

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 401 Session of 2017

INTRODUCED BY GROVE, MARSICO, PICKETT, ORTITAY, BLOOM, BAKER,
RYAN, NEILSON, PHILLIPS-HILL, MILLARD, D. COSTA, LAWRENCE AND
WARD, FEBRUARY 8, 2017

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 8, 2017

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in jurisdiction of
3 appellate courts, providing for commerce court program; and,
4 in organization and jurisdiction of courts of common pleas,
5 providing for commerce courts.

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

8 Section 1. Title 42 of the Pennsylvania Consolidated
9 Statutes is amended by adding sections to read:

10 § 743. Commerce court program.

11 (a) Appeals.--The Superior Court may establish from
12 available funds a commerce court program that shall have
13 specialized jurisdiction. In a commerce court program
14 established under this section, the specialized jurisdiction of
15 appeals relating to the following matters may be vested in the
16 program:

17 (1) The internal affairs, governance, dissolution,
18 liquidation, rights or obligations between or among owners
19 and liability or indemnity of managers of business

1 corporations, partnerships, limited partnerships, limited
2 liability partnerships, professional associations, business
3 trusts, joint ventures or other business enterprises,
4 including any actions involving the interpretation of the
5 rights or obligations under the organic law, articles of
6 incorporation, bylaws or agreements governing these
7 enterprises.

8 (2) Disputes between or among two or more business
9 enterprises relating to a transaction, business relationship
10 or a contract.

11 (b) Rules.--The court may adopt rules for the administration
12 of the program established under this section. The rules may not
13 be inconsistent with this section or any rule established by the
14 Supreme Court.

15 § 916.1. Commerce courts.

16 (a) Establishment.--The court of common pleas of a judicial
17 district may establish from available funds a commerce court
18 that shall have specialized jurisdiction. In a court of common
19 pleas that has established a commerce court under this section,
20 the exclusive jurisdiction of cases relating to the following
21 matters may be vested in the commerce court:

22 (1) The internal affairs, governance, dissolution,
23 liquidation, rights or obligations between or among owners
24 and liability or indemnity of managers of business
25 corporations, partnerships, limited partnerships, limited
26 liability partnerships, professional associations, business
27 trusts, joint ventures or other business enterprises,
28 including any actions involving the interpretation of the
29 rights or obligations under the organic law, articles of
30 incorporation, bylaws or agreements governing these

1 enterprises.

2 (2) Disputes between or among two or more business
3 enterprises relating to a transaction, business relationship
4 or a contract.

5 (b) Rules.--The court may adopt local rules for the
6 administration of commerce courts established under this
7 section. The local rules may not be inconsistent with this
8 section or any rule established by the Supreme Court.

9 (c) Statewide commerce courts coordinator.--To the extent
10 that funds are available, the Supreme Court may appoint a
11 Statewide commerce court coordinator. The coordinator may:

12 (1) Encourage and assist in the establishment of
13 commerce courts in each judicial district.

14 (2) Develop model guidelines for the administration of
15 commerce courts and their related services.

16 (3) Establish procedures for monitoring commerce courts
17 and for evaluating the effectiveness of commerce courts.

18 (d) Advisory committee.--The Supreme Court may establish,
19 from available funds, an interdisciplinary and interbranch
20 advisory committee to advise and assist the Statewide commerce
21 courts coordinator in monitoring and administering commerce
22 courts Statewide.

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