

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

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES, OCTOBER 4, 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. Section 911 of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended by adding a subsection to read:

10 § 911. Courts of common pleas.

11 * * *

12 (a.2) Fifteenth Judicial District.--Notwithstanding the
13 provisions of subsection (a), the Court of Common Pleas of the
14 Fifteenth Judicial District shall consist of 13 judges. This
15 subsection shall expire January 8 6, 2014.



1 * * *

2 Section 1.1. Sections 1123(a)(4) and 1515(a) of Title 42 are
3 amended to read:

4 § 1123. Jurisdiction and venue.

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

9 * * *

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

15 (i) In assumpsit.

16 (ii) In trespass, including all forms of trespass
17 and trespass on the case.

18 (iii) For fines and penalties by any government
19 agency.

20 A plaintiff may waive a portion of his claim of more than
21 [\$10,000] \$12,000 so as to bring the matter within the
22 monetary jurisdiction of the municipal court. Such waiver
23 shall be revoked automatically if the defendant appeals the
24 final order of the municipal court. In cases under this
25 paragraph the defendant shall have no right of trial by jury
26 in the municipal court, but shall have the right to appeal
27 for trial de novo, including the right of trial by jury, to
28 the court of common pleas, in accordance with local rules of
29 court established by the administrative judge of the trial
30 division. These rules shall not be inconsistent with

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

6 * * *

7 § 1515. Jurisdiction and venue.

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

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

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

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

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

28 (ii) In trespass, including all forms of trespass
29 and trespass on the case.

30 (iii) For fines and penalties by any government

1 agency.
2 A plaintiff may waive a portion of his claim of more than
3 [\$8,000] \$12,000 so as to bring the matter within the
4 monetary jurisdiction of a ~~district justice~~ MAGISTERIAL ←
5 DISTRICT JUDGE. Such waiver shall be revoked automatically if
6 the defendant appeals the final order of the magisterial
7 district judge or when the judgment is set aside upon
8 certiorari.

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

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

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

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

24 (iii) The defendant pleads guilty.

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

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

29 (vi) The arresting authority shall cause to be
30 transmitted a copy of the charge of any violation of 75

1 Pa.C.S. § 3802 to the office of the clerk of the court of
2 common pleas within five days after the preliminary
3 arraignment.

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

11 (5.1) Offenses under 75 Pa.C.S. § 3808 (relating to
12 illegally operating a motor vehicle not equipped with
13 ignition interlock).

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

18 (A) The misdemeanor is not the result of a
19 reduced charge.

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

22 (C) The defendant pleads guilty.

23 (D) The defendant is not subject to the
24 provisions of Chapter 63.

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

27 Section 4303 (relating to concealing death of
28 child born out of wedlock).

29 Section 4321 (relating to willful separation or
30 nonsupport).

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

3 (6.1) All offenses under Title 34 (relating to game).

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

6 * * *

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