
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2249 Session of
1995

INTRODUCED BY FAJT, KUKOVICH, READSHAW, TRELLO, WOGAN, NICKOL,
YOUNGBLOOD AND THOMAS, NOVEMBER 27, 1995

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 27, 1995

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 parties to declaratory judgment actions.

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

6 Section 1. Section 7540 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 7540. Parties.

9 (a) General rule.--When declaratory relief is sought, all
10 persons shall be made parties who have or claim any interest
11 which would be affected by the declaration, and no declaration
12 shall prejudice the rights of persons not parties to the
13 proceeding. Nothing in this section shall require, in an action
14 for declaratory relief under this subchapter to determine the
15 respective rights of an insurer and an insured pursuant to a
16 contract of insurance, the joinder of the persons who have
17 asserted claims against the insured that are the subject of the
18 action for declaratory relief. In any proceeding which involves

1 the validity of a municipal ordinance or franchise, such
2 municipality shall be made a party and shall be entitled to be
3 heard.

4 (b) Tax matters.--In any proceeding which involves the
5 effect of any asserted legal relation, status, right, or
6 privilege upon the determination of any tax, the appropriate
7 taxing authority shall be served with a copy of the proceeding,
8 but if such taxing authority does not enter its appearance, the
9 requirements of this section shall nevertheless be satisfied if
10 the court considers that the interests of the taxing authority
11 are adequately represented.

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