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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1206 Session of  
1981

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INTRODUCED BY GEKAS, ZEMPRELLI AND FISHER, NOVEMBER 16, 1981

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AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 21, 1982

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A SUPPLEMENT

1 To the act of July 9, 1976 (P.L.586, No.142), entitled "An act  
2 amending Titles 42 (Judiciary and Judicial Procedure), 15  
3 (Corporations and Unincorporated Associations), 18 (Crimes  
4 and Offenses) and 71 (State Government) of the Pennsylvania  
5 Consolidated Statutes, adding revised, codified and compiled  
6 provisions relating to judiciary and judicial procedure,  
7 including certain judicially enforceable rights, duties,  
8 immunities and liabilities and separately enacting certain  
9 related provisions of law," adding certain provisions of  
10 existing law to and making conforming, redesignation and  
11 editorial changes in certain provisions of the Pennsylvania  
12 Consolidated Statutes, making revisions, corrections and  
13 additions relating to judiciary and judicial procedure,  
14 including certain judicially enforceable rights, duties,  
15 immunities and liabilities and repealing certain acts and  
16 parts of acts supplied by the act as heretofore supplemented  
17 and as supplemented hereby.

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

17 ARTICLE I

18 PRELIMINARY PROVISIONS

19 Section 101. Short title.--This act shall be known and may  
20 be cited as the "JARA Continuation Act of 1982."

21 ARTICLE II

22 AMENDMENTS TO THE PENNSYLVANIA

23 CONSOLIDATED STATUTES

24 Section 201. Amendments to Title 42.--The definition of  
25 "process" in section 102 and sections 723(a), 761(a), 762(a),  
26 933(a)(1)(ix) and (x), 953, 1123(a), 1515(a), 1725.1(e), 4131,  
27 4132, 4133, 4134, 4135, 4136, 4303(a), 4503, 4521, 4527, 4532,  
28 4561, 4563, 4563.1, 4565, 5103, 5105(f), 5304, 5501(a),  
29 5522(a)(2) and (b), 5523, 5524, 5525(5), (6), (7) and (8),

1 5526(4), 5527, 5529(b), 5552(b), 5946, 5974, 6106, 6143(a),  
2 6701, 6702, 6704, 6705, 6706, 6707, 6708, 6709, 6712, 7102(d), <—  
3 7103 and 7342, Chapters 77 and 79, sections 8123(a) and (c),  
4 8124(c)(9) and (10), 8127, 8128 and 8301(a), (c) and (d),  
5 Chapters 93 and 95 and sections 9755(g) and 9756(d) of Title 42,  
6 act of November 25, 1970 (P.L.707, No.230), known as the  
7 Pennsylvania Consolidated Statutes, are amended, added or  
8 repealed to read:

9 § 102. Definitions.

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

15 \* \* \*

16 "Process." A document evidencing a command of a court or of  
17 a district justice.

18 \* \* \*

19 § 723. Appeals from Commonwealth Court.

20 (a) General rule.--The Supreme Court shall have exclusive  
21 jurisdiction of appeals from final orders of the Commonwealth  
22 Court entered in any matter which was originally commenced in  
23 [said court and] the Commonwealth Court except an order entered  
24 in a matter which [does not constitute] constitutes an appeal to  
25 the Commonwealth Court from another court, a district justice or  
26 another government unit.

27 \* \* \*

28 § 761. Original jurisdiction.

29 (a) General rule.--The Commonwealth Court shall have  
30 original jurisdiction of all civil actions or proceedings:

1           (1) Against the Commonwealth government, including any  
2 officer thereof, acting in his official capacity, except:

3           (i) actions or proceedings in the nature of  
4 applications for a writ of habeas corpus or post-  
5 conviction relief not ancillary to proceedings within the  
6 appellate jurisdiction of the court;

7           (ii) eminent domain proceedings;

8           (iii) actions [on claims in which immunity has been  
9 waived] or proceedings conducted pursuant to Chapter 85  
10 (relating to matters affecting government units) [or];

11           (iv) actions or proceedings conducted pursuant to  
12 the act of May 20, 1937 (P.L.728, No.193), referred to as  
13 the Board of Claims Act; and

14           [(iv)] (v) actions or proceedings in the nature of  
15 trespass as to which the Commonwealth government formerly  
16 enjoyed sovereign or other immunity and actions or  
17 proceedings in the nature of assumpsit relating to such  
18 actions or proceedings in the nature of trespass.

19           (2) By the Commonwealth government, including any  
20 officer thereof, acting in his official capacity, except  
21 eminent domain proceedings.

22           (3) Arising under Article V of the act of May 17, 1921  
23 (P.L.789, No.285), known as "The Insurance Department Act of  
24 1921."

25           (4) Original jurisdiction of which is vested in the  
26 Commonwealth Court by any statute hereafter enacted.

27           \* \* \*

28 § 762. Appeals from courts of common pleas.

29           (a) General rule.--Except as provided in subsection (b), the  
30 Commonwealth Court shall have exclusive jurisdiction of appeals

1 from final orders of the courts of common pleas in the following  
2 cases:

3 (1) Commonwealth civil cases.--All civil actions or  
4 proceedings:

5 [original] (i) Original jurisdiction of which is  
6 vested in another tribunal by virtue of any of the  
7 exceptions to section 761(a)(1) (relating to original  
8 jurisdiction), except actions or proceedings in the  
9 nature of applications for a writ of habeas corpus or  
10 post-conviction relief not ancillary to proceedings  
11 within the appellate jurisdiction of the court.

12 (ii) By the Commonwealth government, including any  
13 officer thereof acting in his official capacity.

14 (2) Governmental and Commonwealth regulatory criminal  
15 cases.--All criminal actions or proceedings for the violation  
16 of any:

17 (i) Rule, regulation or order of any Commonwealth  
18 agency.

19 (ii) Regulatory statute administered by any  
20 Commonwealth agency subject to Subchapter A of Chapter 5  
21 of Title 2 (relating to practice and procedure of  
22 Commonwealth agencies). The term "regulatory statute" as  
23 used in this subparagraph does not include any provision  
24 of Title 18 (relating to crimes and offenses).

25 (3) Secondary review of certain appeals from  
26 Commonwealth agencies.--All appeals from Commonwealth  
27 agencies which may be taken initially to the courts of common  
28 pleas under section 933 (relating to appeals from government  
29 agencies).

30 (4) Local government civil and criminal matters.--

1           (i) All actions or proceedings arising under any  
2           municipality, institution district, public school,  
3           planning or zoning code or under which a municipality or  
4           other political subdivision or municipality authority may  
5           be formed or incorporated or where is drawn in question  
6           the application, interpretation or enforcement of any:

7                 (A) statute regulating the affairs of political  
8                 subdivisions, municipality and other local  
9                 authorities or other public corporations or of the  
10                officers, employees or agents thereof, acting in  
11                their official capacity;

12               (B) home rule charter or local ordinance or  
13                resolution; or

14               (C) statute relating to elections, campaign  
15                financing or other election procedures.

16           (ii) All appeals from government agencies other than  
17           Commonwealth agencies decided under section 933 or  
18           otherwise.

19           (5) Certain private corporation matters.--

20               (i) All actions or proceedings relating to  
21                corporations not-for-profit arising under Title 15  
22                (relating to corporations and unincorporated  
23                associations) or where is drawn in question the  
24                application, interpretation or enforcement of any  
25                provision of the Constitution, treaties or laws of the  
26                United States, or the Constitution of Pennsylvania or any  
27                statute, regulating in any such case the corporate  
28                affairs of any corporation not-for-profit subject to  
29                Title 15 or the affairs of the members, security holders,  
30                directors, officers, employees or agents thereof, as

1           such.

2           (ii) All actions or proceedings otherwise involving  
3           the corporate affairs of any corporation not-for-profit  
4           subject to Title 15 or the affairs of the members,  
5           security holders, directors, officers, or employees or  
6           agents thereof, as such.

7           (6) Eminent domain.--All eminent domain proceedings or  
8           where is drawn in question the power or right of the  
9           acquiring agency to appropriate the condemned property or to  
10          use it for the purpose condemned or otherwise.

11          (7) Immunity waiver matters.--Matters in which immunity  
12          has been waived pursuant to Subchapter C of Chapter 85  
13          (relating to actions against local parties).

14          \* \* \*

15   § 933. Appeals from government agencies.

16          (a) General rule.--Except as otherwise prescribed by any  
17          general rule adopted pursuant to section 503 (relating to  
18          reassignment of matters), each court of common pleas shall have  
19          jurisdiction of appeals from final orders of government agencies  
20          in the following cases:

21          (1) Appeals from Commonwealth agencies in the following  
22          cases:

23                  \* \* \*

24                  (ix) Determinations of the Department of  
25                  Environmental Resources reviewable under:

26                          (A) Section 601(c) of the act of June 22, 1937

27                          (P.L.1987, No.394), known as "The Clean Streams Law."

28                          (B) Section 18.3(a) of the act of May 31, 1945

29                          (P.L.1198, No.418), known as the "Surface Mining  
30                          Conservation and Reclamation Act."



1                   (C) Section 13(b) of the act of April 27, 1966  
2                   (1st Sp.Sess., P.L.31, No.1), known as "The  
3                   Bituminous Mine Subsidence and Land Conservation  
4                   Act."

5                   (D) Section 13(a) of the act of September 24,  
6                   1968 (P.L.1040, No.318), known as the "Coal Refuse  
7                   Disposal Control Act."

8                   Except as otherwise prescribed by general rules, the  
9                   venue of such matters shall be as prescribed by general  
10                  rule for actions upon an express contract.

11                  (x) Determinations of the Department of Labor and  
12                  Industry or the Department of Commerce reviewable under  
13                  the act of December 15, 1980 (P.L.1203, No.222), known as  
14                  the "Building Energy Conservation Act." Except as  
15                  otherwise prescribed by general rules, venue shall be in  
16                  the county where the building is located.

17                  \* \* \*

18       § 953. Administrative judges of divisions.

19       Each division of a court of common pleas shall [be presided  
20 over by] have an administrative judge[. Each such administrative  
21 judge] who shall assist the president judge of the court in  
22 supervising and administering the business of the court and  
23 shall be responsible to him.

24       § 1123. Jurisdiction and venue.

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

29               (1) Summary offenses, except those within the  
30               jurisdiction of the Traffic Court of Philadelphia.

1           (2) Criminal offenses by any person (other than a  
2 juvenile) for which no prison term may be imposed or which  
3 are punishable by imprisonment for a term of not more than  
4 five years, including indictable offenses under Title 75  
5 (relating to vehicles). In cases under this paragraph the  
6 defendant shall have no right of trial by jury in the  
7 municipal court, but shall have the right of appeal for trial  
8 de novo, including the right of trial by jury, to the court  
9 of common pleas. The judges of the municipal court exercising  
10 jurisdiction under this paragraph shall have the same  
11 jurisdiction in probation and parole arising out of sentences  
12 imposed by them as judges of the court of common pleas.

13           (3) Matters arising under the act of April 6, 1951  
14 (P.L.69, No.20), known as "The Landlord and Tenant Act of  
15 1951."

16           (4) Civil actions, except actions by or against a  
17 Commonwealth party as defined by section 8501 (relating to  
18 definitions), wherein the sum demanded does not exceed  
19 \$1,000, exclusive of interest and costs, in the following  
20 classes of actions:

21           (i) In assumpsit.

22           (ii) In trespass, including all forms of trespass  
23 and trespass on the case.

24           (iii) For fines and penalties by any government  
25 agency.

26 A plaintiff may waive a portion of his claim of more than  
27 \$1,000 so as to bring the matter within the monetary  
28 jurisdiction of the municipal court. Such waiver shall be  
29 revoked automatically if the defendant appeals the final  
30 order of the municipal court. In cases under this paragraph

1 the defendant shall have no right of trial by jury in the  
2 municipal court, but shall have the right to appeal for trial  
3 de novo, including the right of trial by jury, to the court  
4 of common pleas, it being the purpose of this paragraph to  
5 establish an expeditious small claims procedure whereby it  
6 shall not be necessary for the litigants to obtain counsel.  
7 Judgments by confession shall not be entered in the municipal  
8 court.

9 (5) As commissioners to preside at arraignments, fix and  
10 accept bail, issue warrants and perform duties of a similar  
11 nature, including the jurisdiction of a committing magistrate  
12 in all criminal proceedings.

13 \* \* \*

14 § 1515. Jurisdiction and venue.

15 (a) Jurisdiction.--Except as otherwise prescribed by general  
16 rule adopted pursuant to section 503 (relating to reassignment  
17 of matters), district justices shall, under procedures  
18 prescribed by general rule, have jurisdiction of all of the  
19 following matters:

20 (1) Summary offenses, except those within the  
21 jurisdiction of an established and open traffic court.

22 (2) Matters arising under the act of April 6, 1951  
23 (P.L.69, No.20), known as "The Landlord and Tenant Act of  
24 1951," which are stated therein to be within the jurisdiction  
25 of a district justice.

26 (3) Civil claims, except claims by or against a  
27 Commonwealth party as defined by section 8501 (relating to  
28 definitions), wherein the sum demanded does not exceed  
29 \$2,000, exclusive of interest and costs, in the following  
30 classes of actions:

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

3 (ii) In trespass, including all forms of trespass  
4 and trespass on the case.

5 (iii) For fines and penalties by any government  
6 agency.

7 A plaintiff may waive a portion of his claim of more than  
8 \$2,000 so as to bring the matter within the monetary  
9 jurisdiction of a district justice. Such waiver shall [remain  
10 effective except upon appeal by either party] be revoked  
11 automatically if the defendant appeals the final order of the  
12 district justice or when the judgment is set aside upon  
13 certiorari.

14 (4) As commissioners to preside at arraignments, fix and  
15 accept bail, issue warrants and perform duties of a similar  
16 nature, including the jurisdiction of a committing magistrate  
17 in all criminal proceedings.

18 (5) Offenses under 75 Pa.C.S. § 3731 (relating to  
19 driving under influence of alcohol or controlled substance),  
20 if the following criteria are met:

21 (i) The offense is the first offense by the  
22 defendant under such provision in this Commonwealth.

23 (ii) No personal injury (other than to the defendant  
24 or the immediate family of the defendant) resulted from  
25 the offense.

26 (iii) The defendant pleads guilty.

27 (iv) No property damage in excess of \$500 other than  
28 to the defendant's property resulted from the violation.

29 (v) The defendant is not subject to the provisions  
30 of Chapter 63 (relating to juvenile matters).

(vi) The arresting authority shall cause to be transmitted a copy of the charge of any violation of 75 Pa.C.S. § 3731 to the [county] office of the clerk of [courts] the court of common pleas within five days after the preliminary arraignment.

In determining that the above criteria are met the district justice shall rely on the certification of the arresting authority. Certification that the criteria are met need not be in writing. Within ten days after the disposition, the district justice shall certify the disposition to the [county] office of the clerk of [courts] the court of common pleas in writing.

(6) (i) Offenses under Title 18 (crimes and offenses) and Title 30 (fish) which are classified as misdemeanors of the third degree, if the following criteria are met:

(A) The misdemeanor is not the result of a reduced charge.

(B) Any personal injury or property damage is less than \$500.

(C) The defendant pleads guilty.

(D) The defendant is not subject to the provisions of Chapter 63.

(ii) Subparagraph (i) shall not apply to any offense under the following provisions of Title 18:

Section 4303 (relating to concealing death of [bastard] child born out of wedlock).

Section 4321 (relating to willful separation or nonsupport).

Section 5103 (relating to unlawfully listening into deliberations of jury).

(7) Matters jurisdiction of which is vested in district justices by any statute.

\* \* \*

§ 1725.1. Costs.

\* \* \*

(e) Fish and boating offenses.--

(1) Except as provided in paragraph (2), any person convicted of a summary offense under Title 30 (relating to fish) shall, in addition to the fine imposed, be sentenced to pay \$10 as costs of the issuing authority which costs shall include all charges including, when called for, the costs of postage and registered or certified mail and the costs of giving a transcript to the prosecutor or defendant, or both, if requested.

(2) Where the person charged with a summary offense under Title 30 demands a hearing, the costs of the issuing authority shall be \$15, which costs shall include all charges including the charges specified in paragraph (1).

§ 4131. Definitions. (Reserved)

[§ 4131. Classification of penal contempts.] § 4132. Summary punishment for contempts.

The power of the several courts of this Commonwealth to issue attachments and to inflict summary punishments for contempts of court shall be restricted to the following cases:

(1) The official misconduct of the officers of such courts respectively.

(2) Disobedience or neglect by officers, parties, jurors or witnesses of or to the lawful process of the court.

(3) The misbehavior of any person in the presence of the court, thereby obstructing the administration of justice.

1    [§ 4132. Punishment] § 4133. Imprisonment or fine for contempt.

2        Except as otherwise provided by statute, the punishment of  
3 imprisonment for contempt [as] provided in section [4131] 4132  
4 (relating to [classification of penal] summary punishment for  
5 contempts) shall extend only to [such] contempts [as shall be]  
6 committed in open [court, and all] court. All other contempts  
7 shall be punished by fine only.

8    [§ 4133. Imprisonment] § 4134. Commitment for failure to pay  
9                fine.

10        The court may order the sheriff or other proper officer of  
11 any county to take into custody and commit to jail any person  
12 fined for a contempt[, ] until such fine shall be paid or  
13 discharged. If [such person shall be] unable to pay such fine[,  
14 he] such person may be committed to [prison] jail by the court  
15 for not exceeding three months.

16    [§ 4134.] § 4135. Publication out of court.

17        (a) General rule.--[No publication] Publication out of court  
18 respecting the conduct of judges, district justices, other  
19 system or related personnel, jurors or participants in  
20 connection with any matter pending before any tribunal shall not  
21 be construed as a contempt of court on the part of the author,  
22 publisher or other person connected with such publication.

23        (b) Civil and criminal liability not affected.--If any  
24 publication specified in subsection (a) shall improperly tend to  
25 bias the minds of the public, or of the tribunal, other system  
26 or related personnel, jurors or participants in connection with  
27 any matter pending before any tribunal, any person [who may be]  
28 aggrieved thereby may proceed against the persons responsible  
29 for the publication by appropriate civil [or criminal] action or  
30 criminal proceeding [as in other cases of wrongful publication].

1    [§ 4135. Criminal contempt] § 4136. Rights of persons charged  
2        with certain indirect criminal contempts.

3        (a) General rule.--[In all cases where a] A person [shall  
4 be] charged with indirect criminal contempt for violation of a  
5 restraining order or injunction issued by a court [or judge, the  
6 accused] shall enjoy:

7            (1) The rights [as to admission] to bail that are  
8        accorded to persons accused of crime.

9            (2) The right to be notified of the accusation and a  
10       reasonable time to make a defense, if the alleged contempt is  
11       not committed in the immediate view or presence of the court.

12           (3) (i) Upon demand, the right to a speedy and public  
13       trial by an impartial jury of the judicial district  
14       wherein the contempt [shall] is alleged to have been  
15       committed.

16           (ii) The requirement of subparagraph (i) shall not  
17       be construed to apply to contempts:

18                (A) committed in the presence of the court or so  
19       near thereto as to interfere directly with the  
20       administration of justice, or to apply to the  
21       misbehavior, misconduct, or disobedience of any  
22       officer of the court in respect to the writs, orders,  
23       or process of the court; or

24                (B) subject to 75 Pa.C.S. § 4108(c) (relating to  
25       nonjury criminal contempt proceedings).

26           (4) The right to file with the court a demand for the  
27       withdrawal of the judge sitting in the proceeding, if the  
28       alleged contempt arises from an attack upon the character or  
29       conduct of such judge, and if the attack occurred otherwise  
30       than in open court. Upon the filing of any such demand, the



1 judge shall thereupon proceed no further but another judge  
2 shall be designated by the court. The demand shall be filed  
3 prior to the hearing in the contempt proceeding.

4 (b) Punishment.--Except as otherwise provided in this title  
5 or by statute hereafter enacted, punishment for a contempt  
6 specified in subsection (a) may be by fine not exceeding \$100 or  
7 by imprisonment not exceeding 15 days in the jail of the county  
8 where the court is sitting, or both, in the discretion of the  
9 court. Where a person is committed to jail for the nonpayment of  
10 such a fine, he shall be discharged at the expiration of 15  
11 days, but where he is also committed for a definite time, the 15  
12 days shall be computed from the expiration of the definite time.

13 § 4303. Effect of judgments and orders as liens.

14 (a) Real property.--Any judgment or other order of a court  
15 of common pleas for the payment of money shall be a lien upon  
16 real property on the conditions, to the extent and with the  
17 priority provided by statute or prescribed by general rule  
18 adopted pursuant to section 1722(b) (relating to enforcement and  
19 effect of orders and process) when it is entered of record [and  
20 indexed] in the office of the clerk of the court of common pleas  
21 of the county where the real property is situated, or in the  
22 office of the clerk of the branch of the court of common pleas  
23 embracing such county.

24 \* \* \*

25 § 4503. Exemptions from jury duty.

26 (a) General rule.--No person shall be exempt or excused from  
27 jury duty except the following:

28 (1) Persons in active service of the armed forces of the  
29 United States or of the Commonwealth of Pennsylvania.

30 (2) Persons who have served within three years next

preceding on any jury except a person who served as a juror for fewer than three days in any one year in which case the exemption period shall be one year.

(3) Persons demonstrating to the court undue hardship or extreme inconvenience may be excused permanently or for such period as the court determines is necessary, and if excused for a limited period shall, at the end of the period, [the juror shall] be assigned to the next jury array.

(b) Challenges.--This [section] subchapter shall not affect the existing practice with respect to peremptory challenges and challenges for cause.

§ 4521. Selection of prospective jurors.

(a) Preparation of master list of prospective jurors.--[In order to accomplish the objectives of section 4501 (relating to declaration of policy), the jury selection commission shall at] At least annually the jury selection commission shall prepare a master list of prospective jurors. The list shall contain all voter registration lists for the county, which lists may be incorporated by reference, or names from such other lists which in the opinion of the commission will provide a number of names of prospective jurors which is equal to or greater than the number of names contained in the voter registration list. The commission may, but will not be required to, supplement the [list which supplemental list may include but need not be limited to those] master list of prospective jurors to include, without being limited to, persons in any of the following categories:

(1) Persons listed in telephone, city, municipal directories and similar directories.

(2) Persons who pay taxes or are assessed for taxes

1 imposed by any political subdivisions. [Officials of  
2 political subdivisions having custody, possession or control  
3 of the tax assessment lists of names shall upon request of  
4 the commission make such records available to the commission.  
5 This paragraph shall not be construed to require or permit  
6 any official having custody, possession or control of such  
7 tax records to provide the commission with any information  
8 other than the name, mailing address and municipality of  
9 residence of such persons.]

10 (3) Persons in the county participating in any State,  
11 county or local program authorized by law and, to the extent  
12 such names are available, persons participating in any  
13 Federal program authorized by law. [State and local officials  
14 having custody, possession or control of such records bearing  
15 the names and residences or mailing addresses of such persons  
16 shall make them available to the commission for inspection,  
17 reproduction and copying. This paragraph shall not be  
18 construed to require or permit an official having custody,  
19 possession or control of records of programs authorized by  
20 law:

21 (i) to provide the commission with information other  
22 than the name, mailing address and municipality of  
23 residence of such persons; or

24 (ii) to provide the commission or otherwise disclose  
25 records or information which the Department of Justice by  
26 regulation determines to be privileged from disclosure.]

27 (4) Persons who are on school census lists.

28 (5) Any other person whose name does not appear in the  
29 master list of prospective jurors and who meets the  
30 qualifications for jurors set forth in this chapter and who

1 makes application to the commission to be listed on the  
2 master list of prospective jurors.

3 (b) Maintenance of and access to master list of prospective  
4 jurors.--The group of names compiled as set forth in subsection

5 (a) shall constitute the master list of prospective jurors. The  
6 list shall be open to the public for inspection.

7 (c) Selection of names for jury service.--At least once each  
8 year the commission shall select at random from the master list  
9 of prospective jurors the number of names designated by the  
10 president judge[, which names shall be selected at random]

11 pursuant to court orders issued under section 4531 (relating to  
12 issuance of court orders for jurors).

13 (d) Juror qualification form.--

14 (1) The commission may mail to each person whose name  
15 has been selected in the manner set forth in subsection (c) a  
16 juror qualification form devised by the commission in such  
17 manner that the commission may determine from the answers to  
18 the questions on the form whether or not the prospective  
19 juror is qualified. The questions asked in such juror  
20 qualification form shall be limited to matters reasonably  
21 calculated to permit a determination of the person's  
22 qualifications to serve as a juror.

23 (2) The juror qualification form shall be executed by  
24 the prospective juror and shall plainly and conspicuously  
25 state thereon that its execution is subject to the penalty  
26 for perjury. If the person is unable to fill out the form,  
27 another person may fill it out for him, indicate that he has  
28 done so, and the reason therefor. The prospective juror shall  
29 mail or deliver the completed form to the commission.

30 (3) If the form does not appear to be properly executed,

1 the commission shall return the form to the prospective juror  
2 with instructions to make such additions or corrections as  
3 may be necessary and return it to the commission within the  
4 time specified.

5 (4) Any person who fails to return the juror  
6 qualification form as directed may be summoned by the  
7 commission to appear at the offices of the commission to fill  
8 out a juror qualification form or to resolve any ambiguity  
9 contained therein.

10 (e) Selection in certain counties.--In those counties which  
11 do not use the juror qualification form as provided for in  
12 subsection (d), the selection of persons for jury service shall  
13 be made in accordance with section 4524 (relating to selection  
14 of jurors for service) and provision shall be made for the  
15 collection of information with the summons in order to comply  
16 with sections 4502 (relating to qualifications of jurors) and  
17 4503 (relating to exemptions from jury duty).

18 (f) Compelling compliance with section.--On application by  
19 the commission, the court shall compel compliance with  
20 subsections (a)(2), (3) and (4) and (d). Officials of political  
21 subdivisions and Commonwealth officials having custody,  
22 possession or control of lists of names described in this  
23 section shall, upon request of the commission, make such lists  
24 available to the commission for inspection, reproduction and  
25 copying but shall not be required or permitted to:

26 (1) provide the commission with information other than  
27 the name, mailing address and municipality of residence of  
28 such person; or

29 (2) provide the commission with or otherwise disclose  
30 records or information which the Attorney General by

1 regulation determines to be privileged from disclosure.

2 § 4527. Effect of verdict on jury selection errors.

3 Except as otherwise prescribed by general rule, errors and  
4 omissions in the selection of jurors under this subchapter shall  
5 not constitute grounds to set aside any jury verdict in any  
6 civil or criminal matter or to arrest, reverse, open or strike  
7 any judgment entered on a jury verdict and the trial by jury and  
8 its rendition of a verdict in any matter shall constitute a  
9 waiver of all such errors and omissions.

10 § 4532. Summoning persons to serve as jurors [for service].

11 [Jurors] Persons who have been selected for service as jurors  
12 shall be summoned to serve in a manner determined by the jury  
13 selection commission with the concurrence of the president  
14 judge.

15 § 4561. Compensation of jurors.

16 (a) Compensation.--A [juror] person summoned to serve as a  
17 juror shall receive compensation at the rate of \$9 a day for the  
18 first three days in any calendar year he shall be required to  
19 report for service and \$25 a day for each day thereafter in such  
20 calendar year that such [juror] person is required to report. In  
21 addition, [jurors] persons so summoned shall be [compensated for  
22 mileage] paid a travel allowance at the rate of 17¢ per mile  
23 circular except that no [mileage] travel allowance shall be paid  
24 in the first judicial district.

25 (b) State reimbursement.--The Commonwealth shall reimburse  
26 each county 80% of the amount expended by the county for such  
27 compensation and [mileage] travel allowance beyond the first  
28 three days of service if the juror is participating in a trial  
29 or in grand jury proceedings. Application for reimbursement  
30 shall be made by the county to the State Treasurer through the

1 Administrative Office [on forms and] pursuant to [uniform]  
2 procedures prescribed by said office. As used in this section,  
3 trial participation shall include voir dire examination only if  
4 such examination shall have commenced prior to the juror's  
5 fourth day of service.

6 § 4563. Protection of employment of [jurors] petit and grand  
7 jurors.

8 (a) General rule.--An employer shall not deprive an employee  
9 of his employment, seniority position or benefits, or threaten  
10 or otherwise coerce him with respect thereto, because the  
11 employee receives a summons, responds thereto, serves as a juror  
12 or attends court for prospective jury service. Nothing in this  
13 section shall be construed to require the employer to compensate  
14 the employee for employment time lost because of such jury  
15 service.

16 (b) Penalty.--Any employer who violates subsection (a)  
17 commits a summary offense.

18 (c) Civil remedy available.--If an employer penalizes an  
19 employee in violation of subsection (a) the employee [within six  
20 months after the violation occurs] may bring a civil action for  
21 recovery of wages and [other] benefits lost as a result of the  
22 violation and for an order requiring [his] the reinstatement of  
23 the employee. Damages recoverable shall not exceed wages and  
24 benefits actually lost. If he prevails, the employee shall be  
25 allowed a reasonable attorney's fee fixed by the court.

26 (d) Exception.--Subsection (a) shall not apply to any  
27 employer in any retail or service industry employing fewer than  
28 15 persons or any employer in any manufacturing industry  
29 employing fewer than 40 persons.

30 (e) Right to excuse.--Any individual not entitled to

1 reemployment under subsection (a) shall, upon request to the  
2 court, be excused from jury service.

3 [§ 4563.1. Protection of employment of grand jurors.

4 (a) General rule.--An employer shall not deprive an employee  
5 of his employment, seniority position or benefits, or threaten  
6 or otherwise coerce him with respect thereto, because the  
7 employee receives a summons, responds thereto, serves as an  
8 investigating grand juror or attends court for prospective  
9 investigating grand jury service. Nothing in this section shall  
10 be construed to require the employer to compensate the employee  
11 for employment time lost because of such grand jury service.

12 (b) Criminal penalty.--Any employer who violates subsection  
13 (a) commits a summary offense.

14 (c) Civil liability.--If any employer penalizes an employee  
15 in violation of subsection (a) the employee may bring a civil  
16 action for recovery of wages or benefits lost as a result of the  
17 violation and for an order requiring the reinstatement of the  
18 employee. Damages recoverable shall not exceed wages and  
19 benefits actually lost. If he prevails, the employee shall be  
20 allowed a reasonable attorney's fee fixed by the court.

21 (d) Exception.--Subsection (a) shall not apply to any  
22 employer in any retail or service industry employing fewer than  
23 15 persons or any employer in any manufacturing industry  
24 employing fewer than 40 persons.

25 (e) Right to excuse.--Any individual not entitled to  
26 reemployment under subsection (a) shall, upon request to the  
27 court, be excused from grand jury service.]

28 § 4565. [Competency of] Challenging certain petit jurors where  
29 political subdivision is a party.

30 A person shall not be challenged for cause and excluded from



1 serving as a juror in any action or proceeding in which a  
2 political subdivision is a party or is interested because such  
3 person is or was an officer, rated citizen or inhabitant in such  
4 political subdivision or owns assessed or taxable property or is  
5 liable to the assessment or payment of taxes in such political  
6 subdivision. This section shall not apply to peremptory  
7 challenges of such persons.

8 § 5103. Transfer of erroneously filed matters.

9 (a) General rule.--If an appeal or other matter is taken to  
10 or brought in a court or magisterial district of this  
11 Commonwealth which does not have jurisdiction of the appeal or  
12 other matter, the court or district justice shall not quash such  
13 appeal or dismiss the matter, but shall transfer the record  
14 thereof to the proper [court or magisterial district] tribunal  
15 of this Commonwealth, where the appeal or other matter shall be  
16 treated as if originally filed in the transferee [court or  
17 magisterial district] tribunal on the date when the appeal or  
18 other matter was first filed in a court or magisterial district  
19 of this Commonwealth. A matter which is within the exclusive  
20 jurisdiction of a court or district justice of this Commonwealth  
21 but which is commenced in any other tribunal of this  
22 Commonwealth shall be transferred by the other tribunal to the  
23 proper court or magisterial district of this Commonwealth where  
24 it shall be treated as if originally filed in the transferee  
25 court or magisterial district of this Commonwealth on the date  
26 when first filed in the other tribunal.

27 (b) Federal cases.--

28 (1) Subsection (a) shall also apply to any matter  
29 transferred or remanded by any United States court for a  
30 district embracing any part of this Commonwealth. In order to

1 preserve a claim under Chapter 55 (relating to limitation of  
2 time) a litigant who timely commences an action or proceeding  
3 in any United States court for a district embracing any part  
4 of this Commonwealth is not required to commence a protective  
5 action in a court or before a district justice of this  
6 Commonwealth. Where a matter is filed in any United States  
7 court for a district embracing any part of this Commonwealth  
8 and the matter is dismissed by the United States court for  
9 lack of jurisdiction, any litigant in the matter filed may  
10 transfer the matter to a court or magisterial district of  
11 this Commonwealth by complying with the transfer provisions  
12 set forth in paragraph (2).

13       (2) Except as otherwise prescribed by general rules, or  
14 by order of the United States court, such transfer may be  
15 effected by filing a certified transcript of the final  
16 judgment of the United States court and the related pleadings  
17 in a court or magisterial district of this Commonwealth. The  
18 pleadings shall have the same effect as under the practice in  
19 the United States court, but the transferee court or district  
20 justice may require that they be amended to conform to the  
21 practice in this Commonwealth. Section 5535(a)(2)(i)  
22 (relating to termination of prior matter) shall not be  
23 applicable to a matter transferred under this subsection.

24       (c) Interdivisional transfers.--If an appeal or other matter  
25 is taken to, brought in, or transferred to a division of a court  
26 to which such matter is not allocated by law, the court shall  
27 not quash such appeal or dismiss the matter, but shall transfer  
28 the record thereof to the proper division of the court, where  
29 the appeal or other matter shall be treated as if originally  
30 filed in the transferee division on the date first filed in a

1 court or magisterial district.

2 (d) Definition.--As used in this section "tribunal" means a  
3 court or district justice or other judicial officer of this  
4 Commonwealth vested with the power to enter an order in a  
5 matter, the Board of Claims, the Board of Property, the Office  
6 of Administrator for Arbitration Panels for Health Care and any  
7 other similar agency.

8 § 5105. Right to appellate review.

9 \* \* \*

10 (f) Effect of reversal or modification.--The reversal or  
11 modification of any order of a court or any determination of any  
12 other government unit in a matter in which the court or  
13 government unit has jurisdiction of the sale, mortgage, exchange  
14 or conveyance of real or personal property shall not impair or  
15 divest any estate or interest acquired thereunder by a person  
16 not a party to the appeal.

17 § 5304. Documents.

18 The tribunals of this Commonwealth shall have jurisdiction  
19 over documents [which are] situated within this Commonwealth  
20 whether or not the persons owning or claiming interests therein  
21 are subject to the jurisdiction of the tribunals of this  
22 Commonwealth.

23 § 5501. Scope of chapter.

24 (a) General rule.--An action, proceeding or appeal must be  
25 commenced within the time specified in or pursuant to this  
26 chapter unless, in the case of [an] a civil action or  
27 proceeding, a different time is provided by this title or  
28 another statute or[, in the case of a civil action or  
29 proceeding,] a shorter time which is not manifestly unreasonable  
30 is prescribed by written agreement.

1       \* \* \*

2   § 5522. Six months limitation.

3       (a) Notice prerequisite to action against government unit.--

4       \* \* \*

5           (2) If the statement provided for by this subsection is  
6       not filed, any civil action or proceeding commenced against  
7       the government unit more than six months after the date of  
8       injury to person or property shall be dismissed and the  
9       person to whom any such cause of action accrued for any  
10      [personal] injury to person or property shall be forever  
11      barred from proceeding further thereon within this  
12      Commonwealth or elsewhere. The court shall excuse  
13      [noncompliance] failure to comply with this requirement upon  
14      a showing of reasonable excuse for failure to file such  
15      statement.

16      \* \* \*

17      (b) Commencement of action required.--The following actions  
18      and proceedings must be commenced within six months:

19           (1) An action [against any officer of any government  
20      unit for anything done in the execution of his office, except  
21      an action subject to another limitation specified in this  
22      subchapter] or proceeding to set aside a judicial sale of  
23      property.

24           (2) A petition for the establishment of a deficiency  
25      judgment following sale of the collateral of the debtor under  
26      the provisions of section 8103 (relating to deficiency  
27      judgments).

28           (3) Any action subject to 13 Pa.C.S. § 6111 (relating to  
29      limitation of actions and levies).

30           (4) An action under section [4563.1(c)] 4563(c)

1 (relating to civil [liability] remedy available).

2 § 5523. One year limitation.

3 The following actions and proceedings must be commenced  
4 within one year:

5 (1) An action for libel, slander or invasion of privacy.

6 (2) [An action upon a statute for a civil penalty or  
7 forfeiture, where the action is given to a person other than  
8 a government unit.

9 (3)] An action upon a bond given as security by a party  
10 in any matter, except a bond given by a condemnor in an  
11 eminent domain proceeding.

12 [(4)] (3) An action upon any payment or performance  
13 bond.

14 § 5524. Two year limitation.

15 The following actions and proceedings must be commenced  
16 within two years:

17 (1) An action for assault, battery, false imprisonment,  
18 false arrest, malicious prosecution or malicious abuse of  
19 process.

20 (2) An action to recover damages for injuries to the  
21 person or for the death of an individual caused by the  
22 wrongful act or neglect or unlawful violence or negligence of  
23 another.

24 (3) An action for taking, detaining or injuring personal  
25 property, including actions for specific recovery thereof.

26 (4) An action for waste or trespass of real property.

27 (5) An action upon a statute for a civil penalty or  
28 forfeiture[, where the action is given to a government unit].

29 (6) An action against any officer of any government unit  
30 for the nonpayment of money or the nondelivery of property

1 collected upon on execution or otherwise in his possession or  
2 for anything done in the execution of his office, except an  
3 action subject to another limitation specified in this  
4 subchapter.

5 (7) Any other action or proceeding to recover damages  
6 for injury to person or property which is founded on  
7 negligent, intentional, or otherwise tortious conduct or any  
8 other action or proceeding sounding in trespass, including  
9 deceit or fraud, except an action or proceeding subject to  
10 another limitation specified in this subchapter.

11 § 5525. Four year limitation.

12 The following actions and proceedings must be commenced  
13 within four years:

14 \* \* \*

15 (5) An action upon a judgment or decree of any court of  
16 the United States or of any state.

17 (6) An action upon any official bond of a public  
18 official, officer or employee.

19 (7) An action upon a negotiable or nonnegotiable bond,  
20 note or other similar instrument in writing. Where such an  
21 instrument is payable upon demand, the time within which an  
22 action on it must be commenced shall be computed from the  
23 later of either demand or any payment of principal of or  
24 interest on the instrument.

25 (8) An action upon a contract, obligation or liability  
26 founded upon a writing not specified in paragraph (7), under  
27 seal or otherwise, except an action subject to another  
28 limitation specified in this subchapter.

29 § 5526. Five year limitation.

30 The following actions and proceedings must be commenced

1 within five years:

2 \* \* \*

3 (4) A proceeding in inverse condemnation, if property  
4 has been injured but no part thereof has been taken, or if  
5 the condemnor has made payment in accordance with section  
6 407(a) or (b) (relating to possession and payment of  
7 compensation) of the act of June 22, 1964 (Sp.Sess., P.L.84,  
8 No.6), known as the "Eminent Domain Code."

9 § 5527. Six year limitation.

10 [The following actions and proceedings must be commenced  
11 within six years:

12 (1) An action upon a judgment or decree of any court of  
13 the United States or of any state.

14 (2) An action upon a contract, obligation or liability  
15 founded upon a bond, note or other instrument in writing,  
16 except an action subject to another limitation specified in  
17 this subchapter. Where an instrument is payable upon demand,  
18 the time within which an action or proceeding on it must be  
19 commenced shall be computed from the later of either demand  
20 or any payment of principal of or interest on the instrument.

21 (3) An action upon any official bond.

22 (4) A proceeding in inverse condemnation, if property  
23 has been injured but no part thereof has been taken, or if  
24 the condemnor has made payment in accordance with section  
25 407(a) or (b) (relating to possession and payment of  
26 compensation) of the act of June 22, 1964 (Sp.Sess., P.L.84,  
27 No.6), known as the "Eminent Domain Code."

28 (5) An action to set aside a judicial sale of property.

29 (6)] Any civil action or proceeding which is neither  
30 subject to another limitation specified in this subchapter

nor excluded from the application of a period of limitation  
by section 5531 (relating to no limitation) must be commenced  
within six years.

§ 5529. Twenty year limitation.

\* \* \*

(b) Instruments under seal.--

(1) Notwithstanding section [5527] 5525(7) (relating to  
[six] four year limitation), an action [or proceeding] upon  
an instrument in writing under seal must be commenced within  
20 years.

(2) This subsection shall expire June 27, 1998.

§ 5552. Other offenses.

\* \* \*

(b) Major offenses.--A prosecution for any of the following  
offenses [under Title 18 (relating to crimes and offenses)] must  
be commenced within five years after it is committed:

(1) Under the following provisions of Title 18 (relating  
to crimes and offenses):

Section 3123 (relating to involuntary deviate sexual  
intercourse).

Section 3301 (relating to arson and related  
offenses).

Section 3502 (relating to burglary).

Section 3701 (relating to robbery).

Section 4101 (relating to forgery).

Section 4902 (relating to perjury).

(2) Under the act of June 13, 1967 (P.L.31, No.21),  
known as the "Public Welfare Code."

\* \* \*

§ 5946. Competency of certain witnesses [and jurors] where



1           political subdivision is a party.

2           [No] A person shall not be excluded from being a witness [or  
3 juror] in any action or proceeding in which a political  
4 subdivision is a party or is interested [by reason of] because  
5 such person [being or having been] is or was an officer, rated  
6 citizen or inhabitant in such political subdivision[, ] or  
7 [owning] owns assessed or taxable property[, ] or [being] is  
8 liable to the assessment or payment of [any tax therein] taxes  
9 in such political subdivision.

10 § 5974. Summoning prisoner in this Commonwealth to testify in  
11 another state.

12           (a) Certification.--A judge of a state court of record in  
13 another state, which by its laws has made provision for  
14 commanding persons confined in penal institutions within that  
15 state to attend and testify in this Commonwealth, may certify:

16               (1) that there is a criminal proceeding or investigation  
17 by a grand jury or a criminal action pending in the court;

18               (2) that a person who is confined in a penal institution  
19 in this Commonwealth may be a material witness in the  
20 proceeding, investigation or action; and

21               (3) that his presence will be required during a  
22 specified time.

23           (b) Hearing.--Upon presentation of the certificate to any  
24 court having jurisdiction over the person confined and upon  
25 notice to the [Department of Justice] Bureau of Correction, the  
26 court in this Commonwealth shall fix a time and place for a  
27 hearing and shall make an order, directed to the person having  
28 custody of the prisoner, requiring that the prisoner be produced  
29 before it at the hearing.

30 § 6106. Certified exemplifications of records.

1 Whenever provision is made by law for recording or filing in  
2 a public office any document, the record thereof made, and  
3 exemplifications of the document lawfully certified, shall be  
4 legal evidence in all matters in which the document would be  
5 competent [testimony] evidence.

6 § 6143. Registration number as evidence of operation of  
7 vehicle.

8 (a) General rule.--In any action or proceeding for the  
9 recovery of a civil penalty for an infraction of the provisions  
10 of any law relating to the ownership or operation of any  
11 conveyance by air, land or water or any game or fish law or any  
12 local ordinance, rule or regulation relating thereto, the  
13 registration number displayed on a conveyance shall sustain an  
14 inference that the person to whom the registration number was  
15 officially assigned is the owner of the conveyance and was then  
16 operating the conveyance.

17 \* \* \*

18 § 6701. Scope of subchapter.

19 [The] Actions or proceedings provided by this subchapter are  
20 in addition to and not in substitution of actions or proceedings  
21 provided by [law] unsuspended statutes where there is desertion  
22 or a failure [of] to perform a duty to support.

23 § 6702. Definitions.

24 The following words and phrases when used in this subchapter  
25 shall have, unless the context clearly indicates otherwise, the  
26 meanings given to them in this section:

27 "Complaint." [Includes any petition, information, affidavit  
28 or any other] The legal document prescribed by general rules for  
29 the commencement of support actions or proceedings.

30 "Duty of support." Includes any duty of support imposed or

1 imposable by law or by any court order, whether interlocutory or  
2 final, whether incidental to a proceeding for divorce, legal  
3 separation, separate maintenance, prosecution for failure to  
4 support a child born out of lawful wedlock, support of a child  
5 born out of lawful wedlock, or otherwise.

6 "Initiating county." Any county in which any action or  
7 proceeding pursuant to this subchapter is commenced.

8 "Probation officer." Includes any officer now or hereafter  
9 serving in any court at the direction of the court in the  
10 domestic relations section of the court and to whom is assigned  
11 the enforcement of the duty to support.

12 "Responding county." Any county (including the initiating  
13 county) in which any action or proceeding pursuant to the  
14 proceeding in the initiating county is or may be commenced.

15 § 6704. Commencement of support actions or proceedings.

16 (a) General rule.--A support action or proceeding under this  
17 subchapter shall be commenced [by the filing of a verified  
18 complaint which shall set forth:

19 (1) The name and address of the complainant.

20 (2) The name and address of the defendant.

21 (3) The date and place of marriage if married, or if  
22 unmarried the date and place of birth of each child born out  
23 of lawful wedlock.

24 (4) The names and ages of any children.

25 (5) Date and circumstances of separation or failure to  
26 support.

27 (6) Employment of defendant and earnings.

28 (7) Amount of public assistance.

29 (8) Amount of support asked.

30 The complaint may contain any information to aid the locating or

1 identification of a defendant including, but without limitation,  
2 by enumeration, a photograph of the defendant, a description of  
3 any distinguishing marks of or on his person, other names and  
4 aliases by which he has been or is known, his financial status,  
5 fingerprints and Social Security number, and any order of  
6 support in any other court.

7 (b) Moving party.--A complaint may be filed by any person,  
8 including a minor spouse, to whom a duty of support is owing. It  
9 shall be filed on behalf of a minor child by a person having  
10 custody of the minor, without appointment as guardian ad litem.  
11 It may be filed by any public body or public or private agency  
12 having any interest in the care, maintenance or assistance of  
13 any person to whom a duty of support is owing.

14 (c) Order for hearing.--Every complaint shall be accompanied  
15 by an order directing the defendant to appear for hearing at a  
16 time and place as specified in such order.

17 (d) Service.--Every complaint and order may be served by  
18 registered or certified mail or by any adult person or by any  
19 other manner provided or prescribed by law.] in the manner  
20 prescribed by general rules.

21 [(e)] (b) Limitation of actions.--All actions or proceedings  
22 to establish the paternity of a child born out of wedlock  
23 brought under this section must be commenced within six years of  
24 the birth of the child, except where the reputed father shall  
25 have voluntarily contributed to the support of the child or  
26 shall have acknowledged in writing his paternity, in which case  
27 an action or proceeding may be commenced at any time within two  
28 years of any such contribution or acknowledgement by the reputed  
29 father.

30 [(f)] (c) Character of action.--An action or proceeding

1 brought under this subchapter shall be a civil action governed  
2 by general rules applicable to civil matters.

3     ~~[(g)]~~ (d) Trial of paternity.--Where the paternity of a  
4 child born out of wedlock is disputed, the determination of  
5 paternity shall be made by the court without a jury unless  
6 either party demands trial by jury. The trial, whether or not a  
7 trial by jury is demanded, shall be a civil trial and there  
8 shall be no right to a criminal trial on the issue of paternity.  
9 The burden of proof shall be by a preponderance of the evidence.  
10 § 6705. Failure of defendant to appear.

11     (a) General rule.--A defendant who willfully fails or  
12 refuses to appear in response to a duly served order or other  
13 process under this subchapter may[, after hearing], as  
14 prescribed by general rule, be adjudged in contempt and  
15 committed to [prison] jail by the court for not exceeding six  
16 months.

17     (b) Philadelphia cases.--In any county of the first class  
18 the defendant named in the order or other process shall be  
19 brought before the court forthwith, but in any event within 48  
20 hours or two court working days, whichever is the longer, after  
21 the defendant is taken into custody, for the purpose of hearing  
22 on the issue of contempt of the order or other process involved.  
23 § 6706. [Order] Payee of order of support.

24     [(a) Effective date.--An order of support may be made  
25 effective from the date of the filing of the complaint.

26     (b) Payee.--]An order of support of any person shall direct  
27 payment to be made payable to or payment to be made to the  
28 domestic relations section, for transmission to the complainant  
29 or for transmission directly to a public body or public or  
30 private agency, whenever the care, maintenance and assistance of

1 such person is provided for by such public body or public or  
2 private agency.

3 § 6707. [Surety] Security for attendance or performance.

4 (a) General rule.--At any stage of the proceedings under  
5 this subchapter, upon affidavit filed that the defendant is  
6 about to leave the Commonwealth or the judicial district the  
7 court may, as prescribed by general rule, issue appropriate  
8 process [may be issued] directing that the defendant be brought  
9 before the court [at such time as the court may direct, at which  
10 time the court may] and may direct that the defendant give  
11 security[, by one or more sureties,] to appear when directed by  
12 the court or to comply with any order of the court.

13 (b) Philadelphia cases.--In any county of the first class  
14 the hearing shall be fixed as provided in section 6705(b)  
15 (relating to Philadelphia cases).

16 § 6708. Enforcement of support orders.

17 (a) General rule.--A defendant who willfully fails to comply  
18 with any order under this subchapter, except an order subject to  
19 section 6705 (relating to failure of defendant to appear), may[,  
20 after hearing], as prescribed by general rule, be adjudged in  
21 contempt and committed to [prison] jail by the court.

22 (b) Philadelphia cases.--In any county of the first class:

23 (1) The hearing shall be fixed as provided in section  
24 6705(b) (relating to Philadelphia cases).

25 (2) The commitment to [prison] jail may not exceed six  
26 months.

27 (3) The order shall state the condition which upon  
28 fulfillment will result in the release of the defendant.

29 § 6709. Procedure to attach wages, etc.

30 The wages, salary or commissions of any person owing a duty

1 of support may be attached in the [following] manner[:

2 (1) A certified copy of the order of support shall be  
3 served on the employer, whether a government unit or private  
4 person, and may be served by registered or certified mail or  
5 by any adult person or by any other manner provided or  
6 prescribed by law.

7 (2) Such certified copy of the order shall contain an  
8 order directing the employer to make a full answer, within  
9 ten days after services of the order, of the amount of wages,  
10 salary or commissions of the defendant, and further directing  
11 the employer to make no payment to the defendant of over 50%  
12 of the amount due to him until further order of the court.

13 (3) The court shall determine the amount of the wages,  
14 salary or commissions which shall be regularly paid by the  
15 employer to the domestic relations section and shall so  
16 notify said employer.

17 (4) Thereafter, it shall be the duty of the employer to  
18 pay such amount regularly to the domestic relations section,  
19 and upon failure so to pay such employer shall be in contempt  
20 and subject to the order of the court as otherwise provided  
21 in this subchapter with respect to proceedings against the  
22 defendant.] prescribed by general rule. The employer may  
23 deduct from the wages, salary or commissions of the defendant  
24 2% of the amount paid under the order [from the wages of the  
25 defendant] for [clerical work and] reimbursement of expense  
26 involved in complying [therewith] with the order.

27 [(5) Such attachment shall continue until dissolved by  
28 order of the court.]

29 § 6712. Duties of court in initiating county.

30 If the court of the county acting as an initiating county

1 finds that the complaint sets forth facts from which it may be  
2 determined that the defendant owes a duty of support or the  
3 defendant is in default in payment on an order of support, and  
4 that jurisdiction cannot be obtained over the defendant or his  
5 property as prescribed by general rules or that there has been  
6 an election to proceed under this section, and that the court of  
7 the responding county may obtain jurisdiction of the defendant  
8 or his property, it shall so certify to the responding county  
9 and shall cause three copies of the complaint or order and its  
10 certification to be transmitted to the court in the responding  
11 county.

12 § 7102. Comparative negligence.

13 \* \* \*

14 (d) Definitions.--As used in this section the following  
15 words and phrases shall have the meanings given to them in this  
16 subsection:

17 "Defendant or defendants against whom recovery is sought."  
18 Includes impleaded defendants.

19 "Plaintiff." Includes counterclaimants and cross-claimants.

20 § 7103. PRESENTATION OF DAMAGES IN TORT ACTIONS.

<—

21 (A) GENERAL RULE.--IN ANY CIVIL ACTION IN WHICH THE SUM OF  
22 DAMAGES RECOVERABLE IS NOT LIQUIDATED OR OTHERWISE AGREED TO, IT  
23 SHALL BE PERMISSIBLE FOR ANY PARTY TO PRESENT TO THE COURT,  
24 JURY, ARBITRATORS OR OTHER TRIER OF FACT THE DOLLAR AMOUNT OF  
25 THE DAMAGES WHICH SHOULD BE AWARDED.

26 (B) EXPLANATION REQUIRED.--WHEN A PARTY PRESENTS THE DOLLAR  
27 AMOUNT OF DAMAGES AS AUTHORIZED IN SUBSECTION (A), THAT PARTY  
28 MUST ALSO INCLUDE, AS PART OF THEIR PRESENTATION, AN EXPLANATION  
29 THAT THE AMOUNT OF DAMAGES SOUGHT OR SUGGESTED IS NOT  
30 CONTROLLING AND THAT THE AMOUNT OF RECOVERY MAY BE IN A HIGHER



1 OR LESSER SUM THAN THE FIGURE SUGGESTED.

2 § 7342. Procedure.

3 (a) General rule.--The following provisions of Subchapter A  
4 (relating to statutory arbitration) shall be applicable to  
5 arbitration conducted pursuant to this subchapter:

6 Section 7303 (relating to validity of agreement to  
7 arbitrate).

8 Section 7304 (relating to court proceedings to compel or  
9 stay arbitration).

10 Section 7305 (relating to appointment of arbitrators by  
11 court).

12 Section 7309 (relating to witnesses, subpoenas, oaths and  
13 depositions).

14 Section 7317 (relating to form and service of  
15 applications to court).

16 Section 7318 (relating to court and jurisdiction).

17 Section 7319 (relating to venue of court proceedings).

18 Section 7320 (relating to appeals from court orders),  
19 except subsection (a)(4).

20 (b) Confirmation and judgment.--On application of a party  
21 made more than 30 days after an award is made by an arbitrator  
22 under section 7341 (relating to common law arbitration) the  
23 court shall enter an order confirming the award and shall enter  
24 a judgment or decree in conformity with the order. Section  
25 7302(d)(2) (relating to special application) shall not be  
26 applicable to proceedings under this subchapter.

27 CHAPTER 77

28 TRIAL

29 [(Reserved)]

30 Sec.

1 7701. Procedures, motions and other matters.

2 7702. Commencement and termination of trial.

3 § 7701. Procedures, motions and other matters.

4 All procedures, motions and other matters relating to the  
5 trial, by jury or otherwise, of any civil action or proceeding,  
6 trial de novo and returns on certiorari from the minor judiciary  
7 shall be conducted in the manner, at the times, on the terms and  
8 conditions and in the form prescribed by general rules.

9 § 7702. Commencement and termination of trial.

10 The trial of a civil action or proceeding shall be deemed to  
11 commence and terminate at the times or on the occurrence of  
12 events prescribed by general rules.

13 CHAPTER 79

14 POST-TRIAL MATTERS

15 [(Reserved)]

16 Sec.

17 7901. Procedures, motions and other matters.

18 § 7901. Procedures, motions and other matters.

19 All post-trial procedures, motions and other matters relating  
20 to any civil action or proceeding, trial de novo and returns on  
21 certiorari from the minor judiciary shall be conducted in the  
22 manner, at the times, on the terms and conditions and in the  
23 form prescribed by general rules.

24 § 8123. General monetary exemption.

25 (a) General rule.--In addition to any other property  
26 specifically exempted by this subchapter, property of the  
27 judgment debtor [to the value of \$300,] (including bank notes,  
28 money, securities, real property, judgments or other  
29 indebtedness due the judgment debtor[,]) to the value of \$300  
30 shall be exempt from attachment or execution on a judgment.

1 Within such time as may be prescribed by general rules the  
2 judgment debtor may claim the exemption in kind and may  
3 designate the specific items of property to which the exemption  
4 provided by this section shall be applicable[, ] unless the  
5 designated property is not capable of appropriate division, or  
6 the judgment debtor may claim the exemption in cash out of the  
7 proceeds of the sale.

8 \* \* \*

9 (c) [Reduction.--The] Executions issued by minor  
10 judiciary.--As to executions issued by the minor judiciary the  
11 amount of the exemption specified in subsection (a) shall[, as  
12 to executions issued by the minor judiciary,] be reduced by the  
13 value of any real or personal property of the judgment debtor  
14 which is generally subject to attachment or [levy and sale upon]  
15 execution but which by law is not subject [thereto upon] to  
16 attachments or executions issued by the minor judiciary.

17 § 8124. Exemption of particular property.

18 \* \* \*

19 (c) Insurance proceeds.--The following property or other  
20 rights of the judgment debtor shall be exempt from attachment or  
21 execution on a judgment:

22 \* \* \*

23 (9) Certain amounts paid, provided or rendered under the  
24 provisions of section 106(f) of the act of July 19, 1974  
25 (P.L.489, No.176), known as the "Pennsylvania No-fault Motor  
26 Vehicle Insurance Act."

27 (10) Certain amounts paid, provided or rendered under  
28 the provisions of section 703 of the act of December 5, 1936  
29 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the  
30 "Unemployment Compensation Law."

1 § 8127. Personal earnings exempt from process.

2 [(a) General rule.--]The wages, salaries and commissions of  
3 individuals shall while in the hands of the employer be exempt  
4 from any attachment, execution or other process except upon an  
5 action or proceeding [for support or for board for four weeks or  
6 less.

7 (b) Transfer of claim to avoid policy of the Commonwealth.--  
8 It shall be unlawful for any creditor or obligee to commence an  
9 action on or to transfer any claim against a resident of this  
10 Commonwealth for the purpose of having such claim collected by  
11 proceedings in a forum which accords such resident less  
12 favorable exemptions from attachment or execution than are  
13 accorded by this Commonwealth, or for the purpose of depriving  
14 such resident of the right to have his personal earnings while  
15 in the hands of his employer exempt from application to the  
16 payment of his debts.

17 (c) Remedy.--In addition to remedy by injunction or  
18 otherwise, a resident of this Commonwealth who is aggrieved by  
19 any action by a creditor or obligee in violation of subsection  
20 (b) shall have a right of action against the creditor or obligee  
21 for treble the amount recovered from such resident in violation  
22 of this section and reasonable counsel fees. The transfer of any  
23 claim against the resident and the commencement of any action  
24 thereon outside this Commonwealth shall be prima facie evidence  
25 of a purpose to violate the provisions of subsection (b).]:

26 (1) For support.

27 (2) For board for four weeks or less.

28 (3) Under section 4(11) of the act of August 7, 1963  
29 (P.L.549, No.290), referred to as the Pennsylvania Higher  
30 Education Assistance Agency Act.

1 § 8128. Transfer of claim to avoid policy of Commonwealth.

2 (a) General rule.--It shall be unlawful for any creditor or  
3 obligee to commence an action on or to transfer any claim  
4 against a resident of this Commonwealth for the purpose of  
5 having such claim collected by proceedings in a forum which  
6 accords such resident less favorable exemptions from attachment  
7 or execution than are accorded by this Commonwealth, or for the  
8 purpose of depriving such resident of the right to have his  
9 personal earnings while in the hands of his employer exempt from  
10 application to the payment of his debts.

11 (b) Remedy.--In addition to remedy by injunction or  
12 otherwise, a resident of this Commonwealth who is aggrieved by  
13 any action by a creditor or obligee in violation of subsection  
14 (a) shall have a right of action against the creditor or obligee  
15 for treble the amount recovered from such resident in violation  
16 of this section and reasonable counsel fees. The transfer of any  
17 claim against the resident and the commencement of any action  
18 thereon outside this Commonwealth shall be prima facie evidence  
19 of a purpose to violate the provisions of subsection (a).

20 § 8301. Death action.

21 (a) General rule.--An action may be brought, under  
22 procedures prescribed by general rules, to recover damages for  
23 the death of an individual caused by the wrongful act or neglect  
24 or unlawful violence or negligence of another if no action for  
25 damages was brought by the injured individual during his  
26 lifetime.

27 \* \* \*

28 (c) Special damages.--[The plaintiff in] In an action  
29 brought under subsection (a) the plaintiff shall be entitled to  
30 recover, in addition to other damages, damages for reasonable

1 hospital, nursing, medical, funeral expenses and expenses of  
2 administration necessitated by reason of injuries causing death.

3 (d) Action by personal representative.--If no person is  
4 eligible to recover damages under subsection (b) [to bring an  
5 action under this section], the personal representative of the  
6 deceased may bring an action [for the] to recover damages  
7 [expressly specified in subsection (c)] for reasonable hospital,  
8 nursing, medical, funeral expenses and expenses of  
9 administration necessitated by reason of injuries causing death.

## 10 CHAPTER 93

### 11 TRIAL

12 [(Reserved)]

13 Sec.

14 9301. Procedures, motions and other matters.

15 9302. Commencement and termination of trial.

16 § 9301. Procedures, motions and other matters.

17 All procedures, motions and other matters relating to the  
18 trial, by jury or otherwise, of any criminal proceeding shall be  
19 conducted in the manner, at the times, on the terms and  
20 conditions and in the form prescribed by general rules.

21 § 9302. Commencement and termination of trial.

22 The trial of a criminal proceeding shall be deemed to  
23 commence and terminate at the times or on the occurrence of  
24 events prescribed by general rules.

## 25 CHAPTER 95

### 26 POST-TRIAL MATTERS

27 [(Reserved)]

28 Sec.

29 9501. Procedures, motions and other matters.

30 § 9501. Procedures, motions and other matters.

1 All post-trial procedures, motions and other matters relating  
2 to any criminal proceeding shall be conducted in the manner, at  
3 the times, on the terms and conditions and in the form  
4 prescribed by general rules.

5 § 9755. Sentence of partial confinement.

6 \* \* \*

7 (g) Prisoner release plans.--This section shall not be  
8 interpreted as [in any way] limiting the authority of the  
9 [Department of Justice] Bureau of Correction as set forth in the  
10 act of July 16, 1968 (P.L.351, No.173), as amended, relating to  
11 prisoner pre-release centers and release plans, or the authority  
12 of the court as set forth in the act of August 13, 1963  
13 (P.L.774, No.390), as amended, relating to prisoner release for  
14 occupational and other purposes.

15 § 9756. Sentence of total confinement.

16 \* \* \*

17 (d) Prisoner release plans.--This section shall not be  
18 interpreted as [in any way] limiting the authority of the  
19 [Department of Justice] Bureau of Correction as set forth in the  
20 act of July 16, 1968 (P.L.351, No.173), as amended, relating to  
21 prisoner pre-release centers and release plans, or the authority  
22 of the court as set forth in the act of August 13, 1963  
23 (P.L.774, No.390), as amended, relating to prisoner release for  
24 occupational and other purposes.

25 Section 202. Conforming amendments to Title 30.--Sections  
26 924, 926 and 930 of Title 30 are amended to read:

27 § 924. Costs for summary offenses.

28 [(a) General rule.--Except as provided in subsection (b),  
29 any] Any person convicted of a summary offense under this title  
30 shall, in addition to the fine imposed, be sentenced to pay [\$10

1 as costs of the issuing authority which costs shall include all  
2 charges including, when called for, the costs of postage and  
3 registered or certified mail and the costs of giving a  
4 transcript to the prosecutor or defendant, or both, if  
5 requested.

6 (b) Conviction after hearing.--Where the person charged with  
7 a summary offense under this title demands a hearing, the costs  
8 of the issuing authority shall be \$15, which costs shall include  
9 all charges including the charges specified in subsection (a).]  
10 costs as provided or prescribed by or pursuant to 42 Pa.C.S. Ch.  
11 17 (relating to governance of the system).

12 § 926. Disposition of fines and penalties.

13 (a) General rule.--Subject to any inconsistent procedures  
14 and standards relating to reports and transmission of funds  
15 prescribed pursuant to Title 42 (relating to judiciary and  
16 judicial procedure) and related penalties:

17 (1) Fines recovered in cases where the prosecutor is a  
18 salaried officer of the commission shall be immediately  
19 surrendered by the court receiving the fines to the  
20 prosecutor who, within 30 days of receipt, shall forward the  
21 fines and penalties to the executive director.

22 (2) Where any officer of this Commonwealth other than a  
23 salaried officer is the prosecutor, the fines and penalties  
24 shall, as soon as the case is fully determined, be forwarded  
25 by the court to the executive director through the district  
26 waterways patrolman, together with a statement of the cause  
27 for which the fines were collected.

28 (3) All fines received [by the executive director] under  
29 this section shall be paid [monthly] into the State Treasury  
30 for the use of the Fish Fund or Boat Fund, as appropriate.



(b) Penalty.--Any person failing to forward fines in accordance with this section commits a summary offense of the first degree.

§ 930. Arrest of nonresident.

Subject to any inconsistent regulations prescribed pursuant to 42 Pa.C.S. § 3502 (relating to financial regulations):

[(a)] (1) General rule.--Upon the arrest, apprehension or citation of a nonresident of this Commonwealth for any violation of this title that is a summary offense, the waterways patrolman or deputy waterways patrolman shall, unless the defendant elects to acknowledge guilt in accordance with section 925 (relating to acknowledgment of guilt and receipts for payment), escort the defendant to the appropriate issuing authority for a hearing, posting of bond or payment of the applicable fine and costs, unless the defendant chooses to place the amount of the applicable fine and costs in a stamped envelope addressed to the appropriate issuing authority and mails the envelope in the presence of the waterways patrolman or deputy waterways patrolman.

[(b)] (2) Procedure upon payment by mail.--If the defendant mails the amount of fine and costs prescribed in [subsection (a)] paragraph (1), he shall indicate on an accompanying form whether the payment constitutes a bond for a hearing based on a plea of not guilty or a fine based upon a plea of guilty in lieu of acknowledging guilt under section 925. If the plea is not guilty, the waterways patrolman or deputy waterways patrolman shall notify the issuing authority by telephone and the issuing authority shall schedule a hearing for the following day (excluding Saturdays, Sundays or legal holidays), unless the defendant requests a continuance, in

1 which case a hearing shall be scheduled to accommodate the  
2 defendant, the waterways patrolman or deputy waterways  
3 patrolman and the issuing authority.

4 [(c)] (3) Form of payment.--The amount of fine and costs may  
5 be paid in cash, personal or other check, credit card or  
6 guaranteed arrest bond[, except that the Court Administrator  
7 of Pennsylvania may enlarge or restrict the type of payment  
8 which may be made by mail].

9 [(d)] (4) Receipt for payment.--The waterways patrolman or  
10 deputy waterways patrolman shall give the defendant a receipt  
11 for payment, a copy of which shall be mailed with the payment  
12 and a copy retained by the officer.

13 Section 203. Conforming amendments to Title 66.--Title 66 is  
14 amended by adding a section to read:

15 § 902. Reliance on orders pending judicial review.

16 The issue or assumption of securities registered by the  
17 commission, the performance of any contract or arrangement  
18 approved by the commission and any other act by a person or  
19 corporation shall be subject to the provisions of 42 Pa.C.S. §  
20 5105(f) (relating to effect of reversal or modification) insofar  
21 as relates to any sale, mortgage, exchange or conveyance subject  
22 to the jurisdiction of the commission.

### 23 ARTICLE III

#### 24 REPEALS OF INCONSISTENT LEGISLATION

25 Section 301. Act No. 176 of 1929.--Section 1104 and as much  
26 as reads "in quo warranto" of the first sentence and as much as  
27 reads "for other proceedings in quo warranto" of the second  
28 sentence of section 1711, act of April 9, 1929 (P.L.343,  
29 No.176), known as "The Fiscal Code," are repealed.

30 Section 302. Act No. 155 of 1933 as affected by Act No. 283

1 of 1955.--As much as reads "of common pleas of the county within  
2 which such property is situated, or the County Court of  
3 Allegheny County, as the case may be, and, for that purpose, may  
4 present to said court or file in the prothonotary's office or in  
5 the office of the clerk of the County Court of Allegheny County,  
6 within sixty days, after the county commissioners, acting as a  
7 board of revision, or the board of revision of taxes, or the  
8 board for the assessment and revision of taxes, or the Board of  
9 Property Assessment, Appeals and Review, in counties of the  
10 second class, as the case may be, have held the appeals provided  
11 for by this or any other act of Assembly and acted on the said  
12 assessments and valuations, a petition signed by him, his agent  
13 or attorney, setting forth the facts of the case" of the first  
14 sentence of section 518.1, act of May 22, 1933 (P.L.853,  
15 No.155), known as "The General County Assessment Law," is  
16 repealed.

17 Section 303. Act No. 1 of 1936 (2nd Sp.Sess.) as affected by  
18 Act No. 108 of 1980.--Section 510.1, act of December 5, 1936  
19 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment  
20 Compensation Law," is repealed. The notice of the board to the  
21 parties and the department under section 504 of the act of the  
22 final decision of the board and the reasons therefor shall  
23 constitute a final order of the board for purposes of judicial  
24 review, which order shall be subject to judicial review within  
25 the time and in the manner provided or prescribed by law.  
26 Judicial review may be sought under the act only after the party  
27 seeking review has exhausted its remedies before the board.

28 Section 304. Act No. 394 of 1937 as affected by Act No. 157  
29 of 1980.--As much as reads "Such proceedings may be prosecuted  
30 in the Commonwealth Court, or in the court of common pleas of

1 the county where the activity has taken place, the condition  
2 exists, or the public is affected, and to that end jurisdiction  
3 is hereby conferred in law and equity upon such courts:" of the  
4 third sentence of subsection (a) and the entire last sentence of  
5 subsection (c) of section 601 and the entire first sentence of  
6 section 603, act of June 22, 1937 (P.L.1987, No.394), known as  
7 "The Clean Streams Law," are repealed.

8 Section 305. Act No. 294 of 1939.--Section 12, act of June  
9 21, 1939 (P.L.626, No.294), entitled "An act providing for and  
10 regulating the assessment and valuation of all subjects of  
11 taxation in counties of the second class; creating and  
12 prescribing the powers and duties of the Board of Property  
13 Assessment, Appeals and Review; imposing duties on certain  
14 county and city officers; abolishing the board for the  
15 assessment and revision of tax in such counties; and  
16 prescribing penalties," is repealed.

17 Section 306. Act No. 404 of 1939.--Section 15, act of June  
18 27, 1939 (P.L.1199, No.404), entitled "An act relating to the  
19 assessment of real and personal property and other subjects of  
20 taxation in counties of the first class; providing for the  
21 appointment of members of the board of revision of taxes by the  
22 judges of the courts of common pleas; providing for the  
23 appointment, by the board, of personal property assessors, real  
24 estate assessors and assistant real estate assessors, clerks and  
25 other employes; fixing the salaries of members of the board,  
26 assessors and assistant assessors, and providing for the payment  
27 of salaries and expenses from the county treasury; prescribing  
28 the powers and duties of the board and of the assessors, the  
29 time and manner of making assessments, of the revision and  
30 notice of assessments and of appeals therefrom; prescribing the

1 records of assessments; and repealing existing laws," is  
2 repealed.

3 Section 307. Act No. 254 of 1943.--As much as reads "of  
4 common pleas of the county within which such property is  
5 situated, and for that purpose may present to said court, or  
6 file in the prothonotary's office within sixty days after the  
7 board entered its order on the said assessment, a petition  
8 signed by him, his agent or attorney, setting forth the facts of  
9 the case," of the first sentence of section 704, act of May 21,  
10 1943 (P.L.571, No.254), known as "The Fourth to Eighth Class  
11 County Assessment Law," is repealed.

12 Section 308. Act No. 418 of 1945 as affected by Act No. 155  
13 of 1980.--The last sentence of section 18.3(a) and the first  
14 sentence of section 18.5(e), act of May 31, 1945 (P.L.1198,  
15 No.418), known as the "Surface Mining Conservation and  
16 Reclamation Act," are repealed.

17 Section 309. Act No. 21 of 1951 as affected by Act No. 221  
18 of 1980.--As much as reads ", during which time such  
19 manufacturer may take an appeal as provided for in this act" of  
20 the second sentence and the entire third sentence of subsection  
21 (e) and all of subsection (i) of section 444, act of April 12,  
22 1951 (P.L.90, No.21), known as the "Liquor Code," are repealed.

23 Section 310. Act No. 130 of 1955 as affected by Act No. 323  
24 of 1968.--As much as reads "within ten days from the mailing of  
25 such notice" and "to the court of quarter sessions" of the third  
26 sentence of section 2199, act of August 9, 1955 (P.L.323,  
27 No.130), known as "The County Code," is repealed. The third  
28 sentence of section 2199 is also repealed insofar as relates to  
29 supersedeas on appeal to a court having appellate jurisdiction  
30 of the court of initial jurisdiction.

1       Section 311. Act No. 1 of 1966 (1st Sp.Sess.) as affected by  
2 Act No. 156 of 1980.--As much as reads "Commonwealth Court and"  
3 and "of common pleas" of subsection (a) and the entire last  
4 sentence of subsection (b) of section 13 and the entire first  
5 sentence of section 17(e), act of April 27, 1966 (1st Sp.Sess.,  
6 P.L.31, No.1), known as "The Bituminous Mine Subsidence and Land  
7 Conservation Act," are repealed.

8       Section 312. Act No. 21 of 1967 as affected by Act No. 105  
9 of 1980.--As much as reads "in the court of common pleas" of  
10 clause (4) and as much as reads "in the court of common pleas"  
11 of the last sentence of clause (5) of section 1408(c) and as  
12 much of section 1411 as relates to limitation of time when  
13 criminal prosecutions may be brought, act of June 13, 1967  
14 (P.L.31, No.21), known as the "Public Welfare Code," as added  
15 July 10, 1980 (P.L.493, No.105), are repealed.

16       Section 313. Act No. 8 of 1968 as affected by Act No. 101 of  
17 1980.--As much as reads "in the court of common pleas of any  
18 county in the metropolitan area in which the charge, service or  
19 change of service shall be applicable," of the sixth sentence of  
20 section 303(d)(9), act of January 22, 1968 (P.L.42, No.8), known  
21 as the "Pennsylvania Urban Mass Transportation Law," added July  
22 10, 1980 (P.L.427, No.101), is repealed. Section 303(d)(9) of  
23 the act is repealed insofar as relates to practice or procedure  
24 in the Supreme Court, Superior Court or Commonwealth Court, or  
25 as to practice or procedure in the court of common pleas or  
26 before the authority when an appeal has been or is being taken  
27 to, or review has been or is being sought in, one of such  
28 appellate courts.

29       Section 314. Act No. 318 of 1968 as affected by Act No. 154  
30 of 1980.--As much as reads "the Commonwealth Court or the court

1 of common pleas in the county in which the defendant resides or  
2 has his place of business" of section 10(a), the entire first  
3 sentence of section 12(e) and the entire last sentence of  
4 section 13(a), act of September 24, 1968 (P.L.1040, No.318),  
5 known as the "Coal Refuse Disposal Control Act," are repealed.

6 Section 315. Act No. 364 of 1972 as affected by Act No. 234  
7 of 1980.--As much of section 3 as relates to the definition of  
8 "court," act of December 29, 1972 (P.L.1701, No.364), known as  
9 the "Health Maintenance Organization Act," is repealed.

10 Section 316. Act No. 142 of 1976.--As much as reads as  
11 follows: "who are members of the bar of the Supreme Court" of  
12 section 9(b), as much as reads as follows: "Until there are a  
13 sufficient number of judges of the Philadelphia Municipal Court  
14 who are members of the bar of the Supreme Court to handle such  
15 matters the" of section 10 and as much as reads as follows: ",  
16 prothonotary of any county except the City and County of  
17 Philadelphia, clerk of the courts, Clerk of Quarter Sessions of  
18 the City and County of Philadelphia, clerk of the orphans' court  
19 division" of section 27, act of July 9, 1976 (P.L.586, No.142),  
20 known as the "Judiciary Act of 1976," are repealed.

21 Section 317. Act No. 53 of 1978.--As much of section 2(a) as  
22 relates to the act of December 5, 1936 (2nd Sp.Sess., 1937  
23 P.L.2897, No.1), known as the "Unemployment Compensation Law,"  
24 as reads (at P.L.312) "A determination of the Unemployment  
25 Compensation Board of Review under the act, including action by  
26 the board disallowing an appeal from a referee, shall be final  
27 upon the entry thereof," and section 3(c), act of April 28, 1978  
28 (P.L.202, No.53), known as the "Judiciary Act Repealer Act," are  
29 repealed.

30 Section 318. Act No. 48 of 1979 as affected by Act No. 136

1 of 1980.--As much as reads "of common pleas of the county in  
2 which the new institution health service is located" of section  
3 603(b), as much as reads "the Commonwealth" of the second  
4 sentence of section 702(d), all of section 712(b), as much as  
5 reads "Commonwealth" and "or the court of common pleas of the  
6 county in which the facility is located" of section 814(b), as  
7 much as reads "Commonwealth", "the" (where it appears preceding  
8 the second occurrence of the word "court") and "of common pleas  
9 of the county in which the health care facility is located, or  
10 in the Commonwealth Court" of subsection (a) and all of  
11 subsection (b) of section 815 and as much as reads  
12 "Commonwealth" (two occasions) of section 818, act of July 19,  
13 1979 (P.L.130, No.48), known as the "Health Care Facilities  
14 Act," as amended July 12, 1980 (P.L.655, No.136), are repealed.

15 Section 319. Act No. 97 of 1980.--As much as reads  
16 "Commonwealth" and ", which court is hereby granted  
17 jurisdiction" of the last sentence of section 603 and the entire  
18 third sentence of subsection (a) and all of subsection (d) of  
19 section 604, act of July 7, 1980 (P.L.380, No.97), known as the  
20 "Solid Waste Management Act," are repealed.

21 Section 320. Act No. 104 of 1980.--Section 8(d), the last  
22 sentence of section 16 and as much as reads "Commonwealth" of  
23 section 19(c), act of July 10, 1980 (P.L.481, No.104), known as  
24 the "Milk Producers' and Cooperative Security Funds Act," are  
25 repealed. If, after the expiration of the appeal period  
26 prescribed by law, the determination of the Milk Marketing Board  
27 under section 8 of the act has not been stayed by a reviewing  
28 court, the board shall direct the fiscal agent under the act to  
29 pay the claimants from the moneys available in the Milk  
30 Producers' Security Fund.



1 Section 321. Act No. 164 of 1980.--The last sentence of  
2 section 205(a)(4), act of October 15, 1980 (P.L.950, No.164),  
3 known as the "Commonwealth Attorneys Act," is repealed.

4 Section 322. Act No. 222 of 1980.--Section 312, act of  
5 December 15, 1980 (P.L.1203, No.222), known as the "Building  
6 Energy Conservation Act," is repealed.

7 Section 323. Title 66.--66 Pa.C.S. §§ 317(a)(3) (relating to  
8 fees for services rendered by commission) and 903 (relating to  
9 restriction on injunctions) are repealed.

#### 10 ARTICLE IV

#### 11 MISCELLANEOUS PROVISIONS

12 Section 401. Applicability of Statutory Construction Act.--  
13 This act is intended to integrate into Title 42 of the  
14 Pennsylvania Consolidated Statutes all relevant legislation of  
15 the 1979-1981 General Assemblies through Act No. 1981-18. The  
16 provisions of 1 Pa.C.S. §§ 1952 (relating to effect of separate  
17 amendments on code provisions enacted by same General Assembly)  
18 and 1974 (relating to effect of separate repeals on code  
19 provisions by same General Assembly) shall not be applicable to  
20 any act of the 1979-1981 General Assemblies through Act No.  
21 1981-18 insofar as relates to Title 42 of the Pennsylvania  
22 Consolidated Statutes. Section 601 of the act of October 5, 1980  
23 (P.L.693, No.142), known as the "JARA Continuation Act of 1980,"  
24 is repealed.

25 Section 402. Effect of Article III.--Article III of this act  
26 shall be deemed a part of section 2(a) of the act of April 28,  
27 1978 (P.L.202, No.53), known as the "Judiciary Act Repealer  
28 Act," for purposes of section 3 of that act.

29 Section 403. Applicability of amendments.--Except as  
30 provided in section 404, the amendments to 42 Pa.C.S. Ch. 55

1 (relating to limitation of time), effected by this act shall  
2 apply only to causes of action which accrue after the effective  
3 date of this act.

4 Section 404. Effective date.--This act shall take effect in  
5 60 days except that:

6 (1) The amendment adding 42 Pa.C.S. § 762(a)(1)(ii)  
7 (relating to appeals from courts of common pleas) shall take  
8 effect immediately and shall be retroactive to December 5,  
9 1980.

10 (2) The amendments to 42 Pa.C.S. §§ 4303(a) (relating to  
11 effect of judgments and orders as liens), 5501(a) (relating  
12 to scope of chapter) and 8301 (relating to death action)  
13 effected by this act shall take effect immediately and shall  
14 be retroactive to June 27, 1978.

SOURCE AND DISPOSITION NOTES

FOR ARTICLE III

Act Repealed or Affected	Section of Bill	Unofficial Citation of Affected Statute (Provisions marked with (*) repealed in part)	Superseding Provision of Title 42
1929, No.176	301	72 P.S. § 1104	763, 1722(a)(1), 5105(a), 5571
		72 P.S. § 1711*	1722(a)(1)
1933, No.155	302	72 P.S. § 5020-518.1*	933, 1722(a)(1), 5571
1936, 2nd Sp.Sess., No.1	303	43 P.S. § 830.1	763, 1722(a)(1), 5105(a), 5571, 2 Pa.C.S.
1937, No.394	304	35 P.S. § 691.601*	761, 931, 933, as amended by act
		35 P.S. § 691.603*	1515
1939, No.294	305	72 P.S. § 5452.12	933, 1722(a)(1), 5105(a)
1939, No.404	306	72 P.S. § 5341.15	933, 1722(a)(1), 5105(a)
1943, No.254	307	72 P.S. § 5453.704*	933, 1722(a)(1), 5571
1945, No. 418	308	52 P.S. § 1396.21(a)*	933 as amended by act

1			52 P.S. § 1396.23*	1515
2	1951, No.21	309	47 P.S. § 4-444*	706, 763,
3				1722(a)(1),
4				5105(a)
5	1955, No.130	310	16 P.S. § 2199*	1722(a)(1),
6				5571
7	1966, 1st Sp.Sess.,			
8	No.1	311	52 P.S. § 1406.13*	761, 931,
9				933 as
10				amended
11				by act
12			52 P.S. § 1406.17(e)*	1515
13	1967, No.21	312	62 P.S. § 1408*	761, 931
14			62 P.S. § 1411*	5552(b)(2),
15				as amended
16				by act
17	1968, No.8	313	66 § 1971, 303(d)(9)	933, 1722(a)
18	1968, No.318	314	52 P.S. § 30.60(a)*	761, 931
19			52 P.S. § 30.62(e)*	1515, 5105(a)
20			52 P.S. § 30.63(a)*	933 as
21				amended
22				by act
23	1972, No.364	315	40 P.S. § 1553*	763
24	1976, No.142	316	42 Pa.C.S. Note	Obsolete, Ch.27
25	1978, No.53	317	42 P.S. § 20002(a)	
26			[1172]*	Act, § 303
27			42 P.S. § 20003(c)	1 Pa.C.S. if
28				applicable
29	1979, No.48	318	35 P.S. § 448.603*	761, 931
30			35 P.S. § 448.702*	761

1			35 P.S. § 448.712*	8501 (8502)
2			35 P.S. § 448.814*	761, 931
3			35 P.S. § 448.815*	761, 763,
4				931, 1722
5			35 P.S. § 448.818*	763
6	1980, No.97	319	35 P.S. § 6018.603	761, 931
7			35 P.S. § 6018.604	931, 8502
8	1980, No.104	320	31 P.S. § 625.8(d)	763, 1722(a)(1),
9				5105(a), 5571
10			31 P.S. § 625.16*	763, 1722(a)(1),
11				5105(a), 5571
12			31 P.S. § 625.19(c)*	761, 931
13	1980, No.164	321	71 P.S. § 732-205(a)(4)*	
14				722(5), 1722(a)(1),
15				5105(a), 5571
16	1980, No.222	322	35 P.S. § 7201.312	933 as
17				amended by
18				this act,
19				2 Pa.C.S.
20	66 Pa.C.S.	323	66 Pa.C.S.A.	1722(a)(1)
21	§ 317(a)(3)		§ 317(a)(3)	
22	66 Pa.C.S.	323	66 Pa.C.S.A. § 903	1722(a)(1)
23	§ 903			