

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 117 Session of  
1997

---

INTRODUCED BY GODSHALL, CIVERA, CLARK, ITKIN AND WOGAN,  
JANUARY 29, 1997

---

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 29, 1997

---

AN ACT

1 Providing for uniform certification of questions of law; and  
2 authorizing the Supreme Court, 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, 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  
18 any other state, when requested by the certifying court if there

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

7 Section 3. Method of invoking.

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

11 Section 4. Contents of certification order.

12 A certification order shall set forth:

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

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

17 Section 5. Preparation of certification order.

18 The certification order shall be prepared by the certifying  
19 court, signed by the judge presiding at the hearing, and  
20 forwarded to the Supreme Court, the Superior Court or the  
21 Commonwealth Court by the clerk of the certifying court under  
22 its official seal. The Supreme Court, the Superior Court or the  
23 Commonwealth Court may require the original or copies of all or  
24 of any portion of the record before the certifying court to be  
25 filed with the certification order, if, in the opinion of the  
26 Supreme Court, the Superior Court or the Commonwealth 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, the Superior Court or the Commonwealth  
2 Court and shall be equally divided between the parties unless  
3 otherwise ordered by the certifying court in its order of  
4 certification.

5 Section 7. Briefs and arguments.

6 Proceedings in the Supreme Court, the Superior Court or the  
7 Commonwealth Court shall be those provided in Pennsylvania Rules  
8 of Appellate Procedure.

9 Section 8. Opinion.

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

15 Section 9. Power to certify.

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

26 Section 10. Procedure on certifying.

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

30 Section 11. Construction.

1       This act shall be so construed as to effectuate its general  
2   purpose to make uniform the law of those states which enact it.  
3   Section 12.   Effective date.  
4       This act shall take effect in 60 days.