

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 40**Session of
1991

INTRODUCED BY GREENLEAF, SALVATORE, REIBMAN, LEWIS, LEMMOND AND
SHAFFER, JANUARY 22, 1991

AS AMENDED ON THIRD CONSIDERATION, APRIL 22, 1991

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for the
3 jurisdiction of district justices and for limitations on
4 compulsory arbitration.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Sections 1515(a)(3) and 7361(b) of Title 42 of
8 the Pennsylvania Consolidated Statutes are amended to read:

9 § 1515. Jurisdiction and venue.

10 (a) Jurisdiction.--Except as otherwise prescribed by general
11 rule adopted pursuant to section 503 (relating to reassignment
12 of matters), district justices shall, under procedures
13 prescribed by general rule, have jurisdiction of all of the
14 following matters:

15 * * *

16 (3) Civil claims, except claims by or against a
17 Commonwealth party as defined by section 8501 (relating to
18 definitions), wherein the sum demanded does not exceed

1 [\$4,000] \$7,500, exclusive of interest and costs, in the
2 following classes of actions:

3 (i) In assumpsit, except cases of real contract
4 where the title to real estate may be in question.

5 (ii) In trespass, including all forms of trespass
6 and trespass on the case.

7 (iii) For fines and penalties by any government
8 agency.

9 A plaintiff may waive a portion of his claim of more than
10 [\$4,000] \$7,500 so as to bring the matter within the monetary
11 jurisdiction of a district justice. Such waiver shall be
12 revoked automatically if the defendant appeals the final
13 order of the district justice or when the judgment is set
14 aside upon certiorari.

15 * * *

16 § 7361. Compulsory arbitration.

17 * * *

18 (b) Limitations.--No matter shall be referred under
19 subsection (a):

20 (1) which involves title to real property; or

21 (2) where the amount in controversy, exclusive of
22 interest and costs, exceeds:

23 ~~(i) \$50,000 in judicial districts embracing first~~ <—
24 ~~class counties;~~

25 [(i) \$20,000] ~~(ii) \$40,000~~ in judicial districts <—
26 embracing {first,} second, second class A or third class <—
27 counties or home rule counties which but for the adoption
28 of a home rule charter would be a county of one of these
29 classes; or

30 { (ii) \$10,000 } ~~(iii) \$20,000~~ in any other judicial <—

district.]

(I) NOT LESS THAN \$20,000 NOR MORE THAN \$50,000 IN
JUDICIAL DISTRICTS EMBRACING FIRST CLASS COUNTIES, SAID
AMOUNT TO BE ESTABLISHED BY LOCAL RULE OF COURT;

(II) NOT LESS THAN \$20,000 NOR MORE THAN \$40,000 IN
JUDICIAL DISTRICTS EMBRACING SECOND, SECOND CLASS A OR
THIRD CLASS COUNTIES OR HOME RULE COUNTIES WHICH BUT FOR
THE ADOPTION OF A HOME RULE CHARTER WOULD BE A COUNTY OF
ONE OF THESE CLASSES, SAID AMOUNT TO BE ESTABLISHED BY
LOCAL RULE OF COURT; OR

(III) NOT LESS THAN \$10,000 NOR MORE THAN \$20,000 IN
ANY OTHER JUDICIAL DISTRICT, SAID AMOUNT TO BE
ESTABLISHED BY LOCAL RULE OF COURT.

* * *

Section 2. This act shall take effect in 60 days.