

THE COURTS

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL [246 PA. CODE CH. 100]

Proposed Amendment to Rule 113 Concerning Use of Facsimile Signature

Introduction

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt the following amendment to Rule 113 (Use of Facsimile Signature) of the Rules of Conduct, Office Standards and Civil Procedure for District Justices. Specifically, this amendment would remove from the Rule the list of documents that are required to have an original signature on them.

These proposals have not been submitted for review by the Supreme Court of Pennsylvania. In addition, the Supreme Court does not adopt the Committee's Comments.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through

The Honorable Fred A. Pierantoni, III, Esq.
District Justice
33 Broad Street
Pittston, PA 18640-1883

no later than Tuesday, August 1, 2000.

By the Minor Court Rules Committee

FRED A. PIERANTONI, III,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES PART I. GENERAL

CHAPTER 100. RULES AND STANDARDS WITH RESPECT TO OFFICES OF DISTRICT JUSTICES

Rule 113. Use of Facsimile Signature.

A district justice may authorize the use of a facsimile signature in lieu of an original signature on certain documents listed by the Administrative Office of Pennsylvania Courts. Such list **[shall include, but not be limited to, district justice time payment orders, notices of hearing or judgment and DL-38 forms. An original signature shall be required on all checks, reports, dispositions, affidavits, arrest and search warrants, subpoenas, commitments, complaints, court orders, emergency protection from abuse orders and certifications]** shall be maintained by the Administrative Office of Pennsylvania Courts.

Official Note

Adopted May 3, 1999, imd. effective; **amended** _____, **effective** _____.

REPORT

Proposed Amendments to Pa.Rs.C.P.D.J. 113.

Recently, the Minor Court Rules Committee requested that the Administrative Office of Pennsylvania Courts (AOPC) add the subpoena to the list of documents in which a facsimile signature may be used in lieu of an original signature. However, it was discovered that Rule 113 specifically sets forth that certain documents shall have an original signature on them including a subpoena. Therefore, under the current version of Rule 113, the Court would have to amend the Rule before AOPC could comply with the Committee's request.

Thus, the Committee is proposing that Rule 113 be amended so that it no longer would list certain documents that must have an original signature on them, thereby, alleviating the necessity of amending this Rule every time the Committee requests that AOPC add a new document to the list.

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