

No. 1992-167

AN ACT

HB 627

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and venue and for certain costs and fees and the collection and disposition thereof; providing for the compensation of justices and judges; making a conforming amendment to Title 15 (Corporations and Unincorporated Associations); and making a repeal.

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

Section 1. Sections 1515, 1725.1, 1726 and 3571(c) of Title 42 of 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, except claims [by or] against a Commonwealth party as defined by section 8501 (relating to definitions), wherein the sum demanded does not exceed [~~\$4,000~~] \$8,000, 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 [~~\$4,000~~] \$8,000 so as to bring the matter within the monetary jurisdiction of a district justice. Such waiver shall be revoked automatically if the defendant appeals the final order of the district justice or when the judgment is set aside upon certiorari.

(4) As commissioners to preside at arraignments, fix and accept bail, except for offenses under 18 Pa.C.S. §§ 2502 (relating to murder) and 2503 (relating to voluntary manslaughter) for which the fixing and accepting of bail shall be performed by any judge of any court of common pleas, and to 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 office of the clerk of the court of common pleas 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 office of the clerk of the court of common pleas in writing.

(6) (i) Offenses under Title 18 (crimes and offenses) **[and]**, Title 30 (fish) **and Title 35 (health and safety)** 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 child born out of wedlock).

Section 4321 (relating to willful separation or nonsupport).

Section 5103 (relating to unlawfully listening into deliberations of jury).

(6.1) All offenses under Title 34 (relating to game).

(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] Subject to subsection (f), the costs to be charged by [the minor judiciary] district justices 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.....	\$27.50
(4) Assumpsit or trespass involving more than \$500...	\$32.50
(5) Landlord and tenant proceeding.....	\$32.50
(6) Order of execution.....	\$22.50
(7) Objection to levy.....	\$ 5.00
(8) Reinstatement of complaint.....	No Charge]
(1) <i>Actions involving \$500 or less.....</i>	\$30.00
(2) <i>Actions involving more than \$500 but not more than \$2,000.....</i>	\$40.00
(3) <i>Actions involving more than \$2,000 but not more than \$4,000.....</i>	\$50.00
(4) <i>Actions involving more than \$4,000 but not more than \$8,000.....</i>	\$75.00
(5) <i>Landlord-tenant actions involving less than \$2,000.....</i>	\$45.00
(6) <i>Landlord-tenant actions involving more than \$2,000 but not more than \$4,000.....</i>	\$55.00
(7) <i>Landlord-tenant actions involving more than \$4,000 but not more than \$8,000.....</i>	\$75.00
(8) <i>Order of execution.....</i>	\$22.50
(9) <i>Objection to levy.....</i>	\$10.00
(10) <i>Reinstatement of complaint.....</i>	\$ 5.00

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] *Subject to subsection (f), 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..	[\$23.50]
	\$28.50
(2) Summary conviction, motor vehicles cases, other than paragraph (3).....	[\$17.50]
	\$22.50
(3) Summary conviction, motor vehicle cases, hearing demanded.....	[\$22.50]
	\$27.50
(4) Misdemeanor.....	[\$27.50]
	\$32.50
(5) Felony.....	[\$32.50]

\$37.50

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.

(c) **Unclassified costs or charges.**—[The] *Subject to subsection (f), the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:*

- (1) Entering transcript of judgment from another member of the minor judiciary..... **[\$ 3.00]**
\$ 5.00
- (2) Marrying each couple, making record thereof, and certificate to the parties..... **[\$10.00]**
\$25.00
- (3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse)..... **\$10.00**
- (4) Issuing a search warrant (except as provided in subsection (d))..... **\$10.00**
- (5) Any other issuance not otherwise provided for in this subsection..... **\$10.00**

(d) **Search warrants.**—In every case where a search warrant is requested by a police officer, constable or other peace officer engaged as such in the employ or service of the Commonwealth or any of its political subdivisions, no cost or charge shall be assessed against such officer, the Commonwealth or political subdivision for the issuance of such search warrant.

(e) **Fish and boating offenses.**—

(1) Except as provided in paragraph (2), any person convicted of a summary offense under Title 30 (relating to fish) shall, in addition to the fine imposed, be sentenced to pay \$10 as costs of the issuing authority which costs shall include all charges including, when called for, the costs of postage and registered or certified mail and the costs of giving a transcript to the prosecutor or defendant, or both, if requested.

(2) Where the person charged with a summary offense under Title 30 demands a hearing, the costs of the issuing authority shall be \$15, which costs shall include all charges including the charges specified in paragraph (1).

(f) Annual increase in costs.—*Beginning on January 1, 1994, and each January 1 thereafter, the costs under subsections (a), (b) and (c) shall be increased by the percentage of increase in the Consumer Price Index for Urban Workers for the immediate preceding calendar year which shall be published in the Pennsylvania Bulletin annually by the Supreme Court on or before the preceding November 30. This subsection shall expire January 1, 2001.*

§ 1726. Establishment of taxable costs.

(a) Standards for costs.—The governing authority shall prescribe by general rule the standards governing the imposition and taxation of costs, including the items which constitute taxable costs, the litigants who shall

bear such costs, and the discretion vested in the courts to modify the amount and responsibility for costs in specific matters. All system and related personnel shall be bound by such general rules. In prescribing such general rules, the governing authority shall be guided by the following considerations, among others:

(1) Attorney’s fees are not an item of taxable costs except to the extent authorized by section 2503 (relating to right of participants to receive counsel fees).

(2) The prevailing party should recover his costs from the unsuccessful litigant except where the:

(i) Costs relate to the existence, possession or disposition of a fund and the costs should be borne by the fund.

(ii) Question involved is a public question or where the applicable law is uncertain and the purpose of the litigants is primarily to clarify the law.

(iii) Application of the rule would work substantial injustice.

(3) The imposition of actual costs or a multiple thereof may be used as a penalty for violation of general rules or rules of court.

(b) Private collection agencies.—The governing authority shall have the option of turning over delinquent accounts to private collection agencies which shall be selected through the competitive bidding process.

§ 3571. Commonwealth portion of fines, etc.

* * *

(c) Costs in district justice proceedings.—

(1) Costs collected by a district justice shall be transmitted monthly to the Commonwealth in amounts as prescribed in subsection (b) and the balance shall be transmitted monthly to the county in which the magisterial district is located. Costs transmitted to the Commonwealth shall be credited to the General Fund. Costs transmitted to the county shall be retained by the county for its use.

(2) Amounts payable to the Commonwealth:

(i) Summary conviction, except motor vehicle cases.....	\$ 5.00
(ii) Summary conviction, motor vehicle cases other than subparagraph (iii).....	\$ 5.00
(iii) Summary conviction, motor vehicle cases, hearing demanded.....	\$ 5.00
(iv) Misdemeanor.....	\$ 7.00
(v) Felony.....	\$ 8.00
(vi) Assumpsit or trespass involving:	
(A) \$100 or less.....	\$ 2.50
(B) More than \$100 but not more than \$300.....	\$ 5.00
(C) More than \$300 but not more than \$500.....	\$ 7.50
(D) More than \$500.....	\$10.00
(vii) Landlord-tenant proceeding.....	\$10.00
(viii) Objection to levy.....	\$ 5.00

(ix) Order of execution.....	\$10.00
(x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)).....	\$ 7.00]
(i) Summary conviction, except motor vehicle cases.....	\$10.00
(ii) Summary conviction, motor vehicle cases other than subparagraph (iii).....	\$10.00
(iii) Summary conviction, motor vehicle cases, hearing demanded.....	\$10.00
(iv) Misdemeanor.....	\$13.00
(v) Felony.....	\$20.00
(vi) Assumpsit or trespass involving:	
(A) \$500 or less.....	\$12.50
(B) More than \$500 but not more than \$2,000...	\$20.00
(C) More than \$2,000 but not more than \$4,000.....	\$30.00
(D) More than \$4,000 but not more than \$8,000.....	\$50.00
(vii) Landlord-tenant proceeding involving:	
(A) \$2,000 or less.....	\$20.00
(B) More than \$2,000 but not more than \$4,000	\$25.00
(C) More than \$4,000 but not more than \$8,000	\$35.00
(viii) Objection to levy.....	\$ 5.00
(ix) Order of execution.....	\$15.00
(x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)).....	\$ 7.00
(xi) Order of possession.....	\$15.00

(3) In all cases where costs are borne by the county pursuant to section 1725.2 (relating to assumption of summary conviction costs by county), no share of such costs shall be payable to the Commonwealth.

(4) *Beginning on January 1, 1994, and each January 1 thereafter, the costs under paragraph (2) shall be increased by the percentage of increase in the Consumer Price Index for Urban Workers for the immediate preceding calendar year which shall be published in the Pennsylvania Bulletin annually by the Supreme Court on or before the preceding November 30. This paragraph shall expire January 1, 2001.*

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Section 2. Chapter 35 of Title 42 is amended by adding a subchapter to read:

CHAPTER 35
BUDGET AND FINANCE

* * *

SUBCHAPTER F
COMPENSATION AND SALARIES

Sec.

3581. Judicial salaries.

§ 3581. Judicial salaries.

(a) Supreme Court.—The annual salary of the Chief Justice of the Supreme Court shall be \$108,000, and the annual salary of each of the other justices of the Supreme Court shall be \$105,000.

(b) Superior Court.—The annual salary of the President Judge of the Superior Court shall be \$103,000, and the annual salary of the other judges of the Superior Court shall be \$101,500.

(c) Commonwealth Court.—The annual salary of the President Judge of the Commonwealth Court shall be \$103,000. The annual salary of each of the other judges of the Commonwealth Court shall be \$101,500.

(d) Courts of common pleas.—

(1) The annual salary of a president judge of a court of common pleas shall be fixed in accordance with the following schedule:

(i) Allegheny County, \$92,000.

(ii) Philadelphia County, \$92,500.

(iii) Judicial districts having six or more judges, \$91,000.

(iv) Judicial districts having three to five judges, \$90,500.

(v) Judicial districts having one or two judges, \$90,000.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of six or more judges, \$91,000.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of five or less judges, \$90,500.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of six or more judges, \$91,000.

(ix) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County of five or less judges, \$90,500.

(2) The other judges of the courts of common pleas shall be paid an annual salary of \$90,000.

(e) Philadelphia Municipal Court.—The President Judge of the Philadelphia Municipal Court shall receive an annual salary of \$89,000. The annual salary for the other judges of the Philadelphia Municipal Court shall be \$87,500.

(f) Philadelphia Traffic Court.—The President Judge of the Philadelphia Traffic Court shall receive an annual salary of \$48,500. The annual salary for the other judges of the Philadelphia Traffic Court shall be \$48,000.

(g) District justices.—A district justice shall receive an annual salary payable by the Commonwealth and computed by adding to \$33,500 the product of the population of his magisterial district times \$1, but in no event shall the salary exceed \$45,000.

(h) Senior judges.—The compensation of the senior judges pursuant to section 4121 (relating to assignment of judges) shall be \$275 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not, when added to retirement income paid by the Commonwealth for such senior judge, exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which said senior judge retired. A senior judge who so elects may serve without being paid all or any portion of the compensation provided by this section.

(i) Annual cost-of-living adjustment.—Beginning January 1, 1994, and each January 1 thereafter, the annual salaries under subsections (a) through (h) shall be increased by the percentage increase in the Consumer Price Index for Urban Workers for the immediate preceding twelve-month period. The percentage of increase shall be published in the Pennsylvania Bulletin annually by the Supreme Court on or before November 30. This subsection shall expire January 1, 2001.

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

§ 9730. *Payment of court costs and fines.*

(a) *Use of credit cards.*—*The treasurer of each county may allow the use of credit cards and bank cards in the payment of court costs and fines.*

(b) *Procedures regarding default.*—

(1) *If a defendant defaults in the payment of a fine or court costs after imposition of sentence, the issuing authority shall conduct a hearing to determine whether the defendant is financially able to pay.*

(2) *If the issuing authority determines that the defendant is financially able to pay the fine or costs, the issuing authority may turn the delinquent account over to a private collection agency or impose imprisonment for nonpayment as provided by law.*

(3) *If the issuing authority determines that the defendant is without the financial means to pay the fine or costs immediately or in a single remittance, the issuing authority may provide for payment in installments. In determining the appropriate installments, the issuing authority shall consider the defendant's financial resources, the defendant's ability to make restitution and reparations and the nature of the burden the payment will impose on the defendant. If the defendant is in default of a payment or advises the issuing authority that default is imminent, the issuing authority may schedule a rehearing on the payment schedule. At the rehearing the defendant has the burden of proving changes of financial condition such that the defendant is without the means to meet the payment schedule. The issuing authority may extend or accelerate the schedule, leave it unaltered or sentence the defendant to a period of community service as the issuing authority finds to be just and practicable under the circumstances.*

(4) *A decision of the issuing authority under paragraph (2) or (3) is subject to section 5105 (relating to right to appellate review).*

Section 4. The introductory paragraph and paragraph (8) of subsection (a) of section 153 of Title 15 is amended to read:

§ 153. Fee schedule.

(a) General rule.—The fees of the Corporation Bureau of the Department of State, including fees for the public acts and transactions of the Secretary of the Commonwealth administered through the bureau, and[, except as otherwise provided by law,] of county filing officers under Title 13 (relating to commercial code), shall be as follows:

* * *

(8) Uniform Commercial Code:

(i) Financing statement - per debtor name.....	12
(ii) Each ancillary transaction.....	12
(iii) Search - per debtor name.....	12
(iv) Additional fee for each financing statement found and for each statement of assignment reported therein.....	1

(v) For each financing statement or ancillary transaction not filed on standard forms approved by the Department of State, a fee of \$28 per filing shall be charged in addition to the fee provided above.]

(i) Financing statement - per debtor name:

(A) State fee.....	12
(B) County fee.....	48

(ii) Each ancillary transaction:

(A) State fee.....	12
(B) County fee.....	48

(iii) Search - per debtor name:

(A) State fee.....	12
(B) County fee.....	48

(iv) Additional fee for each financing statement found and for each statement of assignment reported therein:

(A) State fee.....	1
(B) County fee.....	4

(v) For each financing statement or ancillary transaction not filed on standard forms approved by the Department of State, in addition to the fee provided above, there shall be charged a per filing fee of:

(A) State fee.....	28
(B) County fee.....	112

(vi) Seventy-five percent of the county fees collected pursuant to subparagraphs (i) through (v) shall be payable to the Commonwealth and shall be deposited in the General Fund.

(vii) Beginning on January 1, 1994, and each January 1 thereafter, the costs under paragraph (8) shall be increased by the percentage of increase in the Consumer Price Index for Urban Workers for the immediate preceding calendar year which shall be pub-

*lished in the Pennsylvania Bulletin annually by the
Supreme Court on or before the preceding November
30. This subparagraph shall expire January 1, 2001.*

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Section 5. (a) The increases in court costs authorized by this act and their corresponding inflators that are payable to the Commonwealth shall be exempt from the provisions of 42 Pa.C.S. § 3733(a). The balance of the court costs payable to the Commonwealth and their corresponding inflators shall be subject to the provisions of 42 Pa.C.S. § 3733(a).

(b) Any partial payment of court costs shall be distributed on a pro rata basis among those entitled to receive such costs.

Section 6. Notwithstanding any other provisions of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, to the contrary, the Department of Revenue, in conjunction with the Secretary of the Budget, may, within 60 days of the effective date of this act, revise the official revenue estimate for the Commonwealth to account for additional revenues anticipated to be generated by changes to court costs included in this act.

Section 7. Section 2 of the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, is repealed.

Section 8. Any increase in the compensation of any official provided for in this act shall commence when permitted by the Constitution of Pennsylvania.

Section 9. This act shall take effect immediately.

APPROVED—The 18th day of December, A. D. 1992.

ROBERT P. CASEY