

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 347 Session of  
1995

INTRODUCED BY SALVATORE, JANUARY 31, 1995

REFERRED TO JUDICIARY, JANUARY 31, 1995

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 appeals of contempt citations and for the jurisdiction of the  
4 Philadelphia Municipal Court.

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

7 Section 1. Section 1123(a)(3) and (4) and (a.1) of Title 42  
8 of the Pennsylvania Consolidated Statutes are amended to read:

9 § 1123. Jurisdiction and venue.

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

14 \* \* \*

15 (3) Matters arising under the act of April 6, 1951  
16 (P.L.69, No.20), known as The Landlord and Tenant Act of  
17 1951. The judges of the Philadelphia Municipal Court shall  
18 have the power to enter judgments exceeding \$5,000 in matters

1 arising under this subsection. Appeals from a judgment of the  
2 municipal court under this subsection shall be to the court  
3 of common pleas in accordance with local rules of court  
4 established by the administrative judge of the trial  
5 division. Those rules shall not be inconsistent with  
6 Statewide rules of procedure as established by the Supreme  
7 Court.

8 (4) Civil actions, except actions by or against a  
9 Commonwealth party as defined by section 8501 (relating to  
10 definitions), wherein the sum demanded does not exceed  
11 [\$5,000] \$10,000, exclusive of interest and costs, in the  
12 following classes of actions:

13 (i) In assumpsit.

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

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

18 A plaintiff may waive a portion of his claim of more than  
19 [\$5,000] \$10,000 so as to bring the matter within the  
20 monetary jurisdiction of the municipal court. Such waiver  
21 shall be revoked automatically if the defendant appeals the  
22 final order of the municipal court. In cases under this  
23 paragraph the defendant shall have no right of trial by jury  
24 in the municipal court, but shall have the right to appeal  
25 for trial de novo, including the right of trial by jury, to  
26 the court of common pleas, [it being] in accordance with  
27 local rules of court established by the administrative judge  
28 of the trial division. These rules shall not be inconsistent  
29 with Statewide rules of procedure as established by the  
30 Supreme Court. It is the purpose of this paragraph to

1 establish an expeditious small claims procedure whereby it  
2 shall not be necessary for the litigants to obtain counsel.  
3 Judgments by confession shall not be entered in the municipal  
4 court.

5 \* \* \*

6 (a.1) Appeal from contempt citation or nuisance order.--

7 There shall be a right to appeal to the [Court of Common Pleas  
8 of Philadelphia County] Superior Court of a contempt citation  
9 issued by a municipal court judge [or] , but the appeal shall be  
10 limited to a review of the record. There shall be a right of  
11 appeal to the Court of Common Pleas of Philadelphia County of an  
12 order issued by a municipal court judge in any action under  
13 subsection (a)(7) or (8), but the appeal shall be limited to a  
14 review of the record.

15 \* \* \*

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