
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 40

Session of
1991

INTRODUCED BY GREENLEAF, SALVATORE, REIBMAN, LEWIS, LEMMOND AND
SHAFFER, JANUARY 22, 1991

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 24, 1992

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, REENACTING CERTAIN <—
3 PROVISIONS RELATING TO THE PHILADELPHIA MUNICIPAL COURT; AND
4 further providing for the jurisdiction of district justices <—
5 and for limitations on compulsory arbitration.

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

8 ~~Section 1. Sections 1515(a)(3) and 7361(b) of Title 42 of~~ <—
9 ~~the Pennsylvania Consolidated Statutes are amended to read:~~

10 ~~§ 1515. Jurisdiction and venue.~~

11 ~~(a) Jurisdiction. Except as otherwise prescribed by general~~
12 ~~rule adopted pursuant to section 503 (relating to reassignment~~
13 ~~of matters), district justices shall, under procedures~~
14 ~~prescribed by general rule, have jurisdiction of all of the~~
15 ~~following matters:~~

16 ~~***~~

17 ~~(3) Civil claims, except claims by or against a~~

1 ~~Commonwealth party as defined by section 8501 (relating to~~
2 ~~definitions), wherein the sum demanded does not exceed~~
3 ~~[\$4,000] \$7,500, exclusive of interest and costs, in the~~
4 ~~following classes of actions:~~

5 ~~(i) In assumpsit, except cases of real contract~~
6 ~~where the title to real estate may be in question.~~

7 ~~(ii) In trespass, including all forms of trespass~~
8 ~~and trespass on the case.~~

9 ~~(iii) For fines and penalties by any government~~
10 ~~agency.~~

11 ~~A plaintiff may waive a portion of his claim of more than~~
12 ~~[\$4,000] \$7,500 so as to bring the matter within the monetary~~
13 ~~jurisdiction of a district justice. Such waiver shall be~~
14 ~~revoked automatically if the defendant appeals the final~~
15 ~~order of the district justice or when the judgment is set~~
16 ~~aside upon certiorari.~~

17 * * *

18 SECTION 1. SECTION 1123(A)(8) AND (A.1) OF TITLE 42 OF THE <—
19 PENNSYLVANIA CONSOLIDATED STATUTES, AMENDED NOVEMBER 29, 1990
20 (P.L.574, NO.147), ARE REENACTED TO READ:

21 § 1123. JURISDICTION AND VENUE.

22 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PRESCRIBED BY ANY
23 GENERAL RULE ADOPTED PURSUANT TO SECTION 503 (RELATING TO
24 REASSIGNMENT OF MATTERS), THE PHILADELPHIA MUNICIPAL COURT SHALL
25 HAVE JURISDICTION OF THE FOLLOWING MATTERS:

26 * * *

27 (8) ANY ACTION TO ENJOIN A PUBLIC NUISANCE. THE ACTION
28 TO ENJOIN MAY BE BROUGHT BY ANY PERSON WHO RESIDES OR HAS A
29 PLACE OF BUSINESS WITHIN 500 FEET OF THE LOCATION OF THE
30 ALLEGED NUISANCE.

1 (A.1) APPEAL FROM CONTEMPT CITATION OR NUISANCE ORDER.--
2 THERE SHALL BE A RIGHT TO APPEAL TO THE COURT OF COMMON PLEAS OF
3 PHILADELPHIA COUNTY OF A CONTEMPT CITATION ISSUED BY A MUNICIPAL
4 COURT JUDGE OR OF AN ORDER ISSUED BY A MUNICIPAL COURT JUDGE IN
5 ANY ACTION UNDER SUBSECTION (A)(7) OR (8), BUT THE APPEAL SHALL
6 BE LIMITED TO A REVIEW OF THE RECORD.

7 * * *

8 SECTION 2. SECTION 7361(B) OF TITLE 42 IS AMENDED TO READ:
9 § 7361. Compulsory arbitration.

10 * * *

11 (b) Limitations.--No matter shall be referred under
12 subsection (a):

13 (1) which involves title to real property; or

14 (2) where the amount in controversy, exclusive of
15 interest and costs, exceeds:

16 †(i) ~~[\$20,000]~~ ~~\$40,000~~ \$50,000 in judicial districts <—
17 embracing first, second, second class A or third class
18 counties or home rule counties which but for the adoption
19 of a home rule charter would be a county of one of these
20 classes; or

21 (ii) ~~[\$10,000]~~ ~~\$20,000~~ \$25,000 in any other judicial <—
22 district.† <—

23 ~~(i) not less than \$20,000 nor more than \$50,000 in~~
24 ~~judicial districts embracing first class counties, said~~
25 ~~amount to be established by local rule of court;~~

26 ~~(ii) not less than \$20,000 nor more than \$40,000 in~~
27 ~~judicial districts embracing second, second class A or~~
28 ~~third class counties or home rule counties which but for~~
29 ~~the adoption of a home rule charter would be a county of~~
30 ~~one of these classes, said amount to be established by~~

~~local rule of court; or~~

~~(iii) not less than \$10,000 nor more than \$20,000 in
any other judicial district, said amount to be
established by local rule of court.~~

* * *

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

<—

SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

<—

(1) THE AMENDMENT OF 42 PA.C.S. § 7361(B) SHALL TAKE
EFFECT IN 60 DAYS.

(2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
IMMEDIATELY.