

JUDICIAL CODE (42 PA.C.S.) - AMEND GOVERNMENT AGENCY APPEALS

Act of Jun. 5, 1998, P.L. 451, No. 63

Cl. 42

Session of 1998

No. 1998-63

SB 97

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals from government agencies; and making editorial changes.

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

Section 1. Section 933(a) of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 933. Appeals from government agencies.

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

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

(i) Determinations of the Department of Health in connection with any matters concerning birth records. Except as prescribed by general rules, the venue of such matters shall be as provided in 20 Pa.C.S. § 711(9) (relating to birth records) and 20 Pa.C.S. § 713 (relating to special provisions for Philadelphia County).

(ii) Determinations of the Department of Transportation appealable under the following provisions of Title 75 (relating to vehicles):

Section 1377 (relating to judicial review [of denial or suspension of registration]).

Section 1550 (relating to judicial review).

Section 4724(b) (relating to judicial review).

Section 7303(b) (relating to judicial review).

Section 7503(b) (relating to judicial review).

Except as otherwise prescribed by general rules, the venue shall be in the county of the principal place of business of any salvor or messenger service, the location of any inspection station involved, **the county where the arrest for a violation of 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) was made in appeals involving the suspension of operating privileges under 75 Pa.C.S. § 1547 (relating to chemical testing to determine amount of alcohol or controlled substance)** or the residence of any individual appellant where the venue is not otherwise fixed by this

sentence. In the case of a nonresident individual venue, except as otherwise prescribed by general rules, shall be in the county in which the offense giving rise to the recall, cancellation, suspension or revocation of operating privileges occurred.

[(iii) Determinations of the Secretary of the Commonwealth appealable under the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," except matters involving Statewide office. Except as otherwise prescribed by general rules, the venue of such matters shall be as provided in the act.]

(iv) Determinations of the [Workmen's] **Workers'** Compensation Appeal Board appealable under the act of June 21, 1939 (P.L.566, No.284), known as ["]The Pennsylvania Occupational Disease Act.["] Except as otherwise prescribed by general rules, the venue of such matters shall be as provided in section 427 of the act.

(v) Determinations of the Pennsylvania Liquor Control Board appealable under the act of April 12, 1951 (P.L.90, No.21), known as the ["]Liquor Code,["] except matters appealable under section 433, 444 or 710 of the act. Except as otherwise prescribed by general rules, the venue of such matters shall be as provided in the act.

(vi) Determinations of the Department of Revenue reviewable under [the act of June 15, 1961 (P.L.373, No.207), known as the "Inheritance and Estate Tax Act of 1961,"] **Article XXI of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971,** or under any predecessor statute, in connection with the administration of the estate of a decedent. Except as otherwise prescribed by general rules, the venue of such matters shall be in the court having jurisdiction over the administration of the related estate.

(vii) Except where an employee of the Commonwealth is involved, determinations of the Pennsylvania Labor Relations Board under the act of July 23, 1970 (P.L.563, No.195), known as the ["]Public Employee Relations Act.["] Except as otherwise prescribed by general rules, venue shall be in any county where the unfair labor practice in question was alleged to have been engaged in, or wherein the appellant or employer in a representation case resides or transacts business.

[(viii) Determinations of an arbitration panel established under the act of October 15, 1975 (P.L.390, No.111), known as the "Health Care Services Malpractice Act." Except as otherwise prescribed by general rules, venue shall be in the county where the cause of action arose.]

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

(2) Appeals from government agencies, except

Commonwealth agencies, under Subchapter B of Chapter 7 of Title 2 (relating to judicial review of local agency action) or otherwise.

(3) Appeals jurisdiction of which is vested in the courts of common pleas by any statute hereafter enacted.

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Section 2. This act shall take effect in 60 days.

APPROVED--The 5th day of June, A. D. 1998.

THOMAS J. RIDGE