

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 362

Session of
1987

INTRODUCED BY REBER, LASHINGER, JAROLIN, CALTAGIRONE, HECKLER,
SCHULER, NOYE, DALEY, GEIST, JOHNSON, VROON, HERSHEY, SEMMEL,
HAGARTY AND FOX, FEBRUARY 11, 1987

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
JUNE 23, 1987

AN ACT

1 Amending the act of July 20, 1917 (P.L.1158, No.401), entitled
2 "An act to fix, regulate, and establish the fees to be
3 charged and received by constables in this Commonwealth,"
4 further providing for mileage of constables.

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

7 Section 1. Section 1 of the act of July 20, 1917 (P.L.1158,
8 No.401), referred to as the Constable Fee Law, amended May 9,
9 1974 (P.L.275, No.78) and October 10, 1974 (P.L.710, No.237), is
10 amended to read:

11 Section 1. Be it enacted, &c., That, from and after the
12 passage of this act, the fees to be charged and received by
13 constables in this Commonwealth shall be as follows:

14 For executing a warrant on behalf of the Commonwealth or a
15 political subdivision thereof, for each defendant, five dollars
16 plus {fifteen cents for each mile} ~~mileage as hereinafter~~
17 ~~provided.~~

<—

1 For conveying defendants, except vagrants, to jail, on
2 mittimus or warrants, for each defendant, five dollars plus
3 ~~{fifteen cents per mile.} mileage as hereinafter provided. Where~~ <—
4 more than one defendant is conveyed simultaneously, the
5 constable shall be reimbursed only for the miles actually
6 traveled. In no case shall the constable be reimbursed for the
7 mileage as if each defendant were conveyed separately.

8 For arresting persons guilty of a breach of the peace,
9 riotous or disorderly conduct, drunkenness, or who may be
10 engaged in the commission of any unlawful act tending to imperil
11 the personal security or endanger the property of the citizens,
12 or violating any ordinance of any borough, township or political
13 subdivision, for the violation of which a fine or penalty is
14 imposed, or offending or suspected of offending against the laws
15 of this Commonwealth, protecting timberlands, or the violation
16 of any other law of this Commonwealth authorizing arrest by
17 constable without process, and bringing such offender before a
18 justice of the peace, for each defendant, five dollars; and for
19 every act in or about the arrest or commitment of vagrants, five
20 dollars for each vagrant so arrested, or arrested and committed,
21 and mileage as hereinafter provided.

22 For levying a fine or forfeiture on a warrant, fifty cents.

23 For taking the body of a defendant into custody on a warrant,
24 where bail is afterwards entered before delivery of body to the
25 jailer, five dollars.

26 For executing discharge to jailer, five dollars.

27 For executing bail-piece, two dollars fifty cents.

28 For executing a search-warrant, and making return thereon,
29 one dollar.

30 For making returns to the court of common pleas, two dollars

1 and fifty cents.

2 For serving summons, complaints, notices on suitor or tenant,
3 either personally or by leaving copy, five dollars plus one
4 dollar fifty cents for each additional defendant.

5 For serving subpoena, in all cases, five dollars for the
6 first witness, plus fifteen cents for each mile, plus two
7 dollars for each additional witness.

8 For executing landlord's warrant, three dollars.

9 For taking inventory of goods, each item, two cents.

10 For levying or distraining goods, including schedule of
11 property levied upon and set aside, fifteen dollars.

12 For advertising personal property to public sale, two dollars
13 and fifty cents.

14 For appraisement on landlord's distraint, five dollars.

15 For posting notice of execution sale or sale on landlord's
16 distraint and advertisement, plus actual cost of advertising,
17 five dollars.

18 For selling goods levied or distrained, ten dollars.

19 For clerk hire at said sales, when necessary, ten dollars per
20 day.

21 For watchman taking charge of property levied on, when
22 necessary, ten dollars per day, also reasonable expenses of
23 insurance, arranging goods for sale, heat, light, storage, rent,
24 transportation, feeding livestock, and similar expenses incurred
25 in caring for and keeping goods and chattels levied upon, when
26 the same is necessary and advantageous, or when requested by the
27 plaintiff or defendant to incur such expense.

28 For receiving and paying over money paid after a levy,
29 without sale, one dollar and fifty cents.

30 For bill of sale, when demanded, each item two cents.

1 For putting up notice of distress on the premises, fifty
2 cents.

3 For making return of no levy or not found on any process, one
4 dollar fifty cents.

5 For executing order for possession, seven dollars.

6 For forcible ejectment on order for possession, twenty-five
7 dollars.

8 For serving complaint in landlord and tenant proceedings,
9 five dollars.

10 For taking inventory of goods on an execution, each item, two
11 cents.

12 For appraising property where exemption is claimed by
13 defendant, one dollar.

14 For traveling expenses in the performance of any duty or
15 service hereinbefore set forth, or in the performance of any
16 other duty or service required by law, each mile going and
17 returning, fifteen cents to be computed by the route usually <—
18 traveled in going from points and places where said constables
19 may reside, or where he receives any paper to be executed, to
20 the points or places required to be traveled: Provided, That in <—
21 ~~a rate per mile which is equal to the maximum standard mileage~~
22 ~~rate allowed as a business deduction by the Internal Revenue~~
23 ~~Service, regardless of the number of miles traveled. Actual~~
24 ~~mileage traveled shall be computed using the issuing authority's~~
25 ~~office or the constable's place of business, whichever is less.~~
26 ~~Constables shall be compensated for other travel expenses not to~~
27 ~~exceed accountable expenses if travel is by other than motor~~
28 ~~vehicle. In~~ no case shall more mileage be demanded or received
29 than for the miles actually traveled except that in all
30 political subdivisions other than cities of the first class a

1 minimum fee of one dollar fifty cents shall be allowed as
2 mileage.

3 For services not herein specially provided for the same fee
4 may be charged and received as for similar services.

5 Section 2. This act shall take effect immediately.