

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1710

Session of
1983

INTRODUCED BY CLYMER, BELFANTI, SIRIANNI, CIMINI, VROON,
SCHULER, BUNT, J. L. WRIGHT, MACKOWSKI, JOHNSON, REBER,
SCHEETZ, PUNT, FARGO, WILSON, PETERSON, MORRIS, SEMMEL AND
PRATT, NOVEMBER 29, 1983

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 29, 1983

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for the
3 recovery of certain costs by municipalities.

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

6 Section 1. Section 1726 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 1726. Establishment of taxable costs.

9 (a) General rule.--The governing authority shall prescribe
10 by general rule the standards governing the imposition and
11 taxation of costs, including the items which constitute taxable
12 costs, the litigants who shall bear such costs, and the
13 discretion vested in the courts to modify the amount and
14 responsibility for costs in specific matters. All system and
15 related personnel shall be bound by such general rules. In
16 prescribing such general rules, the governing authority shall be
17 guided by the following considerations, among others:

1 (1) Attorney's fees are not an item of taxable costs
2 except to the extent authorized by section 2503 (relating to
3 right of participants to receive counsel fees).

4 (2) The prevailing party should recover his costs from
5 the unsuccessful litigant except where the:

6 (i) Costs relate to the existence, possession or
7 disposition of a fund and the costs should be borne by
8 the fund.

9 (ii) Question involved is a public question or where
10 the applicable law is uncertain and the purpose of the
11 litigants is primarily to clarify the law.

12 (iii) Application of the rule would work substantial
13 injustice.

14 (3) The imposition of actual costs or a multiple thereof
15 may be used as a penalty for violation of general rules or
16 rules of court.

17 (b) Municipalities.--Municipalities may recover from the
18 plaintiff or the attorney who initiated an action all costs,
19 expenses, fees, punitive damages and other damages arising from
20 any action in which the municipality was a defendant when the
21 plaintiff or the plaintiff's attorney knew or should have known
22 that the action was without basis or legal foundation and did
23 not fall within the exceptions provided for in section 8542
24 (relating to exceptions to governmental immunity).

25 Section 2. This act shall take effect in 90 days.