

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 334 Session of
2013

INTRODUCED BY PILEGGI, RAFFERTY, ALLOWAY, MENSCH, WHITE, WARD,
BROWNE AND GREENLEAF, FEBRUARY 1, 2013

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
FEBRUARY 11, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for the
3 makeup, jurisdiction and venue of the Philadelphia Municipal
4 Court; restricting and eliminating the Traffic Court of
5 Philadelphia; and making an editorial change.

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

8 Section 1. The definition of "Traffic Court of Philadelphia"
9 in section 102 of Title 42 of the Pennsylvania Consolidated
10 Statutes is amended to read:

11 § 102. Definitions.

12 Subject to additional definitions contained in subsequent
13 provisions of this title which are applicable to specific
14 provisions of this title, the following words and phrases when
15 used in this title shall have, unless the context clearly
16 indicates otherwise, the meanings given to them in this section:

17 * * *

18 "Traffic Court of Philadelphia." The [traffic court existing
19 under section 6(c) of Article V of the Constitution of

Pennsylvania and Subchapter B of Chapter 13 (relating to Traffic Court of Philadelphia) so long as a community court has not been established or in the event one has been discontinued in the City and County of Philadelphia.] Traffic Division under section 1121(c) (relating to Philadelphia Municipal Court).

* * *

Section 2. Section 1121 of Title 42 is amended to read:

§ 1121. Philadelphia Municipal Court.

(a) Organization.--The Philadelphia Municipal Court shall be organized as follows:

(1) The General Division shall consist of 25 judges and hearing ~~examiners~~ OFFICERS appointed by the President Judge of the Philadelphia Municipal Court. <--

(2) The Traffic Division shall consist of ~~five~~ FOUR judges elected to the Traffic Court of Philadelphia prior to the effective date of this paragraph. If a vacancy in the Traffic Division occurs ~~because a judge is convicted or removed from office~~, the vacancy shall not be filled. This paragraph shall expire on the later of: <--

(i) the date of the ratification by the electorate of an amendment to the Constitution of Pennsylvania abolishing the Philadelphia Traffic Court; or

(ii) the date of the expiration of the longest term of a judge specified in subsection (c)(4).

(b) General Division.--

(1) A judge in the General Division must be an attorney at law.

(2) The salary of a judge in the General Division shall be as set forth in section 2.1(e) and (i) of the act of September 30, 1983 (P.L.160, No.39), known as the Public

1 Official Compensation Law.

2 (3) The General Division shall exercise full
3 jurisdiction of the municipal court under section 1123(a)
4 (relating to jurisdiction and venue).

5 (c) Traffic Division.--

6 (1) A judge in the Traffic Division must:

7 (i) be an attorney at law; or

8 (ii) complete a course of training and instruction
9 in the duties of the offices and pass an examination in
10 the course.

11 (2) The salary of a judge in the Traffic Division shall
12 be as set forth in section 2.1(f) and (i) of the Public
13 Official Compensation Law.

14 (3) The Traffic Division shall, at the direction of the
15 President Judge of the Philadelphia Municipal Court, exercise
16 jurisdiction under section 1123(a)(9).

17 (4) This subsection shall apply during the terms of all
18 judges of the Philadelphia Traffic Court:

19 (i) who have been elected prior to January 1, 2014;
20 and

21 (ii) whose term expires after December 31, 2017.

22 (5) A judge identified in paragraph (4) shall, until the
23 expiration of the term to which the judge has been elected,
24 serve as a judge in the Traffic Division.

25 (6) This subsection shall expire on the later of:

26 (i) the date of the ratification by the electorate
27 of an amendment to the Constitution of Pennsylvania
28 abolishing the Philadelphia Traffic Court; or

29 (ii) the date of the expiration of the longest term
30 of a judge specified in paragraph (4).

Section 3. Section 1123(a) of Title 42 is amended by adding a paragraph to read:

§ 1123. Jurisdiction and venue.

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

* * *

(9) Prosecutions for summary offenses arising under:

(i) Title 75 (relating to vehicles); or

(ii) an ordinance of a political subdivision enacted pursuant to Title 75.

* * *

Section 4. Section 1302(a) introductory paragraph of Title 42 is amended and the section is amended by adding a subsection to read:

§ 1302. Jurisdiction and venue.

(a) General rule.--Except as set forth in subsection (a.1) or as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters), each traffic court shall have jurisdiction of all prosecutions for summary offenses arising under:

* * *

(a.1) Traffic Court of Philadelphia.--

(1) Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters), each traffic court under Subchapter B (relating to Traffic Court of Philadelphia) shall, at the direction of the President Judge of the Philadelphia Municipal Court, have jurisdiction of all prosecutions for summary offenses arising

under:

(i) Title 75.

(ii) Any ordinance of any political subdivision
enacted pursuant to Title 75.

(2) This subsection shall expire on the later of:

(i) the date of the ratification by the electorate
of an amendment to the Constitution of Pennsylvania
abolishing the Philadelphia Traffic Court; or

(ii) January 1, 2018.

* * *

Section 5. Section 1321 of Title 42 is amended to read:

§ 1321. Traffic Court of Philadelphia.

(a) Establishment.--The Traffic Court of Philadelphia shall
be a court not of record [and shall consist of seven judges].

The court is established for the City and County of
Philadelphia.

(b) Composition.--The court shall consist of two judges:

(1) who are serving on the court on the effective date
of this subsection; and

(2) whose terms expire on December 31, 2017.

(c) Expiration.--This section shall expire on the later of:

(1) the date of the ratification by the electorate of an
amendment to the Constitution of Pennsylvania abolishing the
Philadelphia Traffic Court; or

(2) January 1, 2018.

Section 6. This act shall take effect in 60 days.