

## No. 103

## AN ACT

## SB 462

Amending the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), entitled "An act to codify, amend, revise and consolidate the laws relating to eminent domain," providing for the appointment of an alternate viewer in cities of the first class.

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

Section 1. Sections 504 and 510, act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code," amended December 5, 1969 (P.L.316, No.137), are amended to read:

Section 504. Appointment of Viewers; Notice; Objections.—Upon the filing of a petition for the appointment of viewers, the court, unless preliminary objections to the validity of the condemnation or jurisdiction, warranting delay, are pending, shall promptly appoint three viewers, who shall view the premises, hold hearings, and file a report. *In counties of the first class, the court may appoint an alternate viewer in addition to the three viewers specifically appointed.* The prothonotary shall promptly notify the viewers of their appointment unless a local rule provides another method of notification.

The viewers shall promptly give written notice by registered or certified mail, return receipt requested, of their appointment to all persons named as condemnors or condemnees in the petition for the appointment of viewers and of the place and time of the view, which shall not be less than twenty days from the date of said notice.

If notice of the view does not include notice of a time and place of subsequent hearings and a time and place is not agreed upon by the parties at the view, notice of the hearing shall be given by not less than ten days' written notice by registered or certified mail, return receipt requested.

Any objection to the appointment of viewers not theretofore waived may be raised by preliminary objections filed within twenty days after receipt of notice of the appointment of viewers. Objections to the form of the petition or the appointment or the qualification of the viewers are waived unless included in preliminary objections. The court shall determine promptly all preliminary objections and make such orders and decrees as justice shall require. If an issue of fact is raised, evidence may be taken by deposition or otherwise as the court shall direct.

Section 510. Powers of Viewers.—The viewers shall have power to administer oaths and affirmations, and to adjourn the proceedings from time to time. Upon request of the viewers or a party, the court which appointed the viewers shall issue a subpoena to testify or to produce

books and documents. All the viewers shall act, unless prevented by sickness or other unavoidable cause; but a majority of the viewers may hear, determine, act upon and report all matters relating to the view for which they were appointed. ***The provisions of this section shall not be affected by the appointment of an alternate viewer as provided for in section 504.***

APPROVED—The 7th day of October, A. D. 1975.

MILTON J. SHAPP