

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 216 Session of 2001

INTRODUCED BY TARTAGLIONE, BELL, WAGNER, MELLOW, STOUT, MUSTO, O'PAKE, SCHWARTZ, LAVALLE, HUGHES, COSTA, KASUNIC, BODACK, BOSCOLA, KUKOVICH AND STACK, JANUARY 31, 2001

AS RE-REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 4, 2001

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 COSTS, FOR COMMONWEALTH PORTION OF FINES AND FOR limitations <—
4 of actions.

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

7 ~~Section 1. Section 5524 of Title 42 of the Pennsylvania <—
8 Consolidated Statutes is amended by adding a paragraph to read:~~

9 SECTION 1. SECTIONS 1725.1 AND 3571(C) OF TITLE 42 OF THE <—
10 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

11 § 1725.1. COSTS.

12 (A) CIVIL CASES.--SUBJECT TO SUBSECTION (F), THE COSTS TO BE
13 CHARGED BY DISTRICT JUSTICES IN EVERY CIVIL CASE, EXCEPT AS
14 OTHERWISE PROVIDED IN THIS SECTION, SHALL BE AS FOLLOWS:

15 (1) ACTIONS INVOLVING \$500 OR
16 LESS..... \$30.00

17 (2) ACTIONS INVOLVING MORE THAN

1	\$500 BUT NOT MORE THAN \$2,000.....	\$40.00
2	(3) ACTIONS INVOLVING MORE THAN	
3	\$2,000 BUT NOT MORE THAN \$4,000.....	\$50.00
4	(4) ACTIONS INVOLVING MORE THAN	
5	\$4,000 BUT NOT MORE THAN \$8,000.....	\$75.00
6	(5) LANDLORD-TENANT ACTIONS INVOLVING	
7	LESS THAN \$2,000.....	\$45.00
8	(6) LANDLORD-TENANT ACTIONS INVOLVING MORE	
9	THAN \$2,000 BUT NOT MORE THAN \$4,000.....	\$55.00
10	(7) LANDLORD-TENANT ACTIONS INVOLVING MORE	
11	THAN \$4,000 BUT NOT MORE THAN \$8,000.....	\$75.00
12	(8) ORDER OF EXECUTION.....	\$22.50
13	(9) OBJECTION TO LEVY.....	\$10.00
14	(10) REINSTATEMENT OF COMPLAINT.....	\$ 5.00

15 SUCH COSTS SHALL INCLUDE ALL CHARGES EXCEPT THE COSTS OF A  
16 DISTRICT JUSTICE'S TRANSCRIPT OF EVERY PROCEEDING ON APPEAL OR  
17 CERTIORARI (INCLUDING AFFIDAVIT AND CERTIFICATE) WHICH SHALL BE  
18 \$2.50 PER TRANSCRIPT. SAID COSTS SHALL NOT INCLUDE, HOWEVER, THE  
19 COST OF POSTAGE AND REGISTERED MAIL WHICH SHALL BE BORNE BY THE  
20 PLAINTIFF.

21 (A.1) CUSTODY CASES.--EXCEPT AS PROVIDED IN SECTION  
22 1725(C)(2)(V) (RELATING TO ESTABLISHMENT OF FEES AND CHARGES)  
23 AND SUBJECT TO SUBSECTION (F), IN A CUSTODY CASE, THE COURT OF  
24 COMMON PLEAS SHALL, IN ADDITION TO THE COST PROVIDED BY GENERAL  
25 RULE, ASSESS A COST OF \$5.00. EIGHTY PERCENT OF THE FUNDS  
26 GENERATED BY THE CHARGE UNDER THIS SUBSECTION SHALL BE  
27 TRANSMITTED BY THE PROTHONOTARY TO THE ADMINISTRATIVE OFFICE TO  
28 PAY FOR THE IMPLEMENTATION OF SECTION 1904 (RELATING TO  
29 AVAILABILITY OF CRIMINAL CHARGE INFORMATION IN CHILD CUSTODY  
30 PROCEEDINGS).

1 (B) CRIMINAL CASES.--SUBJECT TO SUBSECTION (F), THE COSTS TO  
2 BE CHARGED BY THE MINOR JUDICIARY OR BY THE COURT OF COMMON  
3 PLEAS WHERE APPROPRIATE IN EVERY CRIMINAL CASE, EXCEPT AS  
4 OTHERWISE PROVIDED IN THIS SECTION, SHALL BE AS FOLLOWS:

- 5 (1) SUMMARY CONVICTION, EXCEPT MOTOR VEHICLE  
6 CASES..... \$28.50
- 7 (2) SUMMARY CONVICTION, MOTOR VEHICLES CASES,  
8 OTHER THAN PARAGRAPH (3)..... \$22.50
- 9 (3) SUMMARY CONVICTION, MOTOR VEHICLE CASES,  
10 HEARING DEMANDED..... \$27.50
- 11 (4) MISDEMEANOR..... \$32.50
- 12 (5) FELONY..... \$37.50

13 SUCH COSTS SHALL INCLUDE ALL CHARGES INCLUDING THE COSTS OF  
14 GIVING A DISTRICT JUSTICE'S TRANSCRIPT TO THE PROSECUTOR OR  
15 DEFENDANT, OR BOTH, IF REQUESTED. SUCH COSTS SHALL NOT INCLUDE,  
16 HOWEVER, THE COST OF POSTAGE AND REGISTERED MAIL WHICH SHALL BE  
17 PAID BY THE DEFENDANT UPON CONVICTION.

18 (C) UNCLASSIFIED COSTS OR CHARGES.--SUBJECT TO SUBSECTION  
19 (F), THE COSTS TO BE CHARGED BY THE MINOR JUDICIARY IN THE  
20 FOLLOWING INSTANCES NOT READILY CLASSIFIABLE SHALL BE AS  
21 FOLLOWS:

- 22 (1) ENTERING TRANSCRIPT OF JUDGMENT FROM ANOTHER  
23 MEMBER OF THE MINOR JUDICIARY..... \$ 5.00
- 24 (2) MARRYING EACH COUPLE, MAKING RECORD THEREOF,  
25 AND CERTIFICATE TO THE PARTIES..... \$25.00
- 26 (3) GRANTING EMERGENCY RELIEF PURSUANT TO 23 PA.C.S.  
27 CH. 61 (RELATING TO PROTECTION FROM ABUSE)..... \$10.00
- 28 (4) ISSUING A SEARCH WARRANT (EXCEPT AS PROVIDED  
29 IN SUBSECTION (D))..... \$10.00
- 30 (5) ANY OTHER ISSUANCE NOT OTHERWISE PROVIDED FOR

1 IN THIS SUBSECTION..... \$10.00

2 (D) SEARCH WARRANTS.--IN EVERY CASE WHERE A SEARCH WARRANT  
3 IS REQUESTED BY A POLICE OFFICER, CONSTABLE OR OTHER PEACE  
4 OFFICER ENGAGED AS SUCH IN THE EMPLOY OR SERVICE OF THE  
5 COMMONWEALTH OR ANY OF ITS POLITICAL SUBDIVISIONS, NO COST OR  
6 CHARGE SHALL BE ASSESSED AGAINST SUCH OFFICER, THE COMMONWEALTH  
7 OR POLITICAL SUBDIVISION FOR THE ISSUANCE OF SUCH SEARCH  
8 WARRANT.

9 (E) FISH AND BOATING OFFENSES.--

10 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), ANY PERSON  
11 CONVICTED OF A SUMMARY OFFENSE UNDER TITLE 30 (RELATING TO  
12 FISH) SHALL, IN ADDITION TO THE FINE IMPOSED, BE SENTENCED TO  
13 PAY \$10 AS COSTS OF THE ISSUING AUTHORITY WHICH COSTS SHALL  
14 INCLUDE ALL CHARGES INCLUDING, WHEN CALLED FOR, THE COSTS OF  
15 POSTAGE AND REGISTERED OR CERTIFIED MAIL AND THE COSTS OF  
16 GIVING A TRANSCRIPT TO THE PROSECUTOR OR DEFENDANT, OR BOTH,  
17 IF REQUESTED.

18 (2) WHERE THE PERSON CHARGED WITH A SUMMARY OFFENSE  
19 UNDER TITLE 30 DEMANDS A HEARING, THE COSTS OF THE ISSUING  
20 AUTHORITY SHALL BE \$15, WHICH COSTS SHALL INCLUDE ALL CHARGES  
21 INCLUDING THE CHARGES SPECIFIED IN PARAGRAPH (1).

22 (F) ANNUAL INCREASE IN COSTS.--BEGINNING ON JANUARY 1, 1994,  
23 AND EACH JANUARY 1 THEREAFTER, THE COSTS UNDER SUBSECTIONS (A),  
24 (B) AND (C) SHALL BE INCREASED BY THE PERCENTAGE OF INCREASE IN  
25 THE CONSUMER PRICE INDEX FOR URBAN WORKERS FOR THE IMMEDIATE  
26 PRECEDING CALENDAR YEAR WHICH SHALL BE PUBLISHED IN THE  
27 PENNSYLVANIA BULLETIN ANNUALLY BY THE SUPREME COURT ON OR BEFORE  
28 THE PRECEDING NOVEMBER 30. THIS SUBSECTION SHALL EXPIRE JANUARY  
29 1, [2001] 2010.

30 § 3571. COMMONWEALTH PORTION OF FINES, ETC.

1 \* \* \*

2 (C) COSTS IN DISTRICT JUSTICE PROCEEDINGS.--

3 (1) COSTS COLLECTED BY A DISTRICT JUSTICE SHALL BE  
4 TRANSMITTED MONTHLY TO THE COMMONWEALTH IN AMOUNTS AS  
5 PRESCRIBED IN SUBSECTION (B) AND THE BALANCE SHALL BE  
6 TRANSMITTED MONTHLY TO THE COUNTY IN WHICH THE MAGISTERIAL  
7 DISTRICT IS LOCATED. COSTS TRANSMITTED TO THE COMMONWEALTH  
8 SHALL BE CREDITED TO THE GENERAL FUND. COSTS TRANSMITTED TO  
9 THE COUNTY SHALL BE RETAINED BY THE COUNTY FOR ITS USE.

10 (2) AMOUNTS PAYABLE TO THE COMMONWEALTH:

- 11 (I) SUMMARY CONVICTION, EXCEPT MOTOR VEHICLE
- 12 CASES..... \$10.00
- 13 (II) SUMMARY CONVICTION, MOTOR VEHICLE CASES OTHER
- 14 THAN SUBPARAGRAPH (III)..... \$10.00
- 15 (III) SUMMARY CONVICTION, MOTOR VEHICLE CASES,
- 16 HEARING DEMANDED..... \$10.00
- 17 (IV) MISDEMEANOR..... \$13.00
- 18 (V) FELONY..... \$20.00
- 19 (VI) ASSUMPSIT OR TRESPASS INVOLVING:
- 20 (A) \$500 OR LESS..... \$12.50
- 21 (B) MORE THAN \$500 BUT NOT MORE THAN
- 22 \$2,000..... \$20.00
- 23 (C) MORE THAN \$2,000 BUT NOT MORE
- 24 THAN \$4,000..... \$30.00
- 25 (D) MORE THAN \$4,000 BUT NOT MORE
- 26 THAN \$8,000..... \$50.00
- 27 (VII) LANDLORD-TENANT PROCEEDING INVOLVING:
- 28 (A) \$2,000 OR LESS..... \$20.00
- 29 (B) MORE THAN \$2,000 BUT NOT MORE THAN
- 30 \$4,000..... \$25.00

1 (C) MORE THAN \$4,000 BUT NOT MORE THAN  
 2 \$8,000..... \$35.00  
 3 (VIII) OBJECTION TO LEVY..... \$ 5.00  
 4 (IX) ORDER OF EXECUTION..... \$15.00  
 5 (X) ISSUING A SEARCH WARRANT (EXCEPT AS PROVIDED  
 6 IN SECTION 1725.1(D) (RELATING TO COSTS))..... \$ 7.00  
 7 (XI) ORDER OF POSSESSION..... \$15.00

8 (3) IN ALL CASES WHERE COSTS ARE BORNE BY THE COUNTY  
 9 PURSUANT TO SECTION 1725.2 (RELATING TO ASSUMPTION OF SUMMARY  
 10 CONVICTION COSTS BY COUNTY), NO SHARE OF SUCH COSTS SHALL BE  
 11 PAYABLE TO THE COMMONWEALTH.

12 (4) BEGINNING ON JANUARY 1, 1994, AND EACH JANUARY 1  
 13 THEREAFTER, THE COSTS UNDER PARAGRAPH (2) SHALL BE INCREASED  
 14 BY THE PERCENTAGE OF INCREASE IN THE CONSUMER PRICE INDEX FOR  
 15 URBAN WORKERS FOR THE IMMEDIATE PRECEDING CALENDAR YEAR WHICH  
 16 SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN ANNUALLY BY  
 17 THE SUPREME COURT ON OR BEFORE THE PRECEDING NOVEMBER 30.  
 18 THIS PARAGRAPH SHALL EXPIRE JANUARY 1, [2001] 2010.

19 \* \* \*

20 SECTION 2. SECTION 5524 OF TITLE 42 IS AMENDED BY ADDING A  
 21 PARAGRAPH TO READ:

22 § 5524. Two year limitation.

23 The following actions and proceedings must be commenced  
 24 within two years:

25 \* \* \*

26 ~~(8) An action to recover damages for injury to a person~~ <—  
 27 ~~or for the death of a person caused by the exposure to~~  
 28 ~~asbestos shall be commenced within two years from the date~~  
 29 ~~the person was informed by a licensed physician that the~~  
 30 ~~person has an injury which is caused by such exposure.~~

1           (8) AN ACTION TO RECOVER DAMAGES FOR INJURY TO A PERSON     <—  
2           OR FOR THE DEATH OF A PERSON CAUSED BY EXPOSURE TO ASBESTOS.  
3           THE TIME WITHIN WHICH SUCH ACTION MUST BE COMMENCED SHALL BE  
4           COMPUTED FROM THE DATE ON WHICH THE PERSON IS INFORMED BY A  
5           HEALTH CARE PRACTITIONER WHO IS AUTHORIZED TO PRACTICE SOME  
6           COMPONENT OF THE HEALING ARTS BY A LICENSE, PERMIT,  
7           CERTIFICATE OR REGISTRATION ISSUED BY A COMMONWEALTH  
8           LICENSING AGENCY OR BOARD OR AN EQUIVALENT AGENCY OR BOARD IN  
9           ANOTHER STATE THAT THE PERSON HAS BEEN INJURED BY SUCH  
10          EXPOSURE OR FROM THE DATE ON WHICH THE PERSON KNEW, OR IN THE  
11          EXERCISE OF REASONABLE DILIGENCE, AS DETERMINED BY THE TRIER  
12          OF FACT, SHOULD HAVE KNOWN, THAT HE HAD AN INJURY WHICH WAS  
13          CAUSED BY SUCH EXPOSURE, WHICHEVER DATE OCCURS FIRST.

14          Section 2 3. This act shall take effect in 60 days.     <—