

No. 1978-45

AN ACT

HB 816

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. Section 1, act of May 9, 1949 (P.L.927, No.261), referred to as the Sheriff Fee Law of 1949, amended July 21, 1970 (P.L.500, No.175), and subsections (d), (j) and (l) amended October 17, 1974 (P.L.752, No.253), 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:

(a) For receiving, docketing, and making return thereof, for each writ of execution, scire facias, replevin, retorno habendo, summons, foreign attachment, complaint in divorce, distringas, writ of sequestration, writ of assistance, satisfaction of mortgage, injunction, mandamus, quo warranto, bill in equity, rule, decree, order, citation, subpoena, series of interrogatories, proclamation, or official notice of any kind in any civil action, criminal proceeding, or public matter, issued out of any court or required by law or rule of court, **[four dollars seventy-five cents]** *five dollars seventy-five cents*.

For serving any such writ, process or official notice required to be served by the sheriff, personally or by copy served or posted, **[four dollars]** *five dollars*.

For each additional defendant or person served, or copy posted, two dollars and mileage.

For making each copy served or posted, two dollars.

For return of *tarde venit*, two dollars fifty cents.

For return of *non est inventus*, two dollars fifty cents and mileage.

Provided, however, That no charge for service shall be made upon an alias or pluries writ if the same has been charged upon the original with respect to any defendant already served.

For serving the same by publication in one or more newspapers, as required by law or order of court, **[three dollars fifty cents] five dollars** in each case, in addition to printer's bills.

For serving any writ, official notice, petition, rule, decree, process, or order of court, or copy thereof, not herein specially provided for, he shall charge and receive the same official fees and legal costs, including mileage, as for a writ served in a similar way, as hereinbefore provided, in addition to any fee of the prothonotary chargeable against the sheriff in relation thereto; but no charge shall be made for any affidavit of such service, except the fee of the notary or other official administering the oath or affirmation thereto. For taking an affidavit, one person, **[fifty cents] one dollar**; two persons, **[seventy-five cents] one dollar fifty cents**; three or more, **[one dollar] two dollars**.

(b) For executing writs of execution, or any writ or order issued out of any court, requiring the levy and seizure of lands and tenements or selling the same according to law, the following items, to be paid by the plaintiffs or petitioners:

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

For serving or posting any copy or notice thereof, **[four dollars] five dollars** and mileage hereinbefore provided.

For levying on each separate piece or parcel of land, **[two dollars twenty-five cents] five dollars** and mileage.

For advertising to public sale in newspapers, each piece or parcel of land, **[three dollars fifty cents] five dollars**, in addition to printer's bills.

For advertising to public sale by hand-bills, each piece or parcel of land separately described by metes and bounds, or otherwise **[three dollars fifty cents] five dollars** and mileage, in addition to printer's bills.

For crying the sale of each separate piece or parcel of land separately sold, and each adjourned sale, **[three dollars] five dollars**.

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

For executing and acknowledging any deed for lands and tenements, **[six dollars] ten dollars**, to be paid by the purchaser when the deed is tendered.

For registering the same, in any municipality, **[one dollar fifty cents] ten dollars**, in addition to the fee required by law for registration, to be paid by the purchaser.

In addition, the purchaser shall pay to the sheriff any fee of the prothonotary for the acknowledgment of the sheriff's deed, and the fee of the recorder for recording same, for which the sheriff shall account to them, respectively.

(c) For executing any writ of inquiry, partition, condemnation,

appraisement, inquisition, or any similar writ, issued by any court, alderman, justice of the peace, magistrate or commissioner, under any act of Assembly, the following items, to be paid by the party who procured same:

For receiving, docketing, and making return thereof, [**three dollars and seventy-five cents**] *six dollars seventy-five cents*.

For summoning parties or persons in possession, personally or by copy served or posted, for first service, [**two dollars fifty cents**] *five dollars*.

For each additional service, personally or by copy or posting, [**one dollar fifty cents**] *two dollars fifty cents* and mileage.

For making each copy served or posted, [**one dollar fifty cents**] *two dollars*.

For summoning and swearing special jurors, [**five dollars**] *ten dollars*.

For holding inquisition or appraisement of real estate, if same be held upon the premises, six dollars and mileage to and from the place where same may be located, in addition to jurors', experts', or surveyors' fees and necessary expenses.

For other execution of any such writ, five dollars.

For serving the same by publication in one or more newspapers, as required by law or order of court, [**three dollars**] *six dollars*, in addition to printer's bills.

For delivering lands to plaintiff in inquisition or similar proceedings [**three dollars**] *six dollars* and mileage, and no commission in such case shall be charged.

(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**] *five dollars seventy-five cents*.

For serving or posting any copy or notice thereof, [**the fees and mileage hereinbefore provided**] *seven dollars fifty cents*.

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

For return of nulla bona, [**two dollars**] *five 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**] *five dollars* and mileage, in addition to printer's bills.

For adjourning any sale, [**three dollars**] *five 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 ($\frac{1}{2}\text{¢}$) 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, 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.

(e) For the settlement or staying by the plaintiff of any writ embraced in any section of this act, relating to either lands and tenements or personal property, the execution of the same not being concluded, the sheriff shall receive the same fees for receiving, docketing, and returning, levying and advertising, with mileage and such commission as would be chargeable if sale had been made upon said writ for the amount paid to settle or stay the same, whether such sum be paid to him or to the plaintiff, or a compromise be made between plaintiff and defendant for the future payment of any sum to satisfy the same.

For receiving and docketing each property claim, wage claim, rent claim, or exemption claim, [~~four dollars~~] *six dollars*, to be paid by the claimant upon filing same with the sheriff or his deputy, in addition to any fee collectible by the prothonotary or clerk of any court for filing any notice, petition or rule relating thereto.

For the appraisalment of personal property by virtue of any act of Assembly, or at the lawful request of any party, [~~six dollars~~] *seven dollars* and mileage: Provided, That in any case where the appraisalment of a large quantity of goods or the services of experts shall be required, the sheriff, or any party, may apply by petition to the court, or a judge thereof, having jurisdiction over said matter, setting forth the facts; and said court or judge may make an order fixing the sum to be allowed and paid to the sheriff for the compensation of the appraisers, as the proper cost of making such appraisalment, which sum, so fixed and allowed, shall be taxed as the sheriff's proper legal costs. The plaintiff or petitioner in the proceedings shall pay for the making and filing of any appraisalment required, unless otherwise provided by law.

For notifying the Auditor General of the proposed sale of the property or the franchise of any corporation or joint-stock association, [~~four dollars~~] *five dollars*.

(f) For executing venire facias or venire facias jurotores issued out of

any court, the following items, to be paid by the county:

For receiving, docketing, and making return thereof, on each venire, **[four dollars] five dollars**.

For any services of the sheriff in drawing names of jurors from the jury wheel and summoning such jurors, or summoning any jurors drawn by any jury board or commissioner, the sheriff shall be entitled to charge and receive from the county, one dollar fifty cents and mileage, and necessary expenses, for each juror drawn.

(g) For executing writs of execution, dower, possessionem, or possessory process, requiring the delivery of possession of real estate, or ejecting or dispossessing any person or persons of their effects, **[seven dollars] ten dollars** and mileage, and reasonable costs for help, when necessary to preserve the peace or safeguard property, in addition to the costs of sale when made, to be paid by the party depositing such writ or demanding possession.

(h) For executing any process, warrant, capias, attachment, decree, sentence or order of court, issued out of any court, where any person or the defendant's body is taken into custody, to be paid by the county when the Commonwealth is interested, otherwise by the party procuring such process, writ, order or decree, as follows:

For receiving, docketing, and making return thereof, **[four dollars] five dollars**.

For each arrest, **[three dollars] five dollars** and mileage, in addition to necessary help and expenses, including the compensation of any special deputies required, who shall be paid at the rate of **[ten dollars] thirty dollars** for eight hours' service.

For transportation of all prisoners, **[twelve cents] fifteen cents** per mile per round trip, in addition to necessary help and expenses, including the compensation of any special deputies required, who shall be paid at the rate of **[twenty dollars] thirty dollars** for eight hours' service.

For each commitment to jail, correctional institution, asylum, or place of detention of any juvenile court, in any criminal or civil case, **[one dollar] five dollars**, to be paid by the county, unless otherwise provided by law.

For discharging any person or prisoner from any such place of confinement, in any case, **[one dollar] five dollars**, to be paid by the county.

For executing bail-piece or taking bond in any matter, whether civil or criminal, **[two dollars] five dollars**, to be paid by the person benefited, unless otherwise provided by law.

In addition, the sheriff shall receive for the indictment, in each oyer and terminer case, the sum of **[four dollars] five dollars**; and in each quarter sessions court, or other county court case, the sum of **[two dollars] five dollars**, to be paid by the county.

For each bill ignored by the grand jury, **[two dollars] five dollars**, to be paid by the county.

For each case acted upon by any juvenile court, **[two dollars] five dollars** to be paid by the county.

For each non-support or desertion case acted upon by any court, the sum of **[two dollars] five dollars**, to be paid by the county.

(i) Where the sheriff shall be in charge of any jail or prison or place of detention, he shall be entitled to receive such allowance 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 such institutions, or as said courts or boards may approve, upon itemized bills rendered from time to time, to be paid by such county, in addition to any compensation for his services fixed by law or by any court or official board authorized to fix such compensation.

For removing an insane or weak minded or defective person to any institution for the confinement of any such persons, or any person to the penitentiary, workhouse, Huntingdon Reformatory, or to any charitable institution, or any hospital, school, or home where persons are confined or detained or supported, under any commitment, sentence or order of any court, **[five dollars] ten dollars** on each commitment or order, in addition to mileage and necessary expenses, including the compensation of any special deputies required, who shall be paid at the rate of **[twenty dollars] thirty dollars** for eight hours' service, to be paid by the county unless some other governmental body is chargeable therewith by law: Provided, however, That the mileage for the person in custody, under commitment or order, shall be based upon the miles actually traveled to his or her destination.

(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 thirty dollars per day for the sheriff, and a like sum for each deputy, for each day of 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.

(k) For issuing and recording any license, two dollars, in addition to the license fee, payable to the county or Commonwealth, to be paid by the licensee.

(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 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 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.

(m) For mileage in serving or executing any of the writs, official notices, rules, decrees, orders or processes, or copies thereof, or performing any of the duties or services herein specified or authorized by law, the sheriff shall be entitled to charge and receive, and may tax as official costs, ~~twelve~~ *fifteen* cents a mile circular for each mile necessary to be traveled by him or any of his deputies or employes, and the same shall be allowed upon each separate writ, rule, order, decree, process or notice served, or service performed: Provided, That he shall not receive more than one mileage where the plaintiff and defendant in two or more contemporaneous writs are the same, or when conducting two or more persons or prisoners at one time to or from a place of detention or correction, but he shall also receive the aforesaid mileage for transporting such prisoners and his deputies guarding them, and meals and lodging during the journey and the return of his deputies.

(n) For the executing of any matter directed to the sheriff, or required by law or rule of court, the performance of which is not herein mentioned, the sheriff shall receive the same official fees, commissions and legal costs, including mileage, as for similar service herein specially provided for.

(o) In all cases or proceedings of which the County Court of Allegheny County shall have jurisdiction, the sheriff shall receive the same fees, commissions and costs, including mileage, for official services in connection therewith as for similar services in like proceedings in other courts of the Commonwealth.

Section 2. This act shall take effect in 60 days.

APPROVED—The 28th day of April, A. D. 1978.

MILTON J. SHAPP