

No. 1984-127

AN ACT

SB 1231

Establishing the fees to be charged and received by sheriffs.

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

Section 1. Short title.

This act shall be known and may be cited as the Sheriff Fee Act.

Section 2. Counties included.

In counties of the second class, second class A and third through eighth class and home rule counties except Philadelphia, the fees, including commissions and mileage, to be received by the sheriff from persons or counties requiring services of the sheriff shall be as set forth in this act.

Section 3. Civil and criminal actions.

(a) General rule.—Fees for the services of the sheriff involved with civil actions, criminal proceedings or public matters required by any court, statute or regulation including, but not limited to, writs, complaints, orders, equity matters, subpoenas, interrogatories and official notices, are as follows:

- | | |
|---|--------|
| (1) Receiving, docketing and making return..... | \$7.00 |
|---|--------|

(2) Service, either personally by the sheriff or by copy served or posted:	
(i) First serving.....	7.00
(ii) Each additional defendant or person served or copy posted.....	4.00
(3) Making each copy served or posted.....	3.00
(4) Deputizing the sheriff of another county to enable the other sheriff to make service or accomplish an act.....	5.00
(5) Making a return of an item delivered to the sheriff too late to serve before expiration.....	3.00
(6) Return of non est inventus (person to be served cannot be found within the jurisdiction of sheriff).....	3.00
(7) Attesting each copy of a document which is to be served.....	2.00
(8) Service by publication in newspapers, in addition to the actual cost of publication and printing.....	9.00
(9) Taking an affidavit of one person.....	1.50
(10) Taking an affidavit of each additional person....	0.50

(b) Additional fees.—For service of an item or copy not specifically provided for in subsection (a), the sheriff shall charge and receive the same fee as allowed for a writ served in a similar way otherwise provided for in subsection (a), in addition to a fee of the prothonotary chargeable against the sheriff in relation thereto; but no charge shall be made for an affidavit of service except the fee of the notary or other official administering the oath of affirmation.

(c) Alias or pluries writ.—No charge for service shall be made upon an alias or pluries writ if a charge has been made upon the original with respect to a defendant already served.

Section 4. Real estate executions.

(a) General rule.—For executing court-issued writs or orders requiring the levy, seizure or sale of lands and tenements, the following fees apply and, unless otherwise stated in this section, shall be paid by the plaintiff, petitioner or other moving party:

(1) Receiving, docketing and making return.....	\$7.00
(2) Serving or posting a notice or copy.....	7.00
(3) Levying on each separate piece or parcel of land...	7.00
(4) Service of a writ against real estate of defendant requiring service on third party for each party.....	9.00
(5) Making immediate return of service on a garnishee when writ or other item is retained for further action.....	3.00
(6) Advertising public sale in newspaper, for each parcel of land, in addition to cost of publication and printer's bill.....	9.00
(7) Advertising public sale by handbills, for each parcel of land separately described by metes and bounds or otherwise, in addition to publication and printer's bills	9.00

(8) Each sale held subsequent to the first sale.....	7.00
(9) Crying the sale of each separate parcel of land separately sold.....	7.00
(10) Distribution of proceeds.....	9.00
(11) Executing and acknowledging a deed to real property, payment to be made by grantee.....	10.00
(b) Additional fees.—Except under subsection (a)(8), the sheriff shall receive as an official fee a commission, based upon the total amount bid for the property, whether paid to the sheriff or credited to the purchaser, of 2% of the first \$250,000 and of 0.5% of the remaining amount.	
(c) Fees chargeable to sheriff.—The purchaser shall pay to the sheriff fees of the prothonotary and fees of the recorder chargeable by the prothonotary or the recorder to the sheriff relating to consummation of real estate executions including, but not limited to, the recording of the deed.	

Section 5. Executing writs, orders and decrees.

For executing a writ of inquiry, partition, condemnation, appraisalment or inquisition or a similar writ, order or decree issued by a court, district justice, or commissioner under a statute, the party procuring execution shall pay the following fees:

(1) Receiving, docketing and making return.....	\$7.00
(2) Summoning parties or persons in possession personally or by copy served or posted:	
(i) First service.....	7.00
(ii) Each additional service.....	4.00
(3) Making and certifying each copy served or posted	4.00
(4) Summoning and swearing special jurors.....	15.00
(5) Holding inquisition or appraisal of real estate.....	15.00
(6) Otherwise executing.....	7.00
(7) Serving by publication as required by law or order of court.....	9.00
(8) Delivering lands to plaintiff in inquisition or similar proceedings.....	9.00

Section 6. Executing writs.

(a) General rule.—For executing execution writs, fraudulent debtors attachment, retorno habendo, replevin, or order issued by a court requiring the levy, seizure or sale of personal property, unless otherwise provided in this section, the party procuring execution shall pay the following fees:

(1) Receiving, docketing and making return.....	\$7.00
(2) Serving or posting a copy or notice.....	7.00
(3) Each levy on personal property.....	10.00
(4) Seizing personal property levied upon.....	10.00
(5) Making return of nulla bona (unable to find goods to levy upon).....	9.00
(6) Advertising personal property for public sale by handbills.....	9.00
(7) Each adjourned sale.....	7.00

(8) Service upon a garnishee.....	7.00
(9) Receiving a claim of exemption or immunity and notifying parties in interest to the filing of the claim.....	9.00
(10) Receiving and docketing each claim to property or to proceeds produced by sale thereof, to be paid by claimant upon the filing of the claim.....	10.00
(11) Notifying an agency as required by law of the proposed sale of the property or franchise of a corporation or joint stock association, liquid fuels producer or distributor	7.00
(12) Appraising personal property under a statute or at the request of a party or arranging an appraisal by another	10.00
(13) Making arrangements to preserve property taken into legal custody including, but not limited to, obtaining a watchman, together with the cost of compensation for the watchman by the party benefited thereby or person requiring service.....	10.00
(14) Securing insurance; arranging goods for sale; furnishing heat, light, power, storage, rent, transportation and supplies; feeding livestock; and meeting similar expenses incurred in caring for and keeping the goods and chattels levied upon or attached, when the same are necessary or advantageous, or when requested by any party interested to incur any such expense, the actual costs thereof to be paid by the plaintiff, petitioner or party requiring same to be incurred, providing any surplus of advances for same to be refunded.	

(b) Additional fees.—The sheriff shall receive as an official fee a commission, based upon the total amount bid for the property, whether paid to the sheriff or credited to the purchaser, of 2% of the first \$100,000 and of 0.5% of the remaining amount.

Section 7. Settlement or staying of writs.

For the settlement or staying by the plaintiff of a writ relating to property, execution not being concluded, the sheriff shall receive the same fees for receiving, docketing and returning, levying, advertising and performing other functions enumerated in this act, including commission as would be chargeable if the sale had been made upon the writ, on the amount paid to settle or stay the writ, whether the sum is paid to the sheriff or to the plaintiff or a compromise is made between plaintiff and defendant for the future payment to satisfy the writ.

Section 8. Property claims.

For processing of property claims filed under statute or rules of civil procedure, the claimant shall pay the following fees:

(1) Receiving and filing of property claim.....	\$10.00
(2) Staying the execution and providing notice.....	9.00

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|---|-------|
| (3) Making determination as to the owner of the property without hearing and filing in the prothonotary's office the determination and valuation..... | 9.00 |
| (4) Determining ownership of property with a formal hearing and filing in the prothonotary's office the determination and valuation..... | 18.00 |
| (5) Appraising property by the sheriff and giving notice | 10.00 |

Section 9. Venire facias.

For executing venire facias or venire facias juratores issued by a court, the following fees shall be paid by the county:

- | | |
|---|---------|
| (1) Receiving, docketing and making return on each writ | \$10.00 |
| (2) Drawing names of jurors from the jury wheel and summoning the jurors or summoning jurors drawn by a jury board or commissioner, for each juror drawn..... | 2.00 |

Section 10. Writs of ejectment or possession.

For executing writs of ejectment or possession, dower or similar writs requiring the delivery of possession of real property or ejecting or dispossessing a person of personal property, the claimant shall pay.....

\$20.00

Section 11. Warrants and attachments.

For executing a process, warrant, attachment, decree, sentence or order of the court, issued in court on a person or taking the defendant's body into custody, the party procuring the process, writ, order or decree or, if the Commonwealth is interested, the county, will pay the following fees:

- | | |
|---|--------|
| (1) Receiving, docketing and making return..... | \$7.00 |
| (2) Each arrest..... | 20.00 |
| (3) Each commitment to jail, correctional institution, asylum or place of detention pursuant to lawful order..... | 10.00 |
| (4) Removing a person from any place of confinement pursuant to lawful order..... | 9.00 |

Section 12. Sheriff in charge of prison.

If the sheriff is in charge of a jail, prison or place of detention, the sheriff shall receive allowances for the custody, care and maintenance of prisoners and inmates as may be fixed by the courts or official boards of the respective counties having supervision of the institutions, or as the courts or boards may approve, upon submitted bills to be paid by the county in addition to compensation for services fixed by statute, by a court or by official board authorized to fix the compensation.

Section 13. Attending court.

For attending court, when required to do so by law or by a judge or district attorney, or bringing into or removing therefrom prisoners for arraignment, trial or sentence or witnesses held in custody, an hourly rate equivalent to the prevailing wage scale of the performing sheriff's office shall be paid by the county for each deputy or special deputy actually present.

Section 14. Licenses.

For issuing and recording of a license, the licensee shall pay, in addition to a fee payable to the county or Commonwealth, the following fees:

- (1) Issuing a license to sell firearms directly to a consumer \$10.00
- (2) Issuing or reissuing a license to carry a firearm on or about one's person..... 5.00

Section 15. Conservator of the peace.

(a) Sheriff.—For the services performed in the capacity as a conservator of the peace or police officer in suppressing riots, mobs or insurrections, and when discharging any duty requiring the summoning of a posse, comitatus or special deputy sheriffs, the sheriff shall receive per diem compensation at the rate of \$50 in a county for eight hours service, together with the mileage and necessary expenses, including subsistence for the sheriff and those under him, all to be paid by the county.

(b) Deputies.—For each special deputy appointed by the sheriff in the case of an emergency, to assist in executing civil or criminal process or court order or preserving the peace, the sheriff shall receive from the county, for compensation of the deputy, an hourly rate equal to the prevailing wage scale of the sheriff's office, together with the expenses incurred for transportation and subsistence of the deputy.

Section 16. Mileage.

For mileage in serving and executing writs, official notices, rules, decrees, orders or processes, or copies thereof, or performing the duties or services specified in this act or authorized by law, the sheriff shall receive and may tax as official costs the mileage fee as established by section 1 of the act of July 20, 1979 (P.L.156, No.51), entitled "An act establishing a uniform mileage fee for all officials, officers and employees of the Commonwealth, its political subdivisions, intermediate units, and authorities," for each mile necessary to be traveled by the sheriff, deputies or employees. The mileage fee shall be received on each separate writ, rule, order, decree, process or notice served or service performed. The sheriff shall not receive more than one mileage where the plaintiff and the defendant and two or more contemporaneous writs are the same, or when two or more persons or prisoners are being conducted at one time to or from a place of detention or correction. The sheriff shall receive the mileage fee for transporting the prisoners and the deputies guarding them, and meals and lodging during the journey and the return of the deputies.

Section 17. Appraisals.

For appraisal in a proceeding, the sheriff or an interested party may petition the court having jurisdiction over the matter for an order fixing the sum to be paid to the sheriff for services, for compensation of services of expert appraisers, or for other property costs of making the appraisal, which sum shall be a legal cost of proceedings. The court in its order shall determine who shall pay for the costs unless otherwise provided by law.

Section 18. Other matters.

For the executing of a matter directed to the sheriff or required by law or rule of court, the performance of which is not mentioned in this act, the sheriff shall receive the same official fees, commissions and legal costs, including mileage, as for similar services specifically provided for in this act.

Section 19. Costs to be additional.

In addition to fees provided for in this act, the sheriff shall be paid costs, charges and expenses incident to the performance of an act required by court, order, statute, rule or regulation including, but not limited to, printing costs, publication costs, services of experts, watchmen, postage and mileage, which shall be costs to be paid by the plaintiff, petitioner or person requiring them to be incurred.

Section 20. Repeals.

The following acts or parts of acts are repealed insofar as they are inconsistent with this act:

42 Pa.C.S. § 1725 (relating to establishment of fees and charges).

Section 24(a) of the act of July 9, 1976 (P.L.586, No.142), known as the Judiciary Act of 1976.

Section 21. Effective date.

This act shall take effect in 30 days.

APPROVED—The 6th day of July, A. D. 1984.

DICK THORNBURGH