

PRIOR PRINTER'S NO. 223

HOUSE AMENDED

PRINTER'S NO. 1576

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 216 Session of
2001

INTRODUCED BY TARTAGLIONE, BELL, WAGNER, MELLOW, STOUT, MUSTO,
O'PAKE, SCHWARTZ, LAVALLE, HUGHES, COSTA, KASUNIC, BODACK,
BOSCOLA, KUKOVICH AND STACK, JANUARY 31, 2001

AS RE-REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 4, 2001

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 COSTS, FOR COMMONWEALTH PORTION OF FINES AND FOR limitations
4 of actions. <—

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

7 ~~Section 1. Section 5524 of Title 42 of the Pennsylvania~~ <—
8 ~~Consolidated Statutes is amended by adding a paragraph to read:~~

9 SECTION 1. SECTIONS 1725.1 AND 3571(C) OF TITLE 42 OF THE <—
10 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

11 § 1725.1. COSTS.

12 (A) CIVIL CASES.--SUBJECT TO SUBSECTION (F), THE COSTS TO BE
13 CHARGED BY DISTRICT JUSTICES IN EVERY CIVIL CASE, EXCEPT AS
14 OTHERWISE PROVIDED IN THIS SECTION, SHALL BE AS FOLLOWS:

15 (1) ACTIONS INVOLVING \$500 OR

16 LESS..... \$30.00

17 (2) ACTIONS INVOLVING MORE THAN

1	\$500 BUT NOT MORE THAN \$2,000.....	\$40.00
2	(3) ACTIONS INVOLVING MORE THAN	
3	\$2,000 BUT NOT MORE THAN \$4,000.....	\$50.00
4	(4) ACTIONS INVOLVING MORE THAN	
5	\$4,000 BUT NOT MORE THAN \$8,000.....	\$75.00
6	(5) LANDLORD-TENANT ACTIONS INVOLVING	
7	LESS THAN \$2,000.....	\$45.00
8	(6) LANDLORD-TENANT ACTIONS INVOLVING MORE	
9	THAN \$2,000 BUT NOT MORE THAN \$4,000.....	\$55.00
10	(7) LANDLORD-TENANT ACTIONS INVOLVING MORE	
11	THAN \$4,000 BUT NOT MORE THAN \$8,000.....	\$75.00
12	(8) ORDER OF EXECUTION.....	\$22.50
13	(9) OBJECTION TO LEVY.....	\$10.00
14	(10) REINSTATEMENT OF COMPLAINT.....	\$ 5.00

15 SUCH COSTS SHALL INCLUDE ALL CHARGES EXCEPT THE COSTS OF A
16 DISTRICT JUSTICE'S TRANSCRIPT OF EVERY PROCEEDING ON APPEAL OR
17 CERTIORARI (INCLUDING AFFIDAVIT AND CERTIFICATE) WHICH SHALL BE
18 \$2.50 PER TRANSCRIPT. SAID COSTS SHALL NOT INCLUDE, HOWEVER, THE
19 COST OF POSTAGE AND REGISTERED MAIL WHICH SHALL BE BORNE BY THE
20 PLAINTIFF.

21 (A.1) CUSTODY CASES.--EXCEPT AS PROVIDED IN SECTION
22 1725(C)(2)(V) (RELATING TO ESTABLISHMENT OF FEES AND CHARGES)
23 AND SUBJECT TO SUBSECTION (F), IN A CUSTODY CASE, THE COURT OF
24 COMMON PLEAS SHALL, IN ADDITION TO THE COST PROVIDED BY GENERAL
25 RULE, ASSESS A COST OF \$5.00. EIGHTY PERCENT OF THE FUNDS
26 GENERATED BY THE CHARGE UNDER THIS SUBSECTION SHALL BE
27 TRANSMITTED BY THE PROTHONOTARY TO THE ADMINISTRATIVE OFFICE TO
28 PAY FOR THE IMPLEMENTATION OF SECTION 1904 (RELATING TO
29 AVAILABILITY OF CRIMINAL CHARGE INFORMATION IN CHILD CUSTODY
30 PROCEEDINGS).

1 (B) CRIMINAL CASES.--SUBJECT TO SUBSECTION (F), THE COSTS TO
2 BE CHARGED BY THE MINOR JUDICIARY OR BY THE COURT OF COMMON
3 PLEAS WHERE APPROPRIATE IN EVERY CRIMINAL CASE, EXCEPT AS
4 OTHERWISE PROVIDED IN THIS SECTION, SHALL BE AS FOLLOWS:

5 (1) SUMMARY CONVICTION, EXCEPT MOTOR VEHICLE
6 CASES..... \$28.50
7 (2) SUMMARY CONVICTION, MOTOR VEHICLES CASES,
8 OTHER THAN PARAGRAPH (3)..... \$22.50
9 (3) SUMMARY CONVICTION, MOTOR VEHICLE CASES,
10 HEARING DEMANDED..... \$27.50
11 (4) MISDEMEANOR..... \$32.50
12 (5) FELONY..... \$37.50

13 SUCH COSTS SHALL INCLUDE ALL CHARGES INCLUDING THE COSTS OF
14 GIVING A DISTRICT JUSTICE'S TRANSCRIPT TO THE PROSECUTOR OR
15 DEFENDANT, OR BOTH, IF REQUESTED. SUCH COSTS SHALL NOT INCLUDE,
16 HOWEVER, THE COST OF POSTAGE AND REGISTERED MAIL WHICH SHALL BE
17 PAID BY THE DEFENDANT UPON CONVICTION.

18 (C) UNCLASSIFIED COSTS OR CHARGES.--SUBJECT TO SUBSECTION
19 (F), THE COSTS TO BE CHARGED BY THE MINOR JUDICIARY IN THE
20 FOLLOWING INSTANCES NOT READILY CLASSIFIABLE SHALL BE AS
21 FOLLOWS:

22 (1) ENTERING TRANSCRIPT OF JUDGMENT FROM ANOTHER
23 MEMBER OF THE MINOR JUDICIARY..... \$ 5.00
24 (2) MARRYING EACH COUPLE, MAKING RECORD THEREOF,
25 AND CERTIFICATE TO THE PARTIES..... \$25.00
26 (3) GRANTING EMERGENCY RELIEF PURSUANT TO 23 PA.C.S.
27 CH. 61 (RELATING TO PROTECTION FROM ABUSE)..... \$10.00
28 (4) ISSUING A SEARCH WARRANT (EXCEPT AS PROVIDED
29 IN SUBSECTION (D))..... \$10.00
30 (5) ANY OTHER ISSUANCE NOT OTHERWISE PROVIDED FOR

1 IN THIS SUBSECTION..... \$10.00

2 (D) SEARCH WARRANTS.--IN EVERY CASE WHERE A SEARCH WARRANT

3 IS REQUESTED BY A POLICE OFFICER, CONSTABLE OR OTHER PEACE

4 OFFICER ENGAGED AS SUCH IN THE EMPLOY OR SERVICE OF THE

5 COMMONWEALTH OR ANY OF ITS POLITICAL SUBDIVISIONS, NO COST OR

6 CHARGE SHALL BE ASSESSED AGAINST SUCH OFFICER, THE COMMONWEALTH

7 OR POLITICAL SUBDIVISION FOR THE ISSUANCE OF SUCH SEARCH

8 WARRANT.

9 (E) FISH AND BOATING OFFENSES.--

10 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), ANY PERSON

11 CONVICTED OF A SUMMARY OFFENSE UNDER TITLE 30 (RELATING TO

12 FISH) SHALL, IN ADDITION TO THE FINE IMPOSED, BE SENTENCED TO

13 PAY \$10 AS COSTS OF THE ISSUING AUTHORITY WHICH COSTS SHALL

14 INCLUDE ALL CHARGES INCLUDING, WHEN CALLED FOR, THE COSTS OF

15 POSTAGE AND REGISTERED OR CERTIFIED MAIL AND THE COSTS OF

16 GIVING A TRANSCRIPT TO THE PROSECUTOR OR DEFENDANT, OR BOTH,

17 IF REQUESTED.

18 (2) WHERE THE PERSON CHARGED WITH A SUMMARY OFFENSE

19 UNDER TITLE 30 DEMANDS A HEARING, THE COSTS OF THE ISSUING

20 AUTHORITY SHALL BE \$15, WHICH COSTS SHALL INCLUDE ALL CHARGES

21 INCLUDING THE CHARGES SPECIFIED IN PARAGRAPH (1).

22 (F) ANNUAL INCREASE IN COSTS.--BEGINNING ON JANUARY 1, 1994,

23 AND EACH JANUARY 1 THEREAFTER, THE COSTS UNDER SUBSECTIONS (A),

24 (B) AND (C) SHALL BE INCREASED BY THE PERCENTAGE OF INCREASE IN

25 THE CONSUMER PRICE INDEX FOR URBAN WORKERS FOR THE IMMEDIATE

26 PRECEDING CALENDAR YEAR WHICH SHALL BE PUBLISHED IN THE

27 PENNSYLVANIA BULLETIN ANNUALLY BY THE SUPREME COURT ON OR BEFORE

28 THE PRECEDING NOVEMBER 30. THIS SUBSECTION SHALL EXPIRE JANUARY

29 1, [2001] 2010.

30 § 3571. COMMONWEALTH PORTION OF FINES, ETC.

1 * * *

2 (C) COSTS IN DISTRICT JUSTICE PROCEEDINGS.--

3 (1) COSTS COLLECTED BY A DISTRICT JUSTICE SHALL BE
4 TRANSMITTED MONTHLY TO THE COMMONWEALTH IN AMOUNTS AS
5 PRESCRIBED IN SUBSECTION (B) AND THE BALANCE SHALL BE
6 TRANSMITTED MONTHLY TO THE COUNTY IN WHICH THE MAGISTERIAL
7 DISTRICT IS LOCATED. COSTS TRANSMITTED TO THE COMMONWEALTH
8 SHALL BE CREDITED TO THE GENERAL FUND. COSTS TRANSMITTED TO
9 THE COUNTY SHALL BE RETAINED BY THE COUNTY FOR ITS USE.

10 (2) AMOUNTS PAYABLE TO THE COMMONWEALTH:

11 (I) SUMMARY CONVICTION, EXCEPT MOTOR VEHICLE
12 CASES..... \$10.00

13 (II) SUMMARY CONVICTION, MOTOR VEHICLE CASES OTHER
14 THAN SUBPARAGRAPH (III)..... \$10.00

15 (III) SUMMARY CONVICTION, MOTOR VEHICLE CASES,
16 HEARING DEMANDED..... \$10.00

17 (IV) MISDEMEANOR..... \$13.00

18 (V) FELONY..... \$20.00

19 (VI) ASSUMPSIT OR TRESPASS INVOLVING:

20 (A) \$500 OR LESS..... \$12.50

21 (B) MORE THAN \$500 BUT NOT MORE THAN
22 \$2,000..... \$20.00

23 (C) MORE THAN \$2,000 BUT NOT MORE
24 THAN \$4,000..... \$30.00

25 (D) MORE THAN \$4,000 BUT NOT MORE
26 THAN \$8,000..... \$50.00

27 (VII) LANDLORD-TENANT PROCEEDING INVOLVING:

28 (A) \$2,000 OR LESS..... \$20.00

29 (B) MORE THAN \$2,000 BUT NOT MORE THAN
30 \$4,000..... \$25.00

1 (C) MORE THAN \$4,000 BUT NOT MORE THAN
2 \$8,000..... \$35.00
3 (VIII) OBJECTION TO LEVY..... \$ 5.00
4 (IX) ORDER OF EXECUTION..... \$15.00
5 (X) ISSUING A SEARCH WARRANT (EXCEPT AS PROVIDED
6 IN SECTION 1725.1(D) (RELATING TO COSTS))..... \$ 7.00
7 (XI) ORDER OF POSSESSION..... \$15.00

8 (3) IN ALL CASES WHERE COSTS ARE BORNE BY THE COUNTY
9 PURSUANT TO SECTION 1725.2 (RELATING TO ASSUMPTION OF SUMMARY
10 CONVICTION COSTS BY COUNTY), NO SHARE OF SUCH COSTS SHALL BE
11 PAYABLE TO THE COMMONWEALTH.

12 (4) BEGINNING ON JANUARY 1, 1994, AND EACH JANUARY 1
13 THEREAFTER, THE COSTS UNDER PARAGRAPH (2) SHALL BE INCREASED
14 BY THE PERCENTAGE OF INCREASE IN THE CONSUMER PRICE INDEX FOR
15 URBAN WORKERS FOR THE IMMEDIATE PRECEDING CALENDAR YEAR WHICH
16 SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN ANNUALLY BY
17 THE SUPREME COURT ON OR BEFORE THE PRECEDING NOVEMBER 30.
18 THIS PARAGRAPH SHALL EXPIRE JANUARY 1, [2001] 2010.

19 * * *

20 SECTION 2. SECTION 5524 OF TITLE 42 IS AMENDED BY ADDING A
21 PARAGRAPH TO READ:

22 § 5524. Two year limitation.

23 The following actions and proceedings must be commenced
24 within two years:

25 * * *

26 ~~(8) An action to recover damages for injury to a person~~ <—
27 ~~or for the death of a person caused by the exposure to~~
28 ~~asbestos shall be commenced within two years from the date~~
29 ~~the person was informed by a licensed physician that the~~
30 ~~person has an injury which is caused by such exposure.~~

1 (8) AN ACTION TO RECOVER DAMAGES FOR INJURY TO A PERSON <—
2 OR FOR THE DEATH OF A PERSON CAUSED BY EXPOSURE TO ASBESTOS.
3 THE TIME WITHIN WHICH SUCH ACTION MUST BE COMMENCED SHALL BE
4 COMPUTED FROM THE DATE ON WHICH THE PERSON IS INFORMED BY A
5 HEALTH CARE PRACTITIONER WHO IS AUTHORIZED TO PRACTICE SOME
6 COMPONENT OF THE HEALING ARTS BY A LICENSE, PERMIT,
7 CERTIFICATE OR REGISTRATION ISSUED BY A COMMONWEALTH
8 LICENSING AGENCY OR BOARD OR AN EQUIVALENT AGENCY OR BOARD IN
9 ANOTHER STATE THAT THE PERSON HAS BEEN INJURED BY SUCH
10 EXPOSURE OR FROM THE DATE ON WHICH THE PERSON KNEW, OR IN THE
11 EXERCISE OF REASONABLE DILIGENCE, AS DETERMINED BY THE TRIER
12 OF FACT, SHOULD HAVE KNOWN, THAT HE HAD AN INJURY WHICH WAS
13 CAUSED BY SUCH EXPOSURE, WHICHEVER DATE OCCURS FIRST.
14 Section 2 3. This act shall take effect in 60 days. <—