

No. 1982-260

AN ACT

HB 1458

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of district justices, for certain costs and providing for veterinary good Samaritan civil immunity.

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

Section 1. Sections 1515 and 1725.1(a) and (b) of Title 42, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, are amended to read:

§ 1515. Jurisdiction and venue.

(a) Jurisdiction.—Except as otherwise prescribed by general rule adopted pursuant to section 503 (relating to reassignment of matters), district justices shall, under procedures prescribed by general rule, have jurisdiction of all of the following matters:

(1) Summary offenses, except those within the jurisdiction of an established and open traffic court.

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

(3) Civil claims wherein the sum demanded does not exceed [~~\$2,000~~] \$4,000, exclusive of interest and costs, in the following classes of actions:

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

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

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

A plaintiff may waive a portion of his claim of more than [~~\$2,000~~] \$4,000 so as to bring the matter within the jurisdiction of a district justice. Such waiver shall remain effective except upon appeal by either party or when the judgment is set aside upon certiorari.

(4) As commissioners to preside at arraignments, fix and accept bail, issue warrants and perform duties of a similar nature, including the jurisdiction of a committing magistrate in all criminal proceedings.

(5) Offenses under 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance), if the following criteria are met:

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

(ii) No personal injury (other than to the defendant or the immediate family of the defendant) resulted from the offense.

- (iii) The defendant pleads guilty.
- (iv) No property damage in excess of \$500 other than to the defendant's property resulted from the violation.
- (v) The defendant is not subject to the provisions of Chapter 63 (relating to juvenile matters).
- (vi) The arresting authority shall cause to be transmitted a copy of the charge of any violation of 75 Pa.C.S. § 3731 to the county clerk of courts within five days after the preliminary arraignment.

In determining that the above criteria are met the district justice shall rely on the certification of the arresting authority. Certification that the criteria are met need not be in writing. Within ten days after the disposition, the district justice shall certify the disposition to the county clerk of courts in writing.

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

- (A) The misdemeanor is not the result of a reduced charge.
- (B) Any personal injury or property damage is less than \$500.
- (C) The defendant pleads guilty.
- (D) The defendant is not subject to the provisions of Chapter 63.

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

- Section 4303 (relating to concealing death of **[bastard]** child *born out of wedlock*).
- Section 4321 (relating to willful separation or nonsupport).
- Section 5103 (relating to unlawfully listening into deliberations of jury).

(7) Matters jurisdiction of which is vested in district justices by any statute.

(b) Venue and process.—The venue of a district justice concerning matters over which jurisdiction is conferred by subsection (a) shall be as prescribed by general rule. The process of the district justice shall extend beyond the territorial limits of the magisterial district to the extent prescribed by general rule.

§ 1725.1. Costs.

(a) Civil cases.—The costs to be charged by the minor judiciary in every civil case, except as otherwise provided in this section, shall be as follows:

(1) Assumpsit or trespass involving \$100 or less....	\$10.00
(2) Assumpsit or trespass involving more than \$100 but not more than \$300.....	\$15.00
(3) Assumpsit or trespass involving more than \$300 but not more than \$500.....	[\$20.00]
	\$27.50

(4) Assumpsit or trespass involving more than \$500.....	[\$25.00 \$32.50
(5) Landlord and tenant proceeding.....	[\$25.00 \$32.50
(6) Order of execution.....	[\$15.00 \$22.50
(7) Objection to levy.....	\$5.00
(8) Reinstatement of complaint.....	No Charge

Such costs shall include all charges except the costs of a district justice's transcript of every proceeding on appeal or certiorari (including affidavit, bail and certificate) which shall be \$2.50 per transcript. Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(b) Criminal cases.—The costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

(1) Summary conviction, except motor vehicle cases.....	[\$16.00 \$23.50
(2) Summary conviction, motor vehicles cases, other than paragraph (3).....	[\$10.00 \$17.50
(3) Summary conviction, motor vehicle cases, hearing demanded.....	[\$15.00 \$22.50
(4) Misdemeanor.....	[\$20.00 \$27.50
(5) Felony.....	[\$25.00 \$32.50

Such costs shall include all charges including the costs of giving a district justice's transcript to the prosecutor or defendant, or both, if requested. Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

* * *

Section 2. Title 42 is amended by adding a section to read:

§ 8331.1. *Veterinary good Samaritan civil immunity.*

(a) *General rule.*—Any individual licensed to practice veterinary medicine who, in good faith, renders emergency care to any animal which such individual has discovered at the scene of an accident or emergency situation or which has immediately prior to the rendering of such care been brought to such individual's attention at or from the scene of any accident or emergency situation shall not be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care, except any acts or omissions intentionally designed to harm, or any grossly negligent acts or omissions which result in harm to the animal.

(b) Definition.—*As used in this section, “good faith” shall include, but is not limited to, a reasonable opinion that the immediacy of the situation is such that the rendering of care should not be postponed until the animal is hospitalized.*

(c) Exception.—*This section shall not apply where the owner of the animal is in attendance and can be consulted as to the proposed action by the veterinarian.*

Section 3. Except for provisions of section 1 of the act which shall take effect January 1, 1983, this act shall take effect immediately.

APPROVED—The 13th day of December, A. D. 1982.

DICK THORNBURGH