalities. As described in greater detail below, the proposed rules provide a framework for the newly authorized appeals from a hearing officer determination of an automated red light enforcement violation.

##### **II. Discussion**

In 2012, the General Assembly adopted the Act of July 2, 2012, P.L. 735, No. 84, which concerned motor vehicles. Among other things, the legislation authorized the use of automated red light enforcement systems in certain municipalities, subject to conditions and approvals by the Pennsylvania Department of Transportation. Section 4(a) of the Act provides that “[a] municipality, upon passage of an ordinance, is authorized to enforce section 3112(a)(3) [of the Vehicle Code] (relating to traffic-control signals) by recording violations using an automated red light enforcement system approved by the [Pennsylvania Department of Transportation].” 75 Pa.C.S. § 3117(a). Similar legislation providing for automated red light enforcement systems in Philadelphia was enacted in 2002. See Act of October 4, 2002. P.L. 845, No. 123, § 4, 75 Pa.C.S. § 3116.

The legislation requires that the municipality receive approval from the Pennsylvania Department of Transportation prior to the installation of the red light enforcement system. 75 Pa.C.S. § 3117(b). When a red light violation is captured by the system, a “system administrator” will prepare and send a violation notice to the registered vehicle owner identified by the system. 75 Pa.C.S. § 3117(i). The vehicle owner may request a hearing before a “hearing officer” to contest the alleged violation. 75 Pa.C.S. § 3117(n)(1). The statute provides that an appeal of the hearing officer’s decision will be made to a magisterial district judge. “If the owner requests in writing that the decision of the hearing officer be appealed to the magisterial district judge, the system administrator shall file the notice of violation and supporting documents with the magisterial district judge, who shall hear and decide the matter de novo.” 75 Pa.C.S. § 3117(n)(4). Notably, the legislation provides that “[a] penalty imposed under this section shall not be deemed a criminal conviction.” 75 Pa.C.S. § 3117(c)(5).

After reviewing the provisions of the legislation, the Committee concluded that these new appeals from hearing officer determinations were not covered by existing rules governing civil actions, and proceeded to draft rules accommodating such actions.

### **III. Proposed Rule Changes**

The proposal begins with a table of contents and an explanatory comment regarding the new rules. Rule 601 provides definitions for terms used in the proposed new rules as derived from the statutory language. Rule 602 establishes the time and method of appeal, and requires that an appeal of a hearing officer determination must be filed with the magisterial district court within thirty days after the date of the determination. Rule 603 sets forth service requirements, as well as the timeframes for setting the hearing date. Rule 604 provides that the hearing is conducted de novo, meaning that it is held as if initially filed in the magisterial district court, and it is not a review of the action before the hearing officer. Rule 604 also establishes the standards of evidence, including exceptions for photographs, videos, vehicle titles and police reports to be entered without affidavit or other evidence of their truth, accuracy or authenticity. Rule 605 sets forth the consequences of one or both parties failing to appear at the hearing. Finally, Rule 606 provides for the entry of judgment, the right to appeal a judgment, and the payment of civil fines.