

No. 253

AN ACT

HB 1242

Amending the act of May 9, 1949 (P.L.927, No.261), entitled, as amended, "An act fixing and regulating the fees, commissions, mileage and other costs chargeable by the sheriff in counties of the second, second A, third, fourth, fifth, sixth, seventh and eighth classes for their official acts and the services of their deputies, watchmen, appraisers and other agents; requiring prepayment of same, unless secured or chargeable to the county, and delivery of itemized receipts therefor; requiring certain payments by the county, including the compensation of special deputies; providing for the taxation and collection of fees, commissions, mileage and other costs; requiring salaried sheriffs to account to the county for certain fees and commissions collected; and repealing inconsistent laws, general, special or local," changing fees.

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

Section 1. Subsections (d), (j) and (l) of section 1, act of May 9, 1949 (P.L.927, No.261), entitled, as amended, "An act fixing and regulating the fees, commissions, mileage and other costs chargeable by the sheriff in counties of the second, second A, third, fourth, fifth, sixth, seventh and eighth classes for their official acts and the services of their deputies, watchmen, appraisers and other agents; requiring prepayment of same, unless secured or chargeable to the county, and delivery of itemized receipts therefor; requiring certain payments by the county, including the compensation of special deputies; providing for the taxation and collection of fees, commissions, mileage and other costs; requiring salaried sheriffs to account to the county for certain fees and commissions collected; and repealing inconsistent laws, general, special or local," amended July 21, 1970 (P.L.500, No.175), is amended to read:

Section 1. In all counties of the second, second A, third, fourth, fifth, sixth, seventh and eighth classes, the fees and costs, including commissions and mileage, to be charged and received by the sheriff from persons or counties requiring their services shall be as follows:

* * *

(d) For executing execution writs, fraudulent debtors attachment, retorno habendo, and replevin, or any writ or order issued out of any court requiring the levy or seizure of personal property or selling the same according to law, the following items, to be paid by the parties procuring same:

For receiving, docketing, and making return thereof, four dollars seventy-five cents.

For serving or posting any copy or notice thereof, the fees and mileage hereinbefore provided.

For each levy on personal property, three dollars and seventy-five cents and mileage.

For return of nulla bona, two dollars and mileage.

For clerk hire at each sale, whether on one or more writs against the same defendant, four dollars.

For advertising personal property to public sale by hand-bills, three dollars and seventy-five cents and mileage, in addition to printer's bills.

For adjourning any sale, three dollars and mileage.

In addition, the sheriff shall charge and receive, as an official fee, a commission of two cents on every dollar, based upon the total amount realized from said sale, whether paid to the sheriff or credited to the purchaser on account of any writ: Provided, That the amount of same does not exceed one thousand dollars (\$1000), in which case one-half cent ($\frac{1}{2}\text{c}$) on every dollar in excess of that amount shall be charged in addition.

For each watchman to take care of property attached, levied upon, or otherwise taken into legal custody, when necessary, or requested by any of the parties interested, **[twenty] thirty** dollars for each period of eight hours, to be considered a day's service, and a proportionate sum for any fraction of such day, to be payable to such watchman, and collectible for his benefit by the sheriff from the party benefited thereby, or person requiring his services, in like manner as other legal costs payable to the sheriff may be collected.

For insurance, arranging goods for sale, heat, light, power, storage, rent, transportation, supplies, feeding livestock, and 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 expenses, the actual costs thereof, to be paid by the plaintiff, petitioner, or party requiring same to be incurred, provided any surplus of advances for same be refunded.

* * *

(j) For attending court, when required to do so by law or by any judge or district attorney, or bringing into and removing therefrom prisoners for arraignment, trial, or sentence, or witnesses held in custody, the sum of **[twenty] thirty** dollars per day for the sheriff, and a like sum for each deputy, for each day of **[oyer and terminer court, quarter sessions court,] court of common pleas (criminal division), juvenile court, or county court, including the County Court of Allegheny County, when the sheriff or deputy is actually present, to be paid by the county.**

* * *

(l) For services performed in his 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 **[twenty] thirty** dollars in any county for

eight hours' service, together with the mileage and necessary expenses, including subsistence for himself and those under him, to be paid by the county.

For each special deputy appointed by any sheriff, in case of any emergency, to assist him in executing any civil or criminal process or court order, or preserving the peace, such sheriff may charge and shall receive from the county compensation for such deputy, at the rate of **[two dollars and fifty cents]** *three dollars seventy-five cents* in any county for one hour's service, in addition to the expenses incurred for the transportation and subsistence of such deputy while rendering such service.

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APPROVED—The 17th day of October, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 253.

A handwritten signature in cursive script, reading "C. McLaughlin Tucker". The signature is written in black ink and is positioned above the printed title of the Secretary of the Commonwealth.

Secretary of the Commonwealth.