
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1458

Session of
1981

INTRODUCED BY DAVIES, GRIECO, WENGER, MADIGAN, COLE, STUBAN,
LUCYK, SHOWERS, W. W. FOSTER, MOWERY AND CALTAGIRONE,
MAY 12, 1981

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 23, 1982

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, FURTHER PROVIDING FOR THE <—
3 JURISDICTION OF DISTRICT JUSTICES, FOR CERTAIN COSTS AND
4 providing for veterinary good Samaritan civil immunity.

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

7 SECTION 1. SECTIONS 1515, ~~1725.1 AND 3571(C)~~ AND 1725.1(A) <—
8 AND (B) OF TITLE 42, ACT OF NOVEMBER 25, 1970 (P.L.707, NO.230),
9 KNOWN AS THE PENNSYLVANIA CONSOLIDATED STATUTES, ARE AMENDED TO
10 READ:

11 § 1515. JURISDICTION AND VENUE.

12 (A) JURISDICTION.--EXCEPT AS OTHERWISE PRESCRIBED BY GENERAL
13 RULE ADOPTED PURSUANT TO SECTION 503 (RELATING TO REASSIGNMENT
14 OF MATTERS), DISTRICT JUSTICES SHALL, UNDER PROCEDURES
15 PRESCRIBED BY GENERAL RULE, HAVE JURISDICTION OF ALL OF THE
16 FOLLOWING MATTERS:

17 (1) SUMMARY OFFENSES, EXCEPT THOSE WITHIN THE
18 JURISDICTION OF AN ESTABLISHED AND OPEN TRAFFIC COURT.

1 (2) MATTERS ARISING UNDER THE ACT OF APRIL 6, 1951
2 (P.L.69, NO.20), KNOWN AS "THE LANDLORD AND TENANT ACT OF
3 1951," WHICH ARE STATED THEREIN TO BE WITHIN THE JURISDICTION
4 OF A DISTRICT JUSTICE.

5 (3) CIVIL CLAIMS WHEREIN THE SUM DEMANDED DOES NOT
6 EXCEED [\$2,000] \$4,000, EXCLUSIVE OF INTEREST AND COSTS, IN
7 THE FOLLOWING CLASSES OF ACTIONS:

8 (I) IN ASSUMPSIT, EXCEPT CASES OF REAL CONTRACT
9 WHERE THE TITLE TO REAL ESTATE MAY BE IN QUESTION.

10 (II) IN TRESPASS, INCLUDING ALL FORMS OF TRESPASS
11 AND TRESPASS ON THE CASE.

12 (III) FOR FINES AND PENALTIES BY ANY GOVERNMENT
13 AGENCY.

14 A PLAINTIFF MAY WAIVE A PORTION OF HIS CLAIM OF MORE THAN
15 [\$2,000] \$4,000 SO AS TO BRING THE MATTER WITHIN THE
16 JURISDICTION OF A DISTRICT JUSTICE. SUCH WAIVER SHALL REMAIN
17 EFFECTIVE EXCEPT UPON APPEAL BY EITHER PARTY OR WHEN THE
18 JUDGMENT IS SET ASIDE UPON CERTIORARI.

19 (4) AS COMMISSIONERS TO PRESIDE AT ARRAIGNMENTS, FIX AND
20 ACCEPT BAIL, ISSUE WARRANTS AND PERFORM DUTIES OF A SIMILAR
21 NATURE, INCLUDING THE JURISDICTION OF A COMMITTING MAGISTRATE
22 IN ALL CRIMINAL PROCEEDINGS.

23 (5) OFFENSES UNDER 75 PA.C.S. § 3731 (RELATING TO
24 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE),
25 IF THE FOLLOWING CRITERIA ARE MET:

26 (I) THE OFFENSE IS THE FIRST OFFENSE BY THE
27 DEFENDANT UNDER SUCH PROVISION IN THIS COMMONWEALTH.

28 (II) NO PERSONAL INJURY (OTHER THAN TO THE DEFENDANT
29 OR THE IMMEDIATE FAMILY OF THE DEFENDANT) RESULTED FROM
30 THE OFFENSE.

1 (III) THE DEFENDANT PLEADS GUILTY.

2 (IV) NO PROPERTY DAMAGE IN EXCESS OF \$500 OTHER THAN
3 TO THE DEFENDANT'S PROPERTY RESULTED FROM THE VIOLATION.

4 (V) THE DEFENDANT IS NOT SUBJECT TO THE PROVISIONS
5 OF CHAPTER 63 (RELATING TO JUVENILE MATTERS).

6 (VI) THE ARRESTING AUTHORITY SHALL CAUSE TO BE
7 TRANSMITTED A COPY OF THE CHARGE OF ANY VIOLATION OF 75
8 PA.C.S. § 3731 TO THE COUNTY CLERK OF COURTS WITHIN FIVE
9 DAYS AFTER THE PRELIMINARY ARRAIGNMENT.

10 IN DETERMINING THAT THE ABOVE CRITERIA ARE MET THE DISTRICT
11 JUSTICE SHALL RELY ON THE CERTIFICATION OF THE ARRESTING
12 AUTHORITY. CERTIFICATION THAT THE CRITERIA ARE MET NEED NOT
13 BE IN WRITING. WITHIN TEN DAYS AFTER THE DISPOSITION, THE
14 DISTRICT JUSTICE SHALL CERTIFY THE DISPOSITION TO THE COUNTY
15 CLERK OF COURTS IN WRITING.

16 (6) (I) OFFENSES UNDER TITLE 18 (CRIMES AND OFFENSES)
17 AND TITLE 30 (FISH) WHICH ARE CLASSIFIED AS MISDEMEANORS
18 OF THE THIRD DEGREE, IF THE FOLLOWING CRITERIA ARE MET:

19 (A) THE MISDEMEANOR IS NOT THE RESULT OF A
20 REDUCED CHARGE.

21 (B) ANY PERSONAL INJURY OR PROPERTY DAMAGE IS
22 LESS THAN \$500.

23 (C) THE DEFENDANT PLEADS GUILTY.

24 (D) THE DEFENDANT IS NOT SUBJECT TO THE
25 PROVISIONS OF CHAPTER 63.

26 (II) SUBPARAGRAPH (I) SHALL NOT APPLY TO ANY OFFENSE
27 UNDER THE FOLLOWING PROVISIONS OF TITLE 18:

28 SECTION 4303 (RELATING TO CONCEALING DEATH OF
29 [BASTARD] CHILD BORN OUT OF WEDLOCK).

30 SECTION 4321 (RELATING TO WILLFUL SEPARATION OR

1	\$1,000 BUT NOT MORE THAN \$2,000.....	\$40.00	
2	(6) ASSUMPSIT OR TRESPASS INVOLVING MORE THAN		
3	\$2,000 BUT NOT MORE THAN \$4,000.....	\$50.00	
4	+(5)+ (7) LANDLORD AND TENANT PROCEEDING.....	[\$25.00]	<—
5		\$35.00	<—
6		\$32.50	
7	(8) ORDER OF POSSESSION.....	\$10.00	<—
8	+(6)+ (9) ORDER OF EXECUTION.....	[\$15.00]	<—
9		\$20.00	<—
10		\$22.50	
11	+(7)+ (10) OBJECT OBJECTION TO LEVY.....	+\$5.00+	<—
12		\$10.00	<—
13	+(8)+ (11) REINSTATEMENT OF COMPLAINT.....	+NO CHARGE+	<—
14		\$ 5.00	<—

15 SUCH COSTS SHALL INCLUDE ALL CHARGES EXCEPT THE COSTS OF A
16 DISTRICT JUSTICE'S TRANSCRIPT OF EVERY PROCEEDING ON APPEAL OR
17 CERTIORARI (INCLUDING AFFIDAVIT, BAIL AND CERTIFICATE) WHICH
18 SHALL BE \$2.50 PER TRANSCRIPT. SAID COSTS SHALL NOT INCLUDE,
19 HOWEVER, THE COST OF POSTAGE AND REGISTERED MAIL WHICH SHALL BE
20 BORNE BY THE PLAINTIFF.

21 (B) CRIMINAL CASES.--THE COSTS TO BE CHARGED BY THE MINOR
22 JUDICIARY OR BY THE COURT OF COMMON PLEAS WHERE APPROPRIATE IN
23 EVERY CRIMINAL CASE, EXCEPT AS OTHERWISE PROVIDED IN THIS
24 SECTION, SHALL BE AS FOLLOWS:

25	(1) SUMMARY CONVICTION, EXCEPT MOTOR VEHICLE		
26	CASES.....	[\$16.00]	
27		\$20.00	<—
28		\$23.50	

29	(2) SUMMARY CONVICTION, MOTOR VEHICLES CASES,		
30	OTHER THAN PARAGRAPH (3).....	[\$10.00]	

1		<u>\$15.00</u>	<—
2		<u>\$17.50</u>	
3	(3) SUMMARY CONVICTION, MOTOR VEHICLE CASES,		
4	HEARING DEMANDED.....	[\$15.00]	
5		<u>\$20.00</u>	<—
6		<u>\$22.50</u>	
7	(4) MISDEMEANOR.....	[\$20.00]	
8		<u>\$35.00</u>	<—
9		<u>\$27.50</u>	
10	(5) FELONY.....	[\$25.00]	
11		<u>\$50.00</u>	<—
12		<u>\$32.50</u>	

13 SUCH COSTS SHALL INCLUDE ALL CHARGES INCLUDING THE COSTS OF
14 GIVING A DISTRICT JUSTICE'S TRANSCRIPT TO THE PROSECUTOR OR
15 DEFENDANT, OR BOTH, IF REQUESTED. SUCH COSTS SHALL NOT INCLUDE,
16 HOWEVER, THE COST OF POSTAGE AND REGISTERED MAIL WHICH SHALL BE
17 PAID BY THE DEFENDANT UPON CONVICTION.

18 ~~(C) UNCLASSIFIED COSTS OR CHARGES. THE COSTS TO BE CHARGED~~ <—
19 ~~BY THE MINOR JUDICIARY IN THE FOLLOWING INSTANCES NOT READILY~~
20 ~~CLASSIFIABLE SHALL BE AS FOLLOWS:~~

21	(1) ENTERING TRANSCRIPT OF JUDGMENT FROM ANOTHER		
22	MEMBER OF THE MINOR JUDICIARY.....	[\$ 3.00]	
23		\$ 5.00	
24	(2) MARRYING EACH COUPLE, MAKING RECORD THEREOF,		
25	AND CERTIFICATE TO THE PARTIES.....	[\$10.00]	
26		\$25.00	
27	(3) GRANTING EMERGENCY RELIEF PURSUANT TO THE ACT		
28	OF OCTOBER 7, 1976 (P.L.1090, NO.218), KNOWN AS THE		
29	"PROTECTION FROM ABUSE ACT".....	\$10.00	
30	(4) ISSUING A SEARCH WARRANT (EXCEPT AS PROVIDED		

~~1~~ ~~— \$ 6.00~~
~~2~~ ~~(IV) MISDEMEANOR.....[\$ 7.00]~~
~~3~~ ~~— \$15.00~~
~~4~~ ~~(V) FELONY.....[\$ 8.00]~~
~~5~~ ~~— \$20.00~~
~~6~~ ~~(VI) ASSUMPSIT OR TRESPASS INVOLVING:~~
~~7~~ ~~(A) \$100 OR LESS..... \$ 2.50~~
~~8~~ ~~(B) MORE THAN \$100 BUT NOT MORE THAN~~
~~9~~ ~~\$300..... \$ 5.00~~
~~10~~ ~~(C) MORE THAN \$300 BUT NOT MORE THAN~~
~~11~~ ~~\$500.....[\$ 7.50]~~
~~12~~ ~~— \$ 8.00~~
~~13~~ ~~(D) MORE THAN \$500 BUT NOT MORE THAN~~
~~14~~ ~~\$1,000.....[\$10.00]~~
~~15~~ ~~— \$12.00~~
~~16~~ ~~(E) MORE THAN \$1,000 BUT NOT MORE THAN~~
~~17~~ ~~\$2,000..... \$14.00~~
~~18~~ ~~(F) MORE THAN 2,000 BUT NOT MORE THAN~~
~~19~~ ~~\$4,000..... \$15.00~~
~~20~~ ~~(VII) LANDLORD TENANT PROCEEDING.....[\$10.00]~~
~~21~~ ~~— \$15.00~~
~~22~~ ~~(A) ORDER OF POSSESSION..... \$ 5.00~~
~~23~~ ~~(VIII) OBJECTION TO LEVY..... \$ 5.00~~
~~24~~ ~~(IX) ORDER OF EXECUTION.....[\$10.00]~~
~~25~~ ~~— \$15.00~~
~~26~~ ~~(X) ISSUING A SEARCH WARRANT (EXCEPT AS PRO-~~
~~27~~ ~~VIDED IN SECTION 1725.1(D) (RELATING TO COSTS)).. \$ 7.00~~
~~28~~ ~~(3) IN ALL CASES WHERE COSTS ARE BORNE BY THE COUNTY~~
~~29~~ ~~PURSUANT TO SECTION 1725.2 (RELATING TO ASSUMPTION OF SUMMARY~~
~~30~~ ~~CONVICTION COSTS BY COUNTY), NO SHARE OF SUCH COSTS SHALL BE~~

1 ~~PAYABLE TO THE COMMONWEALTH.~~

2 * * *

3 Section ~~1~~ 2. Title 42, ~~act of November 25, 1970 (P.L.707,~~ <—
4 ~~No.230), known as the Pennsylvania Consolidated Statutes,~~ is
5 amended by adding a section to read:

6 ~~§ 8332.1~~ 8331.1. Veterinary good Samaritan civil immunity. <—

7 (a) General rule.--Any individual licensed to practice
8 veterinary medicine who, in good faith, renders emergency care
9 to any animal which such individual has discovered at the scene
10 of an accident or emergency situation or which has immediately
11 prior to the rendering of such care been brought to such
12 individual's attention at or from the scene of any accident or
13 emergency situation shall not be liable for any civil damages as
14 a result of any acts or omissions by such person in rendering
15 the emergency care, EXCEPT ANY ACTS OR OMISSIONS INTENTIONALLY <—
16 DESIGNED TO HARM, OR ANY GROSSLY NEGLIGENT ACTS OR OMISSIONS
17 WHICH RESULT IN HARM TO THE ANIMAL.

18 (b) Definition.--As used in this section, "good faith" shall
19 include, but is not limited to, a reasonable opinion that the
20 immediacy of the situation is such that the rendering of care
21 should not be postponed until the animal is hospitalized.

22 (c) EXCEPTION.--THIS SECTION SHALL NOT APPLY WHERE THE OWNER <—
23 OF THE ANIMAL IS IN ATTENDANCE AND CAN BE CONSULTED AS TO THE
24 PROPOSED ACTION BY THE VETERINARIAN.

25 ~~Section 2. This act shall take effect immediately.~~ <—

26 SECTION 3. EXCEPT FOR PROVISIONS OF SECTION 1 OF THE ACT <—
27 WHICH SHALL TAKE EFFECT JANUARY 1, 1983, THIS ACT SHALL TAKE
28 EFFECT IMMEDIATELY.