

No. 1987-46

AN ACT

HB 362

Amending the act of July 20, 1917 (P.L.1158, No.401), entitled "An act to fix, regulate, and establish the fees to be charged and received by constables in this Commonwealth," further providing for mileage of constables.

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

Section 1. Section 1 of the act of July 20, 1917 (P.L.1158, No.401), referred to as the Constable Fee Law, amended May 9, 1974 (P.L.275, No.78) and October 10, 1974 (P.L.710, No.237), 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, five dollars plus fifteen cents for each mile.

For conveying defendants, except vagrants, to jail, on mittimus or warrants, for each defendant, five dollars plus fifteen cents per mile. *Where more than one defendant is conveyed simultaneously, the constable shall be reimbursed only for the miles actually traveled. In no case shall the constable be reimbursed for the mileage as if each defendant were conveyed separately.*

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, five dollars; and for every act in or about the arrest or commitment of vagrants, 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 warrant, where bail is afterwards entered before delivery of body to the jailer, five dollars.

For executing discharge to jailer, 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 common pleas, two dollars and fifty cents.

For serving summons, complaints, notices on suitor or tenant, either personally or by leaving copy, five dollars plus one dollar fifty cents for each additional defendant.

For serving subpoena, in all cases, five dollars for the first witness, plus fifteen cents for each mile, plus two dollars for each additional witness.

For executing landlord's warrant, three dollars.

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

For levying or distraining goods, 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, ten dollars.

For clerk hire at said sales, when necessary, ten dollars per day.

For watchman taking charge of property levied on, when necessary, ten dollars per day, also reasonable expenses of insurance, arranging goods for sale, heat, light, storage, rent, transportation, feeding livestock, 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 bill of sale, when demanded, each item two cents.

For putting up notice of distress on the premises, fifty cents.

For making return of no levy or not found on any process, one dollar fifty cents.

For executing order for possession, seven dollars.

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

For serving complaint in landlord and tenant proceedings, five dollars.

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

For appraising property where exemption is claimed by defendant, 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, fifteen 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: 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 fifty cents 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 9th day of July, A. D. 1987.

ROBERT P. CASEY