

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 323 Session of 2015

INTRODUCED BY GROVE, SAYLOR, BLOOM, PHILLIPS-HILL, ROZZI, GREINER, PICKETT, LAWRENCE, DIAMOND, RADER, KORTZ AND A. HARRIS, APRIL 24, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 30, 2015

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in organization <--
3 JURISDICTION of appellate courts, providing for the commerce <--
4 division of the Superior Court. COMMERCE COURT PROGRAM; AND, <--
5 IN ORGANIZATION AND JURISDICTION OF COURTS OF COMMON PLEAS,
6 PROVIDING FOR COMMERCE COURTS.

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

9 Section 1. Title 42 of the Pennsylvania Consolidated
10 Statutes is amended by adding a section SECTIONS to read: <--

11 Section 541.1. Commerce division. <--

12 (a) Establishment. The commerce division is established in
13 the Superior Court.

14 (b) Composition. The division shall consist of judges
15 appointed by the President Judge of the Superior Court,
16 including no more than three senior judges:

17 (c) Status of the commerce division. The commerce division
18 of the Superior Court is an administrative unit composed of
19 those judges of the court responsible for the transaction of

1 ~~specified classes of the business of the court.~~

2 ~~(d) Jurisdiction.~~

3 ~~(1) The following types of appeals under the~~  
4 ~~jurisdiction of the Superior Court pursuant to section 742~~  
5 ~~(relating to appeals from courts of common pleas) shall be~~  
6 ~~heard by the commerce division:~~

7 ~~(i) Actions relating to the internal affairs,~~  
8 ~~governance, dissolution, liquidation, rights or~~  
9 ~~obligations between or among owners and liability or~~  
10 ~~indemnity of managers of corporations, partnerships,~~  
11 ~~limited partnerships, limited liability partnerships,~~  
12 ~~professional associations, business trusts, joint~~  
13 ~~ventures or other business enterprises, including any~~  
14 ~~actions involving the interpretation of the rights or~~  
15 ~~obligations under the organic law, articles of~~  
16 ~~incorporation, by laws or agreements governing such~~  
17 ~~enterprises.~~

18 ~~(ii) Disputes between or among two or more business~~  
19 ~~enterprises relating to a transaction, business~~  
20 ~~relationship or a contract. An appeal under the~~  
21 ~~jurisdiction of the commerce division pursuant to this~~  
22 ~~paragraph may include an individual named as a party so~~  
23 ~~long as the dispute is not prohibited under paragraph~~  
24 ~~(2).~~

25 ~~(2) The following types of appeals shall not be heard by~~  
26 ~~the commerce division:~~

27 ~~(i) Personal injury, survival or wrongful death~~  
28 ~~matters.~~

29 ~~(ii) Individual consumer claims against businesses~~  
30 ~~or insurers, including products liability and personal~~

1 ~~injury cases.~~

2 ~~(iii) Matters involving occupational health or~~  
3 ~~safety.~~

4 ~~(iv) Environmental claims not involved in the sale~~  
5 ~~or disposition of a business.~~

6 ~~(v) Matters of eminent domain.~~

7 ~~(vi) Malpractice claims, other than those brought by~~  
8 ~~business enterprises against attorneys, accountants,~~  
9 ~~architects or other professionals in connection with the~~  
10 ~~rendering of professional services to the business~~  
11 ~~enterprise.~~

12 ~~(vii) Employment law cases, except those that the~~  
13 ~~President Judge deems are commercial in nature.~~

14 ~~(viii) Individual residential real estate and~~  
15 ~~noncommercial landlord tenant disputes.~~

16 ~~(ix) Domestic relations matters, including actions~~  
17 ~~related to distribution of marital property, custody or~~  
18 ~~support.~~

19 Section 2. Section 542 of Title 42 is amended to read:

20 ~~§ 542. Powers of Superior Court.~~

21 ~~The Superior Court and its divisions shall have all powers~~  
22 ~~necessary or appropriate in aid of its jurisdiction which are~~  
23 ~~agreeable to the usages and principles of law.~~

24 Section 3. Title 42 is amended by adding a section to read:

25 ~~§ 728. Appeals from the commerce division of the Superior~~  
26 ~~Court.~~

27 ~~The Supreme Court shall have exclusive jurisdiction of~~  
28 ~~appeals from orders of the commerce division of the Superior~~  
29 ~~Court.~~

30 Section 4. Section 951 of Title 42 is amended by adding a

1 ~~subsection to read:~~

2 ~~§ 951. Court Divisions.~~

3 ~~\* \* \*~~

4 ~~(c.1) Commerce division. Any court of common pleas may~~  
5 ~~establish a commerce court division.~~

6 ~~\* \* \*~~

7 § 743. COMMERCE COURT PROGRAM.

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8 (A) APPEALS.--THE SUPERIOR COURT MAY ESTABLISH FROM  
9 AVAILABLE FUNDS A COMMERCE COURT PROGRAM THAT SHALL HAVE  
10 SPECIALIZED JURISDICTION. IN A COMMERCE COURT PROGRAM  
11 ESTABLISHED UNDER THIS SECTION, THE SPECIALIZED JURISDICTION OF  
12 APPEALS RELATING TO THE FOLLOWING MATTERS MAY BE VESTED IN THE  
13 PROGRAM:

14 (1) THE INTERNAL AFFAIRS, GOVERNANCE, DISSOLUTION,  
15 LIQUIDATION, RIGHTS OR OBLIGATIONS BETWEEN OR AMONG OWNERS  
16 AND LIABILITY OR INDEMNITY OF MANAGERS OF BUSINESS  
17 CORPORATIONS, PARTNERSHIPS, LIMITED PARTNERSHIPS, LIMITED  
18 LIABILITY PARTNERSHIPS, PROFESSIONAL ASSOCIATIONS, BUSINESS  
19 TRUSTS, JOINT VENTURES OR OTHER BUSINESS ENTERPRISES,  
20 INCLUDING ANY ACTIONS INVOLVING THE INTERPRETATION OF THE  
21 RIGHTS OR OBLIGATIONS UNDER THE ORGANIC LAW, ARTICLES OF  
22 INCORPORATION, BY-LAWS OR AGREEMENTS GOVERNING THESE  
23 ENTERPRISES.

24 (2) DISPUTES BETWEEN OR AMONG TWO OR MORE BUSINESS  
25 ENTERPRISES RELATING TO A TRANSACTION, BUSINESS RELATIONSHIP  
26 OR A CONTRACT.

27 (B) RULES.--THE COURT MAY ADOPT RULES FOR THE ADMINISTRATION  
28 OF THE PROGRAM ESTABLISHED UNDER THIS SECTION. THE RULES MAY NOT  
29 BE INCONSISTENT WITH THIS SECTION OR ANY RULE ESTABLISHED BY THE  
30 SUPREME COURT.

1 § 916.1. COMMERCE COURTS.

2 (A) ESTABLISHMENT.--THE COURT OF COMMON PLEAS OF A JUDICIAL  
3 DISTRICT MAY ESTABLISH FROM AVAILABLE FUNDS A COMMERCE COURT  
4 THAT SHALL HAVE SPECIALIZED JURISDICTION. IN A COURT OF COMMON  
5 PLEAS THAT HAS ESTABLISHED A COMMERCE COURT UNDER THIS SECTION,  
6 THE EXCLUSIVE JURISDICTION OF CASES RELATING TO THE FOLLOWING  
7 MATTERS MAY BE VESTED IN THE COMMERCE COURT:

8 (1) THE INTERNAL AFFAIRS, GOVERNANCE, DISSOLUTION,  
9 LIQUIDATION, RIGHTS OR OBLIGATIONS BETWEEN OR AMONG OWNERS  
10 AND LIABILITY OR INDEMNITY OF MANAGERS OF BUSINESS  
11 CORPORATIONS, PARTNERSHIPS, LIMITED PARTNERSHIPS, LIMITED  
12 LIABILITY PARTNERSHIPS, PROFESSIONAL ASSOCIATIONS, BUSINESS  
13 TRUSTS, JOINT VENTURES OR OTHER BUSINESS ENTERPRISES,  
14 INCLUDING ANY ACTIONS INVOLVING THE INTERPRETATION OF THE  
15 RIGHTS OR OBLIGATIONS UNDER THE ORGANIC LAW, ARTICLES OF  
16 INCORPORATION, BY-LAWS OR AGREEMENTS GOVERNING THESE  
17 ENTERPRISES.

18 (2) DISPUTES BETWEEN OR AMONG TWO OR MORE BUSINESS  
19 ENTERPRISES RELATING TO A TRANSACTION, BUSINESS RELATIONSHIP  
20 OR A CONTRACT.

21 (B) RULES.--THE COURT MAY ADOPT LOCAL RULES FOR THE  
22 ADMINISTRATION OF COMMERCE COURTS ESTABLISHED UNDER THIS  
23 SECTION. THE LOCAL RULES MAY NOT BE INCONSISTENT WITH THIS  
24 SECTION OR ANY RULE ESTABLISHED BY THE SUPREME COURT.

25 (C) STATEWIDE COMMERCE COURTS COORDINATOR.--TO THE EXTENT  
26 THAT FUNDS ARE AVAILABLE, THE SUPREME COURT MAY APPOINT A  
27 STATEWIDE COMMERCE COURT COORDINATOR. THE COORDINATOR MAY:

28 (1) ENCOURAGE AND ASSIST IN THE ESTABLISHMENT OF  
29 COMMERCE COURTS IN EACH JUDICIAL DISTRICT.

30 (2) DEVELOP MODEL GUIDELINES FOR THE ADMINISTRATION OF

1 COMMERCE COURTS AND THEIR RELATED SERVICES.

2 (3) ESTABLISH PROCEDURES FOR MONITORING COMMERCE COURTS  
3 AND FOR EVALUATING THE EFFECTIVENESS OF COMMERCE COURTS.

4 (D) ADVISORY COMMITTEE.--THE SUPREME COURT MAY ESTABLISH,  
5 FROM AVAILABLE FUNDS, AN INTERDISCIPLINARY AND INTERBRANCH  
6 ADVISORY COMMITTEE TO ADVISE AND ASSIST THE STATEWIDE COMMERCE  
7 COURTS COORDINATOR IN MONITORING AND ADMINISTRATING COMMERCE  
8 COURTS STATEWIDE.

9 Section 5 2. This act shall take effect in 60 days.

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