

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in organization of
3 appellate courts, providing for the commerce division of the
4 Superior Court.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 Section 541.1. Commerce division.

10 (a) Establishment.--The commerce division is established in
11 the Superior Court.

12 (b) Composition.--The division shall consist of judges
13 appointed by the President Judge of the Superior Court,
14 including no more than three senior judges:

15 (c) Status of the commerce division.--The commerce division
16 of the Superior Court is an administrative unit composed of
17 those judges of the court responsible for the transaction of
18 specified classes of the business of the court.

19 (d) Jurisdiction.--

1 (1) The following types of appeals under the
2 jurisdiction of the Superior Court pursuant to section 742
3 (relating to appeals from courts of common pleas) shall be
4 heard by the commerce division:

5 (i) Actions relating to the internal affairs,
6 governance, dissolution, liquidation, rights or
7 obligations between or among owners and liability or
8 indemnity of managers of corporations, partnerships,
9 limited partnerships, limited liability partnerships,
10 professional associations, business trusts, joint
11 ventures or other business enterprises, including any
12 actions involving the interpretation of the rights or
13 obligations under the organic law, articles of
14 incorporation, by-laws or agreements governing such
15 enterprises.

16 (ii) Disputes between or among two or more business
17 enterprises relating to a transaction, business
18 relationship or a contract. An appeal under the
19 jurisdiction of the commerce division pursuant to this
20 paragraph may include an individual named as a party so
21 long as the dispute is not prohibited under paragraph
22 (2).

23 (2) The following types of appeals shall not be heard by
24 the commerce division:

25 (i) Personal injury, survival or wrongful death
26 matters.

27 (ii) Individual consumer claims against businesses
28 or insurers, including products liability and personal
29 injury cases.

30 (iii) Matters involving occupational health or

1 safety.

2 (iv) Environmental claims not involved in the sale
3 or disposition of a business.

4 (v) Matters of eminent domain.

5 (vi) Malpractice claims, other than those brought by
6 business enterprises against attorneys, accountants,
7 architects or other professionals in connection with the
8 rendering of professional services to the business
9 enterprise.

10 (vii) Employment law cases, except those that the
11 President Judge deems are commercial in nature.

12 (viii) Individual residential real estate and
13 noncommercial landlord-tenant disputes.

14 (ix) Domestic relations matters, including actions
15 related to distribution of marital property, custody or
16 support.

17 Section 2. Section 542 of Title 42 is amended to read:

18 § 542. Powers of Superior Court.

19 The Superior Court and its divisions shall have all powers
20 necessary or appropriate in aid of its jurisdiction which are
21 agreeable to the usages and principles of law.

22 Section 3. Title 42 is amended by adding a section to read:

23 § 728. Appeals from the commerce division of the Superior
24 Court.

25 The Supreme Court shall have exclusive jurisdiction of
26 appeals from orders of the commerce division of the Superior
27 Court.

28 Section 4. Section 951 of Title 42 is amended by adding a
29 subsection to read:

30 § 951. Court Divisions.

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2 (c.1) Commerce division.--Any court of common pleas may
3 establish a commerce court division.

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5 Section 5. This act shall take effect in 60 days.