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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2152 Session of 2003

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INTRODUCED BY FEESE, CAPPELLI, GILLESPIE, GODSHALL, HERMAN,  
HERSHEY, McILHATTAN, MUSTIO, O'NEILL, PAYNE, SATHER,  
SCAVELLO, T. STEVENSON, E. Z. TAYLOR, WEBER AND YOUNGBLOOD,  
NOVEMBER 10, 2003

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REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 10, 2003

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 litigation costs and attorney fees.

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

6 Section 1. Sections 1726(a) and 2503 of Title 42 of the  
7 Pennsylvania Consolidated Statutes are amended by adding  
8 paragraphs to read:

9 § 1726. Establishment of taxable costs.

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

1 guided by the following considerations, among others:

2 \* \* \*

3 (4) An action challenging the validity of a consent  
4 decree is subject to imposition and taxation of costs.

5 \* \* \*

6 § 2503. Right of participants to receive counsel fees.

7 The following participants shall be entitled to a reasonable  
8 counsel fee as part of the taxable costs of the matter:

9 \* \* \*

10 (11) The prevailing party in an action challenging the  
11 validity of a consent decree.

12 Section 2. The addition of 42 Pa.C.S. § 2503(11) shall apply  
13 to actions commenced on or after the effective date of this  
14 section.

15 Section 3. This act shall take effect in 60 days.