

No. 105

AN ACT

HB 128

Relating to the Philadelphia Municipal Court.

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

Section 1. The Philadelphia Municipal Court shall consist of twenty-two judges. The aforesaid complement of judges shall exist exclusive of any judge or judges who have been declared permanently disabled or infirm in accordance with the act of October 19, 1967 (P. L. 453).

Section 2. The annual salary of judges of the Philadelphia Municipal Court who are members of the bar of the Supreme Court shall be twenty thousand dollars (\$20,000) and the annual salary of the judges of the municipal court who are not members of the bar of the Supreme Court shall be sixteen thousand five hundred dollars (\$16,500). The president judge shall receive the additional sum of one thousand dollars (\$1,000) per annum. The salary of said judges shall be paid by the Commonwealth of Pennsylvania in the same manner that the salaries of the judges of the court of common pleas are paid. The salaries provided herein shall relate back to and be payable from July 1, 1969.

Section 3. The grant to the municipal court in clause (v) of subsection (r) of section 16 of the Schedule to the Judiciary Article to the Constitution, of jurisdiction over civil claims involving less than five hundred dollars (\$500), shall extend only to civil claims in trespass and assumpsit, and actions for fines and penalties by any governmental agency involving less than five hundred dollars (\$500) exclusive of interest and costs. Judgment by confession shall not be entered in municipal court. Jurisdiction over civil claims in trespass shall extend to all forms of trespass.

Section 4. The municipal court shall have a seal which shall contain the name of the court and the word "Seal." The seal shall be affixed to all process, 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.

Section 5. The Philadelphia Municipal Court shall be a court of record. Judgment recovered in the said municipal court shall be a lien upon the property of the defendant in the same manner and to the same extent that judgment recovered in the courts of common pleas is a lien. All such judgments shall be indexed in the judgment index or indices of the said county; and it is hereby made the duty of the proper officers to index said judgments in the same manner that judgments in the courts of common pleas are now or hereafter may be indexed.

Section 6. Subject to the rule making power of the Supreme Court, the Philadelphia Municipal Court acting by the judges who are members of the bar of the Supreme Court of Pennsylvania, is empowered to make rules of procedure governing actions before it. Said power shall be deemed to extend to all process, writs, service, pleadings and motions and the practice and procedures including appeals in all actions pending in the court.

Section 7. The municipal court may provide for service of process in civil cases, other than landlord and tenant act process, by any of the following means:

(1) Certified mail, return receipt requested.

(2) Service by the sheriff or writ servers appointed by the municipal court.

(3) By any other method approved by leave of court.

(4) By posting the premises where provided by Act of Assembly.

With respect to (1) and (2) service shall be upon an adult. Execution process shall be served by the sheriff. Service by writ servers appointed by the municipal court shall be as conclusive as a sheriff's service.

Section 8. Service of process in criminal cases shall be made in accordance with the Rules of Criminal Procedure of the Supreme Court. Where personal service is required, it shall be made by the sheriff, police commissioner or district attorney.

Section 9. (a) The fees to be received by the clerk of the Philadelphia Municipal Court in civil actions shall be as follows:

Commencement of any civil action.....\$ 6.00

This composite fee shall include all proceedings from the commencement of the action up to and including the issuance of writs of execution.

Revival or satisfaction of judgment including indexing\$ 3.00

(b) The fees to be received by the clerk of quarter sessions in criminal cases shall be as follows:

Filing complaint including service of summons by certified mail\$ 6.00

(c) The foregoing fee schedule does not cover any costs for services performed by the sheriff, or other writ server. Service of initial process shall be five dollars (\$5.00). All other fees of the sheriff or other writ server shall be in accordance with the sheriff's fee bill applicable to Philadelphia County.

(d) The commencement of any action or proceeding as well as complaints and all writs shall be exempt from any library fee or taxes.

Section 10. The court, upon cause shown, may in a proper case waive payment of filing fees for the commencement of the action or other costs.

Section 11. It shall be the duty of the City of Philadelphia to supply and pay for whatever may be necessary to transact the business of the Philadelphia Municipal Court; to supply all proper judicial chambers,

courtroom accommodations, blank books, legal books, stationery, furniture, equipment and such law books as may be necessary for the use of the judges of the municipal court; and to pay all salaries, (other than that of the judges), expenses and disbursements as are necessary for the operation of said court and it shall be the duty of the council of said city to appropriate annually a sum sufficient to pay such salaries, expenses, and disbursements.

Section 12. The court shall be open at all times for the transaction of business in the County of Philadelphia.

Section 13. All fees and costs received by the clerk of the said court or any employe of said court shall be paid into the treasury of the City of Philadelphia. All fines received by the clerk shall be remitted to the Commonwealth of Pennsylvania, City of Philadelphia, School District of Philadelphia, or otherwise as may be provided by law.

Section 14. The said court is empowered to issue writs of subpoena, including subpoena duces tecum, under its official seal, into any county of the Commonwealth, to summon and bring before the court any person to give testimony in any cause or matter pending before it, under the penalties provided by law.

Section 15. Any clerk of said court shall be empowered to administer oaths or affirmations.

Section 16. Said court shall have the power to open or strike off its judgments, upon proper cause shown, at any time prior to the perfecting of an appeal therefrom; and thereupon a certificate of the order of this court shall be filed in the office of the clerk, by the party in whose favor such order is made, and any lien theretofore obtained by filing a transcript of such judgment shall be thereby removed. Any party aggrieved may appeal such action to the court of common pleas as hereinafter provided.

Section 17. The judges of the municipal court shall have the same power to issue attachments and punish for contempt as the judges of the courts of common pleas of this Commonwealth.

Section 18. The judges of the municipal court exercising jurisdiction under section 16 (r) (iii), of the Schedule to the Judiciary Article, shall have the same jurisdiction in probation and parole arising out of sentences imposed by them, as judges of the courts of common pleas of Philadelphia.

Section 19. Any party may appeal the judgment of the municipal court to the Common Pleas Court of Philadelphia within thirty days of the entry of judgment: Provided, however, That appeals from summary convictions in municipal court shall be governed by the Minor Judiciary Court Appeals Act.

Section 20. A plaintiff may waive a portion of his claim of five hundred dollars (\$500), or over, so as to bring the matter within the jurisdiction of this court. Such waiver shall be deemed revoked if the defendant files an appeal to common pleas court.

Section 21. Costs may follow judgments at the discretion of the court.

Section 22. The procedure for executions sur judgment shall conform to the rules applicable to the common pleas court including sheriff's interpleader proceedings.

Section 23. The judges of the municipal court exercising civil jurisdiction under section 16 (r) (v), of the Schedule to the Judiciary Article, shall have the power to approve a schedule for the payment of any judgment in full or in installments and may order execution stayed during the period of adherence to such schedule: Provided, however, That upon cause shown, said court shall have power to modify or vacate such stay without further notice.

Section 24. The canons of judicial ethics as adopted by the Supreme Court of Pennsylvania shall apply to judges of the municipal court.

Section 25. The municipal court acting through its judges who are members of the bar of the Supreme Court, is empowered to promulgate rules pertaining to the destruction of records of the court.

Section 26. The president judge of the municipal court shall appoint as landlord and tenant officers of the municipal court such number of individuals as shall be necessary and who shall perform the duties heretofore performed by constables under The Landlord and Tenant Act of 1951. Such officers shall possess such qualifications as the judge of the municipal court shall prescribe. The landlord and tenant officers shall serve at the pleasure of the president judge of the municipal court. As compensation for their services, such landlord and tenant officers shall receive from the landlord the fees provided in the constables' fee bill, and only such fees together with court costs may be taxed.

Section 27. The president judge of the municipal court shall appoint as writ servers of the municipal court such number of individuals as shall be necessary to serve civil and criminal process issuing out of said court. Such officers shall possess such qualifications as the judge of the municipal court shall prescribe. The writ servers shall serve at the pleasure of the president judge of the municipal court. As compensation for their services, such writ servers shall receive the fees provided in this act.

Section 28. This act shall take effect immediately.

APPROVED—The 17th day of October, A. D. 1969.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 105.



Raymond P. Shafer
Secretary of the Commonwealth.