

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 AMENDED ON THIRD CONSIDERATION, IN SENATE, SEPTEMBER 28, 2010

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 COURTS OF COMMON PLEAS JUDGES AND FOR jurisdiction and venue ←
4 of Philadelphia Municipal Court and of magisterial district
5 judges.

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

8 ~~Section 1. Sections 1123(a)(4) and 1515(a) of Title 42 of ←~~
9 ~~the Pennsylvania Consolidated Statutes are amended to read:~~

10 SECTION 1. SECTION 911 OF TITLE 42 OF THE PENNSYLVANIA ←
11 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBSECTION TO READ:
12 § 911. COURTS OF COMMON PLEAS.

13 * * *

14 (A.2) FIFTEENTH JUDICIAL DISTRICT.--NOTWITHSTANDING THE
15 PROVISIONS OF SUBSECTION (A), THE COURT OF COMMON PLEAS OF THE

1 FIFTEENTH JUDICIAL DISTRICT SHALL CONSIST OF 13 JUDGES. THIS
2 SUBSECTION SHALL EXPIRE JANUARY 8, 2014.

3 * * *

4 SECTION 1.1. SECTIONS 1123(A) (4) AND 1515(A) OF TITLE 42 ARE
5 AMENDED TO READ:

6 § 1123. Jurisdiction and venue.

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

11 * * *

12 (4) Civil actions, except actions by or against a
13 Commonwealth party as defined by section 8501 (relating to
14 definitions), wherein the sum demanded does not exceed
15 [\$10,000] \$12,000, exclusive of interest and costs, in the
16 following classes of actions:

17 (i) In assumpsit.

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

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

22 A plaintiff may waive a portion of his claim of more than
23 [\$10,000] \$12,000 so as to bring the matter within the
24 monetary jurisdiction of the municipal court. Such waiver
25 shall be revoked automatically if the defendant appeals the
26 final order of the municipal court. In cases under this
27 paragraph the defendant shall have no right of trial by jury
28 in the municipal court, but shall have the right to appeal
29 for trial de novo, including the right of trial by jury, to
30 the court of common pleas, in accordance with local rules of

1 court established by the administrative judge of the trial
2 division. These rules shall not be inconsistent with
3 Statewide rules of procedure as established by the Supreme
4 Court. It is the purpose of this paragraph to establish an
5 expeditious small claims procedure whereby it shall not be
6 necessary for the litigants to obtain counsel. Judgments by
7 confession shall not be entered in the municipal court.

8 * * *

9 § 1515. Jurisdiction and venue.

10 (a) Jurisdiction.--Except as otherwise prescribed by general
11 rule adopted pursuant to section 503 (relating to reassignment
12 of matters), magisterial district judges shall, under procedures
13 prescribed by general rule, have jurisdiction of all of the
14 following matters:

15 (1) Summary offenses, except those arising out of the
16 same episode or transaction involving a delinquent act for
17 which a petition alleging delinquency is filed under Chapter
18 63 (relating to juvenile matters).

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

23 (3) Civil claims, except claims against a Commonwealth
24 party as defined by section 8501 (relating to definitions),
25 wherein the sum demanded does not exceed [\$8,000] \$12,000,
26 exclusive of interest and costs, in the following classes of
27 actions:

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

30 (ii) In trespass, including all forms of trespass

1 and trespass on the case.

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

4 A plaintiff may waive a portion of his claim of more than
5 [\$8,000] \$12,000 so as to bring the matter within the
6 monetary jurisdiction of a district justice. Such waiver
7 shall be revoked automatically if the defendant appeals the
8 final order of the magisterial district judge or when the
9 judgment is set aside upon certiorari.

10 (4) As commissioners to preside at arraignments, fix and
11 accept bail, except for offenses under 18 Pa.C.S. §§ 2502
12 (relating to murder) and 2503 (relating to voluntary
13 manslaughter) for which the fixing and accepting of bail
14 shall be performed by any judge of any court of common pleas,
15 and to issue warrants and perform duties of a similar nature,
16 including the jurisdiction of a committing magistrate in all
17 criminal proceedings.

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

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

23 (ii) No personal injury (other than to the
24 defendant) resulted from the offense.

25 (iii) The defendant pleads guilty.

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

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

30 (vi) The arresting authority shall cause to be

1 transmitted a copy of the charge of any violation of 75
2 Pa.C.S. § 3802 to the office of the clerk of the court of
3 common pleas within five days after the preliminary
4 arraignment.

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

12 (5.1) Offenses under 75 Pa.C.S. § 3808 (relating to
13 illegally operating a motor vehicle not equipped with
14 ignition interlock).

15 (6) (i) Offenses under Title 18 (crimes and offenses),
16 Title 30 (fish) and Title 35 (health and safety) which
17 are classified as misdemeanors of the third degree, if
18 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 child born out of wedlock).

30 Section 4321 (relating to willful separation or

1 nonsupport).

2 Section 5103 (relating to unlawfully listening
3 into deliberations of jury).

4 (6.1) All offenses under Title 34 (relating to game).

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

7 * * *

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