

No. 166

AN ACT

Amending the act of June 15, 1937 (P. L. 1743), entitled, as amended, "An act relating to magistrates and magistrates' courts in the city of Philadelphia; imposing certain duties upon, and prohibiting certain practices by, magistrates, and fixing their compensation; imposing certain duties on the city controller in regard thereto; authorizing the employment by him of additional clerks and fixing their compensation; regulating the practice in and defining magistrates' courts, the entering of bail, and the issuance of discharges in criminal cases in the county of Philadelphia; conferring certain powers over magistrates and magistrates' courts; and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the county of Philadelphia, the Attorney General, and the District Attorney; providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates; fixing the salaries of persons employed by authority of this act; providing penalties for violations of the provisions thereof; and repealing certain prior acts," establishing a Traffic Court of Philadelphia, and prescribing its powers and duties and jurisdiction and the magistrates assigned thereto; providing for a seal for the court and the costs taxable therein.

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

Section 1. The act of June 15, 1937 (P. L. 1743), known as the "1937 Magistrates' Court Act," is amended by adding, after section 10, five new sections to read:

Section 10.1. There is established in the city and county of Philadelphia a court not of record to be known as the Traffic Court of Philadelphia. The court hereby created, notwithstanding any provision of the act of May 1, 1929 (P. L. 905), known as "The Vehicle Code," or any other law to the contrary, shall have jurisdiction in all prosecutions for summary offenses, arising under "The Vehicle Code" or any ordinance of the City of Philadelphia enacted pursuant thereto, committed within the limits of the city and county. The chief magistrate shall assign all magistrates to serve as committing magistrates in said court. Each magistrate so assigned shall serve for the period of one month. No magistrate shall be assigned to serve in said court for consecutive months, and no magistrate shall be assigned to said court more than once in every six months.

Section 10.2. All magistrates of the traffic court shall have full and complete jurisdiction and authority to receive and take informations on oath or affirmation of, and subscribed to by, the affiant accusing any person or persons of the commission of any summary offense, arising under "The Vehicle Code" or any ordinance enacted pursuant thereto, committed within the limits of the city and county of Philadelphia and to administer oaths,

Magistrates in
the city of
Philadelphia.

Act of June 15,
1937, P. L. 1743,
amended by
adding sections
10.1, 10.2, 10.3,
10.4 and 10.5.

Traffic Court of
Philadelphia
established.

Jurisdiction.

issue summonses, subpoenas and warrants for the arrest of the accused and hear and decide all such summary offenses and impose the fines and costs of prosecutions imposed by law and to commit to jail in default of the payment thereof or discharge the accused person as the evidence produced at any public hearing or hearings may warrant. Facsimile signature of traffic court magistrates may be used for all purposes in lieu of the original signatures, except on affidavits for warrants of arrest and on the docket of the traffic court. Traffic court dockets shall contain a record of the disposition of every case and where a fine and costs are imposed shall record the amount of said fine and the amount of costs and said docket in all cases, where a summons has been issued, shall, as to each case, be signed by the magistrate making the disposition or in his name by the clerk of the traffic court.

Requirement of open hearing.

Section 10.3. Where a summons has been issued and the defendant has not paid in full the fine and costs set forth in the summons, there shall be no disposition of any case without a hearing held in open court.

Seal.

Section 10.4. The traffic court shall have a seal which shall contain the name of the court and the word "Seal." The seal shall be affixed to all processes, information, summonses, warrants, transcripts and other official certificates issued by or under the order of the court. A facsimile or preprinted seal may be used for all purposes in lieu of the original seal.

Cost and disposition of proceeds except witness fees.

Section 10.5. Costs taxable in proceedings before the traffic court shall include magistrates' fees and other costs as allowed by law which fees and costs shall be paid into the city treasury daily but shall not include witness fees for police officers.

Next to last paragraph, section 11, act of June 15, 1937, P. L. 1743, amended May 9, 1949, P. L. 1028, further amended.

Section 2. The next to last paragraph of section 11 of the act, amended May 9, 1949 (P. L. 1028), is amended to read:

Section 11. * * *

No additional compensation to be paid magistrate.

No magistrate shall receive any additional compensation for acting as committing magistrate at any police station or at any divisional police court or at the traffic court.

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APPROVED—The 14th day of June, A. D. 1957.

GEORGE M. LEADER