

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1206 Session of
1981

INTRODUCED BY GEKAS, ZEMPRELLI AND FISHER, NOVEMBER 16, 1981

AS AMENDED ON SECOND CONSIDERATION, MAY 4, 1982

A SUPPLEMENT

1 To the act of July 9, 1976 (P.L.586, No.142), entitled "An act
2 amending Titles 42 (Judiciary and Judicial Procedure), 15
3 (Corporations and Unincorporated Associations), 18 (Crimes
4 and Offenses) and 71 (State Government) of the Pennsylvania
5 Consolidated Statutes, adding revised, codified and compiled
6 provisions relating to judiciary and judicial procedure,
7 including certain judicially enforceable rights, duties,
8 immunities and liabilities and separately enacting certain
9 related provisions of law," adding certain provisions of
10 existing law to and making conforming, redesignation and
11 editorial changes in certain provisions of the Pennsylvania
12 Consolidated Statutes, making revisions, corrections and
13 additions relating to judiciary and judicial procedure,
14 including certain judicially enforceable rights, duties,
15 immunities and liabilities and repealing certain acts and
16 parts of acts supplied by the act as heretofore supplemented
17 and as supplemented hereby.

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

ARTICLE I

PRELIMINARY PROVISIONS

Section 101. Short title.--This act shall be known and may
be cited as the "JARA Continuation Act of 1982."

ARTICLE II

AMENDMENTS TO THE PENNSYLVANIA

CONSOLIDATED STATUTES

Section 201. Amendments to Title 42.--The definition of
"process" in section 102 and sections 723(a), 761(a), 762(a),
933(a)(1)(ix) and (x), 953, 1123(a), 1515(a), 1725.1(e), ~~2522,~~ <—
4131, 4132, 4133, 4134, 4135, 4136, 4303(a), 4503, 4521, 4527,
4532, 4561, 4563, 4563.1, 4565, 5103, 5105(f), 5304, 5501(a),
5522(a)(2) and (b), 5523, 5524, 5525(5), (6), (7) and (8),
5526(4), 5527, 5529(b), 5552(b), 5946, 5974, 6106, 6143(a),
6701, 6702, 6704, 6705, 6706, 6707, 6708, 6709, 6712, 7102(d)

1 and 7342, Chapters 77 and 79, sections 8123(a) and (c),
2 8124(c)(9) and (10), 8127, 8128 and 8301(a), (c) and (d),
3 Chapters 93 and 95 and sections 9755(g) and 9756(d) of Title 42,
4 act of November 25, 1970 (P.L.707, No.230), known as the
5 Pennsylvania Consolidated Statutes, are amended, added or
6 repealed to read:

7 § 102. Definitions.

8 Subject to additional definitions contained in subsequent
9 provisions of this title which are applicable to specific
10 provisions of this title, the following words and phrases when
11 used in this title shall have, unless the context clearly
12 indicates otherwise, the meanings given to them in this section:

13 * * *

14 "Process." A document evidencing a command of a court or of
15 a district justice.

16 * * *

17 § 723. Appeals from Commonwealth Court.

18 (a) General rule.--The Supreme Court shall have exclusive
19 jurisdiction of appeals from final orders of the Commonwealth
20 Court entered in any matter which was originally commenced in
21 [said court and] the Commonwealth Court except an order entered
22 in a matter which [does not constitute] constitutes an appeal to
23 the Commonwealth Court from another court, a district justice or
24 another government unit.

25 * * *

26 § 761. Original jurisdiction.

27 (a) General rule.--The Commonwealth Court shall have
28 original jurisdiction of all civil actions or proceedings:

29 (1) Against the Commonwealth government, including any
30 officer thereof, acting in his official capacity, except:

1 (i) actions or proceedings in the nature of
2 applications for a writ of habeas corpus or post-
3 conviction relief not ancillary to proceedings within the
4 appellate jurisdiction of the court;

5 (ii) eminent domain proceedings;

6 (iii) actions [on claims in which immunity has been
7 waived] or proceedings conducted pursuant to Chapter 85
8 (relating to matters affecting government units) [or];

9 (iv) actions or proceedings conducted pursuant to
10 the act of May 20, 1937 (P.L.728, No.193), referred to as
11 the Board of Claims Act; and

12 [(iv)] (v) actions or proceedings in the nature of
13 trespass as to which the Commonwealth government formerly
14 enjoyed sovereign or other immunity and actions or
15 proceedings in the nature of assumpsit relating to such
16 actions or proceedings in the nature of trespass.

17 (2) By the Commonwealth government, including any
18 officer thereof, acting in his official capacity, except
19 eminent domain proceedings.

20 (3) Arising under Article V of the act of May 17, 1921
21 (P.L.789, No.285), known as "The Insurance Department Act of
22 1921."

23 (4) Original jurisdiction of which is vested in the
24 Commonwealth Court by any statute hereafter enacted.

25 * * *

26 § 762. Appeals from courts of common pleas.

27 (a) General rule.--Except as provided in subsection (b), the
28 Commonwealth Court shall have exclusive jurisdiction of appeals
29 from final orders of the courts of common pleas in the following
30 cases:

1 (1) Commonwealth civil cases.--All civil actions or
2 proceedings:

3 [original] (i) Original jurisdiction of which is
4 vested in another tribunal by virtue of any of the
5 exceptions to section 761(a)(1) (relating to original
6 jurisdiction), except actions or proceedings in the
7 nature of applications for a writ of habeas corpus or
8 post-conviction relief not ancillary to proceedings
9 within the appellate jurisdiction of the court.

10 (ii) By the Commonwealth government, including any
11 officer thereof acting in his official capacity.

12 (2) Governmental and Commonwealth regulatory criminal
13 cases.--All criminal actions or proceedings for the violation
14 of any:

15 (i) Rule, regulation or order of any Commonwealth
16 agency.

17 (ii) Regulatory statute administered by any
18 Commonwealth agency subject to Subchapter A of Chapter 5
19 of Title 2 (relating to practice and procedure of
20 Commonwealth agencies). The term "regulatory statute" as
21 used in this subparagraph does not include any provision
22 of Title 18 (relating to crimes and offenses).

23 (3) Secondary review of certain appeals from
24 Commonwealth agencies.--All appeals from Commonwealth
25 agencies which may be taken initially to the courts of common
26 pleas under section 933 (relating to appeals from government
27 agencies).

28 (4) Local government civil and criminal matters.--

29 (i) All actions or proceedings arising under any
30 municipality, institution district, public school,

1 planning or zoning code or under which a municipality or
2 other political subdivision or municipality authority may
3 be formed or incorporated or where is drawn in question
4 the application, interpretation or enforcement of any:

5 (A) statute regulating the affairs of political
6 subdivisions, municipality and other local
7 authorities or other public corporations or of the
8 officers, employees or agents thereof, acting in
9 their official capacity;

10 (B) home rule charter or local ordinance or
11 resolution; or

12 (C) statute relating to elections, campaign
13 financing or other election procedures.

14 (ii) All appeals from government agencies other than
15 Commonwealth agencies decided under section 933 or
16 otherwise.

17 (5) Certain private corporation matters.--

18 (i) All actions or proceedings relating to
19 corporations not-for-profit arising under Title 15
20 (relating to corporations and unincorporated
21 associations) or where is drawn in question the
22 application, interpretation or enforcement of any
23 provision of the Constitution, treaties or laws of the
24 United States, or the Constitution of Pennsylvania or any
25 statute, regulating in any such case the corporate
26 affairs of any corporation not-for-profit subject to
27 Title 15 or the affairs of the members, security holders,
28 directors, officers, employees or agents thereof, as
29 such.

30 (ii) All actions or proceedings otherwise involving

1 the corporate affairs of any corporation not-for-profit
2 subject to Title 15 or the affairs of the members,
3 security holders, directors, officers, or employees or
4 agents thereof, as such.

5 (6) Eminent domain.--All eminent domain proceedings or
6 where is drawn in question the power or right of the
7 acquiring agency to appropriate the condemned property or to
8 use it for the purpose condemned or otherwise.

9 (7) Immunity waiver matters.--Matters in which immunity
10 has been waived pursuant to Subchapter C of Chapter 85
11 (relating to actions against local parties).

12 * * *

13 § 933. Appeals from government agencies.

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

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

21 * * *

22 (ix) Determinations of the Department of
23 Environmental Resources reviewable under:

24 (A) Section 601(c) of the act of June 22, 1937
25 (P.L.1987, No.394), known as "The Clean Streams Law."

26 (B) Section 18.3(a) of the act of May 31, 1945
27 (P.L.1198, No.418), known as the "Surface Mining
28 Conservation and Reclamation Act."

29 (C) Section 13(b) of the act of April 27, 1966
30 (1st Sp.Sess., P.L.31, No.1), known as "The

1 Bituminous Mine Subsidence and Land Conservation
2 Act."

3 (D) Section 13(a) of the act of September 24,
4 1968 (P.L.1040, No.318), known as the "Coal Refuse
5 Disposal Control Act."

6 Except as otherwise prescribed by general rules, the
7 venue of such matters shall be as prescribed by general
8 rule for actions upon an express contract.

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

15 * * *

16 § 953. Administrative judges of divisions.

17 Each division of a court of common pleas shall [be presided
18 over by] have an administrative judge[. Each such administrative
19 judge] who shall assist the president judge of the court in
20 supervising and administering the business of the court and
21 shall be responsible to him.

22 § 1123. Jurisdiction and venue.

23 (a) General rule.--Except as otherwise prescribed by any
24 general rule adopted pursuant to section 503 (relating to
25 reassignment of matters), the Philadelphia Municipal Court shall
26 have jurisdiction of the following matters:

27 (1) Summary offenses, except those within the
28 jurisdiction of the Traffic Court of Philadelphia.

29 (2) Criminal offenses by any person (other than a
30 juvenile) for which no prison term may be imposed or which

1 are punishable by imprisonment for a term of not more than
2 five years, including indictable offenses under Title 75
3 (relating to vehicles). In cases under this paragraph the
4 defendant shall have no right of trial by jury in the
5 municipal court, but shall have the right of appeal for trial
6 de novo, including the right of trial by jury, to the court
7 of common pleas. The judges of the municipal court exercising
8 jurisdiction under this paragraph shall have the same
9 jurisdiction in probation and parole arising out of sentences
10 imposed by them as judges of the court of common pleas.

11 (3) Matters arising under the act of April 6, 1951
12 (P.L.69, No.20), known as "The Landlord and Tenant Act of
13 1951."

14 (4) Civil actions, except actions by or against a
15 Commonwealth party as defined by section 8501 (relating to
16 definitions), wherein the sum demanded does not exceed
17 \$1,000, exclusive of interest and costs, in the following
18 classes of actions:

19 (i) In assumpsit.

20 (ii) In trespass, including all forms of trespass
21 and trespass on the case.

22 (iii) For fines and penalties by any government
23 agency.

24 A plaintiff may waive a portion of his claim of more than
25 \$1,000 so as to bring the matter within the monetary
26 jurisdiction of the municipal court. Such waiver shall be
27 revoked automatically if the defendant appeals the final
28 order of the municipal court. In cases under this paragraph
29 the defendant shall have no right of trial by jury in the
30 municipal court, but shall have the right to appeal for trial

1 de novo, including the right of trial by jury, to the court
2 of common pleas, it being the purpose of this paragraph to
3 establish an expeditious small claims procedure whereby it
4 shall not be necessary for the litigants to obtain counsel.
5 Judgments by confession shall not be entered in the municipal
6 court.

7 (5) As commissioners to preside at arraignments, fix and
8 accept bail, issue warrants and perform duties of a similar
9 nature, including the jurisdiction of a committing magistrate
10 in all criminal proceedings.

11 * * *

12 § 1515. Jurisdiction and venue.

13 (a) Jurisdiction.--Except as otherwise prescribed by general
14 rule adopted pursuant to section 503 (relating to reassignment
15 of matters), district justices shall, under procedures
16 prescribed by general rule, have jurisdiction of all of the
17 following matters:

18 (1) Summary offenses, except those within the
19 jurisdiction of an established and open traffic court.

20 (2) Matters arising under the act of April 6, 1951
21 (P.L.69, No.20), known as "The Landlord and Tenant Act of
22 1951," which are stated therein to be within the jurisdiction
23 of a district justice.

24 (3) Civil claims, except claims by or against a
25 Commonwealth party as defined by section 8501 (relating to
26 definitions), wherein the sum demanded does not exceed
27 \$2,000, exclusive of interest and costs, in the following
28 classes of actions:

29 (i) In assumpsit, except cases of real contract
30 where the title to real estate may be in question.

(ii) In trespass, including all forms of trespass and trespass on the case.

(iii) For fines and penalties by any government agency.

A plaintiff may waive a portion of his claim of more than \$2,000 so as to bring the matter within the monetary jurisdiction of a district justice. Such waiver shall [remain effective except upon appeal by either party] be revoked automatically if the defendant appeals the final order of the district justice or when the judgment is set aside upon certiorari.

(4) As commissioners to preside at arraignments, fix and accept bail, issue warrants and perform duties of a similar nature, including the jurisdiction of a committing magistrate in all criminal proceedings.

(5) Offenses under 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance), if the following criteria are met:

(i) The offense is the first offense by the defendant under such provision in this Commonwealth.

(ii) No personal injury (other than to the defendant or the immediate family of the defendant) resulted from the offense.

(iii) The defendant pleads guilty.

(iv) No property damage in excess of \$500 other than to the defendant's property resulted from the violation.

(v) The defendant is not subject to the provisions of Chapter 63 (relating to juvenile matters).

(vi) The arresting authority shall cause to be transmitted a copy of the charge of any violation of 75

1 Pa.C.S. § 3731 to the [county] office of the clerk of
2 [courts] the court of common pleas within five days after
3 the preliminary arraignment.

4 In determining that the above criteria are met the district
5 justice shall rely on the certification of the arresting
6 authority. Certification that the criteria are met need not
7 be in writing. Within ten days after the disposition, the
8 district justice shall certify the disposition to the
9 [county] office of the clerk of [courts] the court of common
10 pleas in writing.

11 (6) (i) Offenses under Title 18 (crimes and offenses)
12 and Title 30 (fish) which are classified as misdemeanors
13 of the third degree, if the following criteria are met:

14 (A) The misdemeanor is not the result of a
15 reduced charge.

16 (B) Any personal injury or property damage is
17 less than \$500.

18 (C) The defendant pleads guilty.

19 (D) The defendant is not subject to the
20 provisions of Chapter 63.

21 (ii) Subparagraph (i) shall not apply to any offense
22 under the following provisions of Title 18:

23 Section 4303 (relating to concealing death of
24 [bastard] child born out of wedlock).

25 Section 4321 (relating to willful separation or
26 nonsupport).

27 Section 5103 (relating to unlawfully listening
28 into deliberations of jury).

29 (7) Matters jurisdiction of which is vested in district
30 justices by any statute.

1 * * *

2 § 1725.1. Costs.

3 * * *

4 (e) Fish and boating offenses.--

5 (1) Except as provided in paragraph (2), any person
6 convicted of a summary offense under Title 30 (relating to
7 fish) shall, in addition to the fine imposed, be sentenced to
8 pay \$10 as costs of the issuing authority which costs shall
9 include all charges including, when called for, the costs of
10 postage and registered or certified mail and the costs of
11 giving a transcript to the prosecutor or defendant, or both,
12 if requested.

13 (2) Where the person charged with a summary offense
14 under Title 30 demands a hearing, the costs of the issuing
15 authority shall be \$15, which costs shall include all charges
16 including the charges specified in paragraph (1).

17 ~~§ 2522. Oath of office.~~

<—

18 ~~Before entering upon the duties of his office, each attorney~~
19 ~~at law shall take and subscribe the following oath or~~
20 ~~affirmation before a person authorized to administer oaths:~~

21 ~~"I do solemnly swear (or affirm) that I will support,~~
22 ~~obey and defend the Constitution of the United States and the~~
23 ~~Constitution of this Commonwealth and that I will discharge~~
24 ~~the duties of my office with fidelity[, as well] to the court~~
25 ~~[as] and to [the] my client." [, that I will use no~~
26 ~~falsehood, nor delay the cause of any person for lucre or~~
27 ~~malice."]~~

28 ~~Any person refusing to take the oath or affirmation shall~~
29 ~~forfeit his office.~~

30 § 4131. Definitions. (REERVED)

<—

~~The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:~~

~~"Civil contempt." The refusal of any person to act or to refrain from acting in compliance with an order which has been issued primarily for the benefit of a litigant.~~

~~"Direct criminal contempt." The willful conduct by any person in the presence of the court which has the effect of disrupting the lawful operation of the court.~~

~~"Indirect criminal contempt." Actions committed outside the presence of the court which constitute either a violation of an order (other than orders issued primarily for the benefit of a litigant) or an interference with the lawful operation of the court.~~

~~"Presence of the court." The actual physical presence of a judge while performing his official duties, or so near thereto as to interfere substantially with the lawful operation of the court.~~

[§ 4131. Classification of penal contempts.] § 4132. Summary punishment for contempts.

The power of the several courts of this Commonwealth to issue attachments and to inflict summary punishments for contempts of court shall be restricted to the following cases:

(1) The official misconduct of the officers of such courts respectively.

(2) Disobedience or neglect by officers, parties, jurors or witnesses of or to the lawful process of the court.

(3) The misbehavior of any person in the presence of the court, thereby obstructing the administration of justice.

[§ 4132. Punishment] § 4133. Imprisonment or fine for contempt.

1 Except as otherwise provided by statute, the punishment of
2 imprisonment for contempt [as] provided in section [4131] 4132
3 (relating to [classification of penal] summary punishment for
4 contempts) shall extend only to [such] contempts [as shall be]
5 committed in open [court, and all] court. All other contempts
6 shall be punished by fine only.

7 [§ 4133. Imprisonment] § 4134. Commitment for failure to pay
8 fine.

9 The court may order the sheriff or other proper officer of
10 any county to take into custody and commit to jail any person
11 fined for a contempt[,] until such fine shall be paid or
12 discharged. If [such person shall be] unable to pay such fine[,
13 he] such person may be committed to [prison] jail by the court
14 for not exceeding three months.

15 [§ 4134.] § 4135. Publication out of court.

16 (a) General rule.--[No publication] Publication out of court
17 respecting the conduct of judges, district justices, other
18 system or related personnel, jurors or participants in
19 connection with any matter pending before any tribunal shall not
20 be construed as a contempt of court on the part of the author,
21 publisher or other person connected with such publication.

22 (b) Civil and criminal liability not affected.--If any
23 publication specified in subsection (a) shall improperly tend to
24 bias the minds of the public, or of the tribunal, other system
25 or related personnel, jurors or participants in connection with
26 any matter pending before any tribunal, any person [who may be]
27 aggrieved thereby may proceed against the persons responsible
28 for the publication by appropriate civil [or criminal] action or
29 criminal proceeding [as in other cases of wrongful publication].

30 [§ 4135. Criminal contempt] § 4136. Rights of persons charged

1 with certain indirect criminal contempts.

2 (a) General rule.--[In all cases where a] A person [shall
3 be] charged with indirect criminal contempt for violation of a
4 restraining order or injunction issued by a court [or judge, the
5 accused] shall enjoy:

6 (1) The rights [as to admission] to bail that are
7 accorded to persons accused of crime.

8 (2) The right to be notified of the accusation and a
9 reasonable time to make a defense, if the alleged contempt is
10 not committed in the immediate view or presence of the court.

11 (3) (i) Upon demand, the right to a speedy and public
12 trial by an impartial jury of the judicial district
13 wherein the contempt [shall] is alleged to have been
14 committed.

15 (ii) The requirement of subparagraph (i) shall not
16 be construed to apply to contempts:

17 (A) committed in the presence of the court or so
18 near thereto as to interfere directly with the
19 administration of justice, or to apply to the
20 misbehavior, misconduct, or disobedience of any
21 officer of the court in respect to the writs, orders,
22 or process of the court; or

23 (B) subject to 75 Pa.C.S. § 4108(c) (relating to
24 nonjury criminal contempt proceedings).

25 (4) The right to file with the court a demand for the
26 withdrawal of the judge sitting in the proceeding, if the
27 alleged contempt arises from an attack upon the character or
28 conduct of such judge, and if the attack occurred otherwise
29 than in open court. Upon the filing of any such demand, the
30 judge shall thereupon proceed no further but another judge

1 shall be designated by the court. The demand shall be filed
2 prior to the hearing in the contempt proceeding.

3 (b) Punishment.--Except as otherwise provided in this title
4 or by statute hereafter enacted, punishment for a contempt
5 specified in subsection (a) may be by fine not exceeding \$100 or
6 by imprisonment not exceeding 15 days in the jail of the county
7 where the court is sitting, or both, in the discretion of the
8 court. Where a person is committed to jail for the nonpayment of
9 such a fine, he shall be discharged at the expiration of 15
10 days, but where he is also committed for a definite time, the 15
11 days shall be computed from the expiration of the definite time.

12 § 4303. Effect of judgments and orders as liens.

13 (a) Real property.--Any judgment or other order of a court
14 of common pleas for the payment of money shall be a lien upon
15 real property on the conditions, to the extent and with the
16 priority provided by statute or prescribed by general rule
17 adopted pursuant to section 1722(b) (relating to enforcement and
18 effect of orders and process) when it is entered of record [and
19 indexed] in the office of the clerk of the court of common pleas
20 of the county where the real property is situated, or in the
21 office of the clerk of the branch of the court of common pleas
22 embracing such county.

23 * * *

24 § 4503. Exemptions from jury duty.

25 (a) General rule.--No person shall be exempt or excused from
26 jury duty except the following:

27 (1) Persons in active service of the armed forces of the
28 United States or of the Commonwealth of Pennsylvania.

29 (2) Persons who have served within three years next
30 preceding on any jury except a person who served as a juror

1 for fewer than three days in any one year in which case the
2 exemption period shall be one year.

3 (3) Persons demonstrating to the court undue hardship or
4 extreme inconvenience may be excused permanently or for such
5 period as the court determines is necessary, and if excused
6 for a limited period shall, at the end of the period, [the
7 juror shall] be assigned to the next jury array.

8 (b) Challenges.--This [section] subchapter shall not affect
9 the existing practice with respect to peremptory challenges and
10 challenges for cause.

11 § 4521. Selection of prospective jurors.

12 (a) Preparation of master list of prospective jurors.--[In
13 order to accomplish the objectives of section 4501 (relating to
14 declaration of policy), the jury selection commission shall at]
15 At least annually the jury selection commission shall prepare a
16 master list of prospective jurors. The list shall contain all
17 voter registration lists for the county, which lists may be
18 incorporated by reference, or names from such other lists which
19 in the opinion of the commission will provide a number of names
20 of prospective jurors which is equal to or greater than the
21 number of names contained in the voter registration list. The
22 commission may, but will not be required to, supplement the
23 [list which supplemental list may include but need not be
24 limited to those] master list of prospective jurors to include,
25 without being limited to, persons in any of the following
26 categories:

27 (1) Persons listed in telephone, city, municipal
28 directories and similar directories.

29 (2) Persons who pay taxes or are assessed for taxes
30 imposed by any political subdivisions. [Officials of

1 political subdivisions having custody, possession or control
2 of the tax assessment lists of names shall upon request of
3 the commission make such records available to the commission.
4 This paragraph shall not be construed to require or permit
5 any official having custody, possession or control of such
6 tax records to provide the commission with any information
7 other than the name, mailing address and municipality of
8 residence of such persons.]

9 (3) Persons in the county participating in any State,
10 county or local program authorized by law and, to the extent
11 such names are available, persons participating in any
12 Federal program authorized by law. [State and local officials
13 having custody, possession or control of such records bearing
14 the names and residences or mailing addresses of such persons
15 shall make them available to the commission for inspection,
16 reproduction and copying. This paragraph shall not be
17 construed to require or permit an official having custody,
18 possession or control of records of programs authorized by
19 law:

20 (i) to provide the commission with information other
21 than the name, mailing address and municipality of
22 residence of such persons; or

23 (ii) to provide the commission or otherwise disclose
24 records or information which the Department of Justice by
25 regulation determines to be privileged from disclosure.]

26 (4) Persons who are on school census lists.

27 (5) Any other person whose name does not appear in the
28 master list of prospective jurors and who meets the
29 qualifications for jurors set forth in this chapter and who
30 makes application to the commission to be listed on the

1 master list of prospective jurors.

2 (b) Maintenance of and access to master list of prospective
3 jurors.--The group of names compiled as set forth in subsection

4 (a) shall constitute the master list of prospective jurors. The
5 list shall be open to the public for inspection.

6 (c) Selection of names for jury service.--At least once each
7 year the commission shall select at random from the master list
8 of prospective jurors the number of names designated by the
9 president judge[, which names shall be selected at random]
10 pursuant to court orders issued under section 4531 (relating to
11 issuance of court orders for jurors).

12 (d) Juror qualification form.--

13 (1) The commission may mail to each person whose name
14 has been selected in the manner set forth in subsection (c) a
15 juror qualification form devised by the commission in such
16 manner that the commission may determine from the answers to
17 the questions on the form whether or not the prospective
18 juror is qualified. The questions asked in such juror
19 qualification form shall be limited to matters reasonably
20 calculated to permit a determination of the person's
21 qualifications to serve as a juror.

22 (2) The juror qualification form shall be executed by
23 the prospective juror and shall plainly and conspicuously
24 state thereon that its execution is subject to the penalty
25 for perjury. If the person is unable to fill out the form,
26 another person may fill it out for him, indicate that he has
27 done so, and the reason therefor. The prospective juror shall
28 mail or deliver the completed form to the commission.

29 (3) If the form does not appear to be properly executed,
30 the commission shall return the form to the prospective juror

1 with instructions to make such additions or corrections as
2 may be necessary and return it to the commission within the
3 time specified.

4 (4) Any person who fails to return the juror
5 qualification form as directed may be summoned by the
6 commission to appear at the offices of the commission to fill
7 out a juror qualification form or to resolve any ambiguity
8 contained therein.

9 (e) Selection in certain counties.--In those counties which
10 do not use the juror qualification form as provided for in
11 subsection (d), the selection of persons for jury service shall
12 be made in accordance with section 4524 (relating to selection
13 of jurors for service) and provision shall be made for the
14 collection of information with the summons in order to comply
15 with sections 4502 (relating to qualifications of jurors) and
16 4503 (relating to exemptions from jury duty).

17 (f) Compelling compliance with section.--On application by
18 the commission, the court shall compel compliance with
19 subsections (a)(2), (3) and (4) and (d). Officials of political
20 subdivisions and Commonwealth officials having custody,
21 possession or control of lists of names described in this
22 section shall, upon request of the commission, make such lists
23 available to the commission for inspection, reproduction and
24 copying but shall not be required or permitted to:

25 (1) provide the commission with information other than
26 the name, mailing address and municipality of residence of
27 such person; or

28 (2) provide the commission with or otherwise disclose
29 records or information which the Attorney General by
30 regulation determines to be privileged from disclosure.

1 § 4527. Effect of verdict on jury selection errors.

2 ~~Errors~~ EXCEPT AS OTHERWISE PRESCRIBED BY GENERAL RULE, ERRORS <—
3 and omissions in the selection of jurors under this subchapter
4 shall not constitute grounds to set aside any jury verdict in
5 any civil or criminal matter or to arrest, reverse, open or
6 strike any judgment entered on a jury verdict and the trial by
7 jury and its rendition of a verdict in any matter shall
8 constitute a waiver of all such errors and omissions.

9 § 4532. Summoning persons to serve as jurors [for service].

10 [Jurors] Persons who have been selected for service as jurors
11 shall be summoned to serve in a manner determined by the jury
12 selection commission with the concurrence of the president
13 judge.

14 § 4561. Compensation of jurors.

15 (a) Compensation.--A [juror] person summoned to serve as a
16 juror shall receive compensation at the rate of \$9 a day for the
17 first three days in any calendar year he shall be required to
18 report for service and \$25 a day for each day thereafter in such
19 calendar year that such [juror] person is required to report. In
20 addition, [jurors] persons so summoned shall be [compensated for
21 mileage] paid a travel allowance at the rate of 17¢ per mile
22 circular except that no [mileage] travel allowance shall be paid
23 in the first judicial district.

24 (b) State reimbursement.--The Commonwealth shall reimburse
25 each county 80% of the amount expended by the county for such
26 compensation and [mileage] travel allowance beyond the first
27 three days of service if the juror is participating in a trial
28 or in grand jury proceedings. Application for reimbursement
29 shall be made by the county to the State Treasurer through the
30 Administrative Office [on forms and] pursuant to [uniform]

1 procedures prescribed by said office. As used in this section,
2 trial participation shall include voir dire examination only if
3 such examination shall have commenced prior to the juror's
4 fourth day of service.

5 § 4563. Protection of employment of [jurors] petit and grand
6 jurors.

7 (a) General rule.--An employer shall not deprive an employee
8 of his employment, seniority position or benefits, or threaten
9 or otherwise coerce him with respect thereto, because the
10 employee receives a summons, responds thereto, serves as a juror
11 or attends court for prospective jury service. Nothing in this
12 section shall be construed to require the employer to compensate
13 the employee for employment time lost because of such jury
14 service.

15 (b) Penalty.--Any employer who violates subsection (a)
16 commits a summary offense.

17 (c) Civil remedy available.--If an employer penalizes an
18 employee in violation of subsection (a) the employee [within six
19 months after the violation occurs] may bring a civil action for
20 recovery of wages and [other] benefits lost as a result of the
21 violation and for an order requiring [his] the reinstatement of
22 the employee. Damages recoverable shall not exceed wages and
23 benefits actually lost. If he prevails, the employee shall be
24 allowed a reasonable attorney's fee fixed by the court.

25 (d) Exception.--Subsection (a) shall not apply to any
26 employer in any retail or service industry employing fewer than
27 15 persons or any employer in any manufacturing industry
28 employing fewer than 40 persons.

29 (e) Right to excuse.--Any individual not entitled to
30 reemployment under subsection (a) shall, upon request to the

1 court, be excused from jury service.

2 [§ 4563.1. Protection of employment of grand jurors.

3 (a) General rule.--An employer shall not deprive an employee
4 of his employment, seniority position or benefits, or threaten
5 or otherwise coerce him with respect thereto, because the
6 employee receives a summons, responds thereto, serves as an
7 investigating grand juror or attends court for prospective
8 investigating grand jury service. Nothing in this section shall
9 be construed to require the employer to compensate the employee
10 for employment time lost because of such grand jury service.

11 (b) Criminal penalty.--Any employer who violates subsection
12 (a) commits a summary offense.

13 (c) Civil liability.--If any employer penalizes an employee
14 in violation of subsection (a) the employee may bring a civil
15 action for recovery of wages or benefits lost as a result of the
16 violation and for an order requiring the reinstatement of the
17 employee. Damages recoverable shall not exceed wages and
18 benefits actually lost. If he prevails, the employee shall be
19 allowed a reasonable attorney's fee fixed by the court.

20 (d) Exception.--Subsection (a) shall not apply to any
21 employer in any retail or service industry employing fewer than
22 15 persons or any employer in any manufacturing industry
23 employing fewer than 40 persons.

24 (e) Right to excuse.--Any individual not entitled to
25 reemployment under subsection (a) shall, upon request to the
26 court, be excused from grand jury service.]

27 § 4565. [Competency of] Challenging certain petit jurors where
28 political subdivision is a party.

29 A person shall not be challenged for cause and excluded from
30 serving as a juror in any action or proceeding in which a

1 political subdivision is a party or is interested because such
2 person is or was an officer, rated citizen or inhabitant in such
3 political subdivision or owns assessed or taxable property or is
4 liable to the assessment or payment of taxes in such political
5 subdivision. This section shall not apply to peremptory
6 challenges of such persons.

7 § 5103. Transfer of erroneously filed matters.

8 (a) General rule.--If an appeal or other matter is taken to
9 or brought in a court or magisterial district of this
10 Commonwealth which does not have jurisdiction of the appeal or
11 other matter, the court or district justice shall not quash such
12 appeal or dismiss the matter, but shall transfer the record
13 thereof to the proper [court or magisterial district] tribunal
14 of this Commonwealth, where the appeal or other matter shall be
15 treated as if originally filed in the transferee [court or
16 magisterial district] tribunal on the date when the appeal or
17 other matter was first filed in a court or magisterial district
18 of this Commonwealth. A matter which is within the exclusive
19 jurisdiction of a court or district justice of this Commonwealth
20 but which is commenced in any other tribunal of this
21 Commonwealth shall be transferred by the other tribunal to the
22 proper court or magisterial district of this Commonwealth where
23 it shall be treated as if originally filed in the transferee
24 court or magisterial district of this Commonwealth on the date
25 when first filed in the other tribunal.

26 (b) Federal cases.--

27 (1) Subsection (a) shall also apply to any matter
28 transferred or remanded by any United States court for a
29 district embracing any part of this Commonwealth. In order to
30 preserve a claim under Chapter 55 (relating to limitation of

1 time) a litigant who timely commences an action or proceeding
2 in any United States court for a district embracing any part
3 of this Commonwealth is not required to commence a protective
4 action in a court or before a district justice of this
5 Commonwealth. Where a matter is filed in any United States
6 court for a district embracing any part of this Commonwealth
7 and the matter is dismissed by the United States court for
8 lack of jurisdiction, any litigant in the matter filed may
9 transfer the matter to a court or magisterial district of
10 this Commonwealth by complying with the transfer provisions
11 set forth in paragraph (2).

12 (2) Except as otherwise prescribed by general rules, or
13 by order of the United States court, such transfer may be
14 effected by filing a certified transcript of the final
15 judgment of the United States court and the related pleadings
16 in a court or magisterial district of this Commonwealth. The
17 pleadings shall have the same effect as under the practice in
18 the United States court, but the transferee court or district
19 justice may require that they be amended to conform to the
20 practice in this Commonwealth. Section 5535(a)(2)(i)
21 (relating to termination of prior matter) shall not be
22 applicable to a matter transferred under this subsection.

23 (c) Interdivisional transfers.--If an appeal or other matter
24 is taken to, brought in, or transferred to a division of a court
25 to which such matter is not allocated by law, the court shall
26 not quash such appeal or dismiss the matter, but shall transfer
27 the record thereof to the proper division of the court, where
28 the appeal or other matter shall be treated as if originally
29 filed in the transferee division on the date first filed in a
30 court or magisterial district.

1 (d) Definition.--As used in this section "tribunal" means a
2 court or district justice or other judicial officer of this
3 Commonwealth vested with the power to enter an order in a
4 matter, the Board of Claims, the Board of Property, the Office
5 of Administrator for Arbitration Panels for Health Care and any
6 other similar agency.

7 § 5105. Right to appellate review.

8 * * *

9 (f) Effect of reversal or modification.--The reversal or
10 modification of any order of a court or any determination of any
11 other government unit in a matter in which the court or
12 government unit has jurisdiction of the sale, mortgage, exchange
13 or conveyance of real or personal property shall not impair or
14 divest any estate or interest acquired thereunder by a person
15 not a party to the appeal.

16 § 5304. Documents.

17 The tribunals of this Commonwealth shall have jurisdiction
18 over documents [which are] situated within this Commonwealth
19 whether or not the persons owning or claiming interests therein
20 are subject to the jurisdiction of the tribunals of this
21 Commonwealth.

22 § 5501. Scope of chapter.

23 (a) General rule.--An action, proceeding or appeal must be
24 commenced within the time specified in or pursuant to this
25 chapter unless, in the case of [an] a civil action or
26 proceeding, a different time is provided by this title or
27 another statute or[, in the case of a civil action or
28 proceeding,] a shorter time which is not manifestly unreasonable
29 is prescribed by written agreement.

30 * * *

1 § 5522. Six months limitation.

2 (a) Notice prerequisite to action against government unit.--

3 * * *

4 (2) If the statement provided for by this subsection is
5 not filed, any civil action or proceeding commenced against
6 the government unit more than six months after the date of
7 injury to person or property shall be dismissed and the
8 person to whom any such cause of action accrued for any
9 [personal] injury to person or property shall be forever
10 barred from proceeding further thereon within this
11 Commonwealth or elsewhere. The court shall excuse
12 [noncompliance] failure to comply with this requirement upon
13 a showing of reasonable excuse for failure to file such
14 statement.

15 * * *

16 (b) Commencement of action required.--The following actions
17 and proceedings must be commenced within six months:

18 (1) An action [against any officer of any government
19 unit for anything done in the execution of his office, except
20 an action subject to another limitation specified in this
21 subchapter] or proceeding to set aside a judicial sale of
22 property.

23 (2) A petition for the establishment of a deficiency
24 judgment following sale of the collateral of the debtor under
25 the provisions of section 8103 (relating to deficiency
26 judgments).

27 (3) Any action subject to 13 Pa.C.S. § 6111 (relating to
28 limitation of actions and levies).

29 (4) An action under section [4563.1(c)] 4563(c)
30 (relating to civil [liability] remedy available).

1 § 5523. One year limitation.

2 The following actions and proceedings must be commenced
3 within one year:

4 (1) An action for libel, slander or invasion of privacy.

5 (2) [An action upon a statute for a civil penalty or
6 forfeiture, where the action is given to a person other than
7 a government unit.

8 (3)] An action upon a bond given as security by a party
9 in any matter, except a bond given by a condemnor in an
10 eminent domain proceeding.

11 [(4)] (3) An action upon any payment or performance
12 bond.

13 § 5524. Two year limitation.

14 The following actions and proceedings must be commenced
15 within two years:

16 (1) An action for assault, battery, false imprisonment,
17 false arrest, malicious prosecution or malicious abuse of
18 process.

19 (2) An action to recover damages for injuries to the
20 person or for the death of an individual caused by the
21 wrongful act or neglect or unlawful violence or negligence of
22 another.

23 (3) An action for taking, detaining or injuring personal
24 property, including actions for specific recovery thereof.

25 (4) An action for waste or trespass of real property.

26 (5) An action upon a statute for a civil penalty or
27 forfeiture[, where the action is given to a government unit].

28 (6) An action against any officer of any government unit
29 for the nonpayment of money or the nondelivery of property
30 collected upon on execution or otherwise in his possession or

1 for anything done in the execution of his office, except an
2 action subject to another limitation specified in this
3 subchapter.

4 (7) Any other action or proceeding to recover damages
5 for injury to person or property which is founded on
6 negligent, intentional, or otherwise tortious conduct or any
7 other action or proceeding sounding in trespass, including
8 deceit or fraud, except an action or proceeding subject to
9 another limitation specified in this subchapter.

10 § 5525. Four year limitation.

11 The following actions and proceedings must be commenced
12 within four years:

13 * * *

14 (5) An action upon a judgment or decree of any court of
15 the United States or of any state.

16 (6) An action upon any official bond of a public
17 official, officer or employee.

18 (7) An action upon a negotiable or nonnegotiable bond,
19 note or other similar instrument in writing. Where such an
20 instrument is payable upon demand, the time within which an
21 action on it must be commenced shall be computed from the
22 later of either demand or any payment of principal of or
23 interest on the instrument.

24 (8) An action upon a contract, obligation or liability
25 founded upon a writing not specified in paragraph (7), under
26 seal or otherwise, except an action subject to another
27 limitation specified in this subchapter.

28 § 5526. Five year limitation.

29 The following actions and proceedings must be commenced
30 within five years:

1 * * *

2 (4) A proceeding in inverse condemnation, if property
3 has been injured but no part thereof has been taken, or if
4 the condemnor has made payment in accordance with section
5 407(a) or (b) (relating to possession and payment of
6 compensation) of the act of June 22, 1964 (Sp.Sess., P.L.84,
7 No.6), known as the "Eminent Domain Code."

8 § 5527. Six year limitation.

9 [The following actions and proceedings must be commenced
10 within six years:

11 (1) An action upon a judgment or decree of any court of
12 the United States or of any state.

13 (2) An action upon a contract, obligation or liability
14 founded upon a bond, note or other instrument in writing,
15 except an action subject to another limitation specified in
16 this subchapter. Where an instrument is payable upon demand,
17 the time within which an action or proceeding on it must be
18 commenced shall be computed from the later of either demand
19 or any payment of principal of or interest on the instrument.

20 (3) An action upon any official bond.

21 (4) A proceeding in inverse condemnation, if property
22 has been injured but no part thereof has been taken, or if
23 the condemnor has made payment in accordance with section
24 407(a) or (b) (relating to possession and payment of
25 compensation) of the act of June 22, 1964 (Sp.Sess., P.L.84,
26 No.6), known as the "Eminent Domain Code."

27 (5) An action to set aside a judicial sale of property.

28 (6)] Any civil action or proceeding which is neither
29 subject to another limitation specified in this subchapter
30 nor excluded from the application of a period of limitation

by section 5531 (relating to no limitation) must be commenced within six years.

§ 5529. Twenty year limitation.

* * *

(b) Instruments under seal.--

(1) Notwithstanding section [5527] 5525(7) (relating to [six] four year limitation), an action [or proceeding] upon an instrument in writing under seal must be commenced within 20 years.

(2) This subsection shall expire June 27, 1998.

§ 5552. Other offenses.

* * *

(b) Major offenses.--A prosecution for any of the following offenses [under Title 18 (relating to crimes and offenses)] must be commenced within five years after it is committed:

(1) Under the following provisions of Title 18 (relating to crimes and offenses):

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3301 (relating to arson and related offenses).

Section 3502 (relating to burglary).

Section 3701 (relating to robbery).

Section 4101 (relating to forgery).

Section 4902 (relating to perjury).

(2) Under the act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code."

* * *

§ 5946. Competency of certain witnesses [and jurors] where political subdivision is a party.

1 [No] A person shall not be excluded from being a witness [or
2 juror] in any action or proceeding in which a political
3 subdivision is a party or is interested [by reason of] because
4 such person [being or having been] is or was an officer, rated
5 citizen or inhabitant in such political subdivision[,] or
6 [owning] owns assessed or taxable property[,] or [being] is
7 liable to the assessment or payment of [any tax therein] taxes
8 in such political subdivision.

9 § 5974. Summoning prisoner in this Commonwealth to testify in
10 another state.

11 (a) Certification.--A judge of a state court of record in
12 another state, which by its laws has made provision for
13 commanding persons confined in penal institutions within that
14 state to attend and testify in this Commonwealth, may certify:

15 (1) that there is a criminal proceeding or investigation
16 by a grand jury or a criminal action pending in the court;

17 (2) that a person who is confined in a penal institution
18 in this Commonwealth may be a material witness in the
19 proceeding, investigation or action; and

20 (3) that his presence will be required during a
21 specified time.

22 (b) Hearing.--Upon presentation of the certificate to any
23 court having jurisdiction over the person confined and upon
24 notice to the [Department of Justice] Bureau of Correction, the
25 court in this Commonwealth shall fix a time and place for a
26 hearing and shall make an order, directed to the person having
27 custody of the prisoner, requiring that the prisoner be produced
28 before it at the hearing.

29 § 6106. Certified exemplifications of records.

30 Whenever provision is made by law for recording or filing in

1 a public office any document, the record thereof made, and
2 exemplifications of the document lawfully certified, shall be
3 legal evidence in all matters in which the document would be
4 competent [testimony] evidence.

5 § 6143. Registration number as evidence of operation of
6 vehicle.

7 (a) General rule.--In any action or proceeding for the
8 recovery of a civil penalty for an infraction of the provisions
9 of any law relating to the ownership or operation of any
10 conveyance by air, land or water or any game or fish law or any
11 local ordinance, rule or regulation relating thereto, the
12 registration number displayed on a conveyance shall sustain an
13 inference that the person to whom the registration number was
14 officially assigned is the owner of the conveyance and was then
15 operating the conveyance.

16 * * *

17 § 6701. Scope of subchapter.

18 [The] Actions or proceedings provided by this subchapter are
19 in addition to and not in substitution of actions or proceedings
20 provided by [law] unsuspended statutes where there is desertion
21 or a failure [of] to perform a duty to support.

22 § 6702. Definitions.

23 The following words and phrases when used in this subchapter
24 shall have, unless the context clearly indicates otherwise, the
25 meanings given to them in this section:

26 "Complaint." [Includes any petition, information, affidavit
27 or any other] The legal document prescribed by general rules for
28 the commencement of support actions or proceedings.

29 "Duty of support." Includes any duty of support imposed or
30 imposable by law or by any court order, whether interlocutory or

1 final, whether incidental to a proceeding for divorce, legal
2 separation, separate maintenance, prosecution for failure to
3 support a child born out of lawful wedlock, support of a child
4 born out of lawful wedlock, or otherwise.

5 "Initiating county." Any county in which any action or
6 proceeding pursuant to this subchapter is commenced.

7 "Probation officer." Includes any officer now or hereafter
8 serving in any court at the direction of the court in the
9 domestic relations section of the court and to whom is assigned
10 the enforcement of the duty to support.

11 "Responding county." Any county (including the initiating
12 county) in which any action or proceeding pursuant to the
13 proceeding in the initiating county is or may be commenced.

14 § 6704. Commencement of support actions or proceedings.

15 (a) General rule.--A support action or proceeding under this
16 subchapter shall be commenced [by the filing of a verified
17 complaint which shall set forth:

18 (1) The name and address of the complainant.

19 (2) The name and address of the defendant.

20 (3) The date and place of marriage if married, or if
21 unmarried the date and place of birth of each child born out
22 of lawful wedlock.

23 (4) The names and ages of any children.

24 (5) Date and circumstances of separation or failure to
25 support.

26 (6) Employment of defendant and earnings.

27 (7) Amount of public assistance.

28 (8) Amount of support asked.

29 The complaint may contain any information to aid the locating or
30 identification of a defendant including, but without limitation,

1 by enumeration, a photograph of the defendant, a description of
2 any distinguishing marks of or on his person, other names and
3 aliases by which he has been or is known, his financial status,
4 fingerprints and Social Security number, and any order of
5 support in any other court.

6 (b) Moving party.--A complaint may be filed by any person,
7 including a minor spouse, to whom a duty of support is owing. It
8 shall be filed on behalf of a minor child by a person having
9 custody of the minor, without appointment as guardian ad litem.
10 It may be filed by any public body or public or private agency
11 having any interest in the care, maintenance or assistance of
12 any person to whom a duty of support is owing.

13 (c) Order for hearing.--Every complaint shall be accompanied
14 by an order directing the defendant to appear for hearing at a
15 time and place as specified in such order.

16 (d) Service.--Every complaint and order may be served by
17 registered or certified mail or by any adult person or by any
18 other manner provided or prescribed by law.] in the manner
19 prescribed by general rules.

20 [(e)] (b) Limitation of actions.--All actions or proceedings
21 to establish the paternity of a child born out of wedlock
22 brought under this section must be commenced within six years of
23 the birth of the child, except where the reputed father shall
24 have voluntarily contributed to the support of the child or
25 shall have acknowledged in writing his paternity, in which case
26 an action or proceeding may be commenced at any time within two
27 years of any such contribution or acknowledgement by the reputed
28 father.

29 [(f)] (c) Character of action.--An action or proceeding
30 brought under this subchapter shall be a civil action governed

1 by general rules applicable to civil matters.

2 [(g)] (d) Trial of paternity.--Where the paternity of a
3 child born out of wedlock is disputed, the determination of
4 paternity shall be made by the court without a jury unless
5 either party demands trial by jury. The trial, whether or not a
6 trial by jury is demanded, shall be a civil trial and there
7 shall be no right to a criminal trial on the issue of paternity.
8 The burden of proof shall be by a preponderance of the evidence.
9 § 6705. Failure of defendant to appear.

10 (a) General rule.--A defendant who willfully fails or
11 refuses to appear in response to a duly served order or other
12 process under this subchapter may[, after hearing], as
13 prescribed by general rule, be adjudged in contempt and
14 committed to [prison] jail by the court for not exceeding six
15 months.

16 (b) Philadelphia cases.--In any county of the first class
17 the defendant named in the order or other process shall be
18 brought before the court forthwith, but in any event within 48
19 hours or two court working days, whichever is the longer, after
20 the defendant is taken into custody, for the purpose of hearing
21 on the issue of contempt of the order or other process involved.

22 § 6706. [Order] Payee of order of support.

23 [(a) Effective date.--An order of support may be made
24 effective from the date of the filing of the complaint.

25 (b) Payee.--]An order of support of any person shall direct
26 payment to be made payable to or payment to be made to the
27 domestic relations section, for transmission to the complainant
28 or for transmission directly to a public body or public or
29 private agency, whenever the care, maintenance and assistance of
30 such person is provided for by such public body or public or

1 private agency.

2 § 6707. [Surety] Security for attendance or performance.

3 (a) General rule.--At any stage of the proceedings under
4 this subchapter, upon affidavit filed that the defendant is
5 about to leave the Commonwealth or the judicial district the
6 court may, as prescribed by general rule, issue appropriate
7 process [may be issued] directing that the defendant be brought
8 before the court [at such time as the court may direct, at which
9 time the court may] and may direct that the defendant give
10 security[, by one or more sureties,] to appear when directed by
11 the court or to comply with any order of the court.

12 (b) Philadelphia cases.--In any county of the first class
13 the hearing shall be fixed as provided in section 6705(b)
14 (relating to Philadelphia cases).

15 § 6708. Enforcement of support orders.

16 (a) General rule.--A defendant who willfully fails to comply
17 with any order under this subchapter, except an order subject to
18 section 6705 (relating to failure of defendant to appear), may[,
19 after hearing], as prescribed by general rule, be adjudged in
20 contempt and committed to [prison] jail by the court.

21 (b) Philadelphia cases.--In any county of the first class:

22 (1) The hearing shall be fixed as provided in section
23 6705(b) (relating to Philadelphia cases).

24 (2) The commitment to [prison] jail may not exceed six
25 months.

26 (3) The order shall state the condition which upon
27 fulfillment will result in the release of the defendant.

28 § 6709. Procedure to attach wages, etc.

29 The wages, salary or commissions of any person owing a duty
30 of support may be attached in the [following] manner[:]

1 (1) A certified copy of the order of support shall be
2 served on the employer, whether a government unit or private
3 person, and may be served by registered or certified mail or
4 by any adult person or by any other manner provided or
5 prescribed by law.

6 (2) Such certified copy of the order shall contain an
7 order directing the employer to make a full answer, within
8 ten days after services of the order, of the amount of wages,
9 salary or commissions of the defendant, and further directing
10 the employer to make no payment to the defendant of over 50%
11 of the amount due to him until further order of the court.

12 (3) The court shall determine the amount of the wages,
13 salary or commissions which shall be regularly paid by the
14 employer to the domestic relations section and shall so
15 notify said employer.

16 (4) Thereafter, it shall be the duty of the employer to
17 pay such amount regularly to the domestic relations section,
18 and upon failure so to pay such employer shall be in contempt
19 and subject to the order of the court as otherwise provided
20 in this subchapter with respect to proceedings against the
21 defendant.] prescribed by general rule. The employer may
22 deduct from the wages, salary or commissions of the defendant
23 2% of the amount paid under the order [from the wages of the
24 defendant] for [clerical work and] reimbursement of expense
25 involved in complying [therewith] with the order.

26 [(5) Such attachment shall continue until dissolved by
27 order of the court.]

28 § 6712. Duties of court in initiating county.

29 If the court of the county acting as an initiating county
30 finds that the complaint sets forth facts from which it may be

determined that the defendant owes a duty of support or the defendant is in default in payment on an order of support, and that jurisdiction cannot be obtained over the defendant or his property as prescribed by general rules or that there has been an election to proceed under this section, and that the court of the responding county may obtain jurisdiction of the defendant or his property, it shall so certify to the responding county and shall cause three copies of the complaint or order and its certification to be transmitted to the court in the responding county.

§ 7102. Comparative negligence.

* * *

(d) Definitions.--As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Defendant or defendants against whom recovery is sought."
Includes impleaded defendants.

"Plaintiff." Includes counterclaimants and cross-claimants.

§ 7342. Procedure.

(a) General rule.--The following provisions of Subchapter A (relating to statutory arbitration) shall be applicable to arbitration conducted pursuant to this subchapter:

Section 7303 (relating to validity of agreement to arbitrate).

Section 7304 (relating to court proceedings to compel or stay arbitration).

Section 7305 (relating to appointment of arbitrators by court).

Section 7309 (relating to witnesses, subpoenas, oaths and depositions).

POST-TRIAL MATTERS

[(Reserved)]

Sec.

7901. Procedures, motions and other matters.

§ 7901. Procedures, motions and other matters.

All post-trial procedures, motions and other matters relating to any civil action or proceeding, trial de novo and returns on certiorari from the minor judiciary shall be conducted in the manner, at the times, on the terms and conditions and in the form prescribed by general rules.

§ 8123. General monetary exemption.

(a) General rule.--In addition to any other property specifically exempted by this subchapter, property of the judgment debtor [to the value of \$300,] (including bank notes, money, securities, real property, judgments or other indebtedness due the judgment debtor[,]) to the value of \$300 shall be exempt from attachment or execution on a judgment. Within such time as may be prescribed by general rules the judgment debtor may claim the exemption in kind and may designate the specific items of property to which the exemption provided by this section shall be applicable[,] unless the designated property is not capable of appropriate division, or the judgment debtor may claim the exemption in cash out of the proceeds of the sale.

* * *

(c) [Reduction.--The] Executions issued by minor judiciary.--As to executions issued by the minor judiciary the amount of the exemption specified in subsection (a) shall[, as to executions issued by the minor judiciary,] be reduced by the value of any real or personal property of the judgment debtor

1 which is generally subject to attachment or [levy and sale upon]
2 execution but which by law is not subject [thereto upon] to
3 attachments or executions issued by the minor judiciary.

4 § 8124. Exemption of particular property.

5 * * *

6 (c) Insurance proceeds.--The following property or other
7 rights of the judgment debtor shall be exempt from attachment or
8 execution on a judgment:

9 * * *

10 (9) Certain amounts paid, provided or rendered under the
11 provisions of section 106(f) of the act of July 19, 1974
12 (P.L.489, No.176), known as the "Pennsylvania No-fault Motor
13 Vehicle Insurance Act."

14 (10) Certain amounts paid, provided or rendered under
15 the provisions of section 703 of the act of December 5, 1936
16 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
17 "Unemployment Compensation Law."

18 § 8127. Personal earnings exempt from process.

19 [(a) General rule.--]The wages, salaries and commissions of
20 individuals shall while in the hands of the employer be exempt
21 from any attachment, execution or other process except upon an
22 action or proceeding [for support or for board for four weeks or
23 less.

24 (b) Transfer of claim to avoid policy of the Commonwealth.--
25 It shall be unlawful for any creditor or obligee to commence an
26 action on or to transfer any claim against a resident of this
27 Commonwealth for the purpose of having such claim collected by
28 proceedings in a forum which accords such resident less
29 favorable exemptions from attachment or execution than are
30 accorded by this Commonwealth, or for the purpose of depriving

1 such resident of the right to have his personal earnings while
2 in the hands of his employer exempt from application to the
3 payment of his debts.

4 (c) Remedy.--In addition to remedy by injunction or
5 otherwise, a resident of this Commonwealth who is aggrieved by
6 any action by a creditor or obligee in violation of subsection
7 (b) shall have a right of action against the creditor or obligee
8 for treble the amount recovered from such resident in violation
9 of this section and reasonable counsel fees. The transfer of any
10 claim against the resident and the commencement of any action
11 thereon outside this Commonwealth shall be prima facie evidence
12 of a purpose to violate the provisions of subsection (b).]:

13 (1) For support.

14 (2) For board for four weeks or less.

15 (3) Under section 4(11) of the act of August 7, 1963
16 (P.L.549, No.290), referred to as the Pennsylvania Higher
17 Education Assistance Agency Act.

18 § 8128. Transfer of claim to avoid policy of Commonwealth.

19 (a) General rule.--It shall be unlawful for any creditor or
20 obligee to commence an action on or to transfer any claim
21 against a resident of this Commonwealth for the purpose of
22 having such claim collected by proceedings in a forum which
23 accords such resident less favorable exemptions from attachment
24 or execution than are accorded by this Commonwealth, or for the
25 purpose of depriving such resident of the right to have his
26 personal earnings while in the hands of his employer exempt from
27 application to the payment of his debts.

28 (b) Remedy.--In addition to remedy by injunction or
29 otherwise, a resident of this Commonwealth who is aggrieved by
30 any action by a creditor or obligee in violation of subsection

1 (a) shall have a right of action against the creditor or obligee
2 for treble the amount recovered from such resident in violation
3 of this section and reasonable counsel fees. The transfer of any
4 claim against the resident and the commencement of any action
5 thereon outside this Commonwealth shall be prima facie evidence
6 of a purpose to violate the provisions of subsection (a).

7 § 8301. Death action.

8 (a) General rule.--An action may be brought, under
9 procedures prescribed by general rules, to recover damages for
10 the death of an individual caused by the wrongful act or neglect
11 or unlawful violence or negligence of another if no action for
12 damages was brought by the injured individual during his
13 lifetime.

14 * * *

15 (c) Special damages.--[The plaintiff in] In an action
16 brought under subsection (a) the plaintiff shall be entitled to
17 recover, in addition to other damages, damages for reasonable
18 hospital, nursing, medical, funeral expenses and expenses of
19 administration necessitated by reason of injuries causing death.

20 (d) Action by personal representative.--If no person is
21 eligible to recover damages under subsection (b) [to bring an
22 action under this section], the personal representative of the
23 deceased may bring an action [for the] to recover damages
24 [expressly specified in subsection (c)] for reasonable hospital,
25 nursing, medical, funeral expenses and expenses of
26 administration necessitated by reason of injuries causing death.

27 CHAPTER 93

28 TRIAL

29 [(Reserved)]

30 Sec.

1 9301. Procedures, motions and other matters.

2 9302. Commencement and termination of trial.

3 § 9301. Procedures, motions and other matters.

4 All procedures, motions and other matters relating to the
5 trial, by jury or otherwise, of any criminal proceeding shall be
6 conducted in the manner, at the times, on the terms and
7 conditions and in the form prescribed by general rules.

8 § 9302. Commencement and termination of trial.

9 The trial of a criminal proceeding shall be deemed to
10 commence and terminate at the times or on the occurrence of
11 events prescribed by general rules.

12 CHAPTER 95

13 POST-TRIAL MATTERS

14 [(Reserved)]

15 Sec.

16 9501. Procedures, motions and other matters.

17 § 9501. Procedures, motions and other matters.

18 All post-trial procedures, motions and other matters relating
19 to any criminal proceeding shall be conducted in the manner, at
20 the times, on the terms and conditions and in the form
21 prescribed by general rules.

22 § 9755. Sentence of partial confinement.

23 * * *

24 (g) Prisoner release plans.--This section shall not be
25 interpreted as [in any way] limiting the authority of the
26 [Department of Justice] Bureau of Correction as set forth in the
27 act of July 16, 1968 (P.L.351, No.173), as amended, relating to
28 prisoner pre-release centers and release plans, or the authority
29 of the court as set forth in the act of August 13, 1963
30 (P.L.774, No.390), as amended, relating to prisoner release for

1 occupational and other purposes.

2 § 9756. Sentence of total confinement.

3 * * *

4 (d) Prisoner release plans.--This section shall not be
5 interpreted as [in any way] limiting the authority of the
6 [Department of Justice] Bureau of Correction as set forth in the
7 act of July 16, 1968 (P.L.351, No.173), as amended, relating to
8 prisoner pre-release centers and release plans, or the authority
9 of the court as set forth in the act of August 13, 1963
10 (P.L.774, No.390), as amended, relating to prisoner release for
11 occupational and other purposes.

12 Section 202. Conforming amendments to Title 30.--Sections
13 924, 926 and 930 of Title 30 are amended to read:

14 § 924. Costs for summary offenses.

15 [(a) General rule.--Except as provided in subsection (b),
16 any] Any person convicted of a summary offense under this title
17 shall, in addition to the fine imposed, be sentenced to pay [\$10
18 as costs of the issuing authority which costs shall include all
19 charges including, when called for, the costs of postage and
20 registered or certified mail and the costs of giving a
21 transcript to the prosecutor or defendant, or both, if
22 requested.

23 (b) Conviction after hearing.--Where the person charged with
24 a summary offense under this title demands a hearing, the costs
25 of the issuing authority shall be \$15, which costs shall include
26 all charges including the charges specified in subsection (a).]
27 costs as provided or prescribed by or pursuant to 42 Pa.C.S. Ch.
28 17 (relating to governance of the system).

29 § 926. Disposition of fines and penalties.

30 (a) General rule.--Subject to any inconsistent procedures

1 and standards relating to reports and transmission of funds
2 prescribed pursuant to Title 42 (relating to judiciary and
3 judicial procedure) and related penalties:

4 (1) Fines recovered in cases where the prosecutor is a
5 salaried officer of the commission shall be immediately
6 surrendered by the court receiving the fines to the
7 prosecutor who, within 30 days of receipt, shall forward the
8 fines and penalties to the executive director.

9 (2) Where any officer of this Commonwealth other than a
10 salaried officer is the prosecutor, the fines and penalties
11 shall, as soon as the case is fully determined, be forwarded
12 by the court to the executive director through the district
13 waterways patrolman, together with a statement of the cause
14 for which the fines were collected.

15 (3) All fines received [by the executive director] under
16 this section shall be paid [monthly] into the State Treasury
17 for the use of the Fish Fund or Boat Fund, as appropriate.

18 (b) Penalty.--Any person failing to forward fines in
19 accordance with this section commits a summary offense of the
20 first degree.

21 § 930. Arrest of nonresident.

22 Subject to any inconsistent regulations prescribed pursuant
23 to 42 Pa.C.S. § 3502 (relating to financial regulations):

24 [(a)] (1) General rule.--Upon the arrest, apprehension or
25 citation of a nonresident of this Commonwealth for any
26 violation of this title that is a summary offense, the
27 waterways patrolman or deputy waterways patrolman shall,
28 unless the defendant elects to acknowledge guilt in
29 accordance with section 925 (relating to acknowledgment of
30 guilt and receipts for payment), escort the defendant to the

1 appropriate issuing authority for a hearing, posting of bond
2 or payment of the applicable fine and costs, unless the
3 defendant chooses to place the amount of the applicable fine
4 and costs in a stamped envelope addressed to the appropriate
5 issuing authority and mails the envelope in the presence of
6 the waterways patrolman or deputy waterways patrolman.

7 [(b)] (2) Procedure upon payment by mail.--If the defendant
8 mails the amount of fine and costs prescribed in [subsection
9 (a)] paragraph (1), he shall indicate on an accompanying form
10 whether the payment constitutes a bond for a hearing based on
11 a plea of not guilty or a fine based upon a plea of guilty in
12 lieu of acknowledging guilt under section 925. If the plea is
13 not guilty, the waterways patrolman or deputy waterways
14 patrolman shall notify the issuing authority by telephone and
15 the issuing authority shall schedule a hearing for the
16 following day (excluding Saturdays, Sundays or legal
17 holidays), unless the defendant requests a continuance, in
18 which case a hearing shall be scheduled to accommodate the
19 defendant, the waterways patrolman or deputy waterways
20 patrolman and the issuing authority.

21 [(c)] (3) Form of payment.--The amount of fine and costs may
22 be paid in cash, personal or other check, credit card or
23 guaranteed arrest bond[, except that the Court Administrator
24 of Pennsylvania may enlarge or restrict the type of payment
25 which may be made by mail].

26 [(d)] (4) Receipt for payment.--The waterways patrolman or
27 deputy waterways patrolman shall give the defendant a receipt
28 for payment, a copy of which shall be mailed with the payment
29 and a copy retained by the officer.

30 Section 203. Conforming amendments to Title 66.--Title 66 is

1 amended by adding a section to read:

2 § 902. Reliance on orders pending judicial review.

3 The issue or assumption of securities registered by the
4 commission, the performance of any contract or arrangement
5 approved by the commission and any other act by a person or
6 corporation shall be subject to the provisions of 42 Pa.C.S. §
7 5105(f) (relating to effect of reversal or modification) insofar
8 as relates to any sale, mortgage, exchange or conveyance subject
9 to the jurisdiction of the commission.

10 ARTICLE III

11 REPEALS OF INCONSISTENT LEGISLATION

12 Section 301. Act No. 176 of 1929.--Section 1104 and as much
13 as reads "in quo warranto" of the first sentence and as much as
14 reads "for other proceedings in quo warranto" of the second
15 sentence of section 1711, act of April 9, 1929 (P.L.343,
16 No.176), known as "The Fiscal Code," are repealed.

17 Section 302. Act No. 155 of 1933 as affected by Act No. 283
18 of 1955.--As much as reads "of common pleas of the county within
19 which such property is situated, or the County Court of
20 Allegheny County, as the case may be, and, for that purpose, may
21 present to said court or file in the prothonotary's office or in
22 the office of the clerk of the County Court of Allegheny County,
23 within sixty days, after the county commissioners, acting as a
24 board of revision, or the board of revision of taxes, or the
25 board for the assessment and revision of taxes, or the Board of
26 Property Assessment, Appeals and Review, in counties of the
27 second class, as the case may be, have held the appeals provided
28 for by this or any other act of Assembly and acted on the said
29 assessments and valuations, a petition signed by him, his agent
30 or attorney, setting forth the facts of the case" of the first

1 sentence of section 518.1, act of May 22, 1933 (P.L.853,
2 No.155), known as "The General County Assessment Law," is
3 repealed.

4 Section 303. Act No. 1 of 1936 (2nd Sp.Sess.) as affected by
5 Act No. 108 of 1980.--Section 510.1, act of December 5, 1936
6 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment
7 Compensation Law," is repealed. The notice of the board to the
8 parties and the department under section 504 of the act of the
9 final decision of the board and the reasons therefor shall
10 constitute a final order of the board for purposes of judicial
11 review, which order shall be subject to judicial review within
12 the time and in the manner provided or prescribed by law.
13 Judicial review may be sought under the act only after the party
14 seeking review has exhausted its remedies before the board.

15 Section 304. Act No. 394 of 1937 as affected by Act No. 157
16 of 1980.--As much as reads "Such proceedings may be prosecuted
17 in the Commonwealth Court, or in the court of common pleas of
18 the county where the activity has taken place, the condition
19 exists, or the public is affected, and to that end jurisdiction
20 is hereby conferred in law and equity upon such courts:" of the
21 third sentence of subsection (a) and the entire last sentence of
22 subsection (c) of section 601 and the entire first sentence of
23 section 603, act of June 22, 1937 (P.L.1987, No.394), known as
24 "The Clean Streams Law" are repealed.

25 Section 305. Act No. 294 of 1939.--Section 12, act of June
26 21, 1939 (P.L.626, No.294), entitled "An act providing for and
27 regulating the assessment and valuation of all subjects of
28 taxation in counties of the second class; creating and
29 prescribing the powers and duties of the Board of Property
30 Assessment, Appeals and Review; imposing duties on certain

1 county and city officers; abolishing the board for the
2 assessment and revision of tax in such counties; and
3 prescribing penalties," is repealed.

4 Section 306. Act No. 404 of 1939.--Section 15, act of June
5 27, 1939 (P.L.1199, No.404), entitled "An act relating to the
6 assessment of real and personal property and other subjects of
7 taxation in counties of the first class; providing for the
8 appointment of members of the board of revision of taxes by the
9 judges of the courts of common pleas; providing for the
10 appointment, by the board, of personal property assessors, real
11 estate assessors and assistant real estate assessors, clerks and
12 other employes; fixing the salaries of members of the board,
13 assessors and assistant assessors, and providing for the payment
14 of salaries and expenses from the county treasury; prescribing
15 the powers and duties of the board and of the assessors, the
16 time and manner of making assessments, of the revision and
17 notice of assessments and of appeals therefrom; prescribing the
18 records of assessments; and repealing existing laws," is
19 repealed.

20 Section 307. Act No. 254 of 1943.--As much as reads "of
21 common pleas of the county within which such property is
22 situated, and for that purpose may present to said court, or
23 file in the prothonotary's office within sixty days after the
24 board entered its order on the said assessment, a petition
25 signed by him, his agent or attorney, setting forth the facts of
26 the case," of the first sentence of section 704, act of May 21,
27 1943 (P.L.571, No.254), known as "The Fourth to Eighth Class
28 County Assessment Law," is repealed.

29 Section 308. Act No. 418 of 1945 as affected by Act No. 155
30 of 1980.--The last sentence of section 18.3(a) and the first

1 sentence of section 18.5(e), act of May 31, 1945 (P.L.1198,
2 No.418), known as the "Surface Mining Conservation and
3 Reclamation Act," are repealed.

4 Section 309. Act No. 21 of 1951 as affected by Act No. 221
5 of 1980.--As much as reads ", during which time such
6 manufacturer may take an appeal as provided for in this act" of
7 the second sentence and the entire third sentence of subsection
8 (e) and all of subsection (i) of section 444, act of April 12,
9 1951 (P.L.90, No.21), known as the "Liquor Code," are repealed.

10 Section 310. Act No. 130 of 1955 as affected by Act No. 323
11 of 1968.--As much as reads "within ten days from the mailing of
12 such notice" and "to the court of quarter sessions" of the third
13 sentence of section 2199, act of August 9, 1955 (P.L.323,
14 No.130), known as "The County Code," is repealed. The third
15 sentence of section 2199 is also repealed insofar as relates to
16 supersedeas on appeal to a court having appellate jurisdiction
17 of the court of initial jurisdiction.

18 Section 311. Act No. 1 of 1966 (1st Sp.Sess.) as affected by
19 Act No. 156 of 1980.--As much as reads "Commonwealth Court and"
20 and "of common pleas" of subsection (a) and the entire last
21 sentence of subsection (b) of section 13 and the entire first
22 sentence of section 17(e), act of April 27, 1966 (1st. Sp.Sess.,
23 P.L.31, No.1), known as "The Bituminous Mine Subsidence and Land
24 Conservation Act," are repealed.

25 Section 312. Act No. 21 of 1967 as affected by Act No. 105
26 of 1980.--As much as reads "in the court of common pleas" of
27 clause (4) and as much as reads "in the court of common pleas"
28 of the last sentence of clause (5) of section 1408(c) and as
29 much of section 1411 as relates to limitation of time when
30 criminal prosecutions may be brought, act of June 13, 1967

1 (P.L.31, No.21), known as the "Public Welfare Code," as added
2 July 10, 1980 (P.L.493, No.105), are repealed.

3 Section 313. Act No. 8 of 1968 as affected by Act No. 101 of
4 1980.--As much as reads "in the court of common pleas of any
5 county in the metropolitan area in which the charge, service or
6 change of service shall be applicable," of the sixth sentence of
7 section 303(d)(9), act of January 22, 1968 (P.L.42, No.8), known
8 as the "Pennsylvania Urban Mass Transportation Law," added July
9 10, 1980 (P.L.427, No.101), is repealed. Section 303(d)(9) of
10 the act is repealed insofar as relates to practice or procedure
11 in the Supreme Court, Superior Court or Commonwealth Court, or
12 as to practice or procedure in the court of common pleas or
13 before the authority when an appeal has been or is being taken
14 to, or review has been or is being sought in, one of such
15 appellate courts.

16 Section 314. Act No. 318 of 1968 as affected by Act No. 154
17 of 1980.--As much as reads "the Commonwealth Court or the court
18 of common pleas in the county in which the defendant resides or
19 has his place of business" of section 10(a), the entire first
20 sentence of section 12(e) and the entire last sentence of
21 section 13(a), act of September 24, 1968 (P.L.1040, No.318),
22 known as the "Coal Refuse Disposal Control Act," are repealed.

23 Section 315. Act No. 364 of 1972 as affected by Act No. 234
24 of 1980.--As much of section 3 as relates to the definition of
25 "court," act of December 29, 1972 (P.L.1701, No.364), known as
26 the "Health Maintenance Organization Act," is repealed.

27 Section 316. Act No. 142 of 1976.--As much as reads as
28 follows: "who are members of the bar of the Supreme Court" of
29 section 9(b), as much as reads as follows: "Until there are a
30 sufficient number of judges of the Philadelphia Municipal Court

1 who are members of the bar of the Supreme Court to handle such
2 matters the" of section 10 and as much as reads as follows: ",
3 prothonotary of any county except the City and County of
4 Philadelphia, clerk of the courts, Clerk of Quarter Sessions of
5 the City and County of Philadelphia, clerk of the orphans' court
6 division" of section 27, act of July 9, 1976 (P.L.586, No.142),
7 known as the "Judiciary Act of 1976," are repealed.

8 Section 317. Act No. 53 of 1978.--As much of section 2(a) as
9 relates to the act of December 5, 1936 (2nd Sp.Sess., 1937
10 P.L.2897, No.1), known as the "Unemployment Compensation Law,"
11 as reads (at P.L.312) "A determination of the Unemployment
12 Compensation Board of Review under the act, including action by
13 the board disallowing an appeal from a referee, shall be final
14 upon the entry thereof," and section 3(c), act of April 28, 1978
15 (P.L.202, No.53), known as the "Judiciary Act Repealer Act," are
16 repealed.

17 Section 318. Act No. 48 of 1979 as affected by Act No. 136
18 of 1980.--As much as reads "of common pleas of the county in
19 which the new institution health service is located" of section
20 603(b), as much as reads "the Commonwealth" of the second
21 sentence of section 702(d), all of section 712(b), as much as
22 reads "Commonwealth" and "or the court of common pleas of the
23 county in which the facility is located" of section 814(b), as
24 much as reads "Commonwealth", "the" (where it appears preceding
25 the second occurrence of the word "court") and "of common pleas
26 of the county in which the health care facility is located, or
27 in the Commonwealth Court" of subsection (a) and all of
28 subsection (b) of section 815 and as much as reads
29 "Commonwealth" (two occasions) of section 818, act of July 19,
30 1979 (P.L.130, No.48), known as the "Health Care Facilities

1 Act," as amended July 12, 1980 (P.L.655, No.136), are repealed.

2 Section 319. Act No. 97 of 1980.--As much as reads
3 "Commonwealth" and ", which court is hereby granted
4 jurisdiction" of the last sentence of section 603 and the entire
5 third sentence of subsection (a) and all of subsection (d) of
6 section 604, act of July 7, 1980 (P.L.380, No.97), known as the
7 "Solid Waste Management Act," are repealed.

8 Section 320. Act No. 104 of 1980.--Section 8(d), the last
9 sentence of section 16 and as much as reads "Commonwealth" of
10 section 19(c), act of June 10, 1980 (P.L.481, No.104), known as
11 the "Milk Producers' and Cooperative Security Funds Act," are
12 repealed. If, after the expiration of the appeal period
13 prescribed by law, the determination of the Milk Marketing Board
14 under section 8 of the act has not been stayed by a reviewing
15 court, the board shall direct the fiscal agent under the act to
16 pay the claimants from the moneys available in the Milk
17 Producers' Security Fund.

18 Section 321. Act No. 164 of 1980.--The last sentence of
19 section 205(a)(4), act of October 15, 1980 (P.L.950, No.164),
20 known as the "Commonwealth Attorneys Act," is repealed.

21 Section 322. Act No. 222 of 1980.--Section 312, act of
22 December 15, 1980 (P.L.1203, No.222), known as the "Building
23 Energy Conservation Act," is repealed.

24 Section 323. Title 66.--66 Pa.C.S. §§ 317(a)(3) (relating to
25 fees for services rendered by commission) and 903 (relating to
26 restriction on injunctions) are repealed.

27 ARTICLE IV

28 MISCELLANEOUS PROVISIONS

29 Section 401. Applicability of Statutory Construction Act.--
30 This act is intended to integrate into Title 42 of the

1 Pennsylvania Consolidated Statutes all relevant legislation of
2 the 1979-1981 General Assemblies through Act No. 1981-18. The
3 provisions of 1 Pa.C.S. §§ 1952 (relating to effect of separate
4 amendments on code provisions enacted by same General Assembly)
5 and 1974 (relating to effect of separate repeals on code
6 provisions by same General Assembly) shall not be applicable to
7 any act of the 1979-1981 General Assemblies through Act No.
8 1981-18 insofar as relates to Title 42 of the Pennsylvania
9 Consolidated Statutes. Section 601 of the act of October 5, 1980
10 (P.L.693, No.142), known as the "JARA Continuation Act of 1980,"
11 is repealed.

12 Section 402. Effect of Article III.--Article III of this act
13 shall be deemed a part of section 2(a) of the act of April 28,
14 1978 (P.L.202, No.53), known as the "Judiciary Act Repealer Act"
15 for purposes of section 3 of that act.

16 Section 403. Applicability of amendments.--Except as
17 provided in section 404, the amendments to 42 Pa.C.S. Ch. 55
18 (relating to limitation of time), effected by this act shall
19 apply only to causes of action which accrue after the effective
20 date of this act.

21 Section 404. Effective date.--This act shall take effect in
22 60 days except that:

23 (1) The amendment adding 42 Pa.C.S. § 762(a)(1)(ii)
24 (relating to appeals from courts of common pleas) shall take
25 effect immediately and shall be retroactive to December 5,
26 1980.

27 (2) The amendments to 42 Pa.C.S. §§ 4303(a) (relating to
28 effect of judgments and orders as liens), 5501(a) (relating
29 to scope of chapter) and 8301 (relating to death action)
30 effected by this act shall take effect immediately and shall

1 be retroactive to June 27, 1978.

SOURCE AND DISPOSITION NOTES

FOR ARTICLE III

Act Repealed or Affected	Section of Bill	Unofficial Citation of Affected Statute (Provisions marked with (*) repealed in part)	Superseding Provision of Title 42
1929, No.176	301	72 P.S. § 1104	763, 1722(a)(1), 5105(a), 5571
		72 P.S. § 1711*	1722(a)(1)
1933, No.155	302	72 P.S. § 5020-518.1*	933, 1722(a)(1), 5571
1936, 2nd Sp.Sess., No.1	303	43 P.S. § 830.1	763, 1722(a)(1), 5105(a), 5571, 2 Pa.C.S.
1937, No.394	304	35 P.S. § 691.601*	761, 931, 933, as amended by act
		35 P.S. § 691.603*	1515
1939, No.294	305	72 P.S. § 5452.12	933, 1722(a)(1), 5105(a)
1939, No.404	306	72 P.S. § 5341.15	933, 1722(a)(1), 5105(a)
1943, No.254	307	72 P.S. § 5453.704*	933, 1722(a)(1), 5571
1945, No. 418	308	52 P.S. § 1396.21(a)*	933 as amended by act

1			52 P.S. § 1396.23*	1515
2	1951, No.21	309	47 P.S. § 4-444*	706, 763,
3				1722(a)(1),
4				5105(a)
5	1955, No.130	310	16 P.S. § 2199*	1722(a)(1),
6				5571
7	1966, 1st Sp.Sess.,			
8	No.1	311	52 P.S. § 1406.13*	761, 931,
9				933 as
10				amended
11				by act
12			52 P.S. § 1406.17(e)*	1515
13	1967, No.21	312	62 P.S. § 1408*	761, 931
14			62 P.S. § 1411*	5552(b)(2),
15				as amended
16				by act
17	1968, No.8	313	66 § 1971, 303(d)(9)	933, 1722(a)
18	1968, No.318	314	52 P.S. § 30.60(a)*	761, 931
19			52 P.S. § 30.62(e)*	1515, 5105(a)
20			52 P.S. § 30.63(a)*	933 as
21				amended
22				by act
23	1972, No.364	315	40 P.S. § 1553*	763
24	1976, No.142	316	42 Pa.C.S. Note	Obsolete, Ch.27
25	1978, No.53	317	42 P.S. § 20002(a)	
26			[1172]*	Act, § 303
27			42 P.S. § 20003(c)	1 Pa.C.S. if
28				applicable
29	1979, No.48	318	35 P.S. § 448.603*	761, 931
30			35 P.S. § 448.702*	761

1			35 P.S. § 448.712*	8501 (8502)
2			35 P.S. § 448.814*	761, 931
3			35 P.S. § 448.815*	761, 763,
4				931, 1722
5			35 P.S. § 448.818*	763
6	1980, No.97	319	35 P.S. § 6018.603	761, 931
7			35 P.S. § 6018.604	931, 8502
8	1980, No.104	320	31 P.S. § 625.8(d)	763, 1722(a)(1),
9				5105(a), 5571
10			31 P.S. § 625.16*	763, 1722(a)(1),
11				5105(a), 5571
12			31 P.S. § 625.19(c)*	761, 931
13	1980, No.164	321	71 P.S. § 732-205(a)(4)*	
14				722(5), 1722(a)(1),
15				5105(a), 5571
16	1980, No.222	322	35 P.S. § 7201.312	933 as
17				amended by
18				this act,
19				2 Pa.C.S.
20	66 Pa.C.S.	323	66 Pa.C.S.A.	1722(a)(1)
21	§ 317(a)(3)		§ 317(a)(3)	
22	66 Pa.C.S.	323	66 Pa.C.S.A. § 903	1722(a)(1)
23	§ 903			