

JUDICIAL CODE (42 PA.C.S.) - AMEND PHILADELPHIA MUNICIPAL COURT

Act of Nov. 21, 1995, P.L. 619, No. 65

Cl. 42

Session of 1995

No. 1995-65

SB 347

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals of contempt citations and for the jurisdiction of the Philadelphia Municipal Court.

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

Section 1. Section 1123(a)(3) and (4) and (a.1) of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1123. Jurisdiction and venue.

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

\* \* \*

(3) Matters arising under the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951. The judges of the Philadelphia Municipal Court shall have the power to enter judgments exceeding \$5,000 in matters arising under this subsection. **Appeals from a judgment of the municipal court under this subsection shall be to the court of common pleas in accordance with local rules of court established by the administrative judge of the trial division. Those rules shall not be inconsistent with Statewide rules of procedure as established by the Supreme Court.**

(4) Civil actions, except actions by or against a Commonwealth party as defined by section 8501 (relating to definitions), wherein the sum demanded does not exceed [\$5,000] **\$10,000**, exclusive of interest and costs, in the following classes of actions:

- (i) In assumpsit.
- (ii) In trespass, including all forms of trespass and trespass on the case.
- (iii) For fines and penalties by any government agency.

A plaintiff may waive a portion of his claim of more than [\$5,000] **\$10,000** so as to bring the matter within the monetary jurisdiction of the municipal court. Such waiver shall be revoked automatically if the defendant appeals the final order of the municipal court. In cases under this paragraph the defendant shall have no right of trial by jury in the municipal court, but shall have the right to appeal

for trial de novo, including the right of trial by jury, to the court of common pleas, [it being] **in accordance with local rules of court established by the administrative judge of the trial division. These rules shall not be inconsistent with Statewide rules of procedure as established by the Supreme Court.** It is the purpose of this paragraph to establish an expeditious small claims procedure whereby it shall not be necessary for the litigants to obtain counsel. Judgments by confession shall not be entered in the municipal court.

\* \* \*

(a.1) Appeal from contempt citation or nuisance order.-- There shall be a right to appeal to the [Court of Common Pleas of Philadelphia County] **Superior Court** of a contempt citation issued by a municipal court judge [or] , **but the appeal shall be limited to a review of the record. There shall be a right of appeal to the Court of Common Pleas of Philadelphia County** of an order issued by a municipal court judge in any action under subsection (a)(7) or (8), but the appeal shall be limited to a review of the record.

\* \* \*

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

APPROVED--The 21st day of November, A. D. 1995.

THOMAS J. RIDGE