

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 334 Session of 2013

INTRODUCED BY PILEGGI, RAFFERTY, ALLOWAY, MENSCH, WHITE, WARD, BROWNE AND GREENLEAF, FEBRUARY 1, 2013

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, FEBRUARY 11, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for the
3 makeup, jurisdiction and venue of the Philadelphia Municipal
4 Court; restricting and eliminating the Traffic Court of
5 Philadelphia; and making an editorial change.

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

8 Section 1. The definition of "Traffic Court of Philadelphia"
9 in section 102 of Title 42 of the Pennsylvania Consolidated
10 Statutes is amended to read:

11 § 102. Definitions.

12 Subject to additional definitions contained in subsequent
13 provisions of this title which are applicable to specific
14 provisions of this title, the following words and phrases when
15 used in this title shall have, unless the context clearly
16 indicates otherwise, the meanings given to them in this section:

17 \* \* \*

18 "Traffic Court of Philadelphia." The [traffic court existing
19 under section 6(c) of Article V of the Constitution of

1 Pennsylvania and Subchapter B of Chapter 13 (relating to Traffic  
2 Court of Philadelphia) so long as a community court has not been  
3 established or in the event one has been discontinued in the  
4 City and County of Philadelphia.] Traffic Division under section  
5 1121(c) (relating to Philadelphia Municipal Court).

6 \* \* \*

7 Section 2. Section 1121 of Title 42 is amended to read:

8 § 1121. Philadelphia Municipal Court.

9 (a) Organization.--The Philadelphia Municipal Court shall be  
10 organized as follows:

11 (1) The General Division shall consist of 25 judges and  
12 hearing ~~examiners~~ OFFICERS appointed by the President Judge <--  
13 of the Philadelphia Municipal Court.

14 (2) The Traffic Division shall consist of ~~five~~ FOUR <--  
15 judges elected to the Traffic Court of Philadelphia prior to  
16 the effective date of this paragraph. If a vacancy in the  
17 Traffic Division occurs ~~because a judge is convicted or~~ <--  
18 ~~removed from office,~~ the vacancy shall not be filled. This  
19 paragraph shall expire on the later of:

20 (i) the date of the ratification by the electorate  
21 of an amendment to the Constitution of Pennsylvania  
22 abolishing the Philadelphia Traffic Court; or

23 (ii) the date of the expiration of the longest term  
24 of a judge specified in subsection (c)(4).

25 (b) General Division.--

26 (1) A judge in the General Division must be an attorney  
27 at law.

28 (2) The salary of a judge in the General Division shall  
29 be as set forth in section 2.1(e) and (i) of the act of  
30 September 30, 1983 (P.L.160, No.39), known as the Public

1 Official Compensation Law.

2 (3) The General Division shall exercise full  
3 jurisdiction of the municipal court under section 1123(a)  
4 (relating to jurisdiction and venue).

5 (c) Traffic Division.--

6 (1) A judge in the Traffic Division must:

7 (i) be an attorney at law; or

8 (ii) complete a course of training and instruction  
9 in the duties of the offices and pass an examination in  
10 the course.

11 (2) The salary of a judge in the Traffic Division shall  
12 be as set forth in section 2.1(f) and (i) of the Public  
13 Official Compensation Law.

14 (3) The Traffic Division shall, at the direction of the  
15 President Judge of the Philadelphia Municipal Court, exercise  
16 jurisdiction under section 1123(a)(9).

17 (4) This subsection shall apply during the terms of all  
18 judges of the Philadelphia Traffic Court:

19 (i) who have been elected prior to January 1, 2014;

20 and

21 (ii) whose term expires after December 31, 2017.

22 (5) A judge identified in paragraph (4) shall, until the  
23 expiration of the term to which the judge has been elected,  
24 serve as a judge in the Traffic Division.

25 (6) This subsection shall expire on the later of:

26 (i) the date of the ratification by the electorate  
27 of an amendment to the Constitution of Pennsylvania  
28 abolishing the Philadelphia Traffic Court; or

29 (ii) the date of the expiration of the longest term  
30 of a judge specified in paragraph (4).

1 Section 3. Section 1123(a) of Title 42 is amended by adding  
2 a paragraph to read:

3 § 1123. Jurisdiction and venue.

4 (a) General rule.--Except as otherwise prescribed by any  
5 general rule adopted pursuant to section 503 (relating to  
6 reassignment of matters), the Philadelphia Municipal Court shall  
7 have jurisdiction of the following matters:

8 \* \* \*

9 (9) Prosecutions for summary offenses arising under:

10 (i) Title 75 (relating to vehicles); or

11 (ii) an ordinance of a political subdivision enacted  
12 pursuant to Title 75.

13 \* \* \*

14 Section 4. Section 1302(a) introductory paragraph of Title  
15 42 is amended and the section is amended by adding a subsection  
16 to read:

17 § 1302. Jurisdiction and venue.

18 (a) General rule.--Except as set forth in subsection (a.1)  
19 or as otherwise prescribed by any general rule adopted pursuant  
20 to section 503 (relating to reassignment of matters), each  
21 traffic court shall have jurisdiction of all prosecutions for  
22 summary offenses arising under:

23 \* \* \*

24 (a.1) Traffic Court of Philadelphia.--

25 (1) Except as otherwise prescribed by any general rule  
26 adopted pursuant to section 503 (relating to reassignment of  
27 matters), each traffic court under Subchapter B (relating to  
28 Traffic Court of Philadelphia) shall, at the direction of the  
29 President Judge of the Philadelphia Municipal Court, have  
30 jurisdiction of all prosecutions for summary offenses arising

1 under:

2 (i) Title 75.

3 (ii) Any ordinance of any political subdivision  
4 enacted pursuant to Title 75.

5 (2) This subsection shall expire on the later of:

6 (i) the date of the ratification by the electorate  
7 of an amendment to the Constitution of Pennsylvania  
8 abolishing the Philadelphia Traffic Court; or

9 (ii) January 1, 2018.

10 \* \* \*

11 Section 5. Section 1321 of Title 42 is amended to read:

12 § 1321. Traffic Court of Philadelphia.

13 (a) Establishment.--The Traffic Court of Philadelphia shall  
14 be a court not of record [and shall consist of seven judges].

15 The court is established for the City and County of  
16 Philadelphia.

17 (b) Composition.--The court shall consist of two judges:

18 (1) who are serving on the court on the effective date  
19 of this subsection; and

20 (2) whose terms expire on December 31, 2017.

21 (c) Expiration.--This section shall expire on the later of:

22 (1) the date of the ratification by the electorate of an  
23 amendment to the Constitution of Pennsylvania abolishing the  
24 Philadelphia Traffic Court; or

25 (2) January 1, 2018.

26 Section 6. This act shall take effect in 60 days.