THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 323   Session of 2015

INTRODUCED BY GROVE, SAYLOR, BLOOM, PHILLIPS-HILL, ROZZI, GREINER, PICKETT, LAWRENCE, DIAMOND, RADER, KORTZ AND A. HARRIS, APRIL 24, 2015

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 24, 2015

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2   Pennsylvania Consolidated Statutes, in organization of
3   appellate courts, providing for the commerce division of the
4   Superior Court.

5   The General Assembly of the Commonwealth of Pennsylvania

6 hereby enacts as follows:

7   Section 1. Title 42 of the Pennsylvania Consolidated

8 Statutes is amended by adding a section to read:

9 Section 541.1. Commerce division.

10   (a) Establishment.--The commerce division is established in

11 the Superior Court.

12   (b) Composition.--The division shall consist of judges

13 appointed by the President Judge of the Superior Court,

14 including no more than three senior judges:

15   (c) Status of the commerce division.--The commerce division

16 of the Superior Court is an administrative unit composed of

17 those judges of the court responsible for the transaction of

18 specified classes of the business of the court.

1   (d) Jurisdiction.--

2   (1) The following types of appeals under the

3   jurisdiction of the Superior Court pursuant to section 742

4   (relating to appeals from courts of common pleas) shall be

5   heard by the commerce division:

6   (i) Actions relating to the internal affairs,

7   governance, dissolution, liquidation, rights or

8   obligations between or among owners and liability or

9   indemnity of managers of corporations, partnerships,

10   limited partnerships, limited liability partnerships,

11   professional associations, business trusts, joint

12   ventures or other business enterprises, including any

13   actions involving the interpretation of the rights or

14   obligations under the organic law, articles of

15   incorporation, by-laws or agreements governing such

16   enterprises.

17   (ii) Disputes between or among two or more business

18   enterprises relating to a transaction, business

19   relationship or a contract. An appeal under the

20   jurisdiction of the commerce division pursuant to this

21   paragraph may include an individual named as a party so

22   long as the dispute is not prohibited under paragraph

23   (2).

24   (2) The following types of appeals shall not be heard by

25   the commerce division:

26   (i) Personal injury, survival or wrongful death

27   matters.

28   (ii) Individual consumer claims against businesses

29   or insurers, including products liability and personal

30   injury cases.

1   (iii) Matters involving occupational health or

2 safety.

3   (iv) Environmental claims not involved in the sale

4 or disposition of a business.

5   (v) Matters of eminent domain.

6   (vi) Malpractice claims, other than those brought by

7 business enterprises against attorneys, accountants,

8 architects or other professionals in connection with the

9 rendering of professional services to the business

10 enterprise.

11   (vii) Employment law cases, except those that the

12 President Judge deems are commercial in nature.

13   (viii) Individual residential real estate and

14 noncommercial landlord-tenant disputes.

15   (ix) Domestic relations matters, including actions

16 related to distribution of marital property, custody or

17 support.

18 Section 2. Section 542 of Title 42 is amended to read:

19 § 542. Powers of Superior Court.

20 The Superior Court and its divisions shall have all powers

21 necessary or appropriate in aid of its jurisdiction which are

22 agreeable to the usages and principles of law.

23 Section 3. Title 42 is amended by adding a section to read:

24 § 728. Appeals from the commerce division of the Superior

25 Court.

26 The Supreme Court shall have exclusive jurisdiction of

27 appeals from orders of the commerce division of the Superior

28 Court.

29 Section 4. Section 951 of Title 42 is amended by adding a

30 subsection to read:

1 § 951. Court Divisions.

2   * * *

3   (c.1) Commerce division.--Any court of common pleas may

4 establish a commerce court division.

5   * * *

6   Section 5. This act shall take effect in 60 days.