

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1374 Session of
1996

INTRODUCED BY GREENLEAF, HECKLER, HART AND LEMMOND,
FEBRUARY 1, 1996

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 12, 1996

AN ACT

1 ~~Amending Title 42 (Judiciary and Judicial Procedure) of the~~ <—
2 ~~Pennsylvania Consolidated Statutes, clarifying provisions~~
3 ~~relating to equitable matters.~~

4 AMENDING TITLE 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE <—
5 PENNSYLVANIA CONSOLIDATED STATUTES, PROVIDING FOR
6 REAPPOINTMENT OF DISTRICT JUSTICE; AND FURTHER PROVIDING FOR
7 SCOPE OF CHAPTER RELATING TO LIMITATION OF TIME.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 ~~Section 1. Section 5501(c) of Title 42 of the Pennsylvania~~ <—
11 ~~Consolidated Statutes is amended to read:~~

12 ~~§ 5501. Scope of chapter.~~

13 ~~* * *~~

14 ~~(c) Equitable matters. [This chapter is applicable to~~
15 ~~equitable matters, but nothing] Nothing in this chapter shall~~
16 ~~modify the principles of waiver, laches and estoppel and similar~~
17 ~~principles heretofore applicable in equitable matters. However,~~
18 ~~a court in equity shall be guided by the limitations of time~~
19 ~~provided for in this chapter.~~

~~Section 2. This act shall take effect immediately.~~

SECTION 1. TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED
STATUTES IS AMENDED BY ADDING A SECTION TO READ:

§ 3132.1. REAPPOINTMENT OF DISTRICT JUSTICE.

NOTWITHSTANDING ANY PROVISIONS OF THIS TITLE TO THE CONTRARY,
A DISTRICT JUSTICE WHO RESIGNS FROM OFFICE MAY NOT BE
REAPPOINTED TO HIS OR HER UNEXPIRED TERM.

SECTION 2. SECTION 5501 OF TITLE 42 IS AMENDED TO READ:

§ 5501. SCOPE OF CHAPTER.

(A) GENERAL RULE.--AN ACTION, PROCEEDING OR APPEAL MUST BE
COMMENCED WITHIN THE TIME SPECIFIED IN OR PURSUANT TO THIS
CHAPTER UNLESS, IN THE CASE OF A CIVIL ACTION OR PROCEEDING, A
DIFFERENT TIME IS PROVIDED BY THIS TITLE OR ANOTHER STATUTE OR A
SHORTER TIME WHICH IS NOT MANIFESTLY UNREASONABLE IS PRESCRIBED
BY WRITTEN AGREEMENT.

(B) UNIFORM COMMERCIAL CODE.--THE PROVISIONS OF TITLE 13
(RELATING TO COMMERCIAL CODE), TO THE EXTENT THAT THEY ARE
INCONSISTENT WITH THIS CHAPTER, SHALL CONTROL OVER THE
PROVISIONS OF THIS CHAPTER.

(C) EQUITABLE MATTERS.--[THIS CHAPTER IS APPLICABLE TO
EQUITABLE MATTERS, BUT NOTHING] NOTHING IN THIS CHAPTER SHALL
MODIFY THE PRINCIPLES OF WAIVER, LACHES AND ESTOPPEL AND SIMILAR
PRINCIPLES HERETOFORE APPLICABLE IN EQUITABLE MATTERS.

~~SECTION 2~~ 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.