

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

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 10, 1992

AN ACT

1 Providing for uniform certification of questions of law; and
2 authorizing the Supreme Court ~~or~~, the Superior Court OR THE
3 COMMONWEALTH COURT to answer 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 OR THE COMMONWEALTH <—
11 COURT may answer questions of law certified to it by the Supreme
12 Court of the United States, a Court of Appeals of the United
13 States, a United States District Court, the United States Court
14 of International Trade, the Judicial Panel on Multidistrict
15 Litigation, the United States Claims Court, the United States
16 Court of Military Appeals, the United States Tax Court, or the
17 highest appellate court or the intermediate appellate court of

1 any other state, when requested by the certifying court if there
2 are involved in any proceeding before it questions of law of
3 this Commonwealth which may be determinative of the cause then
4 pending in the certifying court and as to which it appears to
5 the certifying court there is no controlling precedent in the
6 decisions of the Supreme Court or the Superior Court or the
7 Commonwealth Court of 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 OR THE <—
22 COMMONWEALTH COURT by the clerk of the certifying court under
23 its official seal. The Supreme Court ~~or~~, the Superior Court OR <—
24 THE COMMONWEALTH COURT may require the original or copies of all
25 or of any portion of the record before the certifying court to
26 be filed with the certification order, if, in the opinion of the
27 Supreme Court ~~or~~, the Superior Court OR THE COMMONWEALTH COURT, <—
28 the record or portion thereof may be necessary in answering the
29 questions.

30 Section 6. Costs of certification.

1 Fees and costs shall be the same as in civil appeals docketed
2 before the Supreme Court ~~or~~, the Superior Court OR THE <—
3 COMMONWEALTH COURT and shall be equally divided between the
4 parties unless otherwise ordered by the certifying court in its
5 order of certification.

6 Section 7. Briefs and arguments.

7 Proceedings in the Supreme Court ~~or~~, the Superior Court OR <—
8 THE COMMONWEALTH COURT shall be those provided in Pennsylvania
9 Rules of Appellate Procedure.

10 Section 8. Opinion.

11 The written opinion of the Supreme Court ~~or~~, the Superior <—
12 Court OR THE COMMONWEALTH COURT stating the law governing the <—
13 questions certified shall be sent by the clerk under the seal of
14 the Supreme Court ~~or~~, the Superior Court OR THE COMMONWEALTH <—
15 COURT to the certifying court and to the parties.

16 Section 9. Power to certify.

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

27 Section 10. Procedure on certifying.

28 The procedures for certification from this Commonwealth to
29 the receiving state shall be those provided in the laws of the
30 receiving state.

1 Section 11. Construction.

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

4 Section 12. Effective date.

5 This act shall take effect in 60 days.