

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**HOUSE BILL**  
**No. 1375** Session of  
1975

---

INTRODUCED BY ECKENSBERGER, PRATT, DOYLE, ZORD, REED,  
CUMBERLAND, ZELLER, POLITE, STAPLETON, RITTER, ZWIKL, DAVIS,  
DiCARLO, BRANDT, LEHR, MCGINNIS, SPENCER, RUGGIERO AND  
GARZIA, JUNE 3, 1975

---

REFERRED TO COMMITTEE ON LAW AND JUSTICE, JUNE 4, 1975

---

AN ACT

1 Implementing the provisions of article V of the Constitution of  
2 Pennsylvania relating to district justices; establishing  
3 magisterial districts; setting salaries and expenses;  
4 providing for certain education requirements; fixing  
5 jurisdiction; creating an administrator for district justices  
6 and imposing powers and duties on such administrator;  
7 requiring certain liability insurance; and making repeals.

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

10 ARTICLE I

11 Preliminary Provisions

12 Section 101. Short Title.--This act shall be known and may  
13 be cited as the "Magisterial District Reform Act."

14 Section 102. Application.--Except for magisterial districts  
15 in cities of the first class and counties of the first class,  
16 this act shall apply to all magisterial districts in this  
17 Commonwealth.

18 Section 103. Definitions.--As used in this act:

19 "Board" means the administrative board known as the "Minor

1 Judiciary Education Board" established by this act.

2 "Court" means the Supreme Court of Pennsylvania or the court  
3 of common pleas for each judicial district under the direction  
4 of the Supreme Court of Pennsylvania.

5 "Department" means the Department of Education.

6 "District justice" means a justice of the peace elected or  
7 appointed to a term of office on or after January 1, 1976.

8 "Political subdivision" means a city of the second class, a  
9 city of the second class A, city of the third class, borough,  
10 incorporated town and townships of the first or second class or  
11 any similar general purpose unit of government hereafter created  
12 by the General Assembly.

13 "Population" means the number of persons residing within a  
14 political subdivision or part thereof as determined by the then  
15 current Federal decennial or Federal special census.

16 "Population density" means the number of persons residing  
17 within a political subdivision or part thereof as determined by  
18 dividing said number by the land area expressed in square miles  
19 as determined in the official publication by the Bureau of  
20 Statistics of the Department of Commerce.

## 21 ARTICLE II

### 22 Magisterial Districts and Compensation

23 Section 201. Classification of Magisterial Districts.--(a)  
24 Second class counties.--The classes of magisterial districts in  
25 judicial districts coextensive with counties of the second class  
26 shall be determined as follows:

27 (1) Magisterial districts of the first class shall have a  
28 population density of more than 5,000 persons per square mile  
29 and a population of not less than 65,000 persons.

30 (2) Magisterial districts of the second class shall have a

1 population density of more than 500 persons per square mile and  
2 a population of between 22,500 and 65,000 persons.

3 (3) Magisterial districts of the third class shall have a  
4 population density of more than 200 persons per square mile and  
5 a population of between 12,000 and 22,500 persons.

6 (4) Magisterial districts of the fourth class shall have a  
7 population density of more than 70 persons per square mile and a  
8 population of between 7,500 and 12,000 persons.

9 (5) Magisterial districts of the fifth class shall have a  
10 population density of less than 70 persons per square mile and a  
11 population of between 4,000 and 7,500 persons.

12 (b) Other counties.--The classes of magisterial districts in  
13 judicial districts not coextensive with counties of the first  
14 class or counties of the second class shall be determined as  
15 follows:

16 (1) Magisterial districts of the first class shall have a  
17 population density of more than 1,000 persons per square mile  
18 and a population of not less than 15,000 persons.

19 (2) Magisterial districts of the second class shall have a  
20 population density of more than 400 persons per square mile and  
21 a population of not less than 4,000 persons.

22 (3) Magisterial districts of the third class shall have a  
23 population density of less than 400 persons per square mile and  
24 a population of not less than 4,000 persons.

25 (4) Magisterial districts of the fourth class shall have a  
26 population density of less than 400 persons per square mile and  
27 a population of between 2,000 and 4,000 persons. The number of  
28 magisterial districts of the fourth class within a judicial  
29 district shall not be increased.

30 Section 202. Reestablishment of Magisterial Districts.--(a)

1 General rule.--In each year following that in which the Federal  
2 decennial census is officially reported as required by Federal  
3 law the court shall reestablish the number, boundaries and  
4 classes of magisterial districts within each judicial district  
5 except:

6 (1) The first judicial district.

7 (2) Any judicial district where a community court has been  
8 established and not discontinued.

9 The number, boundaries and class of magisterial districts within  
10 each judicial district shall be revised from time to time as  
11 required for the efficient administration of justice within each  
12 magisterial district.

13 (b) Discontinuance of community court.--The court upon the  
14 discontinuance of a community court shall establish the number,  
15 boundaries and classes of magisterial districts within the  
16 judicial district embracing such discontinued community court.  
17 Such action shall be completed prior to the first Monday of  
18 January of the odd-numbered year next following the primary  
19 election at which the discontinuance of the community court is  
20 approved.

21 (c) Standards for establishment of magisterial districts.--  
22 In the case of a political subdivision containing within its  
23 boundaries two or more magisterial districts, the court shall  
24 divide the political subdivision into magisterial districts as  
25 nearly equal as possible in population and area, and the court  
26 may presume that the population density of each part of a  
27 political subdivision is the same population density as for the  
28 whole political subdivision. The court in establishing the  
29 number and boundaries of magisterial districts shall not  
30 subdivide political subdivisions unless either:

1       (1) the political subdivision contains two or more  
2 noncontiguous parts; or

3       (2) the political subdivision contains within its boundaries  
4 two or more magisterial districts, in which case wards or other  
5 election districts of the political subdivision shall not be  
6 subdivided.

7       Section 203. Number of Justices.--There shall be one  
8 district justice for each magisterial district established.

9       Section 204. Full-time Occupation.--The office of district  
10 justice shall be a full-time position and any holder thereof  
11 shall not engage in any other gainful employment except that of  
12 district justice.

13       Section 205. Compensation.--(a) Annual compensation.--A  
14 district justice shall receive an annual salary of \$19,500 paid  
15 by the Commonwealth in bimonthly installments. The court of  
16 common pleas of the judicial district in which the district  
17 justice presides shall certify the number of district justices  
18 within the judicial district to the State Treasurer.

19       (b) Expenses while temporarily assigned.--Any district  
20 justice temporarily assigned to sit outside the political  
21 subdivision in which such justice's magisterial district is  
22 located shall be paid by the county, in which magisterial  
23 district the justice is temporarily assigned to, the actual,  
24 accountable expenses, not to exceed \$44 per day, and mileage at  
25 15¢ per mile for each day as such justice is so assigned.

26       Section 206. Mandatory Liability Insurance.--Every district  
27 magistrate shall be covered by an errors and omissions liability  
28 insurance policy to be purchased by the Commonwealth in such  
29 amounts as are set forth by the Supreme Court.

30       The cost of such liability insurance shall be equally divided

1 between the Commonwealth and the individual district justices.

2 Section 207. Offices.--The district justice shall establish  
3 an office or offices within the magisterial district in  
4 locations approved by the president judge of the court of common  
5 pleas in compliance with standards and rules prescribed by the  
6 Supreme Court.

7 Reasonable costs and expenses incident to the establishment,  
8 maintenance and operation of offices of district justices as  
9 approved by the president judge of the court of common pleas and  
10 the county commissioners in compliance with standards and rules  
11 prescribed by the Supreme Court shall be paid by the county in  
12 which the offices are located.

13 Section 208. Costs; Disposition.--All costs collected by a  
14 district justice shall be paid monthly to the county in which  
15 his magisterial district is located, and such costs shall be  
16 retained by the county for its use.

### 17 ARTICLE III

#### 18 Powers and Duties

19 Section 301. Powers of District Justices.--Every district  
20 justice shall have power to issue every lawful process to or to  
21 be served or enforced by system and related personnel and to  
22 make such lawful orders as his official business may require.

23 Section 302. Seal.--Each magisterial district shall have a  
24 seal, which shall be in the custody of the district justice  
25 elected or appointed for such district. The official acts of the  
26 district justice shall be authenticated therewith. There shall  
27 be engraved on the seal such inscription as may be specified by  
28 general rule.

29 Section 303. Jurisdiction.--Except as otherwise provided,  
30 district justices shall, under procedures prescribed by general

1 rule, have jurisdiction of the following matters:

2 (1) All civil claims wherein the sum demanded does not  
3 exceed \$2,000, exclusive of interest and costs, in the following  
4 classes of cases:

5 (i) actions in assumpsit, except cases where the title to  
6 real estate may be in question;

7 (ii) actions in trespass, including all forms of trespass  
8 and trespass on the case; and

9 (iii) actions for fines and penalties by any government  
10 agency.

11 A plaintiff may waive a portion of the claim of more than \$2,000  
12 so as to bring the matter within the jurisdiction of a district  
13 justice. Such waiver shall remain effective except upon appeal  
14 by either party or when the judgment is set aside upon  
15 certiorari.

16 (2) All summary offenses, except those within the  
17 jurisdiction of an established and open traffic court.

18 (3) All violations under the provisions of section 1037 of  
19 the act of April 29, 1959 (P.L.58, No.32), known as "The Vehicle  
20 Code," provided the following criteria are met:

21 (i) the violation is a first offense;

22 (ii) no personal injury resulted from the violation;

23 (iii) no property damage resulted from the violation;

24 (iv) the defendant agrees to plead guilty; and

25 (v) the term of any prison sentence will not exceed one  
26 year.

27 (4) All violations under the provisions of Title 18 (Crimes  
28 and Offenses) of the act of November 25, 1970 (P.L.707, No.230),  
29 known as the Pennsylvania Consolidated Statutes which are  
30 classified as misdemeanors of the third degree, provided the

1 following criteria are met:

2 (i) the violation is a first offense;

3 (ii) the misdemeanor is not the result of a reduced charge;

4 (iii) the defendant agrees to waive a jury trial; and

5 (iv) any personal injury and/or property damage is slight.

6 (5) Matters arising under the act of April 6, 1951 (P.L.69,  
7 No.20), known as "The Landlord and Tenant Act of 1951," which  
8 are stated therein to be within the jurisdiction of a justice of  
9 the peace.

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

14 (7) All matters jurisdiction of which is vested in district  
15 justices by any statute.

16 Section 304. Venue and Process.--(a) Venue.--The venue of a  
17 district justice concerning matters over which jurisdiction is  
18 conferred by section 303 shall be as prescribed by general rule.

19 (b) Process.--The process of the district justice shall  
20 extend beyond the limits of the magisterial district to the  
21 extent prescribed by general rule.

22 Section 305. Lien of Judgment.--No judgment of a district  
23 justice shall in any manner operate as a lien on real property  
24 until a transcript of the record showing a final judgment of a  
25 district justice has been filed in the manner prescribed by  
26 general rules in the office of the clerk of the court of common  
27 pleas of the county where the property is situated, or in the  
28 office of the clerk of the branch of the court of common pleas  
29 embracing such county. After such entry the judgment shall, from  
30 the date of such entry, be a lien upon property to the same



1 extent that judgment recovered in the court of common pleas is a  
2 lien. No such transcript shall be filed until after 30 days  
3 after the entry of final judgment by the district justice. No  
4 execution against real estate shall be issued by a district  
5 justice.

6 ARTICLE IV

7 Costs

8 Section 401. Criminal Cases.--The costs to be charged by the  
9 minor judiciary in every criminal case, except as hereinafter  
10 provided, shall be as follows:

11	(1) Summary conviction, except motor vehicle cases.....	\$11
12	(2) Summary convictions, motor vehicle cases.....	\$10
13	(3) Misdemeanor.....	\$13
14	(4) Felony.....	\$17

15 Such costs shall include all charges including the costs of  
16 postage and registered mail and the costs of giving a transcript  
17 to the prosecutor or defendant, or both, if requested.

18 Section 402. Payment of Summary Conviction Costs by  
19 County.--(a) Division of costs.--In every case of summary  
20 conviction in which the evidence is not sufficient to convict  
21 and the defendant is dismissed, the costs thereof shall be borne  
22 by the county if the prosecutor is a police officer engaged as  
23 such in the employ of this Commonwealth or of any of its  
24 political subdivisions. In all other cases, the costs shall be  
25 paid by the prosecutor or by the defendant if so permitted by  
26 law.

27 (b) County to pay where default.--In every case of summary  
28 conviction in which the defendant is convicted and sentenced to  
29 jail in default of the payment of the fine and costs imposed,  
30 the costs of prosecution shall be paid by the county.

1 (c) County of the second class.--In any case before a  
2 salaried magistrate where costs are payable by a county of the  
3 second class, the costs chargeable to the county shall be one-  
4 half of the costs set forth in section 401.

5 Section 403. Civil Cases.--The costs to be charged by the  
6 minor judiciary in every civil case, except as hereinafter  
7 provided, shall be as follows:

- |    |  |         |
|----|--|---------|
| 8  | (1) Assumpsit or trespass involving \$100 or less..... | \$ 7.50 |
| 9  | (2) Assumpsit or trespass involving more than          |         |
| 10 | \$100 but not more than \$300.....                     | \$10.00 |
| 11 | (3) Assumpsit or trespass involving more than          |         |
| 12 | \$300 but not more than \$500.....                     | \$12.50 |
| 13 | (4) Assumpsit or trespass involving more than \$500... | \$15.00 |
| 14 | (5) Landlord and tenant proceeding.....                | \$15.00 |
| 15 | (6) Order of execution.....                            | \$ 5.00 |

16 Such costs shall include all charges including, when called  
17 for, the costs relating to depositions and interrogatories and  
18 the costs of postage and registered mail, except the costs of a  
19 transcript of every proceeding on appeal or certiorari  
20 (including affidavit, bail and certificate), which shall be  
21 \$2.50 per transcript.

22 Section 404. Unclassified Costs or Charges.--The costs to be  
23 charged by the minor judiciary in the following instances not  
24 readily classifiable shall be as follows:

- |    |  |        |
|----|--|--------|
| 25 | (1) Order for relief or removal of pauper.....   | \$3.00 |
| 26 | (2) Order to seize goods for maintenance of      |        |
| 27 | wife or children.....                            | \$3.00 |
| 28 | (3) Entering transcript of judgment from another |        |
| 29 | member of the minor judiciary.....               | \$3.00 |
| 30 | (4) Certificate to obtain land warrant.....      | \$3.00 |

1       (5)   Marrying each couple, making record thereof,  
 2             and certificate to the parties..... \$5.00  
 3       (6)   Swearing and affirming county, township, or  
 4             other public officer, each officer..... \$3.00  
 5       (7)   Probating accounts..... \$3.00  
 6       (8)   Issuing a search warrant..... \$3.00  
 7       Section 405. Federal Cases.--The costs to be charged by the  
 8   minor judiciary for services under the laws of the United States  
 9   shall be as follows:  
 10       (1)   For certificate of protection..... \$2.00  
 11       (2)   For certificate of lost protection..... \$2.00  
 12       (3)   Warrant..... \$2.00  
 13       (4)   Commitment..... \$2.00  
 14       (5)   Summons for seamen in admiralty case..... \$2.00  
 15             hearing thereon..... \$2.00  
 16       (6)   For certificate to clerk of the district court  
 17             to issue admiralty process..... \$2.00  
 18       (7)   For affidavit of claims and copies thereof..... \$2.00  
 19       (8)   Affidavit of defense..... \$2.00

## 20                                   ARTICLE V

### 21                                   Education

22       Section 501. Minor Judiciary Education Board; Department of  
 23   Public Instruction.--There shall be appointed by the Governor  
 24   with the consent of two-thirds of the members elected to the  
 25   Senate an administrative board composed of seven members to be  
 26   known as the "Minor Judiciary Education Board." Three of the  
 27   members of the board shall be members of the bar of the  
 28   Pennsylvania Supreme Court, three of the members shall be  
 29   district justices or judges of the Traffic Court of the City of  
 30   Philadelphia, and one member shall be a lay citizen. Three

1 members shall be appointed for terms of five years, three  
2 members shall be appointed for terms of four years, and one  
3 member shall be appointed for a term of three years, and until  
4 their successors have been appointed and qualified. Thereafter  
5 each appointment shall be for a term of five years and until a  
6 successor has been appointed and qualified. Four members of the  
7 board shall constitute a quorum; and, no action of the board  
8 shall be valid unless it shall have the concurrence of at least  
9 four members. Each member shall be paid \$50 for each day or part  
10 thereof upon which he attends a board meeting, or performs any  
11 duty assigned to him by the chairman; and, he shall be  
12 reimbursed for reasonable traveling or other expenses incurred  
13 incident to such attendance and to such assigned duty. The board  
14 shall organize by electing a chairman. The board shall prescribe  
15 and approve the subject matter and the examination for the  
16 course of instruction and training required by the Constitution  
17 of the Commonwealth of Pennsylvania and this act. The department  
18 shall serve as the administrative officers of the board and in  
19 such capacity shall, subject to the direction of the board,  
20 administer the course of instruction and training and conduct  
21 the examination.

22       Section 502. Course of Instruction.--District justices shall  
23 complete a course of training and instruction in the duties of  
24 their offices as required by the Constitution of the  
25 Commonwealth of Pennsylvania and successfully pass an  
26 examination prior to filing a nominating petition for a  
27 candidacy in a primary election for the office of district  
28 justice, which course of training and instruction shall not  
29 exceed four weeks in duration and shall consist of a minimum of  
30 40 hours of class instruction in civil and criminal law

1 including evidence, procedure, summary proceeding, and laws  
2 relating to motor vehicles, in the case of all said officials in  
3 it. Where it is economically unfeasible to conduct a class, the  
4 department shall provide equivalent instruction by  
5 correspondence, such training and instruction to be prescribed  
6 by the board. The department shall make the course of  
7 instruction available at such times as determined by it and the  
8 board, so as to insure that any district justice, to be elected  
9 or appointed may qualify to assume office as soon as possible.  
10 By regulation the board shall direct the department to conduct  
11 the course at such time, at such places and in such manner as it  
12 shall prescribe.

13 In addition to those required by the Constitution of the  
14 Commonwealth of Pennsylvania and this act to complete the course  
15 of training and instruction and successfully pass an examination  
16 prior to filing a nominating petition for a candidacy in a  
17 primary election for the office of district justice, any  
18 interested person may apply to the department to be enrolled in  
19 the course of instruction and take the examination, subject to  
20 such rules and regulations as the department with the approval  
21 of the board may determine. Any such interested person who  
22 successfully completes the course and passes the examination  
23 shall secure an appropriate certificate from the department and  
24 file same as set forth in section 505.

25 Section 503. Costs.--The course of training and instruction  
26 required by the Constitution of the Commonwealth of Pennsylvania  
27 and this act shall be provided at the expense of the  
28 Commonwealth. Any person elected or appointed to the office of  
29 district justice, justice of the peace or judge who successfully  
30 completed said course shall receive the sum of \$10 for each day

1 of actual attendance at class instruction to defray his  
2 expenses, together with such mileage expenses as determined by  
3 the department. Until such person has successfully completed the  
4 course of training and instruction and passed the examination,  
5 he shall not file any nominating petition for the office of  
6 district justice anywhere in the Commonwealth.

7 Section 504.--Rules and Regulations.--The department shall,  
8 with the approval of the board, have the power to promulgate  
9 such rules and regulations as are necessary to carry out its  
10 duties under this act.

11 Section 505. Completion of Course.--Upon the successful  
12 completion of the course of training and instruction and  
13 examination, the department shall issue a certificate in the  
14 form prescribed by the board, certifying that such person is  
15 qualified to perform his duties as required by the Constitution  
16 of the Commonwealth of Pennsylvania. Such certificate shall be  
17 filed in the office of the prothonotary of the county in which  
18 the district justice resides. In the event that a district  
19 justice as required by the Constitution of the Commonwealth of  
20 Pennsylvania and this act to successfully complete such course,  
21 has failed to obtain and file such certificate in the proper  
22 prothonotary's office within nine months after his election or  
23 appointment, said office of district justice or judge shall be  
24 vacant, such vacancy to be filled as otherwise provided by law,  
25 and in the case of justice of the peace, said office shall be  
26 abolished.

27 Section 506. Continuing Education Requirement.--Every  
28 district justice shall complete a continuing education program  
29 each year equivalent to not less than eight hours per year in  
30 such courses or programs as are approved by the board.

1 ARTICLE VI

2 District Justice Administrator

3 Section 601. Office of District Justice Administrator.--

4 There is hereby established within the Administrative Office of  
5 Pennsylvania Courts a branch office to be known as the Office of  
6 District Justice Administrator to be supervised by such person  
7 as the Supreme Court shall appoint to act as administrator.

8 Section 602. Powers and Duties.--The district justice  
9 administrator shall have the following powers and duties:

10 (1) to be responsible for the prompt and proper disposition  
11 of the business of all district justices;

12 (2) to perform all functions now carried out by the court  
13 administrator;

14 (3) to require and receive reports from the various judicial  
15 districts relating to the utilization of the district justices  
16 in the judicial districts;

17 (4) to transfer the various district justices to other  
18 judicial districts on a temporary basis in an effort to remove  
19 any backlog of cases;

20 (5) to prescribe forms to be used by district justices;

21 (6) to make such rules and regulations as are necessary to  
22 the efficient functioning of the office of District Justice  
23 Administrator; and

24 (7) to employ such individuals as approved by the Supreme  
25 Court to implement the provisions of this act.

26 ARTICLE VII

27 Miscellaneous Provisions

28 Section 701. Repealers.--(a) Specific repealers.--

29 (1) The act of January 7, 1952 (1951 P.L.1841, No.492),  
30 known as the "Minor Judiciary Fee Bill."

1       (2) The act of December 2, 1968 (P.L.1131, No.352), known as  
2 the "Magisterial Districts Act," in so far as it relates to  
3 district justices and magisterial districts outside of cities  
4 and counties of the first class.

5       (3) The act of February 24, 1970 (P.L.53, No.22), known as  
6 the "Minor Judiciary Education Act," in so far as it relates to  
7 district justices.

8       (b) General repealer.--Any act or part of an act  
9 inconsistent with the provisions of this act is repealed to the  
10 extent of the inconsistency.

11       Section 702. Effective Date.--This act shall take effect  
12 January 1, 1976.