

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 238; Judicial Administration Doc. No. 1

Order

Per Curiam:

And now, this 29th day of January, 2002 it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations. The fees outlined in the Financial Regulations are effective one month after publication in the *Pennsylvania Bulletin*.

To the extent that notice of proposed rule-making may be required by Pa.R.J.A. No. 103, the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. No. 103(b) and is effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

TITLE 42. JUDICIARY AND JUDICIAL PROCEDURE

PART IV. FINANCIAL MATTERS

CHAPTER 17. GOVERNANCE OF THE SYSTEM

CHAPTER 35. BUDGET AND FINANCE

Subchapter A. GENERAL PROVISIONS

§ 29.401. Scope.

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, and clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including district justices, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under Section 3502(a) of the Judicial Code, 42 Pa.C.S.

§ 3502(a), the following regulations are adopted to implement Act 113 of 2001, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

§ 29.402. Costs under 42 Pa.C.S.A. § 1725.1.

(a) *Civil cases.*—In calendar year 2002 (effective one month after publication in the *Pennsylvania Bulletin*), the costs to be charged by district justices in every civil case, except as otherwise provided in this section, shall be as follows:

(1) Actions involving \$500 or less	\$38.00
(2) Actions involving more than \$500 but not more than \$2,000	\$50.50
(3) Actions involving more than \$2,000 but not more than \$4,000	\$63.50
(4) Actions involving more than \$4,000 but not more than \$8,000	\$95.00
(5) Landlord-tenant actions involving less than \$2,000	\$57.00
(6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000	\$69.50
(7) Landlord-tenant actions involving more than \$4,000 but not more than \$8,000	\$95.00
(8) Order of execution	\$28.50
(9) Objection to levy	\$13.00
(10) Reinstatement of complaint	\$6.50
(11) Entering Transcript on Appeal or Certiorari	\$3.50

(b) *Criminal cases.*—In calendar year 2002 (effective one month after publication in the *Pennsylvania Bulletin*), the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

(1) Summary conviction, except motor vehicle cases	\$36.00
(2) Summary conviction, motor vehicle cases, other than paragraph (3)	\$28.50
(3) Summary conviction, motor vehicle cases, hearing demanded	\$34.50
(4) Misdemeanor	\$41.50
(5) Felony	\$47.50

(c) *Unclassified costs or charges.*—In calendar year 2002 (effective one month after publication in the *Pennsylvania Bulletin*), the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

(1) Entering transcript of judgment from another member of the minor judiciary	\$6.50
(2) Marrying each couple, making record thereof, and certificate to the parties	\$32.00
(3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse)	\$13.00
(4) Issuing a search warrant (except as provided in subsection (d))	\$13.00
(5) Any other issuance not otherwise provided in this subsection	\$13.00

§ 29.403. Fines under 42 Pa.C.S. § 3571.

In calendar year 2002 (effective one month after publication in the *Pennsylvania Bulletin*), Commonwealth portion of fines, etc.

* * * * *

(2) Amounts payable to the Commonwealth:

(i) Summary conviction, except motor vehicle cases..... \$12.66

(ii) Summary conviction, motor vehicle cases other than subparagraph (iii). \$12.66

(iii) Summary conviction, motor vehicle cases, hearing demanded \$12.66

(iv) Misdemeanor \$16.60

(v) Felony..... \$25.33

(vi) Assumpsit or trespass involving:

(A) \$500 or less \$15.83

(B) More than \$500 but not more than \$2,000 \$25.26

(C) More than \$2,000 but not more than \$4,000 \$38.10

(D) More than \$4,000 but not more than \$8,000 \$63.33

(vii) Landlord-tenant proceeding involving:

(A) \$2,000 or less. \$25.34

(B) More than \$2,000 but not more than \$4,000 \$31.60

(C) More than \$4,000 but not more than \$8,000 \$44.33

(viii) Objection to levy\$6.50

(ix) Order of execution \$19.00

(x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs))\$9.10

[Pa.B. Doc. No. 02-248. Filed for public inspection February 15, 2002, 9:00 a.m.]

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
[204 PA. CODE CH. 211]

Promulgation of Consumer Price Index Pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 237; Judicial Administration Doc. No. 1

Order

Per Curiam:

And now, this 29th day of January, 2002, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2000 as required by Act 113 of 2001, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 211. CONSUMER PRICE INDEX

§ 211.1. Consumer Price Index.

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2000 as required by Act 113 of 2001, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 237 Judicial Administrative Docket No. 1.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U.S. City Average, for calendar year 2000, was 3.4% percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, April 23, 2001.)

[Pa.B. Doc. No. 02-249. Filed for public inspection February 15, 2002, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE
[210 PA. CODE CHS. 31 AND 37]

Amendment to Pa.R.A.P. 3102 and Adoption to New Pa.R.A.P. 3761; No. 135 Appellate; Appellate Court Rules Doc. No. 1

Order

Per Curiam:

Now, this 28th day of January, 2002, upon the recommendation of the Appellate Court Procedural Rules Committee, this Recommendation having been published before adoption at 31 Pa.B. 2470 (May 12, 2001);

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the proposed amendment to Pa.R.A.P. 3102 and new Pa.R.A.P. 3761 are adopted as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 28, 2002.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE III. MISCELLANEOUS PROVISIONS

CHAPTER 31. BUSINESS OF THE COURTS
GENERALLY

IN GENERAL

Rule 3102. Quorum and Action.

(a) *Quorum.* A majority of the Supreme Court and, except as otherwise prescribed in this rule, a panel of three judges of any other appellate court shall be a quorum of the court.

(b) *Absence from panel.* If less than three members of a panel attend a session of the panel, another judge or judges shall be designated to complete the panel if reasonably possible, and if it is not reasonably possible to do so the presiding judge with the consent of the parties present may direct that the matter be heard and determined by a panel of two judges. If the two judges who so heard the matter are unable to agree upon the disposition thereof, the president judge of the court may direct either that the matter be submitted on the paperbooks to a third judge, or that the matter be reargued before a full panel.

(c) *Commonwealth Court evidentiary hearing and election matters.* A single judge of the Commonwealth shall be a quorum of the Court for the purposes of hearing and determining:

(1) Any matter which under the applicable law may be determined in whole or in part upon the record made before the court.

(2) Any election matter.

(3) Any enforcement proceeding under Rule 3761 (relating to enforcement proceedings).

CHAPTER 37. BUSINESS OF THE COMMONWEALTH COURT

Rule 3761. Enforcement Proceedings.

(a) *Petition.* When a government unit seeks to enforce an order issued under a statute which it administers, it may initiate the proceedings by filing a petition to enforce.

(b) *Service.* The petitioner shall serve the petition and order in the manner prescribed by the Pennsylvania Rules of Civil Procedure for service of original process and shall file the return or certificate of service prescribed by the same rules.

(c) *Hearing and Notice.* Upon the filing of a petition to enforce, the court will issue an order setting a date for a hearing and a date by which the respondent must answer the petition. The petitioner shall serve the court's order upon the respondent in the manner prescribed by Rules 121 and 122.

(d) *Relief.* Following the hearing, the court will enter such orders as may be appropriate.

(e) *Discovery.* Discovery shall be allowed only upon leave of court.

Official Note. Rule 3761 (relating to enforcement proceedings) has been promulgated by the Commonwealth Court of Pennsylvania pursuant to authority granted to it by Pa.R.A.P. 104. The rule was made necessary by the opinion issued by the Supreme Court of Pennsylvania in *Pennsylvania Human Relations Commission v. School District of Philadelphia*, 732 A.2d 578 (Pa. 1999), in

which the Court held that the "rules of appellate procedure, rather than the rules of civil procedure, govern enforcement proceedings in Commonwealth Court.

Prior to the Supreme Court ruling in *PHRC*, Commonwealth Court had treated enforcement proceedings as matters resting within the Court's original jurisdiction and thereby governed in part by the rules of Appellate Procedure and in part by the Rules of Civil Procedure. In *PHRC*, the Supreme Court made clear that enforcement proceedings are within Commonwealth Court's appellate jurisdiction and that only the Rules of Appellate Procedure apply. The Supreme Court's ruling left a void, however, because the Rules of Appellate Procedure did not prescribe specific procedures governing enforcement proceedings.

Consistent with *PHRC*, therefore, Rule 3761 was adopted to establish a Rule of Appellate Procedure to codify the practice which the Commonwealth Court had theretofore followed in enforcement proceedings when those proceedings were regarded as matters within the Court's original jurisdiction. This special rule governing Commonwealth Court practice adheres to the Supreme Court's opinion in *PHRC* and should prove to be of benefit to both the bench and bar.

[Pa.B. Doc. No. 02-250. Filed for public inspection February 15, 2002, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Robert R. Hyde having been disbarred on consent from the practice of law in the State of North Carolina by Order dated July 27, 2001, the Supreme Court of Pennsylvania issued an Order on January 31, 2002, disbaring Robert R. Hyde from the Bar of this Commonwealth, effective March 2, 2002. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 02-251. Filed for public inspection February 15, 2002, 9:00 a.m.]