

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1746 Session of
2005

INTRODUCED BY O'BRIEN, MANDERINO, BAKER, BUNT, CALTAGIRONE,
COHEN, CRAHALLA, DALEY, DeWEESE, DONATUCCI, J. EVANS,
FRANKEL, GANNON, JOSEPHS, KOTIK, MICOZZIE, OLIVER, PETRONE,
PYLE, SHAPIRO, J. TAYLOR, THOMAS, WALKO, YOUNGBLOOD,
GINGRICH, WHEATLEY, VEON AND R. MILLER, JUNE 20, 2005

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 20, 2005

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 establishment of fees and charges; eliminating the expiration
4 of provisions on access to justice; and making a related
5 repeal.

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

8 Section 1. Section 1725(c)(2) of Title 42 of the
9 Pennsylvania Consolidated Statutes is amended and the subsection
10 is amended by adding paragraphs to read:

11 § 1725. Establishment of fees and charges.

12 * * *

13 (c) Counties of the first class.--

14 * * *

15 (2) The fees to be received by the Prothonotary on
16 behalf of the Trial Division [of the Court of Common Pleas]
17 and as [clerk] Clerk of the Family Division of [said court]
18 the Court of Common Pleas in counties of the first class

shall be as follows:

(i) Appeals:

The filing of an appeal to the
Supreme, Superior or the Commonwealth
Court, including all services.....[\$150.00] \$161.00

The filing of any other appeal,
including, but not limited to, an
appeal from an award in compulsory
arbitration, an appeal from
administrative agencies, petition for a
writ of certiori, appeals from the
Municipal Court, appeals from the Board
of View and the Board of Revision of
Taxes..... [65.00] 86.00

(This appeal fee is exclusive
of any jury listing fee set
forth in this act. This fee
does not include the costs of
compensation of arbitrators.

(See Pa.R.C.P. No.1308))

(ii) Certifications:

Any certification or certificate..[\$25.00] \$27.00

Any exemplification..... [50.00] 54.00

If the same involves more than one
page, for each additional page..... 3.00

(A certificate or certification
is defined as the
authentication of any record by
affixing the seal of the court.
Includes letters rogatory and

1 interrogatories to
2 commissioners.)

3 (iii) Commencement of actions:

4 Commencement of any civil action[:

5 For the years one through three

6 after the effective date of this

7 act..... \$120.00

8 For the years four through six

9 after the effective date of this

10 act..... 140.00

11 For the years seven through ten

12 after the effective date of this

13 act.....160.00] 172.00

14 (Commencement of action

15 includes the institution of any

16 civil action, divorce or

17 adoption action by writ of

18 summons, complaint, petition or

19 report of intent to adopt, the

20 filing of any partnership or

21 association agreements or any

22 billing pursuant to the Bulk

23 Sale Act.)

24 (iv) [Computer service charge]

25 Automation maintenance fee:

26 Parties - to be paid at time of

27 commencement of action, appeal or

28 defendant's first filing..... \$5.00

29 Nonparty - providing docket entries

30 for a nonparty per docket entry each... 5.00

1 The funds generated by this
2 computer service charge shall be set
3 aside by the prothonotary and remitted
4 monthly to the First Judicial District
5 procurement on behalf of the Court of
6 Common Pleas of the First Judicial
7 District. This fund shall be maintained
8 in a dedicated account which shall be
9 used for the development and
10 implementation of effective and
11 efficient automation within the Office
12 of the Prothonotary as well as civil
13 computer hardware, services and
14 programs in the First Judicial
15 District.

16 (v) Custody:

17 Custody, partial custody or
18 visitation.....[\$30.00] \$32.00

19 Respondent's first responsive
20 filing..... [15.00] 16.00

21 Other motions and petitions - (See
22 petitions and motions)

23 Thirteen percent of the funds generated by
24 the charge under this subparagraph shall be
25 transmitted by the prothonotary to the
26 Administrative Office to pay for the
27 implementation of section 1904 (relating to
28 availability of criminal charge information
29 in child custody proceedings).

30 (vi) Defendant's first filing:

The filing by or on behalf of any defendant (or additional defendant) of an entry of appearance, answer, preliminary objections, writ to join (with entry of appearance) or complaint against additional defendant or any paper not otherwise provided for in this paragraph. A pleading, appearance or other paper not otherwise provided for in this act filed on behalf of more than one defendant shall require only one fee. The filing of separate initial pleadings by a defendant require a [separate fee.] separate fee..... \$86.00

[For the years one through three after the effective date of this act..... \$60.00

For the years four through six after the effective date of this act..... 70.00

For the years seven through ten after the effective date of this act..... 80.00]

(vii) Divorce:

Commencement of action - (See commencement of actions)

Defendant's first filing - (See defendant's first filing)

Other petitions and motions - (See petitions and motions)

1	[Praecipe to transmit:	
2	For the years one through three	
3	after the effective date of this	
4	act.....	\$25.00
5	For the years four through six	
6	after the effective date of this	
7	act.....	30.00
8	For the years seven through ten	
9	after the effective date of this	
10	act.....	40.00]
11	<u>Praecipe to transmit:.....</u>	<u>\$43.00</u>
12	[Motion for appointment of	
13	permanent master.....	300.00]
14	Motion for appointment of	
15	permanent master.....	<u>322.00</u>
16	(viii) Eminent domain:	
17	Commencement of action by	
18	declaration of taking or petition for a	
19	board of view - (See commencement of	
20	actions)	
21	[(ix) Uniform Commercial Code as	
22	provided in 13 Pa.C.S. § 9525 (relating to	
23	fees).]	
24	(x) Judicial education fee.....	\$1.00
25	There shall be added to every	
26	commencement of action fee and	
27	defendant's first filing fee the	
28	additional sum of \$1.00 for the purpose	
29	of providing funding for the continuing	
30	judicial education and training for	

members of the judiciary of the First
Judicial District. The funds generated
by this charge shall be set aside by
the prothonotary and remitted monthly
to the First Judicial District
procurement to be maintained in a
separate account and used for judicial
education and training.

(xi) Judgments:

Judgment by confession or complaint
in confession of judgment (See
Pa.R.C.P. Nos.2950-2974).....[\$50.00] \$54.00

Entry of judgment from other
jurisdiction..... [50.00] 54.00

(xii) Liens and reimbursement
agreements:

The filing of any Federal tax lien,
Commonwealth and municipal tax liens,
mechanics' lien or waiver of mechanics'
lien and any other lien not
specifically covered under this act...[\$20.00] \$21.00

(Mechanics' lien fee does not
include commencement of action
fee when complaint is filed.)

(xiii) Petitions and motions:

The filing of any petition or
motion, excluding commencement of
[action (See commencement of actions):]
action (See commencement of actions)... \$27.00

[For the years one through

1	three after the effective date of	
2	this act.....	\$10.00
3	For the years four through ten	
4	after the effective date of this	
5	act.....	25.00]
6	(xiv) [Refunds:	
7	There will be no refund of any	
8	amount less than \$10.00.] <u>Name search..</u>	<u>\$38.00</u>
9	(xv) Subpoena:	
10	<u>Issuance of subpoena as authorized</u>	
11	<u>by Pa.R.C.P. No.234.2.....</u>	<u>\$5.00</u>
12	Producing a record in response to	
13	subpoena based on four-hour service or	
14	fraction thereof.....[\$40.00]	<u>\$43.00</u>
15	Service beyond four hours, per hour	
16	or fraction thereof..... [10.00]	<u>11.00</u>
17	For each mile traveled (round trip)	
18	for service out of county.....[00.25]	<u>00.365</u>
19	(xvi) Trial listing/jury [demand:]	
20	<u>demand.....</u>	<u>\$161.00</u>
21	[Jury fee when the jury trial is	
22	demanded:	
23	For the years one through three	
24	after the effective date of this	
25	act.....	\$100.00
26	For the years four through six	
27	after the effective date of this	
28	act.....	125.00
29	For the years seven through ten	
30	after the effective date of this	

1 act..... 150.00]

2 (xvii) [The fee for any paper or
3 service not specifically provided for in
4 this paragraph shall be the same as for a
5 similar service.] Record retention fee..... \$1.00

6 A record retention fee shall be
7 added to every motion or petition,
8 excluding a motion or petition which
9 constitutes an initial filing, the
10 additional sum of \$1.00 for the purpose
11 of providing funding to establish and
12 maintain a record retention program for
13 the First Judicial District. The funds
14 generated by this charge shall be set
15 aside by the Prothonotary and remitted
16 monthly to the First Judicial District
17 procurement to be maintained in a
18 separate account and used for record
19 retention purposes.

20 (xviii) [The fee enumerated in this
21 paragraph shall be exclusive of any tax,
22 law library surcharge or any other
23 surcharge or assessment existing or
24 hereafter levied.] Prothonotary automation
25 development fee..... \$5.00

26 In addition to any other fee
27 authorized by law, an automation fee
28 may be charged and collected by the
29 prothonotary upon initiation of any
30 action or legal proceeding. The

1 automation fee shall be deposited into
2 a special prothonotary automation fund
3 established for and maintained by the
4 First Judicial District of
5 Pennsylvania. Moneys deposited into the
6 special prothonotary automation fund
7 and any interest accrued thereon shall
8 be used solely for the purpose of
9 prothonotary automation, including
10 automation updates.

11 (xix) The prothonotary is authorized,
12 with the approval of the President Judge,
13 to establish fees for services required by
14 statute or general rule which are not
15 specifically provided for in this
16 paragraph. Any fees so established shall be
17 the same as those imposed for similar
18 services. The prothonotary shall not be
19 required to receive any paper or perform
20 any service until the proper fee is paid.

21 (xx) Refunds: There will be no refund
22 of any amount less than \$15. The jury fee
23 when paid shall not be refunded.

24 [(xxi) Upon the expiration of ten
25 years after the effective date of this
26 paragraph, the fees set forth herein shall
27 continue until changed according to law.]

28 (xxii) Special court administration
29 fee..... \$5.00

30 There shall be added to every

1 commencement of action fee and
2 defendant's first filing fee the
3 additional sum of \$5.00 for the purpose
4 of providing funding for the
5 administration of gun and zone courts
6 in the First Judicial District. The
7 funds generated by this charge shall be
8 set aside by the prothonotary and
9 remitted monthly to the First Judicial
10 District special gun and zone court
11 fund. The money in the fund and any
12 interest accrued thereon shall be used
13 solely for the purpose of
14 administration of gun and zone courts.

15 (xxiii) The fees enumerated in this
16 paragraph shall be exclusive of any tax,
17 law library surcharge or any other
18 surcharge or assessment existing or
19 hereafter levied.

20 (3) The fees to be received by the
21 prothonotary on behalf of the Philadelphia
22 Municipal Court in civil actions shall be as
23 follows:

24	<u>(i) Commencement of civil action \$0 to</u>	
25	<u>\$2,000.....</u>	<u>\$20.00</u>
26	<u>(ii) Commencement of civil actions</u>	
27	<u>\$2,001 to \$10,000.....</u>	<u>\$40.00</u>
28	<u>(iii) Commencement of landlord and</u>	
29	<u>tenant civil actions \$0 to \$2,000.....</u>	<u>\$20.00</u>
30	<u>(iv) Commencement of landlord and</u>	

1	<u>tenant actions \$2,001 to \$10,000.....</u>	<u>\$40.00</u>
2	<u>(v) Commencement of landlord and</u>	
3	<u>tenant civil actions over \$10,000.....</u>	<u>\$60.00</u>
4	<u>(vi) Indexing.....</u>	<u>\$5.00</u>
5	<u>(vii) Writ of possession.....</u>	<u>\$4.00</u>
6	<u>(viii) Motions (petitions).....</u>	<u>\$10.00</u>
7	<u>(ix) Additional defendant filing shall</u>	
8	<u>be same as initial filing</u>	
9	<u>(x) Counterclaim shall be same as</u>	
10	<u>initial filing</u>	
11	<u>(xi) Cross-claim shall be same as</u>	
12	<u>initial filing</u>	
13	<u>(xii) Set offs shall be same as</u>	
14	<u>initial filing</u>	
15	<u>(xiii) Subpoena.....</u>	<u>\$3.00</u>
16	<u>(xiv) Writ of revival.....</u>	<u>\$6.00</u>
17	<u>(xv) Record retention fee.....</u>	<u>\$1.00</u>
18	<u>There shall be added to every motion the</u>	
19	<u>additional sum of \$1 for the purpose of</u>	
20	<u>providing funding for establishing and</u>	
21	<u>maintaining a record retention program for</u>	
22	<u>the First Judicial District. The funds</u>	
23	<u>generated by this charge shall be set aside</u>	
24	<u>by the prothonotary and remitted monthly to</u>	
25	<u>the First Judicial District procurement to</u>	
26	<u>be maintained in a separate account and</u>	
27	<u>used for record retention purposes.</u>	
28	<u>(xvi) Automation fee:</u>	
29	<u>(A) Initial pleading in all civil</u>	
30	<u>actions and landlord tenant actions....</u>	<u>\$5.00</u>

1 (B) All civil petitions and
2 motions..... \$2.00

3 The funds generated by this automation
4 fee shall be set aside by the
5 prothonotary and remitted monthly to
6 the First Judicial District.

7 (xvii) The fees enumerated in this
8 paragraph do not cover any costs for
9 services performed by the sheriff or other
10 writ server. Service of initial process
11 shall be \$27. All other fees of the sheriff
12 or other writ server shall be in accordance
13 with the sheriff's fee bill applicable to
14 Philadelphia County.

15 (xviii) The commencement of any action
16 or proceeding as well as complaints and all
17 writs shall be exempt from any library fee
18 or taxes.

19 (4) Beginning on January 1, 2008, and each
20 January 1 thereafter, the prothonotary may,
21 with the approval of the president judge of the
22 applicable court, periodically increase any fee
23 or charge imposed as of the effective date of
24 this paragraph pursuant to paragraphs (2) or
25 (3). However, no such fee or charge may be
26 increased more than once in any three-year
27 period and the amount of any increase may not
28 be greater than the percentage of increase in
29 the Consumer Price Index for Urban Workers for
30 the immediate three years preceding the last

1 increase in the fee or charge.

2 (5) The First Judicial District of
3 Pennsylvania may impose a charge for the
4 production of records produced pursuant to a
5 subpoena served on the First Judicial District
6 or its employees as follows:

7 (i) Producing a record in response to
8 a subpoena based on four-hour service or
9 fraction thereof..... \$43.00

10 (ii) Service beyond four hours, per
11 hour or fraction thereof..... 11.00

12 (iii) For each mile traveled (round
13 trip) for service out of county..... 00.365

14 * * *

15 Section 2. Section 4907 of Title 42 is repealed.

16 Section 3. The act of December 5, 1980 (P.L.1107, No.190),
17 referred to as the Philadelphia Municipal Court Fee Law, is
18 repealed.

19 Section 4. This act shall apply to all actions instituted on
20 or after the effective date of this act.

21 Section 5. This act shall take effect in seven days.