

CHAPTER 600. AUTOMATED RED LIGHT ENFORCEMENT APPEALS (NEW)

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Explanatory Comment

The rules in this chapter were adopted to provide for appeals from violations captured by automated red light enforcement systems. 75 Pa.C.S. § 3117, effective October 1, 2012, generally authorizes “[a] municipality, upon passage of an ordinance ... to enforce [75 Pa.C.S.] § 3112(a)(3) (relating to traffic-control signals) by recording violations using an automated red light enforcement system approved by [PennDot].” See 75 Pa.C.S. § 3117(a). The statute requires that the municipality receive PennDot approval prior to the installation of the red light enforcement system. When a 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. See § 3117(i). A vehicle owner may request a hearing before a “hearing officer” to contest the alleged violation. See § 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.” See § 3117(n)(4).

Rule 601. Definitions

As used in this chapter:

(1) Appeal: An appeal from a decision of a hearing officer following a hearing to contest an alleged violation of 75 Pa.C.S. §3112(a)(3) as recorded by an automated red light enforcement system.

(2) Automated Red Light Enforcement System: A system authorized pursuant to 75 Pa.C.S. § 3117 to record violations of 75 Pa.C.S. § 3112(a)(3).

(3) Hearing Officer: A person designated by a municipality to conduct hearings contesting liability for violations of 75 Pa.C.S. § 3112(a)(3) as recorded by an automated red light enforcement system.

(4) Magisterial District Court: The magisterial district court in the magisterial district in which the notice of violation was issued.

(5) Notice of Violation: The document issued by a police officer employed by the police department with primary jurisdiction over the area where the violation of 75 Pa.C.S. § 3112(a)(3) occurred, and containing the information set forth in 75 Pa.C.S. § 3117(i)(3).

(6) Owner: The registered owner or co-owners of the vehicle identified in a notice of violation.

(7) System Administrator: The municipality or its designee that supervises and coordinates the administration of notices of violation issued pursuant to 75 Pa.C.S. § 3117.

Official Note: The above definitions are derived from the statute authorizing the use of automated red light enforcement systems by municipalities, 75 Pa.C.S. § 3117.

Rule 602. Time and Method of Appeal.

(A) The owner shall file a notice of appeal along with a copy of the determination of the hearing officer with the magisterial district court within thirty (30) days after the date of the determination. No bond or other security shall be required for appeal.

(B) The notice of appeal filed with the magisterial district court shall be on a form as prescribed by the State Court Administrator. The magisterial district court shall not accept a notice of appeal that is presented after the expiration of the time period specified above.

Official Note: Thirty days is the standard period of time for taking an appeal. See 42 Pa. C.S. § 5571; Pa.R.A.P. 903.

See Rules 1003, 1008A, which do not require the filing of a bond or other security in appeals from judgments entered in civil matters.

Rule 603. Service; Setting the Date for Hearing.

(A) Upon receipt of the notice of appeal, the magisterial district court shall set a hearing date, which shall be not less than twelve (12) or more than sixty (60) days from the date the notice of appeal is filed.

(B) The magisterial district court shall insert the hearing time and date, and the address of the magisterial district court in the notice of appeal form.

(C) The magisterial district court shall serve the notice of appeal, with the hearing time and date thereon, on the system administrator by mailing a copy of the notice of appeal to the system administrator at the address noted on the notice of violation. The service copy of the notice of appeal shall include an instruction that the system administrator shall file the notice of violation and supporting documents with the magisterial district court no later than the date of the hearing.

(D) The magisterial district court shall mail a copy of the notice of appeal form with the hearing time and date thereon to the owner.

(E) Upon receipt of the notice of appeal, the system administrator shall file a copy of the notice of violation and supporting documents with the magisterial district judge no later than the date of the hearing.

Official Note: Rule 603 is derived from 75 Pa.C.S. § 3117(n)(4), as well as Rules 305, 307--308.

It is anticipated that the system administrator's address will be found on the determination of the hearing officer attached to the notice of appeal form.

Rule 604. Hearings and Evidence.

(A) The proceeding on appeal shall be conducted de novo.

(B) The hearing is subject to the standards of evidence set forth in Rule 321, except that photographs, videos, vehicle titles and police reports may also be entered as evidence by any party without affidavit or other evidence of its truth, accuracy or authenticity.

Official Note: See 75 Pa.C.S. §3117(n)(4); Rule 321. Photographs, videos, vehicle titles and police reports were added to subdivision (B), and deemed necessary because they are the proofs most likely to be used to support the permitted defenses to a notice of violation, specifically, (1) that the person named in the notice of violation was not the vehicle operator at the time of the violation, (2) that the vehicle was reported as stolen during the time of the violation, and (3) that the person receiving notice of the violation was not the owner or lessor of the vehicle at the time of the offense. See 75 Pa.C.S. 3117(g).

Rule 605. Failure of a Party to Appear at the Hearing.

When one or both parties fail to appear for the hearing:

- (1) If the owner does not appear at the hearing, but the system administrator does appear, the magisterial district judge shall enter judgment for the system administrator.
- (2) If the owner appears at the hearing, but the system administrator does not appear, the magisterial district judge shall enter judgment for the owner.
- (3) If neither party appears at the hearing, the magisterial district judge shall enter judgment for the owner.

Official Note: Rule 605 is derived from Rule 319.

Rule 606. Judgment; Notice of Judgment and the Right to Appeal; Payment of Civil Fines; Enforcement of Judgment.

(A) Judgment shall be given at the conclusion of the hearing or within five (5) days thereafter and shall be entered on the notice of appeal form.

(B) Upon the entry of judgment, the magisterial district court shall promptly give or mail the owner and the system administrator written notice of the judgment.

(C) The written notice of judgment shall contain notice of the right of the parties to appeal, the time within which the appeal must be taken, and that the appeal is to the court of common pleas.

(D) Any civil fines payable pursuant to 75 Pa.C.S. § 3117(m) shall be made to the system administrator, and not to the magisterial district court.

Official Note: See Rules 322, 324 regarding entry of judgment.

A magisterial district court does not collect civil fines. See Rule 323. Enforcement of judgments for civil fines may be sought by following the procedures established in Rules 401--482, pertaining to entry of and execution upon judgments.