

**SUPREME COURT OF PENNSYLVANIA
MINOR COURT RULES COMMITTEE**

ADOPTION REPORT

**Amendment of Rules 301, 302, 321, and 350 and Rescission of Rule 351 of the
Pennsylvania Rules of Civil Procedure Governing Actions
and Proceedings Before Magisterial District Judges**

On May 22, 2024, the Supreme Court amended Rules 301, 302, 321, and 350 and rescinded Rule 351 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges, pertaining to civil enforcement of traffic violations. The Minor Court Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

Two legislative enactments created civil enforcement mechanisms for certain traffic violations. Act 86 of 2018 authorized the use of automated work zone speed enforcement systems in active work zones along the Pennsylvania Turnpike and “[f]ederal aid highways only under the jurisdiction of [PennDOT].” See 75 Pa.C.S. § 3369(a). Act 38 of 2020 authorized the use of automated enforcement systems on school buses to identify and issue violations to the owners of vehicles passing a stopped school bus when the red signal lights on the school bus are flashing and the side stop signal arms are activated. See 75 Pa.C.S. § 3345.1(a), (c). Both Acts included appeals of violations to magisterial district courts, which necessitated rulemaking to accommodate these new civil appeals.

Variations in the Acts necessitated the promulgation of distinct procedural rules relating to appeal procedures. See Pa.R.Civ.P.M.D.J. 350-351 (rules pertaining to automated work zone violation appeals and school bus violation appeals, respectively). For example, challenges to work zone violations are initiated by a filing a request for an administrative hearing before a hearing officer with a subsequent *de novo* appeal available before a magisterial district judge. See 75 Pa.C.S. § 3369(j). In contrast, appeals from school bus violations could be filed directly with the magisterial district court. See 75 Pa.C.S. § 3345.1(i.1)(3)(i) (effective through December 21, 2023). Section 3345.1 also contained a unique provision permitting the “the police department [to] turn the matter over to the magisterial district judge where the violation occurred” when the vehicle owner did not pay the fine or contest liability. 75 Pa.C.S. § 3345.1(i.1)(2)(iii).

Act 19 of 2023, adopted on October 23, 2023, reconciled differences in the appeal processes of the two enforcement schemes. It amended § 3345.1 to require a vehicle owner appeal a school bus violation to an administrative hearing officer before filing a *de*

novo appeal with the magisterial district court. See 75 Pa.C.S. § 3345.1(i.4). It also eliminated the action before the magisterial district judge to collect unpaid fines.

With § 3369 and § 3345.1 nearly identical, the Committee drafted a proposal to rescind Pa.R.Civ.P.M.D.J. 351 and incorporate its provisions relating to school bus violation appeals into Pa.R.Civ.P.M.D.J. 350. It was the Committee's intent to create a single rule addressing appeal procedures in civil traffic enforcement matters that can accommodate new programs in the future.

One topic where § 3369 and § 3345.1 did not align initially was the time for appealing a case to a magisterial district judge. Section 3369 was silent on the appeal period, while § 3345.1(i.4)(4) provided for a 45-day appeal period. The Committee believed appeals from hearing officer determinations in both work zone and school bus violation cases should be uniform and proposed a 30-day appeal period for both actions.

The Committee published the proposed amendments at 53 Pa.B. 7725 (December 16, 2023). As published, the proposal included an amendment to Pa.R.Civ.P.M.D.J. 381 to suspend 75 Pa.C.S. § 3345.1(i.4)(4), which provides for a 45-day appeal period from the issuance of the hearing officer determination in a school bus violation appeal, in favor of a 30-day appeal period applicable to both work zone and school bus violations. However, post-publication, the General Assembly further amended the work zone statute, 75 Pa.C.S. § 3369(j)(4), to allow a vehicle owner 45 days to appeal from a determination of a hearing officer to the magisterial district court. See Act of December 14, 2023, P.L. 344, No. 38, § 2. This eliminated the conflict between the work zone and school bus statutes with respect to the time for appeal.

The Committee considered whether it should recommend suspension of the 45-day appeal period to the Court. While 45 days is beyond the range of most other appeal periods, the Committee could not identify a compelling reason to recommend suspension of the 45-day period and instead require a 30-day appeal period. The Committee was further guided by the Court's recent adoption of amendments to the Rules of Appellate Procedure establishing a 45-day period for a petition for review of a determination by "a criminal justice agency with statewide jurisdiction denying a request for dissemination of criminal history investigative information, in accordance with 18 Pa.C.S. § 9158.4, shall be filed within 45 days after service of the denial." Pa.R.A.P. 1512(b)(4).

Act 38 of 2023 also eliminated a second conflict between the work zone and school bus statutes relating to damage awards to a vehicle owner. There were reports that some of the early school bus appeal cases resulted in monetary judgments for vehicle owners in excess of cost recovery as permitted by Pa.R.Civ.P.M.D.J. 206B. In response, the General Assembly added a provision to the school bus statute and, more recently, to the work zone statute limiting the magisterial district judge to finding an owner liable or not liable for violating this section. 75 Pa.C.S. § 3345.1(i.4), 75 Pa.C.S. § 3369(j)(4). As

published, the comment to proposed Pa.R.Civ.P.M.D.J. 350 included a cross-reference to § 3345.1(i.4)(4), pertaining to limits on the judgment. Post-publication, a similar cross-reference to § 3369(j)(4) was added to the comment.

These rule changes become effective on August 1, 2024.