
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1971 Session of
1991

INTRODUCED BY GODSHALL, HECKLER, REBER, DEMPSEY, NAHILL, CLARK,
TRELLO, MERRY, BILLOW, SEMMEL, STAIRS, JOHNSON, FARGO,
KRUSZEWSKI, BUNT, HARLEY, NOYE AND D. W. SNYDER,
AUGUST 3, 1991

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 3, 1991

AN ACT

1 Providing for uniform certification of questions of law; and
2 authorizing the Supreme Court or the Superior Court to answer
3 certified questions of law.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Uniform
8 Certification of Questions of Law Act.

9 Section 2. Power to answer.

10 The Supreme Court or the Superior Court may answer questions
11 of law certified to it by the Supreme Court of the United
12 States, a Court of Appeals of the United States, a United States
13 District Court, the United States Court of International Trade,
14 the Judicial Panel on Multidistrict Litigation, the United
15 States Claims Court, the United States Court of Military
16 Appeals, the United States Tax Court, or the highest appellate
17 court or the intermediate appellate court of any other state,

1 when requested by the certifying court if there are involved in
2 any proceeding before it questions of law of this Commonwealth
3 which may be determinative of the cause then pending in the
4 certifying court and as to which it appears to the certifying
5 court there is no controlling precedent in the decisions of the
6 Supreme Court or the Superior Court or the Commonwealth Court of
7 this Commonwealth.

8 Section 3. Method of invoking.

9 This act may be invoked by an order of any of the courts
10 referred to in section 2 upon the court's own motion or upon the
11 motion of any party to the cause.

12 Section 4. Contents of certification order.

13 A certification order shall set forth:

14 (1) the questions of law to be answered; and

15 (2) a statement of all facts relevant to the questions
16 certified and showing fully the nature of the controversy in
17 which the questions arose.

18 Section 5. Preparation of certification order.

19 The certification order shall be prepared by the certifying
20 court, signed by the judge presiding at the hearing, and
21 forwarded to the Supreme Court or the Superior Court by the
22 clerk of the certifying court under its official seal. The
23 Supreme Court or the Superior Court may require the original or
24 copies of all or of any portion of the record before the
25 certifying court to be filed with the certification order, if,
26 in the opinion of the Supreme Court or the Superior Court, the
27 record or portion thereof may be necessary in answering the
28 questions.

29 Section 6. Costs of certification.

30 Fees and costs shall be the same as in civil appeals docketed

1 before the Supreme Court or the Superior Court and shall be
2 equally divided between the parties unless otherwise ordered by
3 the certifying court in its order of certification.

4 Section 7. Briefs and arguments.

5 Proceedings in the Supreme Court or the Superior Court shall
6 be those provided in Pennsylvania Rules of Appellate Procedure.

7 Section 8. Opinion.

8 The written opinion of the Supreme Court or the Superior
9 Court stating the law governing the questions certified shall be
10 sent by the clerk under the seal of the Supreme Court or the
11 Superior Court to the certifying court and to the parties.

12 Section 9. Power to certify.

13 The Supreme Court, the Superior Court or the Commonwealth
14 Court of this Commonwealth, on its own motion or the motion of
15 any party, may order certification of questions of law to the
16 highest court of any state when it appears to the certifying
17 court that there are involved in any proceeding before the court
18 questions of law of the receiving state which may be
19 determinative of the cause then pending in the certifying court
20 and it appears to the certifying court that there are no
21 controlling precedents in the decisions of the highest court or
22 intermediate appellate courts of the receiving state.

23 Section 10. Procedure on certifying.

24 The procedures for certification from this Commonwealth to
25 the receiving state shall be those provided in the laws of the
26 receiving state.

27 Section 11. Construction.

28 This act shall be so construed as to effectuate its general
29 purpose to make uniform the law of those states which enact it.

30 Section 12. Effective date.

1 This act shall take effect in 60 days.