
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

 No. 2172 Session of
2009

INTRODUCED BY CALTAGIRONE, MILNE, MANN, HORNAMAN, SCAVELLO, BELFANTI, BEYER, BRENNAN, CARROLL, CASORIO, D. COSTA, CREIGHTON, CUTLER, DALLY, DEASY, DRUCKER, J. EVANS, EVERETT, FAIRCHILD, FRANKEL, GEIST, HALUSKA, HARKINS, HARRIS, HESS, HICKERNELL, KORTZ, MAHONEY, MILLER, MOUL, MUNDY, MURT, O'NEILL, PRESTON, READSHAW, REICHLEY, SANTONI, SIPTROTH, K. SMITH, SOLOBAY, SONNEY, STERN, STEVENSON, SWANGER, WANSACZ, WATERS, WATSON, WHITE, YOUNGBLOOD, METZGAR, DENLINGER AND FLECK, DECEMBER 15, 2009

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 4, 2010

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 jurisdiction and venue OF PHILADELPHIA MUNICIPAL COURT AND OF ←
4 MAGISTERIAL DISTRICT JUDGES.

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

7 ~~Section 1. Section 1515(a) of Title 42 of the Pennsylvania ←~~
8 ~~Consolidated Statutes, amended August 11, 2009 (P.L.147, No.33),~~
9 ~~is amended to read:~~

10 SECTION 1. SECTIONS 1123(A) (4) AND 1515(A) OF TITLE 42 OF ←
11 THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

12 § 1123. JURISDICTION AND VENUE.

13 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PRESCRIBED BY ANY
14 GENERAL RULE ADOPTED PURSUANT TO SECTION 503 (RELATING TO
15 REASSIGNMENT OF MATTERS), THE PHILADELPHIA MUNICIPAL COURT SHALL

1 HAVE JURISDICTION OF THE FOLLOWING MATTERS:

2 * * *

3 (4) CIVIL ACTIONS, EXCEPT ACTIONS BY OR AGAINST A
4 COMMONWEALTH PARTY AS DEFINED BY SECTION 8501 (RELATING TO
5 DEFINITIONS), WHEREIN THE SUM DEMANDED DOES NOT EXCEED
6 [\$10,000] \$12,000, EXCLUSIVE OF INTEREST AND COSTS, IN THE
7 FOLLOWING CLASSES OF ACTIONS:

8 (I) IN ASSUMPSIT.

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

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

13 A PLAINTIFF MAY WAIVE A PORTION OF HIS CLAIM OF MORE THAN
14 [\$10,000] \$12,000 SO AS TO BRING THE MATTER WITHIN THE
15 MONETARY JURISDICTION OF THE MUNICIPAL COURT. SUCH WAIVER
16 SHALL BE REVOKED AUTOMATICALLY IF THE DEFENDANT APPEALS THE
17 FINAL ORDER OF THE MUNICIPAL COURT. IN CASES UNDER THIS
18 PARAGRAPH THE DEFENDANT SHALL HAVE NO RIGHT OF TRIAL BY JURY
19 IN THE MUNICIPAL COURT, BUT SHALL HAVE THE RIGHT TO APPEAL
20 FOR TRIAL DE NOVO, INCLUDING THE RIGHT OF TRIAL BY JURY, TO
21 THE COURT OF COMMON PLEAS, IN ACCORDANCE WITH LOCAL RULES OF
22 COURT ESTABLISHED BY THE ADMINISTRATIVE JUDGE OF THE TRIAL
23 DIVISION. THESE RULES SHALL NOT BE INCONSISTENT WITH
24 STATEWIDE RULES OF PROCEDURE AS ESTABLISHED BY THE SUPREME
25 COURT. IT IS THE PURPOSE OF THIS PARAGRAPH TO ESTABLISH AN
26 EXPEDITIOUS SMALL CLAIMS PROCEDURE WHEREBY IT SHALL NOT BE
27 NECESSARY FOR THE LITIGANTS TO OBTAIN COUNSEL. JUDGMENTS BY
28 CONFESSION SHALL NOT BE ENTERED IN THE MUNICIPAL COURT.

29 * * *

30 § 1515. Jurisdiction and venue.

1 (a) Jurisdiction.--Except as otherwise prescribed by general
2 rule adopted pursuant to section 503 (relating to reassignment
3 of matters), magisterial district judges shall, under procedures
4 prescribed by general rule, have jurisdiction of all of the
5 following matters:

6 (1) Summary offenses, except those arising out of the
7 same episode or transaction involving a delinquent act for
8 which a petition alleging delinquency is filed under Chapter
9 63 (relating to juvenile matters).

10 (2) Matters arising under the act of April 6, 1951
11 (P.L.69, No.20), known as The Landlord and Tenant Act of
12 1951, which are stated therein to be within the jurisdiction
13 of a magisterial district judge.

14 (3) Civil claims, except claims against a Commonwealth
15 party as defined by section 8501 (relating to definitions),
16 wherein the sum demanded does not exceed [\$8,000] ~~\$15,000~~ ←
17 \$12,000, exclusive of interest and costs, in the following ←
18 classes of actions:

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

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

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

25 A plaintiff may waive a portion of his claim of more than
26 [\$8,000] ~~\$15,000~~ \$12,000 so as to bring the matter within the ←
27 monetary jurisdiction of a district justice. Such waiver
28 shall be revoked automatically if the defendant appeals the
29 final order of the magisterial district judge or when the
30 judgment is set aside upon certiorari.

1 (4) As commissioners to preside at arraignments, fix and
2 accept bail, except for offenses under 18 Pa.C.S. §§ 2502
3 (relating to murder) and 2503 (relating to voluntary
4 manslaughter) for which the fixing and accepting of bail
5 shall be performed by any judge of any court of common pleas,
6 and to issue warrants and perform duties of a similar nature,
7 including the jurisdiction of a committing magistrate in all
8 criminal proceedings.

9 (5) Offenses under 75 Pa.C.S. § 3802 (relating to
10 driving under influence of alcohol or controlled substance),
11 if the following criteria are met:

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

14 (ii) No personal injury (other than to the
15 defendant) resulted from the offense.

16 (iii) The defendant pleads guilty.

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

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

21 (vi) The arresting authority shall cause to be
22 transmitted a copy of the charge of any violation of 75
23 Pa.C.S. § 3802 to the office of the clerk of the court of
24 common pleas within five days after the preliminary
25 arraignment.

26 In determining that the above criteria are met the
27 magisterial district judge shall rely on the certification of
28 the arresting authority. Certification that the criteria are
29 met need not be in writing. Within ten days after the
30 disposition, the district justice shall certify the

1 disposition to the office of the clerk of the court of common
2 pleas in writing.

3 (5.1) Offenses under 75 Pa.C.S. § 3808 (relating to
4 illegally operating a motor vehicle not equipped with
5 ignition interlock).

6 (6) (i) Offenses under Title 18 (crimes and offenses),
7 Title 30 (fish) and Title 35 (health and safety) which
8 are classified as misdemeanors of the third degree, if
9 the following criteria are met:

10 (A) The misdemeanor is not the result of a
11 reduced charge.

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

14 (C) The defendant pleads guilty.

15 (D) The defendant is not subject to the
16 provisions of Chapter 63.

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

19 Section 4303 (relating to concealing death of
20 child born out of wedlock).

21 Section 4321 (relating to willful separation or
22 nonsupport).

23 Section 5103 (relating to unlawfully listening
24 into deliberations of jury).

25 (6.1) All offenses under Title 34 (relating to game).

26 (7) Matters jurisdiction of which is vested in
27 magisterial district judges by any statute.

28 * * *

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