

THE COURTS

Title 255—LOCAL COURT RULES

BERKS COUNTY

Rules of Court; No. 98-8009 Prothonotary; No. 1-MD-2000 Clerk of Courts

Order

And Now, this 16th day of January, 2004, it is hereby *Ordered* that the Berks County Rules of Criminal Procedure Rule [4006] 528 Bail, Rule 531(a)(6)—(9) Qualifications of Surety, Rule [4007] 531c Spouse of Issuing Authority, Rule [4007.1] 537 Professional Bondsman, and Rule [4008] 530 Bail Agency which follow are hereby approved and adopted and made a part of the Berks County Rules of Criminal Procedure for use in the Court of Common Pleas of Berks County, Pennsylvania, the 23rd Judicial District of Pennsylvania, effective thirty (30) days after the publication of the rules in the *Pennsylvania Bulletin*.

It is further *Ordered* that the versions of Berks County Rules of Criminal Procedure Rule [4006] 528, Rule 531(a)(6)—(9), Rule [4007] 531c, Rule [4007.1] 537, and Rule [4008] 530, which existed prior to the date of this Order shall be amended as of the effective date of the within order.

The Clerk of Courts of Berks County is *Ordered* and *Directed* to do the following:

1. Keep copies of this Order, Berks County Rules of Criminal Procedure Rule [4006] 528, Rule 531(a)(6)—(9), Rule [4007] 531c, Rule [4007.1] 537, and Rule [4008] 530, continually available for public inspection and copying;

2. File ten (10) certified copies of this Order and Berks County Rules of Criminal Procedure Rule 4006 528, Rule 531(a)(6)—(9), Rule 4007 531c, Rule 4007.1 537, and Rule 4008 530, with the Administrative Office of Pennsylvania Courts for distribution in accordance with Pa.R.J.A. 103 (c);

3. File two (2) certified copies of this Order and Berks County Rules of Criminal Procedure Rule [4006] 528, Rule 531(a)(6)—(9), Rule [4007] 531c, Rule [4007.1] 537, and Rule [4008] 530, with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

4. File one (1) certified copy of Berks County Rules of Criminal Procedure Rule [4006] 528, Rule 531(a)(6)—(9), Rule [4007] 531c, Rule [4007.1] 537, and Rule [4008] 530, with the Criminal Procedural Rules Committee of the Supreme Court of Pennsylvania;

5. Within three (3) weeks after the publication of these news Rules in the *Pennsylvania Bulletin*, ensure that one copy each of this Order and of Berks County Rules of Criminal Procedure Rule [4006] 528, Rule 531(a)(6)—(9), Rule [4007] 531c, Rule [4007.1] 537, and Rule [4008] 530, as herein approved and adopted are published one time in the *Berks County Law Journal* in suitable form so that they may be incorporated into replacement pages for insertion into the current binder of the Berks County Rules of Court. The effective date of these Berks County Rules of Criminal Procedure, as determined, shall be set forth in the lower right-hand corner of each replacement page; and

6. File one (1) certified copy of this Order and Berks County Rules of Criminal Procedure Rule [4006] 528, Rule 531(a)(6)—(9), Rule [4007] 531c, Rule [4007.1] 537, and Rule [4008] 530, with the Prothonotary of Berks County.

Order

And Now, this 16th day of January, 2004, It is hereby *Ordered* and *Decreed* that the following local Rule for Corporate Surety and Surety Agents in the 23rd Judicial District composed of Berks County be, and the same is, promulgated herewith, to become effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*: that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of Common Pleas of Berks County.

It Is Further Ordered that the Rule Number changes for the following local Bail Rules shall also be effective as provided herein:

Rule [4006] 528 Bail

Rule 531(a)(6)—(9) Qualifications of Surety

(6) *Corporate Surety*.

(a) Every corporate surety company duly authorized to do business in Pennsylvania may become surety on any bail bond required to be filed in the Court provided that a current Certificate of Authority issued to it by the Insurance Department of the Commonwealth of Pennsylvania, evidencing such right, along with the current financial statement, shall be filed with the Clerk of Courts. No bond shall be executed by any corporate surety after May 15th of any year until such a certificate is issued after March 31st of the same year and the financial statement shall have been filed with the Clerk of Courts.

(b) No bond shall be executed by any corporate surety where the aggregate maximum amount of unsettled and outstanding bail forfeitures, as determined by the Berks County Solicitor, is Five Hundred Thousand (\$500,000.00) Dollars. The County Solicitor shall immediately notify the Clerk of Courts, the District Attorney and the District Justices of Berks County, of any corporate surety having reached this maximum limit. The Clerk of Courts and District Justices shall immediately cease executing bonds by the corporate surety. When appropriate financial settlement has been made with the County of Berks, as determined by the County Solicitor, he shall notify the Clerk of Courts and District Justices that execution of bonds by the corporate surety may resume.

(7) *Surety Agents*.

(a) Every agent, acting on behalf of a corporate surety, may execute a bail bond required to be filed in this Court provided that a Power of Attorney issued by the corporate surety setting forth the maximum limit of liability per bail along with proof of licensing by the Insurance Department of the Commonwealth of Pennsylvania, shall be filed with the Clerk of Courts. No bond shall be executed by any surety agent after the expiration of such Power of Attorney until a new Power of Attorney shall have been filed with the Clerk of Courts.

(b) No bond shall be executed by a surety agent of any corporate surety authorized to do business in Berks County where the aggregate maximum amount of unsettled and outstanding bail forfeitures for all corporate sureties for which the surety agent is writing bonds, as determined by the Berks County Solicitor, is Five Hundred Thousand (\$500,000.00) Dollars. The County Solicitor shall immediately notify the Clerk of Courts, the District Attorney and the District Justices of Berks County, of any surety agent having reached this maximum limit. The Clerk of Courts and District Justices shall immediately cease executing bonds by the surety agent. When appropriate financial settlement has been made with the County of Berks, as determined by the County Solicitor, he shall notify the Clerk of Courts and District Justices that execution of bonds by the surety agent may resume.

(8) *Professional Bail Bondsman.*

(a) Every professional bail bondsman, duly authorized to do business in Pennsylvania, may become surety on any bail bond required to be filed in this Court, provided that a Currently valid registration and license from the Insurance Department of the Commonwealth of Pennsylvania, pursuant to 42 Pa.C.S. § 5742, evidencing such right shall be filed with the Clerk of Courts. Every professional bail bondsman must present proof that he or she maintains an office in Berks County from which his or her business is conducted pursuant to 42 Pa.C.S. § 5744, and he or she must post and maintain as security with the Clerk the sum of Fifty Thousand (\$50,000.00) Dollars in United States currency or securities of the United States Government.

(b) No bond shall be executed by any professional bail bondsman where the aggregate maximum amount of unsettled and outstanding bail forfeitures, as determined by the Berks County Solicitor is Five Hundred Thousand (\$500,000.00) Dollars. The County Solicitor shall immediately notify the Clerk of Courts, the District Attorney and the District Justices of Berks County of any professional bail bondsman having reached this maximum limit. The Clerk of Courts and District Justices shall immediately cease executing bonds by the professional bail bondsman. When appropriate financial settlement has been made with the County of Berks, as determined by the County Solicitor, he shall notify the Clerk of Courts and District Justices that execution of bonds by the professional bail bondsman may resume.

(9) *Effective Date.*

This rule shall apply to forfeitures entered on/or after the effective date of this rule.

Rule [4007] 531c Spouse of Issuing Authority

Rule [4007.1] 537 Professional Bondsman

Rule [4008] 530 Bail Agency

By the Court

ARTHUR E. GRIM,
President Judge

[Pa.B. Doc. No. 04-232. Filed for public inspection February 13, 2004, 9:00 a.m.]

LYCOMING COUNTY

Amendments to the Rules of Civil Procedure; Doc.
No. 04-00130

Order

And Now, this 6th day of January, 2004, it is hereby *Ordered and Directed* as follows:

1. Lycoming County Rule of Civil Procedure L903 is rescinded.

2. The new Lycoming County Rule of Civil Procedure L230.2 is adopted.

3. The Prothonotary is directed to:

a. File seven (7) certified copies of this order with the Administrative Office of the Pennsylvania Courts.

b. Forward two (2) certified copies of this order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. Forward one (1) certified copy of this order to the Pennsylvania Civil Procedural Rules Committee.

d. Forward one (1) copy of this order to the *Lycoming Reporter* for publication therein.

e. Forward one (1) copy to the chairman of the Lycoming County Customs and Rules Committee.

f. Keep continuously available for public inspection copies of this order.

4. The rule revisions approved by this order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

KENNETH D. BROWN,
President Judge

L 230.2 Termination of Inactive Cases.

It is the policy of the Lycoming County Court of Common Pleas to terminate cases in which there has been no activity of record for two years or more, in accordance with the Pa.R.C.P. No. 230.2.

A. In January of each year, the prothonotary shall identify cases for termination and send notice in accordance with Pa.R.C.P. No. 230.2.

B. Upon receiving and filing a statement of intention to proceed, the prothonotary shall forward a copy to the District Court Administrator, who may then schedule the matter for a conference pursuant to Lyc. Co. R.C.P. L1007, if appropriate.

[Pa.B. Doc. No. 04-233. Filed for public inspection February 13, 2004, 9:00 a.m.]