

No. 344

AN ACT

HB 825

Amending the act of July 20, 1917 (P.L.1158), entitled "An act to fix, regulate, and establish the fees to be charged and received by constables in this Commonwealth," further regulating fees of constables.

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

Section 1. Section 1, act of July 20, 1917 (P.L.1158), entitled "An act to fix, regulate, and establish the fees to be charged and received by constables in this Commonwealth," amended September 19, 1961 (P.L.1486) and November 10, 1965 (P.L.714), is amended to read:

Section 1. Be it enacted, &c., That, from and after the passage of this act, the fees to be charged and received by constables in this Commonwealth shall be as follows:

For executing a warrant on behalf of the Commonwealth *or a political subdivision thereof*, for each defendant, **[two dollars fifty cents] five dollars plus twelve cents for each mile.**

For conveying defendants, except vagrants, to jail, on mittimus or warrants, for each defendant, **[two dollars fifty cents, and in addition thereto for each mile going and returning, ten cents in cities of the first class, and mileage as hereinafter provided in all other political subdivisions] five dollars plus twelve cents per mile.**

For arresting persons guilty of a breach of the peace, riotous or disorderly conduct, drunkenness, or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens, or violating any ordinance of any borough, *township or political subdivision*, for the violation of which a fine or penalty is imposed, or offending or suspected of offending against the laws of this Commonwealth, protecting timberlands, or the violation of any other law of this Commonwealth authorizing arrest by constable without process, and bringing such offender before a justice of the peace, for each defendant, **[one dollar] five dollars;** and for every act in or about the arrest or commitment of vagrants, **[two dollars fifty cents] five dollars** for each vagrant so arrested, or arrested and committed, and mileage as hereinafter provided.

For levying a fine or forfeiture on a warrant, fifty cents.

For taking the body of a defendant into custody on a **[mittimus] warrant**, where bail is afterwards entered before delivery of body to the jailer, **[two dollars fifty cents] five dollars.**

For executing discharge to jailer, **[two dollars fifty cents] five dollars.**

For executing bail-piece, two dollars fifty cents.

For executing a search-warrant, and making return thereon, one dollar.

For making returns to the court of [quarter sessions] *common pleas*, two dollars and fifty cents.

For serving summons, *complaints*, notices on [referees,] suitor or tenant, either personally or by leaving copy, [two dollars fifty cents for each person served] *five dollars plus one dollar fifty cents for each additional defendant*.

For serving subpoena, in all cases, [one dollar fifty cents for the first witness, and seventy-five cents for each additional witness served] *five dollars for the first witness, plus twelve cents for each mile, plus two dollars for each additional witness*.

[For executing attachment, one dollar fifty cents for each defendant and garnishee served.

For arresting on a *capias*, one dollar for each person arrested.

For taking bail on a *capias*, or for delivery of goods, fifty cents.

For notifying plaintiff where defendant has been arrested on *capias*, to be paid by plaintiff, twenty-five cents.

For serving *capias* execution, two dollars fifty cents.]

For executing landlord's warrant, three dollars.

For taking inventory of goods, each item, two cents.

For levying or distraining goods, [three dollars fifty cents] *including schedule of property levied upon and set aside, fifteen dollars*.

For advertising personal property to public sale, two dollars and fifty cents.

For appraisalment on landlord's distraint, five dollars.

For posting notice of execution sale or sale on landlord's distraint and advertisement, plus actual cost of advertising, five dollars.

For selling goods levied or distrained, [two dollars, and when the same continues longer than three hours, five dollars per day] *ten dollars*.

For clerk hire at said sales, when necessary, [five] *ten* dollars per day.

For watchman taking charge of property levied on, when necessary, [five] *ten* dollars per day, also reasonable expenses of insurance, arranging goods for sale, heat, light, storage, rent, transportation, feeding live-stock, and similar expenses incurred in caring for and keeping goods and chattels levied upon, when the same is necessary and advantageous, or when requested by the plaintiff or defendant to incur such expense.

For receiving and paying over money paid after a levy, without sale, one dollar and fifty cents.

For [copy of vendue paper] *bill of sale*, when demanded, each item two cents.

For putting up notice of distress [at mansion-house, or at any other place] on the premises, fifty cents.

[For serving *scire facias*, either personally or by leaving a copy for each person served, two dollars fifty cents for the first copy, seventy-five cents for each additional copy.

For executing order of removal of a pauper, or paupers, two dollars for each pauper.]

For making return of [*nulla bona or non est inventus*] *no levy or not found* on any [*writ*] *process*, one dollar fifty cents.

[For executing writ of restitution, five dollars.]

For executing [*writ of*] *order for possession*, [*five*] *seven* dollars.

For forcible ejectment on order for possession, twenty-five dollars.

For serving [*summons*] *complaint* in landlord and tenant proceedings, two dollars fifty cents.

For taking inventory of goods on an execution, each item, two cents.

For [*holding appraisal*] *appraising property* where exemption is claimed by defendant, [*four dollars, out of which the constable shall pay to each appraiser*] one dollar.

For traveling expenses in the performance of any duty or service hereinbefore set forth, or in the performance of any other duty or service required by law, each mile going and returning, [*ten cents in cities of the first class, and twelve cents in all other political subdivisions*] *twelve cents* to be computed by the route usually traveled in going from points and places where said constables may reside, or where he receives any paper to be executed, to the points or places required to be traveled: [*whether that route be by highways, railroads, or otherwise*] Provided, That in no case shall more mileage be demanded or received than for the miles actually traveled except that in all political subdivisions other than cities of the first class a minimum fee of one dollar shall be allowed as mileage.

For services not herein specially provided for the same fee may be charged and received as for similar services.

Section 2. This act shall take effect immediately.

APPROVED—The 28th day of December, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 344.



Secretary of the Commonwealth.