

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 19]

Adoption of Rule 1910 of the Rules of Judicial Administration; No. 420 Judicial Administration Doc.

Amended Order

Per Curiam

And Now, this 8th day of January, 2014, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910 of the Pennsylvania Rules of Judicial Administration is adopted in the following form.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. No. 103, the immediate promulgation of Pa.R.J.A. No. 1910 is found to be in the interest of efficient administration.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on July 1, 2014.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

BROADCASTING IN THE COURTROOM

Rule 1910. Broadcasting in the Courtroom.

Unless otherwise provided by the Supreme Court of Pennsylvania, judges should prohibit broadcasting, televising, recording or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions, except that a judge may authorize:

A. the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record or for other purposes of judicial administration;

B. the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings;

C. the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(1) the means of recording will not distract participants or impair the dignity of the proceedings; and

(2) the parties have consented; and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproductions; and

(3) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(4) the reproduction will be exhibited only for instructional purposes in educational institutions[; or].

D. the use of electronic broadcasting, televising, recording and taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or

recesses between sessions of any trial court nonjury civil proceeding, however, for the purposes of this subsection, "civil proceedings" shall not be construed to mean a support, custody or divorce proceeding. Subsection [C and D] (3) and (4) shall not apply to nonjury civil proceedings as heretofore defined. No witness or party who expresses any prior objection to the judge shall be photographed nor shall the testimony of such witness or party be broadcast or telecast. Permission for the broadcasting, televising, recording and photographing of any civil nonjury proceeding shall have first been expressly granted by the judge, and under such conditions as the judge may prescribe in accordance with the guidelines contained in this rule.

Note:

Temperate conduct of judicial proceedings is essential to the fair administration of justice. The recording and reproduction of a proceeding should not distort or dramatize the proceeding.

See the Internal Operating Procedures of the Supreme Court of Pennsylvania and the Commonwealth Court of Pennsylvania regarding broadcasting of proceedings by the Pennsylvania Cable Network.

In implementing this rule, the following guidelines shall apply:

a. *Officers of Court.* The judge has the authority to direct whether broadcast equipment may be taken within the courtroom. The broadcast news person should advise the tipstaff prior to the start of a court session that he or she desires to electronically record and/or broadcast live from within the courtroom. The tipstaff may have prior instructions from the judge as to where the broadcast reporter and/or camera operator may position themselves. In the absence of any directions from the judge or tipstaff, the position should be behind the front row of spectator seats by the least used aisleway or other unobtrusive but viable location.

b. *Pooling.* Unless the judge directs otherwise, no more than one TV camera should be taking pictures in the courtroom at any one time. Where coverage is by both radio and TV, the microphones used by TV should also serve for radio and radio should be permitted to feed from the TV sound system. Multiple radio feeds, if any, should be provided by a junction box outside of the courtroom, such as in the adjacent public hallway. It should be the responsibility of each broadcast news representative present at the opening of each session of court to achieve an understanding with all other broadcast representatives as to who will function at any given time, or, in the alternative, how they will pool their photographic coverage. This understanding should be reached outside the courtroom and without imposing on the judge or court personnel.

Broadcast coverage outside the courtroom should be handled with care and discretion, but need not be pooled.

c. *Broadcast Equipment.* All running wires used should be securely taped to the floor. All broadcasting equipment should be handled as inconspicuously and quietly as reasonably possible. Sufficient file and/or tape capacities should be provided to obviate film and/or tape changes except during court recess. No camera should give any indication of whether it is or is not operating, such as the red light on some studio cameras. No additional lights

should be used without the specific approval of the presiding judge, and then only as he may specifically approve.

d. *Decorum*. Broadcast representatives' dress should not set them apart unduly from other trial spectators. Camera operators should not move tripod-mounted cameras except during court recesses. All broadcast equipment should be in place and ready to function no less than five minutes before the beginning of each session of court.

[Pa.B. Doc. No. 14-1077. Filed for public inspection May 23, 2014, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 11]

Proposed Amendments to Pa.R.A.P. 1115 and 1116

The Appellate Court Procedural Rules Committee proposes to recommend amendments to Pa.R.A.P. 1115 and 1116. This proposal is being submitted for public comments, suggestions, and concerns prior to submission to the Supreme Court.

Proposed new material is in bold face type and deleted material is bracketed and in bold face type.

All communications in reference to the proposed amendment should be sent no later than June 23, 2014 to:

Appellate Court Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Ave., Suite 6200
P. O. Box 62635
Harrisburg, Pennsylvania 17106-2635
or Fax to
(717) 231-9551
or E-Mail to
appellaterules@pacourts.us

An Explanatory Comment precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court
Procedural Rules Committee*

HONORABLE RENÉE COHN JUBELIRER,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 11. APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT

PETITION FOR ALLOWANCE OF APPEAL

Rule 1115. Content of the Petition for Allowance of Appeal.

(a) *General rule*.—The petition for allowance of appeal need not be set forth in numbered paragraphs in the

manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

[(1)] 1. A reference to the official and unofficial reports of the opinions delivered in the courts below, if any, and if reported. Any such opinions shall be appended as provided in [**Paragraph (6) of this subdivision**] **item 6 of paragraph (a) of this rule**.

[(2)] 2. The text of the order in question, or the portions thereof sought to be reviewed, and the date of its entry in the appellate court below. If the order is voluminous, it may, if more convenient, be appended to the petition.

[(3)] 3. The questions presented for review, expressed in the terms and circumstances of the case but without unnecessary detail. The statement of questions presented will be deemed to include every subsidiary question fairly comprised therein. Only the questions set forth in the petition, or fairly comprised therein, will ordinarily be considered by the court in the event an appeal is allowed.

[(4)] 4. A concise statement of the case containing the facts material to a consideration of the questions presented.

[(5)] 5. A concise statement of the reasons relied upon for allowance of an appeal. *See* [**Rule 1114 (considerations governing allowance of appeal)**] **Pa.R.A.P. 1114**.

[(6)] 6. There shall be appended to the petition a copy of any opinions delivered relating to the order sought to be reviewed, as well as all opinions of government units or lower courts in the case, and, if reference thereto is necessary to ascertain the grounds of the order, opinions in companion cases. If an application for reargument was filed in the Superior Court or Commonwealth Court, there also shall be appended to the petition a copy of any order granting or denying the application for reargument. If whatever is required by this paragraph to be appended to the petition is voluminous, it may, if more convenient, be separately presented.

[(7)] 7. There shall be appended to the petition the verbatim texts of the pertinent provisions of constitutional provisions, statutes, ordinances, regulations or other similar enactments which the case involves, and the citation to the volume and page where they are published, including the official edition, if any.

(b) *Caption and parties*.—All parties to the proceeding in the appellate court below shall be deemed parties in the Supreme Court, unless the petitioner shall notify the Prothonotary of the Supreme Court of the belief of the petitioner that one or more of the parties below have no interest in the outcome of the petition. A copy of such notice shall be served on all parties to the matter in the lower court, and a party noted as no longer interested may remain a party in the Supreme Court by filing a notice that he has an interest in the petition with the Prothonotary of the Supreme Court. All parties in the Supreme Court other than petitioner shall be named as respondents, but respondents who support the position of the petitioner shall meet the time schedule for filing papers which is provided in this chapter for the petitioner, except that any response by such respondents to the petition shall be filed as promptly as possible after receipt of the petition.

(c) *No supporting brief*.—All contentions in support of a petition for allowance of appeal shall be set forth in the

body of the petition as provided by [**Paragraph (a)(5) item 5 of paragraph (a)**] of this rule. Neither the briefs below nor any separate brief in support of a petition for allowance of appeal will be received, and the Prothonotary of the Supreme Court will refuse to file any petition for allowance of appeal to which is annexed or appended any brief below or supporting brief.

(d) *Essential requisites of petition.*—The failure of a petitioner to present with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition.

(e) *Multiple petitioners.*—Where permitted by [**Rule 512 (joint appeals)**] Pa.R.A.P. 512 a single petition for allowance of appeal may be filed.

(f) *Length.*—A petition for allowance of appeal shall not exceed 9,000 words. A petition for allowance of appeal that does not exceed 20 pages when produced by a word processor or typewriter shall be deemed to meet the 9,000 word limit. In all other cases, the attorney or the unrepresented filing party shall include a certification that the petition complies with the word count limit. The certificate may be based on the word count of the word processing system used to prepare the petition.

(g) *Supplementary matter.*—The cover of the petition for allowance of appeal and pages containing the table of contents, table of citations, proof of service and anything appended under items 6 and 7 of paragraph (a) of this rule shall not count against the word count limitations of this rule.

Official Note: Former Supreme Court Rule 62 permitted the petitioner in effect to dump an undigested mass of material ([i.e.,] such as briefs in and opinions of the court below) in the lap of the Supreme Court, with the burden on the individual justices and their law clerks to winnow the wheat from the chaff. This rule, which is patterned after U.S. Supreme Court Rule 23, places the burden on the petitioner to prepare a succinct and coherent presentation of the case and the reasons in support of allowance of appeal.

Where an appellant desires to challenge the discretionary aspects of a sentence of a trial court no “petition for allowance of appeal,” as that term is used in these rules, may be filed and the practice is governed by Chapter 9 [**(appeals from lower courts)**]. See note to [**Rule 902 (manner of taking appeal)**] Pa.R.A.P. 902.

Rule 1116. Answer to the Petition for Allowance of Appeal.

(a) *General rule.*—Except as otherwise prescribed by this rule, within 14 days after service of a petition for allowance of appeal an adverse party may file an answer. The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized. The answer need not be set forth in numbered paragraphs in the manner of a pleading, shall set forth any procedural, substantive or other argument or ground why the order involved should not be reviewed by the Supreme Court and shall comply with [**Rule 1115(a)(7) (content of petition for allowance of appeal)**] Pa.R.A.P. 1115(a).7. No separate motion to dismiss a petition for allowance of appeal will be received. A party entitled to file an answer under this rule who does not intend to do so shall, within the time fixed by these rules for filing an answer, file a letter stating that

an answer to the petition for allowance of appeal will not be filed. The failure to file an answer will not be construed as concurrence in the request for allowance of appeal.

(b) *Children’s fast track appeals.*—In a children’s fast track appeal, within 10 days after service of a petition for allowance of appeal, an adverse party may file an answer.

(c) *Length.*—An answer to a petition for allowance of appeal shall not exceed 9,000 words. An answer that does not exceed 20 pages when produced by a word processor or typewriter shall be deemed to meet the 9,000 word limit. In all other cases, the attorney or the unrepresented filing party shall include a certification that the petition complies with the word count limit. The certificate may be based on the word count of the word processing system used to prepare the answer.

Official Note: This rule and [**Rule**] Pa.R.A.P. 1115 contemplate that the petition and answer will address themselves to the heart of the issue, [i.e.] such as whether the Supreme Court ought to exercise its discretion to allow an appeal, without the need to comply with the formalistic pattern of numbered averments in the petition and correspondingly numbered admissions and denials in the response. While such a formalistic format is appropriate when factual issues are being framed in a trial court (as in the petition for review under Chapter 15) such a format interferes with the clear narrative exposition necessary to outline succinctly the case for the Supreme Court in the allocatur context.

Explanatory Comment

In 2013, the Pennsylvania Supreme Court adopted new rules governing the length of appellate briefs and some other appellate papers, establishing word limits for each. Given the narrow focus of petitions for allowance of appeal and answers to petitions, and the current absence of any length limitation on them, the Committee proposes to create word limits for petitions for allowance of appeal and answers to petitions for allowance of appeal by amending Pa.R.A.P. 1115 and Pa.R.A.P. 1116 as follows:

Proposed New Paragraph (f) of Rule 1115

1115(f) *Length.*—A petition for allowance of appeal shall not exceed 9,000 words. A petition for allowance of appeal that does not exceed 20 pages when produced by a word processor or typewriter shall be deemed to meet the 9,000 word limit. In all other cases, the attorney or the unrepresented filing party shall include a certification that the petition complies with the word count limit. The certificate may be based on the word count of the word processing system used to prepare the petition.

Proposed New Paragraph (c) of Rule 1116

1116(c) *Length.*—An answer to a petition for allowance of appeal shall not exceed 9,000 words. An answer that does not exceed 20 pages when produced by a word processor or typewriter shall be deemed to meet the 9,000 word limit. In all other cases, the attorney or the unrepresented filing party shall include a certification that the petition complies with the word count limit. The certificate may be based on the word count of the word processing system used to prepare the answer.

The Committee believes that these limits, which mirror limits for United States Supreme Court petitions for certiorari and answers, will be sufficient to allow petition-

ers and respondents full explication of the reasons for granting or denying a petition for allowance of appeal.

[Pa.B. Doc. No. 14-1078. Filed for public inspection May 23, 2014, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1, 4 AND 10]

Order Rescinding and Replacing Rule 1036 and Adopting New Rule 1036, Amendments to Rules 105, 1000, 1030, 1031, 1032, 1033, 1034, 1035 and 1037, and Approving the Revision of the Comments to Rules 103, 140, 141, 142, 431, 441, 462, 1001 and 1002 of the Rules of Criminal Procedure; No. 450 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 7th day of May, 2014, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 44 Pa.B. 769 (February 8, 2014), and in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 68), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that new Pennsylvania Rule of Criminal Procedure 1036, and the amendments to Pennsylvania Rules of Criminal Procedure 105, 1000, 1030, 1031, 1032, 1033, 1034, 1035, 1037 are adopted and the revision to the Comments to Pennsylvania Rules of Criminal Procedure 103, 140, 141, 142, 431, 441, 462, 1001, and 1002 are approved in the following form.

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART A. Business of the Courts

Rule 103. Definitions.

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Comment

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Neither the definition of law enforcement officer nor the definition of police officer gives the power of arrest to any person who is not otherwise given that power by law.

See Rule 1036 for the definition of hearing officers of the Philadelphia Municipal Court Traffic Division as “issuing authorities” for limited purposes specified in the rule.

The definition of signature was added in 2004 to make it clear when a rule requires a document generated by the minor judiciary or court of common pleas to include a signature or to be signed, that the signature may be in any of the forms provided in the definition. In addition, documents that institute proceedings or require the inclu-

sion of an oath ordinarily are not documents generated by the minor courts or courts of common pleas and therefore any signature required on the document would not be included in this definition of signature; however, in the event such a document is generated by the minor courts or the courts of common pleas, the form of “signature” on this document is limited to handwritten, and the other forms of signature provided in the definition are not permitted.

Included in Chapter 5 Part C of the rules are additional definitions of words and phrases that apply specifically to bail in criminal cases. *See, e.g.*, Rule 524, which defines the types of release on bail.

Official Note: Previous Rules 3 and 212 adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970; present Rule 3 adopted January 31, 1970, effective May 1, 1970; amended June 8, 1973, effective July 1, 1973; amended February 15, 1974, effective immediately; amended June 30, 1977, effective September 1, 1977; amended January 4, 1979, effective January 9, 1979; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended August 12, 1993, effective September 1, 1993; amended February 27, 1995, effective July 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 103 and Comment revised March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended March 3, 2004, effective July 1, 2004; amended April 30, 2004, effective July 1, 2004; amended August 24, 2004, effective August 1, 2005; amended February 4, 2005, effective immediately; amended May 6, 2009, effective immediately; amended June 21, 2012, effective in 180 days; **Comment revised May 7, 2014, effective immediately.**

Committee Explanatory Reports:

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Final Report explaining the May 7, 2014 revision of the Comment cross-referencing the Rule 1036 limited definition of Philadelphia Municipal Court Traffic Division hearing officers as “issuing authorities” published with the Court’s Order at 44 Pa.B. 3065 (May 24, 2014).

Rule 105. Local Rules.

(A) For the purpose of this rule, the term “local rule” shall include every rule, administrative order, regulation, directive, policy, custom, usage, form or order of general application, however labeled or promulgated, which is adopted or enforced by a court of common pleas, by the Philadelphia Municipal Court, or by [**the Philadelphia Traffic Court**] **the Philadelphia Municipal Court Traffic Division** to govern criminal practice and procedure.

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Comment

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The Administrative Office of [**the**] Pennsylvania Courts maintains a web site containing the texts of local rules **at:** <http://www.pacourts.us/T/SpecialCourts/LocalRules.htm>.

The Administrative Office of [**the**] Pennsylvania Courts also maintains a web site containing all local

criminal rules adopted or amended after February 1, 2009 at: <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

Although under paragraph (E)(3) a local rule shall not be effective until at least 30 days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action, the local court may act by specific orders governing particular cases in the interim before an applicable local rule becomes effective.

The purpose of paragraph (I) is to (1) require that all documents presented for filing are accepted by the clerk of courts, also see Rule 576(A)(3), and (2) prevent the dismissal of cases, or the grant or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph (I) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.

After the court has alerted the party to the local rule pursuant to paragraph (I), the court may impose a sanction for subsequent noncompliance either on counsel or the defendant if proceeding *pro se*, but may not dismiss the case, or grant or deny relief because of non-compliance.

Official Note: Rule 6 adopted January 28, 1983, effective July 1, 1983; amended May 19, 1987, effective July 1, 1987; renumbered Rule 105 and amended March 1, 2000, effective April 1, 2001; amended October 24, 2000, effective January 1, 2001; Comment revised June 8, 2001, effective immediately; amended October 15, 2004, effective January 1, 2005; amended September 9, 2005, effective February 1, 2006; amended January 25, 2008, effective February 1, 2009; amended January 30, 2009, effective February 1, 2009; **amended May 7, 2014, effective immediately.**

Committee Explanatory Reports:

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Final Report explaining the May 7, 2014 amendments concerning the transfer of the Philadelphia Traffic Court functions to the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

PART D. Procedures Implementing 42 Pa.C.S. §§ 4137, 4138, and 4139: Criminal Contempt Powers of District Justices, Judges of the Pittsburgh Magistrates Court, and Judges of the Traffic Court of Philadelphia

Rule 140. Contempt Proceedings Before Magisterial District Judges, Pittsburgh Magistrates Court Judges, and Philadelphia Traffic Court Judges.

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Comment

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By Orders dated November 29, 2004, 34 Pa.B. 6507 (December 11, 2004) and February 25, 2005, 35 Pa.B. 1662 (March 12, 2005), the Pennsylvania Supreme Court created an administrative judicial unit referred to as the Pittsburgh Municipal Court and assigned all matters within the jurisdiction of the Pittsburgh Magistrates Court to the Pittsburgh Municipal Court. As a result of these orders, the Pittsburgh Magistrates Court is no longer staffed while the Pittsburgh Municipal Court is staffed by Allegheny County magisterial district judges assigned on a rotating basis. The terminology is retained

in these rules because the Pittsburgh Magistrates Court, which is created by statute, has not been disestablished by the statute.

Pursuant to Act 17 of 2013, P.L. 55, No. 17 (June 19, 2013), the jurisdiction and functions of the Philadelphia Traffic Court were transferred to the Philadelphia Municipal Court Traffic Division. The terminology is retained in these rules because the Philadelphia Traffic Court, which is created by the Pennsylvania Constitution, has not been disestablished by constitutional amendment. Hearing officers of the Philadelphia Municipal Court Traffic Division do not have contempt powers of Philadelphia Traffic Court judges under 42 Pa.C.S. § 4139.

All contempt proceedings under this rule are to be entered on the issuing authority's miscellaneous docket, and a separate docket transcript for the contempt proceeding is to be prepared. If an appeal is taken, the issuing authority is required to forward the transcript and the contempt order to the clerk of courts. *See* Rule 141.

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Official Note: Rule 30 adopted October 1, 1997, effective October 1, 1998; renumbered Rule 140 and amended March 1, 2000, effective April 1, 2001; Comment revised March 26, 2004, effective July 1, 2004; amended March 1, 2012, effective July 1, 2012; **Comment revised May 7, 2014, effective immediately.**

Committee Explanatory Reports:

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Final Report explaining the **March 1, 2012** amendments concerning limitations on punishment for contempt published with the Court's Order at 42 Pa.B. 1367 (March 17, 2012).

Final Report explaining the May 7, 2014 Comment revision concerning the transfer of the Philadelphia Traffic Court functions to the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

Rule 141. Appeals from Contempt Adjudications by Magisterial District Judges, Pittsburgh Magistrates Court Judges, or Philadelphia Traffic Court Judges.

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Comment

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By Orders dated November 29, 2004, 34 Pa.B. 6507 (December 11, 2004) and February 25, 2005, 35 Pa.B. 1662 (March 12, 2005), the Pennsylvania Supreme Court created an administrative judicial unit referred to as the Pittsburgh Municipal Court and assigned all matters within the jurisdiction of the Pittsburgh Magistrates Court to the Pittsburgh Municipal Court. As a result of these orders, the Pittsburgh Magistrates Court is no longer staffed while the Pittsburgh Municipal Court is staffed by Allegheny County magisterial district judges assigned on a rotating basis. The terminology is retained in these rules because the Pittsburgh Magistrates Court, which is created by statute, has not been disestablished by the statute.

Pursuant to Act 17 of 2013, P.L. 55, No. 17 (June 19, 2013), the jurisdiction and functions of the Philadelphia Traffic Court were transferred to the Philadelphia Municipal Court Traffic Division. The

terminology is retained in these rules because the Philadelphia Traffic Court, which is created by the Pennsylvania Constitution, has not been disestablished by constitutional amendment. Hearing officers of the Philadelphia Municipal Court Traffic Division do not have contempt powers of Philadelphia Traffic Court judges under 42 Pa.C.S. § 4139.

As the Pennsylvania Supreme Court stated in *Commonwealth v. McMullen*, 599 Pa. 435, 961 A.2d 842 (2008), legislative limitations on a court's power to sentence for contempt are unconstitutional.

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Official Note: Rule 31 adopted October 1, 1997, effective October 1, 1998; renumbered Rule 141 and Comment revised March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised March 26, 2004, effective July 1, 2004; amended March 1, 2012, effective July 1, 2012; **Comment revised May 7, 2014, effective immediately.**

Committee Explanatory Reports:

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Final Report explaining the **March 1, 2012** amendments regarding limitations on punishment for contempt published with the Court's Order at 42 Pa.B. 1367 (March 17, 2012).

Final Report explaining the May 7, 2014 Comment revision concerning the transfer of the Philadelphia Traffic Court functions to the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

Rule 142. Procedures Governing Defaults in Payment of Fine Imposed as Punishment for Contempt.

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Comment

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By Orders dated November 29, 2004, 34 Pa.B. 6507 (December 11, 2004) and February 25, 2005, 35 Pa.B. 1662 (March 12, 2005), the Pennsylvania Supreme Court created an administrative judicial unit referred to as the Pittsburgh Municipal Court and assigned all matters within the jurisdiction of the Pittsburgh Magistrates Court to the Pittsburgh Municipal Court. As a result of these orders, the Pittsburgh Magistrates Court is no longer staffed while the Pittsburgh Municipal Court is staffed by Allegheny County magisterial district judges assigned on a rotating basis. The terminology is retained in these rules because the Pittsburgh Magistrates Court, which is created by statute, has not been disestablished by the statute.

Pursuant to Act 17 of 2013, P.L. 55, No. 17 (June 19, 2013), the jurisdiction and functions of the Philadelphia Traffic Court were transferred to the Philadelphia Municipal Court Traffic Division. The terminology is retained in these rules because the Philadelphia Traffic Court, which is created by the Pennsylvania Constitution, has not been disestablished by constitutional amendment. Hearing officers of the Philadelphia Municipal Court Traffic Division do not have contempt powers of Philadelphia Traffic Court judges under 42 Pa.C.S. § 4139.

For contempt procedures generally, see Rule 140.

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Official Note: Rule 32 adopted October 1, 1997, effective October 1, 1998; renumbered Rule 142 and amended March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; amended March 1, 2012 effective July 1, 2012; **Comment revised May 7, 2014, effective immediately.**

Committee Explanatory Reports:

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Final Report explaining the May 7, 2014 Comment revision concerning the transfer of the Philadelphia Traffic Court functions to the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART D. Arrest Procedures in Summary Cases

PART D(1). Arrests With a Warrant

Rule 431. Procedure When Defendant Arrested With Warrant.

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(C) Bench Warrants

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(2) When the defendant pays the restitution, [**fin**es] **fine**, and costs, or collateral pursuant to paragraph (C)(1), the police officer shall issue a receipt to the defendant setting forth the amount of restitution, fine, and costs received and return a copy of the receipt, signed by the defendant and the police officer, to the proper issuing authority.

(3) When the defendant does not pay the restitution, [**fin**es] **fine**, and costs, or collateral, the defendant promptly shall be taken before the proper issuing authority when available pursuant to Rule 117 for a bench warrant hearing. The bench warrant hearing may be conducted using two-way simultaneous audio-visual communication.

Comment

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For the procedures in summary cases within the jurisdiction of [**Philadelphia Traffic Court or**] Philadelphia Municipal Court **and the Philadelphia Municipal Court Traffic Division**, see Chapter 10.

Official Note: Rule 76 adopted July 12, 1985, effective January 1, 1986; Comment revised September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; Comment revised January 31, 1991, effective July 1, 1991; amended August 9, 1994, effective January 1, 1995; amended October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999; renumbered Rule 431 and amended March 1, 2000, effective April 1, 2001; amended August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; amended June 30, 2005, effective August 1, 2006; Comment revised March 9, 2006, effective August 1, 2006; **Comment revised May 7, 2014, effective immediately.**

Committee Explanatory Reports:

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Final Report explaining the May 7, 2014 Comment revision changing the cross-reference to the Philadelphia Traffic Court to the Traffic Division of the

Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

PART D(2). Arrests Without a Warrant

Rule 441. Procedure Following Arrest Without Warrant.

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Comment
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For the procedures in summary cases within the jurisdiction of [**Philadelphia Traffic Court** or] Philadelphia Municipal Court and the **Philadelphia Municipal Court Traffic Division**, see Chapter 10.

Concerning an issuing authority's availability, see Rule 117 (Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail).

When the police must detain a defendant pursuant to this rule, 61 P. S. § 798 provides that the defendant may be housed for a period not to exceed 48 hours in "the borough and township lockups and city or county prisons."

Official Note: Rule 71 adopted July 12, 1985, effective January 1, 1986; Comment revised September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; amended August 9, 1994, effective January 1, 1995; amended May 14, 1999, effective July 1, 1999; renumbered Rule 441 and amended March 1, 2000, effective April 1, 2001; amended August 7, 2003, effective July 1, 2004; amended June 30, 2005, effective August 1, 2006; **Comment revised May 7, 2014, effective immediately.**

Committee Explanatory Reports:

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Final Report explaining the May 7, 2014 Comment revision changing the cross-reference to the Philadelphia Traffic Court to the Traffic Division of the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

PART F. Procedures in Summary Cases for Appealing to Court of Common Pleas for Trial De Novo

Rule 462. Trial De Novo.

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Comment
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Paragraph (F) was amended in 2008 to permit a trial judge to delay imposition of sentence in order to investigate a defendant's eligibility for intermediate punishment for certain offenses, including summary violations of 75 Pa.C.S. § 1543(b) [**relating to driving while operating privilege is suspended or revoked**] (**driving while license is under a DUI-related suspension**) but only if he or she meets certain eligibility requirements, such as undergoing a drug and alcohol assessment. Potentially this information may not be available to the trial judge following a trial *de novo* at the time of sentencing.

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For the procedures for appeals from the [**Philadelphia Traffic Court**] **Philadelphia Municipal Court Traffic Division**, see Rule 1037.

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; rescinded March 1, 2000, effective April 1, 2001, and paragraph (G) replaced by Rule 462. New Rule 462 adopted March 1, 2000, effective April 1, 2001; amended March 3, 2000, effective July 1, 2000; amended February 28, 2003, effective July 1, 2003; Comment revised March 26, 2004, effective July 1, 2004; amended January 18, 2007, effective August 1, 2007; amended December 16, 2008, effective February 1, 2009; Comment revised October 16, 2009, effective February 1, [**2009**] **2010; Comment revised May 7, 2014, effective immediately.**

Committee Explanatory Reports:

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NEW RULE 462:

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Final Report explaining the May 7, 2014 Comment revision changing the cross-reference to the Philadelphia Traffic Court to the Traffic Division of the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND [THE PHILADELPHIA TRAFFIC COURT] THE PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

Rule 1000. Scope of Rules.

(A) The rules in this chapter govern all proceedings in the Philadelphia Municipal Court, including summary cases; Municipal Court cases, as defined in Rule 1001(A); the filing of appeals from Municipal Court cases; the filing of petitions for writs of *certiorari*; and the preliminary proceedings in criminal cases charging felonies, Part A, and govern proceedings in summary traffic cases in [**Traffic Court**] **Municipal Court Traffic Division**, Part B.

(B) Any procedure that is governed by a statewide Rule of Criminal Procedure that is not specifically covered in Chapter 10 or by a Philadelphia local rule authorized by these rules and adopted pursuant to Rule 105 shall be governed by the relevant statewide rule.

Comment

The 2004 amendments make it clear that, except as otherwise provided in the rules, Chapter 10 governs all proceedings in the Philadelphia Municipal Court, including the procedures for instituting criminal cases charging felonies, preliminary arraignments, and preliminary hearings. See 42 Pa.C.S. § 1123 (Jurisdiction and Venue).

Official Note: Rule 6000 adopted December 30, 1968, effective January 1, 1969; amended March 28, 1973, effective March 28, 1973; amended July 1, 1980, effective August 1, 1980; renumbered Rule 1000 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended June 30, 2005, effective August 1, 2006; amended September 9, 2005, effective February 1, 2006; **amended May 7, 2014, effective immediately.**

Committee Explanatory Reports:

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Final Report explaining the May 7, 2014 amendments concerning the abolition of the Philadelphia Traffic Court transfer of functions to the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

Rule 1001. Disposition of Criminal Cases—Philadelphia Municipal Court.

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Comment

This rule, which defines “Municipal Court case,” is intended to ensure that the Municipal Court will take dispositive action, including trial and verdict when appropriate, in any criminal case that does not involve a felony, excluding summary cases under the Vehicle Code. The latter are under the jurisdiction of the [**Philadelphia Traffic Court, see 42 Pa.C.S. §§ 1301—1303, 1321**] **Municipal Court Traffic Division, the successor of the Philadelphia Traffic Court, see Act 17 of 2013, P. L. 55, No. 17 (June 19, 2013) and 42 Pa.C.S. §§ 102, 325, 1121, 1127, 1302, 1321.**

Paragraph (D) was added in 2007 in accord with the 1998 amendment to article I, § 6 of the Pennsylvania Constitution that provides that “the Commonwealth shall have the same right to trial by jury as does the accused.” See *Commonwealth v. Hargraves*, 883 A.2d 616 (Pa. Super. 2005), *allocatur denied*, 587 Pa. 711, 898 A.2d 1069 (2006). The filing and service requirement in paragraph (D) must be accomplished as provided in Rule 576. Once a case is bound over to Common Pleas Court, the trial judge may not remand the case to the Municipal Court for any reason, even if the right to jury trial is waived.

Official Note: Present Rule 6001 adopted March 28, 1973, effective March 28, 1973, replacing prior Rule 6001; amended June 28, 1974, effective July 1, 1974; paragraph (C) added February 10, 1975, effective immediately; title amended July 1, 1980, effective August 1, 1980; Comment revised January 28, 1983, effective July 1, 1983; amended June 19, 1996, effective July 1, 1996; amended August 28, 1998, effective immediately; renumbered Rule 1001 and Comment revised March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended January 5, 2007, effective March 6, 2007; amended [**Janury**] **January 27, 2011, effective in 30 days; Comment revised May 7, 2014, effective immediately.**

Committee Explanatory Reports:

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Final Report explaining the May 7, 2014 Comment revision the transfer of functions from the Philadelphia Traffic Court to the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

**PART A. Philadelphia Municipal Court Procedures
Rule 1002. Procedure in Summary Cases.**

* * * * *

Comment

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All summary offenses under the motor vehicle laws and parking violations are under the jurisdiction of the [**Philadelphia Traffic Court. See 42 Pa.C.S.**

§§ 1301—1303, 1321] **Municipal Court Traffic Division, the successor of the Philadelphia Traffic Court, see Act 17 of 2013, P. L. 55, No. 17 (June 19, 2013) and 42 Pa.C.S. §§ 102, 325, 1121, 1127, 1302, 1321.**

Official Note: Rule 6002 adopted June 28, 1974, effective July 1, 1974; amended July 1, 1980, effective August 1, 1980; Comment revised January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended August 9, 1994, effective January 1, 1995; renumbered Rule 1002 and amended March 1, 2000, effective April 1, 2001. Rule 1002 rescinded August 15, 2005, effective February 1, 2006, and replaced by new Rule 1002; amended May 6, 2009, effective February 1, 2010; Comment revised February 12, 2010, effective April 1, 2010; amended December 22, 2010, effective February 20, 2011; **Comment revised May 7, 2014, effective immediately.**

Committee Explanatory Reports:

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Final Report explaining the December 22, 2010 amendments published with the Court's Order at 41 Pa.B. 216 (January 8, 2011).

Final Report explaining the May 7, 2014 Comment revisions concerning the transfer of functions from the Philadelphia Traffic Court to the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

**Part B. Philadelphia [Traffic Court] Municipal Court
Traffic Division Procedures**

Rule 1030. Scope of Summary [Traffic Court] Municipal Court Traffic Division Rules.

Except as provided in these rules or by local rule authorized by these rules, or elsewhere in Chapter 10, all criminal proceedings in which a person is accused of one or more summary traffic offenses only or violations of municipal traffic ordinances shall proceed as provided in Chapter 4 of the Rules of Criminal Procedure.

Comment

These rules were developed in 2005 to accommodate the procedures Philadelphia Traffic Court [**has**] implemented to address the issues in summary traffic cases unique to Philadelphia, to more efficiently handle the vast number of summary traffic cases, and to protect the defendants' rights to a fair and prompt disposition of their cases.

The jurisdiction and functions of the Philadelphia Traffic Court were transferred to the Philadelphia Municipal Court Traffic Division in 2013, see Act 17 of 2013, P. L. 55, No. 17 (June 19, 2013) and 42 Pa.C.S. §§ 102, 325, 1121, 1127, 1302, 1321.

See Rule 105 for the procedures for promulgating local rules.

Official Note: Adopted September 9, 2005, effective February 1, 2006; **amended May 7, 2014, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 35 Pa.B. 5242 (September 24, 2005).

Final Report explaining the May 7, 2014 Comment revision concerning the transfer of functions from the Philadelphia Traffic Court to the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

Rule 1031. Institution of Proceedings in Summary Traffic Cases.

(A) Summary traffic cases in Philadelphia shall be instituted by:

(1) issuing a citation to the defendant as provided in Rules 405—409;

(2) filing a citation with the [**Traffic Court**] **Philadelphia Municipal Court Traffic Division** as provided in Rules 410—414; or

(3) arresting without a warrant when arrest is specifically authorized by law as provided in Rules 440 and 441.

(B) [**The Administrative Judge of Traffic Court, or in the event the position of Administrative Judge is vacant, the Traffic Court President Judge, may provide by local rule, as an exception to the trial notice procedures in Rule 408(B), when a citation is issued to the defendant as provided in Rule 405, that the law enforcement officer also shall give the defendant written notice of the date and time and location set for the summary trial.**] When provided by local rule as an exception to the trial notice procedures in Rule 408(B), the law enforcement officer also shall give the defendant written notice of the date and time and location set for the summary trial when a citation is issued to the defendant as provided in Rule 405.

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Official Note: Adopted September 9, 2005, effective February 1, 2006; amended May 7, 2014, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 35 Pa.B. 5242 (September 24, 2005).

Final Report explaining the May 7, 2014 amendments concerning the transfer of functions from the Philadelphia Traffic Court to the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

Rule 1032. Pleas in Response to Citation.

In addition to the procedures in Rules 407 and 412 for entering a plea in a summary traffic case, the defendant, by means of electronic transmission as provided by local rule, may notify the [**Traffic Court**] **Municipal Court Traffic Division** of his or her plea, and either pay the [**fin**] **fine** and costs or post the requisite collateral.

Comment

See Rule 105 for the procedures for promulgating local rules.

Official Note: Adopted September 9, 2005, effective February 1, 2006; amended May 7, 2014, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 35 Pa.B. 5242 (September 24, 2005).

Final Report explaining the May 7, 2014 amendments concerning the transfer of functions from the Philadelphia Traffic Court to the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

Rule 1033. Procedures When Defendant Arrested with Warrant.

(A) When a defendant is arrested pursuant to a warrant issued as provided in Rule 430, the police officer without unnecessary delay shall take the defendant before the proper issuing authority and shall proceed as provided in this rule and by local rule.

(B) When the defendant appears in person or appears by means of two-way simultaneous audio-video equipment, the judge or [**bail commissioner**] **arraignment court magistrate** shall:

(1) inform the defendant concerning the specific citations to which the defendant has not entered a plea as required by Rules 407 and 412;

(2) inform the defendant concerning the specific citations that have been adjudicated that have outstanding fines or costs for which the defendant is in default of a payment order or a payment plan; and

(3) advise the defendant of the right to retain counsel, and if, in the event of a conviction, there is a reasonable likelihood of a sentence of imprisonment and the defendant does not have the financial ability to retain counsel, advise the defendant that counsel will be appointed by Traffic [**Court**] **Division** as provided in Rule 1035.

(C) When the defendant appears before [**a bail commissioner, the bail commissioner**] **an arraignment court magistrate, the arraignment court magistrate** shall schedule the next court proceeding before the Traffic [**Court**] **Division** and give the defendant a hearing notice or subpoena, set collateral as provided in Rule 1034 and local rule, and release the defendant, or if the defendant is unable to post the collateral, commit the defendant.

(D) When the defendant appears before a Traffic [**Court judge**] **Division judge or hearing officer,**

(1) if the matter is not ready to proceed, the Traffic [**Court judge**] **Division judge or hearing officer** shall schedule the next court proceeding and give the defendant a scheduling order, set collateral as provided in Rule 1034 and local rule, and release the defendant, or if the defendant is unable to post the collateral, commit the defendant.

(2) If the matter is ready to proceed,

(a) when the defendant is arrested pursuant to a warrant issued as provided in Rule 430(A) or (B)(1)(a) or (B)(2), the defendant shall enter a plea. If the defendant pleads guilty, the Traffic [**Court judge**] **Division judge or hearing officer** shall impose sentence. If the defendant pleads not guilty, the summary trial shall be conducted.

(b) When the defendant is arrested following a trial *in absentia* pursuant to a warrant issued as provided in Rule 430(B)(3)(c) and (B)(4),

(i) the Traffic [**Court judge**] **Division judge or hearing officer** shall conduct an immediate hearing to determine defendant's financial ability to pay the full amount due.

(ii) If the Traffic [**Court judge**] **Division judge or hearing officer** determines the defendant is financially unable to pay the full amount due, the judge may order an installment payment plan as provided in Rule 456(C)(2).

(iii) If the judge **or hearing officer** determines the defendant is financially able to pay the full amount due, and that there is a likelihood that imprisonment will be imposed at the conclusion of the hearing, the judge **or hearing officer** shall advise the defendant of the right to retain counsel, and, if the defendant does not have the financial ability to retain counsel, advise the defendant that counsel will be appointed by Traffic [**Court**] **Division** as provided in Rule 1035. A hearing may be held if retained or appointed counsel is available; otherwise, the hearing shall be rescheduled for a date certain, and the defendant shall be released on collateral as provided in Rule 1034.

(iv) At the conclusion of the hearing, the Traffic [**Court judge**] **Division judge or hearing officer** shall proceed as provided in Rule 456(C)(3).

(c) When the defendant is arrested after defaulting on the payment of fine or costs or restitution pursuant to a warrant issued as provided in Rule 430(B)(3)(b) and (B)(4),

(i) the Traffic [**Court judge**] **Division judge or hearing officer** shall conduct an immediate hearing to determine whether the defendant is financially able to pay the outstanding [**fin**] **fine** and costs as previously ordered.

(ii) If the judge **or hearing officer** determines the defendant is financially unable to pay as previously ordered, the judge may issue a revised payment order or payment plan.

(iii) If the judge **or hearing officer** determines the defendant is financially able to pay as previously ordered, and that there is a likelihood that imprisonment will be imposed at the conclusion of the hearing, the judge shall advise the defendant of the right to retain counsel, and if, the defendant does not have the financial ability to retain counsel, advise the defendant that counsel will be appointed by Traffic [**Court**] **Division** as provided in Rule 1035. A hearing may be held if retained or appointed counsel is available; otherwise, the hearing shall be rescheduled for a date certain, and the defendant shall be released on collateral as provided in Rule 1034.

(iv) At the conclusion of the hearing, the Traffic [**Court judge**] **Division judge or hearing officer** shall proceed as provided in Rule 456(C)(3).

(d) When the defendant is arrested on multiple warrants in cases involving both unadjudicated citations and adjudicated citations with outstanding balances, the matter shall proceed as provided in paragraph (D)(2)(a) (summary trial), or paragraphs (D)(2)(b) or (D)(2)(c) (default hearings). These cases may be joined and the proceeding scheduled before the same Traffic [**Court judge**] **Division judge or hearing officer**.

Comment

Pursuant to Philadelphia Municipal Court Local Rule 540 and Traffic [**Court**] **Division** Local Rule 1033, when a defendant is arrested outside the normal business hours of Traffic [**Court**] **Division**, the defendant is to be taken without unnecessary delay before a Philadelphia

Municipal Court [**bail commissioner**] **arraignment court magistrate** who shall proceed as provided in paragraph (C) and in Traffic [**Court**] **Division** Local Rule 1033.

“Proper issuing authority” as used in this rule is the [**traffic court judge or bail commissioner**] **Traffic Division judge or arraignment court magistrate** assigned to conduct these proceedings as provided in this rule, Municipal Court Local Rule 540, and Traffic [**Court**] **Division** Local Rule 1033.

For the procedures for contempt proceedings in Traffic [**Court**] **Division** cases, see Rules 140, 141, and 142.

For the summary appeal procedures, see Rules 460, 461, and 462.

See Rule 105 for the procedures for promulgating local rules.

Official Note: Adopted September 9, 2005, effective February 1, 2006; amended May 7, 2014, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court’s Order at 35 Pa.B. 5242 (September 24, 2005).

Final Report explaining the May 7, 2014 amendments concerning the transfer of functions from the Philadelphia Traffic Court to the Philadelphia Municipal Court published with the Court’s Order at 44 Pa.B. 3065 (May 24, 2014).

Rule 1034. Collateral.

(A) Except as provided in this rule, the procedures for collateral shall be as provided in Rule 452.

(B) When determining the amount of collateral, if any,

(1) if the defendant does not have a prior history of failure to appear for scheduled hearings, or there are other reasonable grounds to believe that the defendant will appear, or the defendant is without adequate resources to deposit collateral, the Traffic [**Court judge or bail commissioner**] **Division judge, hearing officer or arraignment court magistrate** shall consider releasing the defendant on his or her own recognizance, or sign own bail (“SOB”), or on a nominal amount of collateral.

(2) If the defendant has a prior history of failing to appear for Traffic [**Court**] **Division** scheduled hearings, and notice of the hearings was served personally on defendant, the Traffic [**Court judge or bail commissioner**] **Division judge, hearing officer or arraignment court magistrate** may set collateral in an amount not to exceed the collateral that may be required for the payment of defendant’s unadjudicated citations and the balance of outstanding fines and costs owed on adjudicated citations.

Comment

When the collateral is set in a monetary amount, the Traffic [**Court judge or bail commissioner**] **Division judge, hearing officer or arraignment court magistrate** may permit the defendant to be released from custody when 10% of the amount has been posted.

When determining the amount of collateral to set in paragraph (B)(2), the judge [**or bail commissioner**], **hearing officer or arraignment court magistrate** must take into consideration the defendant’s financial

resources and ability to post the amount set. The amount of collateral must be reasonable.

See Rule 105 for the procedures for promulgating local rules.

Official Note: Adopted September 9, 2005, effective February 1, 2006; amended May 7, 2014, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 35 Pa.B. 5242 (September 24, 2005).

Final Report explaining the May 7, 2014 amendments concerning the transfer of functions from the Philadelphia Traffic Court to the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

Rule 1035. Appointment of Counsel.

(A) When the Traffic [Court judge] Division judge or hearing officer has preliminarily determined that there is a likelihood that imprisonment will be imposed at the conclusion of a summary traffic proceeding,

(1) a hearing may be held if retained or appointed counsel is available; or

(2) if the defendant is without financial resources or is otherwise unable to employ counsel, the judge shall continue the proceeding, issue a scheduling order, and either appoint counsel or direct the defendant to report for a financial interview to determine eligibility to court-appointed counsel.

(B) When the defendant reports for the financial interview to determine eligibility to court-appointed counsel, the defendant shall provide supporting documentation, such as a driver's license, a DPW card, pay stubs, and any other relevant information. Upon review of the information provided by the defendant during the financial interview, the Traffic [Court judge] Division judge or hearing officer shall enter an appropriate order.

(C) Counsel's appointment shall terminate at the conclusion of the Traffic [Court] Division proceeding, unless the Traffic [Court] Division judge sentences the defendant to a period of incarceration, in which case, counsel's appointment shall continue through any appeal for a trial *de novo* in the [court of common pleas] Court of Common Pleas.

(D) At the time a sentence is imposed that includes a period of incarceration, if the defendant is represented by private counsel, the Traffic [Court] Division judge shall advise the defendant that, in the event private counsel ceases to represent the defendant after the imposition of the sentence and before the sentence is carried out, if the defendant is unable to afford counsel, he or she has the right to have counsel appointed to represent the defendant to file an appeal for a trial *de novo*, and if appointed, counsel's appointment shall continue through the trial *de novo* in the [court of common pleas] Court of Common Pleas.

Comment

No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 [, 122 S.Ct. 1764, 152 L.Ed.2d 888] (2002), *Scott v. Illinois*, 440 U.S. 367 [,

99 S.Ct. 1158, 59 L.Ed.2d 383] (1979), and *Argersinger v. Hamlin*, 407 U.S. 25 [, 92 S.Ct. 2006, 32 L.Ed.2d 530] (1972).

See Rules 460, 461, and 462 for the procedures for summary case appeals.

Official Note: Adopted September 9, 2005, effective February 1, 2006; amended May 7, 2014, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 35 Pa.B. 5242 (September 24, 2005).

Final Report explaining the May 7, 2014 amendments concerning the transfer of functions from the Philadelphia Traffic Court to the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

Rule 1036. Traffic Court Hearing Officers. (Rescinded).

[(A) The Administrative Judge of Traffic Court, or in the event the position of Administrative Judge is vacant, the President Judge of Traffic Court, may appoint Traffic Court hearing officers to conduct post-hearing proceedings, including but not limited to, establishing or re-establishing payment plans, monitoring compliance with payment plans, holding warrant hearings, and performing additional duties as may be identified by local rule.

(B) The Administrative Judge by local rule shall establish the qualifications and educational requirements for the position of Traffic Court hearing officer.

Comment

See Pa.R.Crim.P. 105 for the procedures for promulgating local rules.]

Official Note: Adopted September 9, 2005, effective February 1, 2006; rescinded and replaced by new Rule 1036.

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 35 Pa.B. 5242 (September 24, 2005).

Final Report explaining the May 7, 2014 rescission of Rule 1036 and adoption of new Rule 1036 published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

(Editor's Note: The following rule is new and printed in regular type to enhance readability.)

Rule 1036. Philadelphia Municipal Court Traffic Division Hearing Officers.

(A) As provided in this rule, Philadelphia Municipal Court Traffic Division hearing officers may be appointed to hear cases and issue adjudications in connection with prosecutions for summary offenses arising under Title 75 (relating to vehicles) and ordinances enacted pursuant to Title 75.

(1) Hearing officers are "issuing authorities" only for purposes of conducting summary trials, accepting pleas, conducting trials *in absentia*, setting collateral, and conducting post-trial proceedings, including but not limited to, establishing or re-establishing payment plans, moni-

toring compliance with payment plans, holding warrant hearings, and performing additional duties as may be identified by local rule.

(2) Hearing officers shall not conduct summary trials or hearings if there is a likelihood that imprisonment will be imposed at the conclusion of a summary traffic proceeding.

(B) The Philadelphia Municipal Court Traffic Division by local rule shall establish the qualifications and educational requirements for the position of Traffic Division hearing officer.

(C) The Code of Conduct for Employees of the Unified Judicial System shall be applicable to the Philadelphia Municipal Court Traffic Division hearing officers.

Comment

The position of “*Philadelphia Municipal Court Traffic Division hearing officer*” was established by legislation in 2013 as part of the transfer of jurisdiction and functions from the Philadelphia Traffic Court to the Philadelphia Municipal Court Traffic Division. See Act 17 of 2013, P. L. 55, No. 17 (June 19, 2013) and 42 Pa.C.S. §§ 102, 325, 1121, 1127, 1302, 1321.

Official Note: New Rule 1036 adopted May 7, 2014, effective immediately.

Committee Explanatory Reports:

Final Report explaining new Rule 1036 concerning hearing officers of the Philadelphia Municipal Court Traffic Division published with the Court’s Order at 44 Pa.B. 3065 (May 24, 2014).

Rule 1037. Appeal from Summary Conviction.

(A) When a defendant appeals after the entry of a guilty plea or a conviction in any **Traffic Division summary proceeding [in the Philadelphia Traffic Court]**, upon the filing of the transcript and other papers by the Traffic [**Court**] **Division**, the Court of Common Pleas may schedule a status or settlement conference prior to the *de novo* summary trial.

(1) In the event the attorney for the Commonwealth or a designee and the defendant reach a negotiated plea, the plea may be entered before a Trial Commissioner and, upon approval by a judge of the Court of Common Pleas, the negotiated sentence will be recorded.

(2) In the event a negotiated plea is not approved by the court, the case shall be heard *de novo* by a judge of the Court of Common Pleas sitting without a jury.

(B) The attorney for the Commonwealth may appear and assume charge of the prosecution. When no attorney appears on behalf of the Commonwealth, the affiant may be permitted to ask questions of any witness who testifies.

(C) In appeals from **Traffic Division** summary proceedings [**in the Philadelphia Traffic Court**], the law enforcement officer who observed the alleged offense must appear and testify. The failure of a law enforcement officer to appear and testify shall result in the dismissal of the charges unless:

(1) the defendant waives the presence of the law enforcement officer in open court on the record;

(2) the defendant waives the presence of the law enforcement officer by filing a written waiver signed by the defendant and defense counsel, or the defendant if proceeding *pro se*, with the clerk of courts; or

(3) the trial judge determines that good cause exists for the law enforcement officer’s unavailability and grants a continuance.

(D) If the defendant fails to appear for the trial *de novo*,

(1) when the appeal is from a mandatory sentence of imprisonment, the Court of Common Pleas judge shall dismiss the appeal, enter judgment in the Court of Common Pleas on the judgment of the Traffic [**Court**] **Division** judge, and issue a bench warrant and a commitment for the defendant. Execution of the sentence shall commence immediately upon defendant’s arrest; and

(2) in all other cases, the Common Pleas Court judge shall dismiss the appeal and enter the judgment in the Court of Common Pleas on the judgment of the Traffic [**Court judge**] **Division judge or hearing officer**.

(E) If the defendant withdraws the appeal, the Court of Common Pleas judge shall enter the judgment in the Court of Common Pleas on the judgment of the Traffic [**Court judge**] **Division judge or hearing officer**.

(F) At the time of sentencing, the Court of Common Pleas judge shall:

(1) if the defendant’s sentence includes a fine or costs and the defendant has the financial means to pay the amount in a single remittance, the judge shall instruct the defendant to make the payment at the Philadelphia [**Traffic Court**] **Municipal Court Traffic Division**. If the defendant is without the financial means to pay the amount in a single remittance, the judge shall instruct the defendant to contact the [**Philadelphia Traffic Court**] **Traffic Division** to establish an installment payment plan;

(2) advise the defendant of the right to appeal to the Superior Court within 30 days of the imposition of sentence, and that, if an appeal is filed, the execution of sentence will be stayed and the judge may set bail;

(3) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period; and

(4) issue a written order imposing sentence, signed by the judge. The order shall include the information specified in paragraphs (F)(1)—(3), and a copy of the order shall be given to the defendant and to the Traffic [**Court**] **Division**.

(G) After sentence is imposed by the Court of Common Pleas judge, and either after the expiration of the time to file an appeal to the appellate courts, or, if a sentence of imprisonment has been imposed, after the execution of the sentence of imprisonment, the case shall be returned to the [**Philadelphia Traffic Court**] **Traffic Division** for the collection of any outstanding [**fin**es] **fine** and costs and for all other appropriate action.

Comment

This rule was adopted in 2009 to provide the procedures for appeals from the [**Philadelphia Traffic Court**] **Traffic Division** to the Court of Common Pleas of the First Judicial District. Except as provided in this rule, the procedures of Rules 460, 461, and 462, governing appeals for a trial *de novo* in summary cases, shall apply to summary case appeals [**in the Philadelphia Traffic Court**] **Traffic Division**.

For purposes of this rule, “judgment” means the determination of guilty and any sentence imposed on the defendant.

The date upon which payment is due upon a sentence of a fine or costs ordinarily will be 30 days following imposition of sentence.

Official Note: Rule 1037 adopted October 16, 2009, effective February 1, [2009] 2010; amended May 7, 2014, effective immediately.

Committee Explanatory Reports:

Final Report explaining new Rule 1037 concerning procedures for the appeal from the Philadelphia Traffic Court published with the Court’s Order at 39 Pa.B. 6327 (October 31, 2009).

Final Report explaining the May 7, 2014 amendments concerning the transfer of functions from the Philadelphia Traffic Court to the Philadelphia Municipal Court published with the Court’s Order at 44 Pa.B. 3065 (May 24, 2014).

FINAL REPORT¹

New Rule 1036; Amendments of Pa.Rs.Crim.P. 105, 1000, 1030, 1031, 1032, 1033, 1034, 1035, 1037; Revisions to the Comments to Pa.Rs.Crim.P. 103, 140, 141, 431, 441, 462, 1001, 1002

Rule Changes in Light of the Abolition of the Philadelphia Traffic Court

On May 7, 2014, effective immediately, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the rescission of current Rule 1036 and the adoption of new Rule 1036, the amendment of Rules 105, 1000, 1030, 1031, 1032, 1033, 1034, 1035, and 1037 and the revision of the Comments to Rules 103, 140, 141, 142, 431, 441, 462, 1001, and 1002 to accommodate the changes to the manner in which traffic offenses are disposed in the First Judicial District in light of the effective abolition of the Philadelphia Traffic Court and the transfer of that court’s functions to the Traffic Division of the Philadelphia Municipal Court.

On June 19, 2013, Act 17 of 2013 was signed into law by the Governor, effectively abolishing the Philadelphia Traffic Court.² By the terms of the Act, most of its functions have been transferred to a new Traffic Division of the Philadelphia Municipal Court. Given that there are numerous statewide rules that discuss procedures in the Traffic Court, correlative changes were necessary. Additionally, certain structural changes, particularly the creation of the new office of hearing officer of the Municipal Court Traffic Division, are incorporated into the rules.

The following rules listed below are affected by this change. Following each rule title is a brief description of the nature of the amendments that have been adopted to accommodate the changes resulting from the Act:

103 (Definitions)

A cross-reference to new Rule 1036 regarding the limited definition of hearing officer as an “issuing authority” under that rule has been added to the Rule 103 Comment;

105 (Local Rules)

Changes the reference to “Traffic Court” in the rule text to conform with the abolition of Traffic Court;

¹ The Committee’s Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee’s Comments or the contents of the Committee’s explanatory Final Reports.

² As the Philadelphia Traffic Court is provided in the Pennsylvania Constitution, a constitutional amendment will be necessary before the Traffic Court is formally abolished in its entirety. That process is ongoing as of the date of this Order.

140 (Contempt Proceedings before Magisterial District Judges, Pittsburgh Magistrates Court Judges, and Philadelphia Traffic Court Judges)

Adds language to the Comment regarding the abolition of the Traffic Court and its impact on contempt powers;

141 (Appeals from Contempt Adjudications Before Magisterial District Judges, Pittsburgh Magistrates Court Judges, and Philadelphia Traffic Court Judges)

Adds language to the Comment regarding the abolition of the Traffic Court and its impact on contempt powers;

142 (Procedures Governing Defaults in Payment of Fine Imposed as Punishment for Contempt)

Adds language to the Comment regarding the abolition of the Traffic Court and its impact on contempt powers;

431 (Procedures When Defendant Arrested with Warrant)

Changes the reference to “Traffic Court” in the Comment to conform with the abolition of Traffic Court;

441 (Procedures Following Arrest Without Warrant)

Changes the reference to “Traffic Court” in the Comment to conform with the abolition of Traffic Court;

462 (Trial De Novo)

Changes the reference to “Traffic Court” in the Comment to conform with the abolition of Traffic Court;

Chapter 10 (Rules of Criminal Procedure for the Philadelphia Municipal Court and the Philadelphia Traffic Court)

Changes the title of the Chapter;

1000 (Scope of Rules)

Changes the reference to “Traffic Court” in the rule text to conform with the abolition of Traffic Court;

1001 (Disposition of Criminal Cases—Philadelphia Municipal Court)

Changes the reference to “Traffic Court” in the Comment to conform with the abolition of Traffic Court;

1002 (Procedures in Summary Cases)

Changes the reference to “Traffic Court” in the Comment to conform with the abolition of Traffic Court;

Chapter 10 Part B (Philadelphia Traffic Court Procedures)

Changes the title of the Part;

1030 (Scope of Summary Traffic Court Rules)

Changes the Rule title and adds a Comment provision regarding the abolition of the Traffic Court and transfer of function and jurisdiction to the Traffic Division;

1031 (Institution of Proceedings in Summary Traffic Cases)

Reorganizes the structure of paragraph (A) of the rule to remove references to the Administrative Judge of Traffic Court;

1032 (Pleas in Response to Citation)

Changes the court’s name in the rule text;

1033 (Procedures When Defendant Arrested with Warrant)

Changes the court’s name and the terminology of the presiding officers in the rule text and Comment;

1034 (Collateral)

Changes the court’s name and the terminology of the presiding officers in the rule text and Comment;

1035 (Appointment of Counsel)

Changes the court's name and the terminology of the presiding officers in the rule text;

1036 (Traffic Court Hearing Officers)

New rule describing appointment, qualifications, and duties of Traffic Division Hearing Officers;

1037 (Appeals from Summary Convictions)

Changes the court's name and the terminology of the presiding officers in the rule text and Comment.

The majority of the rule changes are correlative changes to terminology resulting from the transfer of the Traffic Court functions to the Traffic Division of the Philadelphia Municipal Court.

However, one significant change is the creation of the office of hearing officer of the Philadelphia Municipal Court Traffic Division. The position was created by Act 17 as the primary officer for proceedings before the Traffic Division. The Committee has worked closely with representatives of the First Judicial District, the Administrative Office of the Pennsylvania Courts, and the Minor Judiciary Education Board to develop the rules defining this new position. As a result of these efforts, original Rule 1036, which provided for the hearing officers of the Philadelphia Traffic Court, has been rescinded and replaced by a new Rule 1036 that provides for the appointment, qualifications, and duties of Philadelphia Municipal Court Traffic Division hearing officers.

As set forth in the Rule 1036 Comment, hearing officers are defined as "issuing authorities" for the limited purposes of the proceedings in the Traffic Division. These hearing officers are required to follow the Pennsylvania Rules of Criminal Procedure and the correlative local rules, except that they are precluded from conducting trials or hearings in which there is a likelihood of imprisonment. Consistent with Act 17, hearing officers may be either lawyers or non-lawyers. Rule 1036 mandates that the hearing officers be governed by the Code of Conduct for Employees of the Unified Judicial System. Finally, the new rule provides that the responsibility for hearing officer training would be developed by local rule, which is consistent with Act 17.

[Pa.B. Doc. No. 14-1079. Filed for public inspection May 23, 2014, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Amendment of Philadelphia Municipal Court Local Criminal Rule 540; President Judge Administrative Order No. 1 of 2014

Order

And Now, this 9th day of May, 2014, the Board of Judges of the Philadelphia Municipal Court having voted, at the Board of Judges' meeting held on May 9, 2014, to amend Philadelphia Municipal Court Local Criminal Rule 540, *It Is Hereby Ordered* that Philadelphia Municipal Court Local Criminal Rule 540 is amended as follows.

As required by Pa.R.Crim.P. No. 105(D), the proposed amended rule has been submitted to the Supreme Court's

Criminal Procedural Rules Committee for review and written notification has been received from the Committee certifying that the proposed amended rule is not inconsistent with any general rule of the Supreme Court. The original Administrative Order and amended local rule shall be filed with the Office of Judicial Records in a docket maintained orders issued by the President Judge of the Philadelphia Municipal Court, and, as required by Pa.R.Crim.P. No. 105(E), two certified copies of this Administrative Order and amended local rule as well as a copy on a computer diskette shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The amendment to Philadelphia Municipal Court Local Criminal Rule 540 will become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. As required by Pa.R.Crim.P. No. 105(F) one certified copy of this General Court Regulation and amended local rules shall be filed with the Administrative Office of Pennsylvania Courts and the local rule will also be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District's website at <http://courts.phila.gov>. Copies of this Order and amended local rules shall be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE MARSHA H. NEIFIELD,
President Judge
Philadelphia Municipal Court

Philadelphia Municipal Court Local Criminal Rule 540

A. Procedure When a Defendant Is Arrested Pursuant to Traffic [Court] Division Warrants When the Traffic [Court] Division is Closed.

1. The defendant shall be taken without unnecessary delay to a Philadelphia Police Offender Processing site or county prison. The defendant shall be identified, and the outstanding warrant(s) and total amount of any fine and costs owed shall be confirmed.

2. The defendant shall appear before [the Bail Commissioner] an Arraignment Court Magistrate by means of two-way simultaneous audio-video equipment for a warrant hearing. The proceeding before the [Bail Commissioner] Arraignment Court Magistrate shall be as set forth below in paragraph (B).

B. Proceeding Before the [Bail Commissioner] Arraignment Court Magistrate. Warrant Hearing. Scheduling of Traffic [Court] Division proceeding.

1. The [Bail Commissioner] Arraignment Court Magistrate shall determine whether the defendant should be released pending the next Traffic [Court] Division hearing, and if so, whether collateral must be posted by the defendant to secure defendant's release pending the next Traffic [Court] Division hearing. If the [Bail Commissioner] Arraignment Court Magistrate determines that collateral must be posted, the [Bail Commissioner] Arraignment Court Magistrate shall set collateral as provided in Pa.R.Crim.P. 1034.

2. The [Bail Commissioner] Arraignment Court Magistrate shall schedule a hearing before the Traffic [Court] Division using a Subpoena/Commitment form.

3. The defendant shall sign the Subpoena/Commitment form and shall be given a copy.

4. If the posting of collateral is ordered and is not posted by or on behalf of the defendant, the defendant shall be brought to the county prison and shall be brought down for the scheduled Traffic [Court] Division proceeding. Provided, however, that the defendant shall be released promptly upon the posting of the collateral set by the [Bail Commissioner] Arraignment Court Magistrate.

5. At the conclusion of the hearing, the [Bail Commissioner] Arraignment Court Magistrate shall direct that all outstanding Traffic [Court] Division warrants against the defendant be withdrawn.

Comment: Consistent with Pa.R.Crim.P. 1034 the [Bail Commissioner] Arraignment Court Magistrate shall set collateral in a reasonable amount, i.e. an amount which upon consideration of the defendant's income and the defendant's expenses may be reasonably posted by the defendant. It is the intention of the court that most, if not all, defendants will be released pending the date of the summary trial or hearing. However, should the records of the Traffic [Court records] Division disclose that the defendant has a history of failure to appear for Traffic [Court] Division summary trials or hearings, especially after personal service of the notice of trial or scheduling order, the [Bail Commissioner] Arraignment Court Magistrate may direct that the defendant be held until the summary trial or hearing date and may be released only upon payment of the full amount of collateral or outstanding fines. Should the defendant be ordered held until the date of the summary trial or hearing, the summary trial or hearing should be scheduled as soon as practical.

Note: Amended by the Municipal Court Board of Judges on January 18, 2006, effective on March 1, 2006; amended May 9, 2014, and effective on , 2014.

[Pa.B. Doc. No. 14-1080. Filed for public inspection May 23, 2014, 9:00 a.m.]

PHILADELPHIA COUNTY

Order Rescinding and Replacing Philadelphia Traffic Court Local Rule 1036 and Adopting New Municipal Court Traffic Division Local Rules 1036 and 1037, and Amending Current Traffic Court Local Rules 106, 120, 121, 454, 1030, 1031, 1032, 1033, 1034 and 1035; Administrative Order No. 01 of 2014

Order

And Now, this 8th day of May, 2014, upon consideration of the order of the Supreme Court of Pennsylvania dated May 7, 2014, which rescinded and replaced Pa.R.Crim.P. 1036 and adopted new Pa.R.Crim.P. 1036, amended Pa.Rules Crim.P. 105, 1000, 1030, 1031, 1032, 1033, 1034, 1035, and 1037 and approved the revision of the Comments to Pa.Rules Crim.P. 103, 140, 141, 142, 431, 441, 462, 1001, and 1002 in order to implement the provisions of Act 17 of 2013, it is hereby Ordered, Adjudged and Decreed that the previously referenced

Philadelphia Traffic Court Local Rules are rescinded, adopted and amended as set forth in the following exhibit.

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1; and with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended. As required by Pa.R.Crim.P. No. 105(D), this Order has been submitted to the Supreme Court's Criminal Procedural Rules Committee for review and written notification has been received from the Committee certifying that the rules adopted or amended by this Order are not inconsistent with any general rule of the Supreme Court. This Order shall be filed with the Office of Judicial Records in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and, as required by Pa.R.Crim.P. No. 105(E), two certified copies of this Order and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Order will become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. As required by Pa.R.Crim.P. No. 105(F) one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts and will also be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District's website at <http://courts.phila.gov>. Copies shall be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE GARY S. GLAZER,
Administrative Judge
Traffic Division

Philadelphia Municipal Court Traffic Division Local Rules

Local Rule 106. Continuance Policy.

(a) *General Rule.* All continuance requests shall:

(1) be in writing, on a court-approved form substantially in the format set forth below;

(2) include the citation number and the date, time, and, if applicable, the courtroom it is listed for; and

(3) specifically state the reasons for the request.

Documentation substantiating the request for the continuance (i.e. proof of necessary hospitalization, pre-paid vacation, military service, etc.) must be submitted.

(b) *Timing of request.* All requests for continuance must be received by the Philadelphia Municipal Court Traffic Division at least 48 hours before the date set for the trial or hearing. A later request shall only be granted if the defendant or defendant's attorney of record establishes that the cause for the continuance request did not previously exist, or that the defendant was not aware of the grounds for the request, or the interests of justice require it.

(c) *Address Where Continuance Requests are to Be Mailed or Delivered.* All requests for continuances are to be mailed or delivered to the Philadelphia Municipal Court Traffic Division, 800 Spring Garden, Philadelphia,

PA 19123. All requests for continuances shall be assigned to the Administrative Judge or his/her designee who shall rule on the request, in writing, and shall state the reasons for the grant or denial of the continuance.

(d) *Requests For Continuance on the Trial Date.* All requests for continuances on the day of the summary trial or hearing shall be in writing, on the court-approved form, and shall be presented to the presiding judge or Traffic Division hearing officer. All such requests shall be denied unless the defendant or the defendant's attorney of record establishes that the cause for the continuance request did not previously exist, or that the defendant was not aware of the grounds for the request, or the interests of justice require it. The presiding judge or

Traffic Division hearing officer shall rule on the request, in writing, and shall state the reasons for the grant or denial of the continuance.

Comment: Continuance requests must be made timely to enable the Court to review and properly rule on them. The Court may entertain written requests from unrepresented parties if not made on the court-approved form as long as the required information is provided. Documentations ought to be provided as necessary. Continuance requests may be disposed administratively.

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014. effective _____, 2014.

**REQUEST FOR CONTINUANCE FORM
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania : Citation No(s).
vs. :

Defendant :

REQUEST FOR CONTINUANCE

Defendant's Name			Date of Birth
Address	City	State	Zip
Name of Defendant's Attorney (If any)			Attorney ID #
Office Address	City	State	Zip
Electronic Mail Address of Attorney:			
Date of Trial-Hearing	Time	Courtroom (If Available)	<input type="checkbox"/> Check Box if a Scheduling Order was issued for the trial/hearing being continued.
Reason for Request for Continuance (Attach all necessary documentation)			

I verify that the statements made herein are true and correct, and that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Signature of Defendant/ Defendant's Attorney _____ Date: _____

ORDER

Continuance Granted. Reason:

Continued Date	Time	Courtroom	Location 800 Spring Garden Street Philadelphia, PA
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Continuance Denied. Reason:

BY THE COURT:

Date: _____

HEARING OFFICER/JUDGE

Local Rule 120. Attorneys—Appearances and Withdrawals.

(a) *Entry of Appearance.*

(1) Counsel for defendant shall file with the Attorney Filing Unit an entry of appearance (see form which follows this Local Rule), identifying the citations for which counsel has been retained. The entry of appearance shall include the attorney’s office address and electronic mail address, phone number, and the Supreme Court attorney identification number. An entry of appearance seeking to limit representation to a specific hearing shall not be accepted.

(2) When counsel is appointed pursuant to Pa.R.Crim.P. 1035, Appointment of Counsel, the filing of the appointment order shall enter the appearance of appointed counsel.

(3) Counsel shall not be provided any defendant information unless an Entry of Appearance is filed with the Attorney Filing Unit.

(4) An attorney who has been retained by a defendant and entered an appearance as provided in this rule shall continue such representation in the Traffic Division until granted leave to withdraw by the court pursuant to paragraph (b). An attorney who has been appointed by the court pursuant to Pa.R.Crim.P. 1035 shall continue representation as provided in Local Rule 1035.

(b) *Withdrawal of Appearance.* Counsel for a defendant may not withdraw his or her appearance except by leave of court. The request shall be in writing (see form which follows this Local Rule), or may be made orally in open court in the presence of the defendant. The Court may grant the request to withdraw when new counsel enters an appearance, when new counsel is appointed to represent the defendant, or when the defendant intelligently waives the right to counsel.

Comment: The entry of appearance process has been problematic in Traffic Division proceedings. This Local Rule is designed to advise all parties that counsel must enter an appearance as a precondition to representation of Traffic Division defendants. Traffic Division will not provide defendant information to counsel until an entry of appearance is filed. Counsel is not permitted to enter an appearance for a limited purpose—i.e. representation for a warrant hearing, or impoundment hearing and the like. Rather, counsel must enter an appearance in connection with all proceedings in the Traffic Division and must officially withdraw from the case to be relieved of further legal obligations at the Traffic Division level.

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014. effective _____, 2014.

ENTRY OF APPEARANCE FORM

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

ENTRY OF APPEARANCE

Commonwealth Of Pennsylvania
vs.

Citation Number(s):

Defendant’s Name

Date of Birth: _____

TO THE CLERK OF COURT:

Enter my appearance for Defendant in connection with the above citations.

Name of Attorney (Please Print): _____

Office Address of Attorney: _____

Electronic Mail Address of Attorney: _____

Phone Number: _____ Attorney I.D. No.: _____

Signature of Attorney: _____ Date: _____

REQUEST FOR LEAVE TO WITHDRAW AS COUNSEL FORM

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania
vs.

Citation No(s).

Defendant

REQUEST FOR LEAVE TO WITHDRAW AS COUNSEL

Defendant's Name			Date of Birth
Address	City	State	Zip
Name of Defendant's Attorney			Attorney ID #
Office Address	City	State	Zip
Electronic Mail Address of Attorney:			
Date of Trial	Time	Courtroom (If Available)	
Reason for Request to Withdraw (Attach all necessary documentation)			
Defendant's Position			

I verify that the statements made herein are true and correct, and that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: _____

Signature Defendant's Attorney

ORDER

Counsel's request to withdraw as counsel for the Defendant is:

- Granted. Reason:
- Denied. Reason:

BY THE COURT:

Date: _____

HEARING OFFICER/JUDGE

Local Rule 121. Waiver of Counsel.

The Waiver of Counsel Form executed by a defendant pursuant to Pa.R.Crim.P. 121 shall be as follows:

WAIVER OF COUNSEL FORM

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

WAIVER OF COUNSEL

Commonwealth Of Pennsylvania
vs.

Citation Number(s):

Defendant's Name

Date of Birth: _____

I hereby state and affirm that I have been advised and that I understand that:

I have the right to be represented by counsel, and the right to have free counsel appointed if I cannot afford one; if I am convicted my operating privileges license could be suspended, and that if I am convicted I may receive a prison sentence; if I waive the right to counsel, I will still be bound by all the normal rules of procedure and that counsel would be familiar with these rules; there are possible defenses to these charges that counsel might be aware of, and if these defenses are not raised at trial, they may be lost permanently; and that, in addition to defenses, that I may have many rights that, if not timely asserted, may be lost permanently; and that if errors occur and are not timely objected to, or otherwise timely raised by me, these errors may be lost permanently.

and I choose to act as my own attorney in connection with the summary trial or hearing for the citation(s) listed above. I further state and affirm that my waiver is made knowingly, voluntarily, and intelligently.

Defendant

Date

I certify that the defendant's waiver was made knowingly, voluntarily and intelligently.

Date

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014. effective _____, 2014.

Local Rule 454. Trial in Summary Cases. Role of the Affiant. Sentencing Orders.

(a) *Summary Trial.* The summary trial shall be conducted by Traffic Division judges and hearing officers as provided by Pa.R.Crim.P. 454 and 1036. At the conclusion of the summary trial, the judge or hearing officer shall sign the docket of the Traffic Division, identifying the disposition and the amount of the fine and costs imposed, if any. No facsimile signature may be used to sign the docket of the Traffic Division.

(b) *Evidence.*

(1) The law enforcement officer who issued or filed the citation need not appear for the summary trial. The defendant shall be advised of the charges in the citation.

(2) Any authorized user of the Pennsylvania Justice Network ("JNET") may produce and offer to the Court the defendant's certified driving record, as necessary.

(3) The attorney for the Commonwealth may appear and assume charge of the prosecution or, when no attorney appears on behalf of the Commonwealth, an affiant may assume charge of the prosecution and may be permitted to ask questions of any witness who testifies. Such affiant may request, in open court, that the Traffic Division judge or hearing officer permit the withdrawal of one or more of the charges pursuant to Pa.R.Crim.P. 457. If the Traffic Division or hearing officer judge authorizes the withdrawal of one or more of the charges, such withdrawal(s) shall be noted on the docket of the Traffic Division.

(c) *Sentencing Orders.* Every defendant shall be given a copy of the written order imposing sentence issued as required by Pa.R.Crim.P. 454(E). The Traffic Division judges and hearing officers shall use sentencing orders substantially in the form set forth below whenever a period of incarceration is entered as part of the sentence.

Comment: Unless otherwise required, for purposes of conducting summary trials and proceedings under Title 75, the Municipal Court Traffic Division is a court not of record and neither a court reporter or other electronic means shall be used to record or transcribe the testimony except as provided in Pa.R.Crim.P. 112. The Traffic Division may, however, direct that proceedings conducted before hearing officers be recorded solely for quality control purposes. These recordings shall not be deemed a public record and shall not be available, discoverable or offered in evidence in any proceeding.

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on effective _____, 2014.

SENTENCING ORDER FORMS

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania	Judge
vs.	Courtroom
Defendant	Citation Number(s)
A/K/A _____	
PP# _____	Date of Birth _____

**ORDER IMPOSING SENTENCE
(Default of Payment Plan—Pa.R.Crim.P. No. 456)**

AND NOW, this _____ day of _____, 20____, the Court finds that the above named Defendant has been previously ordered to pay certain fines and costs in connection with the above-referenced Traffic Citations, as disclosed on the attached print-out. After a hearing, the Court finds that Defendant has, and had, the financial ability to pay as previously ordered by the Traffic Court, but failed to pay as ordered. The Court finds that Defendant owes the sum of \$ _____ in connection with the above listed citations and is sentenced to serve a minimum of ____ days and a maximum of ____ days Concurrent or Consecutive (Check one if applicable) at the following facility:

Credit in the sum of \$40 per day served shall be given pursuant to 75 Pa.C.S. § 6503.

The following additional conditions are applicable:

Defendant may file an Appeal of this sentence for a hearing de novo on the issue of Defendant's Contempt, financial ability to pay, and the propriety of the sentence imposed in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Philadelphia Municipal Court Traffic Division, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the de novo hearing.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is COMMANDED to appear on _____, 20____, at _____ AM/PM., in Courtroom _____, Traffic Division, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant's arrest.

Private Counsel: _____, Esquire _____, Esquire is appointed to represent Defendant as required by Pa.R.Crim.P. 1035 and T.D.L.R. 1035. Counsel's appointment shall continue for appellate purposes if the Defendant is sentenced to a period of incarceration provided that upon the filing of an appeal, the Defendant meets the eligibility requirements for the appointment of counsel and thus continues to qualify for the appointment of counsel as provided in Pa.R.Crim.P. 1035 and T.D.L.R. 1035.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

Defendant Date

JUDGE Date: _____

Attorney Date

ORDER IMPOSING SENTENCE—MANDATORY SENTENCE

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania	Judge
vs.	Courtroom
_____ Defendant	Citation Number(s)
A/K/A _____	
PP# _____	Date of Birth

**ORDER IMPOSING SENTENCE
(Mandatory Sentence—1543(b)(1))**

AND NOW, this _____ day of _____, 20____, the Court finds that the above named Defendant has plead guilty or been convicted of violating 75 Pa.C.S. § 1543(b)(1). Defendant is sentenced to pay fines and costs in the sum of \$ _____, and is sentenced to serve a minimum of _____ days and a maximum of _____ days Concurrent or Consecutive (Check one if applicable) at the following facility:

Defendant is not entitled to credit provided in 75 Pa.C.S. § 6504.

The following additional conditions are applicable:

Defendant may file an Appeal of this sentence for a hearing de novo in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Municipal Court Traffic Division, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the de novo hearing, and the sentence imposed by the Municipal Court Traffic Division will be carried out without further order of court.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is COMMANDED to appear on _____, 20____, at _____ AM/PM., in Courtroom _____, Traffic Division, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant's arrest.

Private Counsel: _____, Esquire _____, Esquire is appointed to represent Defendant as required by Pa.R.Crim.P. 1035 and T.D.L.R. 1035. Counsel's appointment shall continue for appellate purposes if the Defendant is sentenced to a period of incarceration provided that upon the filing of an appeal, the Defendant meets the eligibility requirements for the appointment of counsel and thus continues to qualify for the appointment of counsel as provided in Pa.R.Crim.P. 1035 and T.D.L.R. 1035.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

Defendant Date

JUDGE Date: _____

Attorney Date

**ORDER IMPOSING SENTENCE—MANDATORY SENTENCE—SIXTH OR MORE
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania vs. _____ Defendant	Judge
	Courtroom
A/K/A _____	Citation Number(s)
PP# _____	Date of Birth

**ORDER IMPOSING SENTENCE
(Mandatory Sentence—Sixth or More 1543(a))**

AND NOW, this _____ day of _____, 20____, the Court finds that the above named Defendant has plead guilty or been convicted of six or more violations of 75 Pa.C.S. § 1543(a), as disclosed on the attached print-out. Defendant is sentenced to pay fines and costs in the sum of \$_____, and is sentenced to serve a minimum of _____ days and a maximum of _____ days Concurrent or Consecutive (Check one if applicable) at the following facility:

Defendant is not entitled to the credit provided in 75 Pa.C.S. § 6504.

The following additional conditions are applicable:

Defendant may file an Appeal of this sentence for a hearing de novo in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Municipal Court Traffic Division, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the de novo hearing, and the sentence imposed by the Municipal Court Traffic Division will be carried out without further order of court.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is COMMANDED to appear on _____, 20____, at _____ AM/PM., in Courtroom _____, Traffic Division, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant's arrest.

Private Counsel: _____, Esquire _____, Esquire is appointed to represent Defendant as required by Pa.R.Crim.P. 1035 and T.D.L.R. 1035. Counsel's appointment shall continue for appellate purposes if the Defendant is sentenced to a period of incarceration provided that upon the filing of an appeal, the Defendant meets the eligibility requirements for the appointment of counsel and thus continues to qualify for the appointment of counsel as provided in Pa.R.Crim.P. 1035 and T.D.L.R. 1035.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

Defendant Date

JUDGE Date: _____

Attorney Date

ORDER IMPOSING SENTENCE—SUBSEQUENT CONVICTIONS

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania	Judge
vs.	Courtroom
_____ Defendant	Citation Number(s)
A/K/A _____	
PP# _____	Date of Birth

**ORDER IMPOSING SENTENCE
(Subsequent Convictions—75 Pa.C.S. § 6503)**

AND NOW, this _____ day of _____, 20____, the Court finds that the above named Defendant has been previously convicted of violating 75 Pa.C.S. §§ 1501(a); 1543(a); 3367; 3733; 3734; or 3748 as disclosed on the attached print-out. Defendant has today plead guilty or been convicted of violating 75 Pa.C.S. § _____. NOW, THEREFORE, pursuant to 75 Pa.C.S. § 6503, in addition to the fines and costs imposed as a result of the conviction of the above violation, Defendant is sentenced to pay fines and costs in the sum of \$ _____, and is sentenced to serve a minimum of _____ days and a maximum of _____ days Concurrent or Consecutive (Check one if applicable) at the following facility:

Defendant is not entitled to credit provided in 75 Pa.C.S. § 6504.

The following additional conditions are applicable:

Defendant may file an Appeal of this sentence for a hearing de novo in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Municipal Court Traffic Division, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the de novo hearing, and the sentence imposed by the Municipal Court Traffic Division will be carried out without further order of court.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is COMMANDED to appear on _____, 20____, at _____ AM/PM., in Courtroom _____, Traffic Division, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant's arrest.

Private Counsel: _____, Esquire _____, Esquire is appointed to represent Defendant as required by Pa.R.Crim.P. 1035 and T.D.L.R. 1035. Counsel's appointment shall continue for appellate purposes if the Defendant is sentenced to a period of incarceration provided that upon the filing of an appeal, the Defendant meets the eligibility requirements for the appointment of counsel and thus continues to qualify for the appointment of counsel as provided in Pa.R.Crim.P. 1035 and T.D.L.R. 1035.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

Defendant Date

JUDGE Date: _____

Attorney Date

COMMITMENT ORDER

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania	Judge
vs.	Courtroom
Defendant	Citation Number(s)
A/K/A _____	
PP# _____	Date of Birth

COMMITMENT

AND NOW, this _____ day of _____, 20____, the Court having been informed that Defendant has not appealed this Court's Order Imposing Sentence dated _____ for _____, a copy of which is attached to this Commitment, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this Court's sentence as set forth in the above-referenced Order Imposing Sentence shall commence to be served by the Defendant immediately.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

Defendant Date

JUDGE Date: _____

Attorney Date

Local Rule 1030. Scope of Summary Traffic Court Rules.

The local rules that follow complement Chapter 10, Part B. of the Pennsylvania Rules of Criminal Procedures, Philadelphia Municipal Court Traffic Division Rules, Pa.R.Crim.P. 1030 et seq., and the rules referenced thereto, and are intended to identify for counsel and unrepresented parties the procedural rules applicable to the Traffic Division's proceedings in Philadelphia County. These rules are referenced herein as "Local Rules" and shall be cited as "T.D.L.R."

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014. effective _____, 2014.

Local Rule 1031. Institution of Proceedings in Summary Traffic Cases.

(a) *Issued Citations. Scheduling of Summary Trial. Notice To Appear. Service.* As authorized by Pa.R.Crim.P. 1031(B), the citation issued to a defendant pursuant to Pa.R.Crim.P. 405 shall contain the date, time and location of the summary trial. As authorized by Pa.R.Crim.P. 451(A), service shall be made by the issuing law enforcement officer who shall hand a copy of the citation containing the Notice to appear to the defendant.

(b) *Filed Citations. Scheduling of Summary Trial. Notice To Appear. Service.* A citation filed pursuant to Pa.R.Crim.P. 410 et seq. shall contain the date, time and

location of the summary trial. Service shall be made as set forth in Pa.R.Crim.P. 451(B). If the defendant fails to appear for a summary trial scheduled by first class mail, the hearing will be rescheduled the defendant shall be served personally or by registered mail, return receipt requested.


(c) *Form of the Citation.* The citation issued to the Defendant shall be substantially as the form which follows this Local Rule, and as may be otherwise modified from time to time.

(d) *Citations Which Do Not Contain A Hearing Date.* If a law enforcement officer does not enter the date, time and location on a citation issued pursuant to subsection (a), or if the hearing is scheduled for a non-court day, the court shall schedule or reschedule the summary trial and send a notice of trial by first class mail.

Comment: Notices mailed to a defendant shall be mailed to the defendant's most current address available to the Traffic Division. The most current address may be the address on record with the Pennsylvania Department of Transportation, or the address the defendant provided to the law enforcement officer at the time the citation was issued, or the address the defendant has provided to the Traffic Division, whichever is later.

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014. effective _____, 2014.

CITATION

COMMONWEALTH OF PENNSYLVANIA				CONSECUTIVE BARCODE AREA			
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION 800 SPRING GARDEN STREET P.O. BOX 56301 PHILADELPHIA, PA 19130-6301				 TRAFFIC CITATION			
1. DRIVER NUMBER		2. C.D.L. <input type="checkbox"/>		3. STATE <input type="checkbox"/> PA		4. D.O.B.	
6. DEFENDANT NAME - FIRST		MIDDLE		LAST		5. SEX <input type="checkbox"/> M <input type="checkbox"/> F	
7. DEFENDANT STREET ADDRESS							
8. CITY				9. STATE <input type="checkbox"/> PA		10. ZIP CODE	
11. OWNER/LESSEE OR CARRIER NAME (if different from defendant)						11A. IDENTIFICATION SOURCE <input type="checkbox"/> Drivers License <input type="checkbox"/> Defendant	
12. OWNER/LESSEE OR CARRIER ADDRESS (if different from defendant)						<input type="checkbox"/> Non Drivers License <input type="checkbox"/> BMW	
13. VEHICLE REG. NO.		14. REG. YR.		15. STATE <input type="checkbox"/> PA		16. MAKE	17. TYPE
19. VEHICLE REG. NO.		20. REG. YR.		21. STATE <input type="checkbox"/> PA		22. MAKE	23. TYPE
						18. COLOR	24. COLOR
SEE BACK OF DEFENDANT'S COPY FOR BREAKDOWN OF TOTAL DUE.							
25. VIOLATION TYPE		<input type="checkbox"/> Filed on Information Received		<input type="checkbox"/> Active Work Zone		TOTAL DUE* (if paid within 10 days of issuance)	
<input type="checkbox"/> Vehicle Code		<input type="checkbox"/> Lab Services Requested		<input type="checkbox"/> Safety Corridor			
<input type="checkbox"/> Ordinance							
26. CHARGE SECTION & SUBSECTION							
27. NATURE OF OFFENSE							
28. SPEED TIMED		29. SPEED ALLOWED		30. WEIGHT PERMITTED		31. ACTUAL VEHICLE WEIGHT	
				lbs.		lbs.	
32. FOLLOWED		33. TIMED		34. TIMED		35. SPEED EQUIP. SERIAL NO.	
miles		miles		seconds		36. SPEED DETECT. EQUIP. TYPE	
38. DATE EQUIP. TST.		39. ACC. ARREST/RPT. NO.		40. LOCATION OF OCCURRENCE			
<input type="checkbox"/> YES							
41. DISTRICT OCC.		42. SELECTIVE INF.		43. DIR OF TRAVEL		44. WEATHER CONDITIONS	
				N S E W		45. OFFENSE DATE	
						46. DAY	
						47. TIME <input type="checkbox"/> AM <input type="checkbox"/> PM	
TO APPEAR							
YOU MUST APPEAR FOR YOUR SUMMARY TRIAL WHICH IS SCHEDULED FOR:							
48. MONTH		49. DAY		50. YEAR		51. TIME <input type="checkbox"/> AM <input type="checkbox"/> PM	
				201		LOCATION: 800 Spring Garden Street Philadelphia, PA 19123	
You must plead Guilty or Not Guilty within 10 days of receipt of the citation (see the Reverse side of the Citation). If within 10 days of receipt of the citation you enter a guilty plea and pay the fine and costs indicated on the citation, the summary trial will be cancelled. If you are charged with a violation of 75 Pa.C.S. § 1543 or any other violation that provides for the imposition of a prison sentence, you must appear on the above date with counsel. If you fail to appear for the trial, you are consenting to the trial in your absence. If you are found guilty, the collateral deposited will be forfeited and applied toward your fines and costs. Within 30 days of the entry of a guilty plea or adjudication of guilt you have the right to appeal for a trial <i>de novo</i> in the Court of Common Pleas.							
I have served a copy of this Citation on the Defendant. I verify that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to the unsworn falsification to authorities.							
OFFICER'S SIGNATURE				BADGE NO.			
52. DEFENDANT'S SIGNATURE - ACKNOWLEDGES RECEIPT OF CITATION				53. DATE <input type="checkbox"/> ISSUED <input type="checkbox"/> FILED			
X							
54. STATION ADDRESS		55. DIST. ISS.		56. LAW ENFORCEMENT AGENCY			
				<input type="checkbox"/> Acc. Inv. Div. <input type="checkbox"/> DRPA <input type="checkbox"/> City Police <input type="checkbox"/> PennDOT <input type="checkbox"/> Pub. Util. Com. <input type="checkbox"/> State Police <input type="checkbox"/> Other			
57A. JUVENILE <input type="checkbox"/> YES <input type="checkbox"/> NO		57B. PARENTS NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO		58. COMM. VEH. <input type="checkbox"/> HAZ. MAT. <input type="checkbox"/>		59. SCHOOL VEH. <input type="checkbox"/> 16 PASS VEH. <input type="checkbox"/>	
						60. <input type="checkbox"/> MARKED <input type="checkbox"/> UNMARKED	
57. REMARKS							
61. TOTAL DUE (if paid within 10 Days of Issuance)		62. SECTION/SUB SEC.		63. DATE			
				MM XXXXXX-X			
NOTICE							
If you plead guilty or are found guilty, points may be assessed against your driver's record. An accumulation of points may result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to: 75 Pa.C.S. §§ 1371, 3341, 3345, 3367, 3718, 3734, 3736, subsequent convictions of 75 Pa.C.S. § 1501, a violation of 75 Pa.C.S. § 3361 when occurring in an active work zone and an accident report is submitted by the police, and a violation of 75 Pa.C.S. § 3362 when occurring in an active work zone.							
*Final Amount to be determined by Municipal Court, Traffic Division. AOPCA-2005 MUNICIPAL COURT, TRAFFIC DIVISION 7-147 (Rev. 1/2014)							

Local Rule 1032. Pleas in Response to Citation. Failure to Timely Plea or Pay the Requisite Collateral.

(a) *General Rule.* A defendant must enter a plea within ten days after issuance of the citation as required by Pa.R.Crim.P. 407 regardless of whether the citation issued to the defendant contains a summary trial hearing date.

(b) *Not Guilty Plea.* The defendant may plead not guilty in person at the Traffic Division, on-line through the Court's website, <http://courts.phila.gov> (click the "Municipal Court Traffic Division" link under the section entitled "Courts of the District"), through the Court's IVR (Interactive Voice Response system), or by mail by following the instructions contained on the back of the citation. The summary trial will be held on the date assigned pursuant to Local Rule 1031. No additional Notice of Trial shall be required to advise the defendant of the summary trial date unless the summary trial scheduled pursuant to Local Rule 1031 is rescheduled by the Philadelphia Municipal Court Traffic Division.

(c) *Guilty Plea.*

(1) Except as provided in paragraph (c)(2), the defendant may plead guilty in person at the Traffic Division, on-line through the Court's website, <http://courts.phila.gov> (click the "Municipal Court Traffic Division" link under the section entitled "Courts of the District"), through the Court's IVR (Interactive Voice Response system), or by mail by following the instructions contained on the back of the citation.

(2) If the defendant has been cited for violation of 75 Pa.C.S. § 1543(B), and other violations which require the imposition of a prison sentence upon a guilty plea or adjudication, the defendant may not plead guilty by mail or electronically, and the summary trial will be held as scheduled, unless it is rescheduled by the Court.

(3) Any notice which reschedules a summary trial shall be mailed to the defendant, by first class mail, at the Defendant's last known address. A bench warrant shall be issued if the defendant fails to appear for the summary trial.

(d) *Failure to Timely Plea or Post the Requisite Collateral.* As required by Pa.R.Crim.P. 430, a warrant for the arrest of a defendant shall be issued if a defendant fails to enter a plea within ten days after the issuance of a citation. Moreover, the defendant's operating privileges may be suspended pursuant to 75 Pa.C.S. § 1533, and a late fee will be assessed if the defendant fails to file a plea within ten days after issuance of the citation. A written notice of suspension, issuance of arrest warrant, or imposition of late fee shall be sent to the defendant, by first class mail, at the defendant's last known address.

Comment: Notices mailed to a defendant shall be mailed to the defendant's most current address available to the Traffic Division. The most current address may be the address on record with the Pennsylvania Department of Transportation, or the address the defendant provided to the law enforcement officer at the time the citation was issued, or the address the defendant has provided to the Traffic Division, whichever is later.

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014. effective , 2014.

Local Rule 1033. Procedures When Defendant Arrested with Warrant.

(a) *Defendant Arrested During the Traffic Division's Hours of Operation.*

(1) A defendant arrested pursuant to a Traffic Division warrant shall be brought to the Traffic Division as soon as practicable after being processed provided the Traffic Division is open.

(2) A warrant hearing shall be conducted promptly by a Traffic Division judge or hearing officer to determine the reasons for the issuance of the warrant, and to determine whether a summary trial or hearing on the matter which resulted in the issuance of the warrant can be held immediately. At the conclusion of the warrant hearing, all outstanding Traffic Division warrants against the Defendant shall be withdrawn.

(i) If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant can be held immediately, the summary trial or hearing will be held immediately.

(ii) If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant cannot be held immediately, and the defendant does not have a history of failure to appear for Traffic Division hearings:

(A) the Traffic Division judge or hearing officer shall schedule the summary trial or hearing and determine whether collateral must be posted by the defendant to secure defendant's release pending the hearing or summary trial. The Scheduling Orders shall be substantially in the form which follows this Local Rule;

(B) the defendant shall be released unless collateral has been ordered and has not been posted; and

(C) if the defendant is ordered to post collateral and the collateral has not been posted, the defendant shall be brought to the county prison and held pending the summary trial or hearing. Provided, however, that the defendant shall be released at any time before the scheduled summary trial or hearing when the collateral is posted.

(iii) If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant cannot be held immediately, and the defendant does have a history of failure to appear for Traffic Division hearings, especially after personal service of a citation or scheduling hearing, the Traffic Division judge or hearing officer shall schedule the summary trial or hearing without unnecessary delay, but in no event more than 72 hours from the date of the bench warrant hearing or, if the 72 hours expire on a non-business day, no later than the close of the next business day, and the defendant may be held in custody pending the rescheduled hearing. For purposes of this subsection, the term "history of failure to appear" shall mean that the defendant has failed to appear for at least two (2) Traffic Division hearings despite service of a date certain citation or notice personally on the defendant.

(b) *Defendant Arrested While the Traffic Division is Closed.* A defendant arrested pursuant to a Traffic Division warrant while the Traffic Division is closed shall be processed as provided in Philadelphia Municipal Court Rule 540. The Subpoena/Commitment form used by the Municipal Court arraignment court magistrate shall be substantially in the form which follows this Local Rule.

Comment: Pa.R.Crim.P. 1033, Philadelphia Municipal Court Rule 540, and this Local Rule are intended to provide a warrant hearing process which minimizes the time a defendant is held before a warrant hearing is conducted. However, the very nature of an arrest, the need to properly identify the defendant, and the internal

protocol the arresting law enforcement officers need to follow incident to an arrest will, per force, take time. Nonetheless, it is expected that, to the extent possible, the time a defendant is held be minimized. The standard form of the Scheduling Orders is set forth below together with documents which will secure defendant's release when collateral has been ordered and is posted either at the Traffic Division or at the Bail Acceptance Unit at the Justice Juanita Kidd Stout Center for Criminal Justice, which is open around the clock, every day, including holidays.

The standard Scheduling Orders for Summary Trials and Default Hearing place the defendant on notice that that a defendant's failure to appear will result in the issuance of a bench warrant and when the defendant is arrested, the hearing will be rescheduled and the defendant will be held in custody until the rescheduled hearing date.

Subsection (a)(2)(iii) was added to clearly set forth the maximum amount of time a defendant who has a history of failure to appear for a Traffic Division hearing or trial despite personal service of the hearing date can be held

pending the rescheduled hearing date in the event a hearing or trial cannot be held on the day the defendant is brought to the Traffic Division for a warrant hearing. The time period provided in the new subsection is the same as that provided in Pa.R.Crim.P. 150.

It is anticipated that most of the summary trials or hearings will be held on the same day the defendant is arrested and brought to the Traffic Division on a warrant issued due to the defendant's failure to appear. Some defendants may have such large number of outstanding traffic citations and citations which are in default of a payment which will require some time to compile the required records and to obtain the required certified record from the Pennsylvania Department of Transportation. Nonetheless, the Traffic Division can reasonably do so within the requisite 72 hour period or release the defendant pending a future scheduled date if it is unable to do so.

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014. effective , 2014.

SCHEDULING ORDER FORMS
SCHEDULING ORDER (SUMMARY TRIAL)
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

Commonwealth of Pennsylvania	Judge
vs.	Courtroom
Defendant	Citation Number(s)
A/K/A _____	
PP# _____	Date of Birth _____

SCHEDULING ORDER
(Summary Trial)

AND NOW, this _____ day of _____ A.D. 20____, IT IS HEREBY ORDERED that a Summary Trial is scheduled in connection with the traffic citations listed above and Defendant is ORDERED to appear on _____, 20____, at _____ AM/PM., in Courtroom _____, Municipal Court Traffic Division, 800 Spring Garden Street, Philadelphia, PA.

- The Defendant shall be released on his/her own recognizance pending the above scheduled summary trial.
- The Defendant shall be released prior to the above summary trial date upon the posting the sum of \$ _____ as collateral for outstanding traffic citations. Provided, however, that if the above rescheduled hearing date exceeds 72 hours from today, if the requested collateral is not posted, the defendant shall be released from custody within 72 hours of today or no later than the close of the next business day if the 72 hours expire on a non-business day.
- There is a likelihood that imprisonment may be imposed at the conclusion of the above scheduled summary trial. In the event Defendant is not represented, Defendant must report within ten (10) days to the First Judicial District's Pretrial Service Division, 5th Floor, 1401 Arch Street, Philadelphia, PA between the hours of 9:00 A.M. to 4:00 P.M. Monday through Friday for a financial interview to determine eligibility to court-appointed counsel. Defendant must bring supporting documentation such as Driver's License, DPW card, pay stubs etc. at the time of the interview.

The Bench Warrant issued for the Defendant's arrest is withdrawn.

Defendant's failure to appear on the above date will result in the issuance of a Bench Warrant. Upon arrest, the hearing will be rescheduled and Defendant will be held in custody until the rescheduled hearing date.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

Defendant Date

HEARING OFFICER/JUDGE Date: _____

Attorney Date

**SCHEDULING ORDER—DEFAULT HEARING
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania	Judge
vs.	Courtroom
Defendant	Citation Number(s)
A/K/A _____	
PP# _____	Date of Birth _____

**SCHEDULING ORDER
(Default Hearing)**

AND NOW, this _____ day of _____ A.D. 20____, Defendant is ORDERED to appear on _____, 20____, at _____ AM/PM., in Courtroom _____, Municipal Court Traffic Division, 800 Spring Garden Street, Philadelphia, PA, to determine, pursuant to Pa.R.Crim.P. 456, defendant's ability to pay the outstanding fines and costs as previously ordered by the Traffic Division, and to enter any appropriate order, including imposition of any sanctions provided by law. Defendant must provide appropriate documentation of his/her financial status.

- Defendant shall be released on his/her own recognizance pending the above financial determination hearing.
- The Defendant shall be released prior to the above summary trial date upon the posting the sum of \$ _____ as collateral for outstanding traffic citations. Provided, however, that if the above rescheduled hearing date exceeds 72 hours from today, and the requested collateral is not posted, the defendant shall be released from custody within 72 hours of today or no later than the close of the next business day if the 72 hours expire on a non-business day.
- There is a likelihood that imprisonment may be imposed at the conclusion of the above scheduled financial determination hearing. In the event Defendant is not represented, Defendant must report within ten (10) days to the First Judicial District's Pretrial Service Division, 5th Floor, 1401 Arch Street, Philadelphia, PA between the hours of 9:00 A.M. to 4:00 P.M. Monday through Friday for a financial interview to determine eligibility to court-appointed counsel. Defendant must bring supporting documentation such as Driver's License, DPW card, pay stubs etc. at the time of the interview.

The bench warrant issued for the Defendant's arrest is withdrawn.

Defendant's failure to appear on the above date will result in the issuance of a bench warrant. Upon arrest, the hearing will be rescheduled and Defendant will be held in custody until the rescheduled hearing date.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

Defendant Date

HEARING OFFICER/JUDGE Date: _____

Attorney Date

SCHEDULING ORDER/COMMITMENT

AND NOW, this _____ day of _____ 20____, due to defendant's failure to appear for a hearing or trial despite personal service of a Scheduling Order, the Defendant will be held in custody in the Philadelphia Prisons System until the rescheduled hearing date which shall not exceed 72 hours from today, or no later than the close of the next business day if the 72 hours expire on a non-business day.

The summary trial or default hearing is scheduled for _____, 20____, at _____ AM/PM., in Courtroom _____, Municipal Court Traffic Division, 800 Spring Garden Street, Philadelphia, PA. which the undersigned represents is the most expeditions date in light of the offenses at issue.

Defendant may be released pending the hearing scheduled by this order upon the posting of \$ _____ as collateral. Provided, however, that if the rescheduled hearing date above exceeds 72 hours from today, if the requested collateral is not posted, the defendant shall be released from custody within 72 hours of today or no later than the close of the next business day if the 72 hours expire on a non-business day.

There is a likelihood that imprisonment may be imposed at the conclusion of the above scheduled hearing or trial. Counsel will be made available to Defendant on the re-scheduled hearing date if the defendant is without financial resources or is otherwise unable to employ counsel.

The Bench Warrant issued for Defendant's arrest due to Defendant's failure to appear for the previously scheduled summary trial or hearing is withdrawn.

TO ANY AUTHORIZED PERSON of the above-named County of this Commonwealth: you are hereby commanded to convey and deliver into the custody of the Keeper of the county prison the above-named defendant.

YOU, THE KEEPER, are required to receive the defendant into your custody to be safely kept by you and brought down for the above-scheduled hearing.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

Defendant Date

HEARING OFFICER/JUDGE Date: _____

Attorney Date

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT
TRAFFIC DIVISION

ENFORCEMENT DEPARTMENT

COMMONWEALTH OF PENNSYLVANIA : Citation Nos. _____
: PA MOTOR VEHICLE CODE
v. : DATE: _____
: PP No. _____
: SID _____

Defendant : INTAKE No. _____

COLLATERAL/FINES PAID: \$ _____

TO THE KEEPER OF:

_____ Philadelphia Prisons
_____ Police Department
_____ Other

The total collateral or fines imposed by the Philadelphia Traffic Court to secure defendant's release having been paid, discharge the above named Defendant from your custody, if detained for no other cause than stated above.

FOR THE COURT:

Date: _____

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY/
IN THE PHILADELPHIA MUNICIPAL COURT

BAIL ACCEPTANCE OFFICE

COMMONWEALTH OF PENNSYLVANIA

Citation Nos. _____

VS.

Table with 2 columns: Description (Defendant, Collateral/Fines Paid, Processing Fee, Total Paid) and Amount (\$ _____, \$5.00, \$ _____)

To The Keeper Of:

_____ Philadelphia Prisons
_____ Other

The total collateral or fines imposed by the Philadelphia Traffic Court to secure defendant's release having been paid, discharge the above named Defendant from your custody, if detained for no other cause than stated above.

FOR THE COURT:

Date: _____

Bail Acceptance Officer

COMMENTS:

Local Rule 1035. Appointment of Counsel.

Counsel shall be provided to Traffic Division defendants who qualify pursuant to Pa.R.Crim.P. 1035 as follows:

(a) Counsel will be appointed on a per diem basis to represent all Traffic Division defendants entitled to court-appointed counsel in connection with Traffic Division summary trials or hearings on the day of counsel's appointment. A separate appointment order, substantially in the form which follows this Local Rule, will be issued concerning each defendant represented by court-appointed counsel.

(b) Court-appointed counsel's appointment terminates at the conclusion of the Traffic Division hearing; however, in the event any defendant represented during such one day appointment is sentenced to a period of incarceration, counsel's appointment will continue for that defendant until final judgment (including any proceedings upon direct appeal) of such prison sentence.

(c) Court-appointed counsel's per diem compensation is \$200 for representing Traffic Division defendants at the Traffic Division level regardless of the number of defendants represented on the assigned day.

(d) Compensation for representing a defendant in connection with an appeal to the Court of Common Pleas (regardless of the number of citations issued to the defendant which are being appealed) shall be \$200.00.

(e) Court-appointed counsel shall be compensated \$300.00 per defendant for appeals to any appellate court from a prison sentence imposed by the Court of Common Pleas.

(f) The appointment of counsel constitutes authority for the defendant to proceed in forma pauperis and authorization to file pleadings without the payment of filing fees.

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014, effective _____, 2014.

FORM OF APPOINTMENT ORDER

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

Commonwealth of Pennsylvania
vs.

Citation Nos.

Defendant

APPOINTMENT ORDER

AND NOW, this _____ day of _____, 20____, it appearing that there is a likelihood that imprisonment may be imposed at the conclusion of the Traffic Court summary trial or hearing, pursuant to Pa.R.Crim.P. 1035 and T.D.L.R. 1035, _____, Esquire, is appointed to represent the Defendant in connection with the above citations.

This appointment is not transferable and is subject to the provisions set forth in Pa.R.Crim.P. 1035 and T.D.L.R. 1035.

This order constitutes authority for the defendant to proceed in forma pauperis.

Appointed counsel certifies that counsel maintains a principal office in Philadelphia County pursuant to Administrative Governing Board Directive Number 2 of 1997.

Compensation shall be as established in T.D.L.R. 1035.

BY THE COURT:

Local Rule 1036. Philadelphia Municipal Court Traffic Division Hearing Officers.

(A) *Qualifications.* A hearing officer:

(1) must be an attorney licensed to practice in the Commonwealth of Pennsylvania and must possess such experience and meet such additional requirements as may be provided by the Supreme Court of Pennsylvania in order to be employed as a hearing officer; or

(2) must complete a course of training and instruction in the duties of a Traffic Division hearing officer as may be established from time to time by the Philadelphia Municipal Court Traffic Division consistent with subsection (B) below.

(B) *Training and Examination.* A person selected by the Philadelphia Municipal Court Traffic Division as a prospective hearing officer pursuant to subsection (A)(2) above shall:

(1) complete an initial course of training and instruction of not less than twenty-four (24) hours in subject areas dealing with traffic laws, policies, rules and proceedings and must pass an examination administered by the Philadelphia Municipal Court Traffic Division or under its supervision and direction before assuming the position of Traffic Division hearing officer.

(2) Any person selected as a prospective hearing officer who does not complete the initial course of training and instruction, or who fails the examination, shall not be employed as a Traffic Division hearing officer.

(C) *Continuing Education.*

(1) All Municipal Court Traffic Division hearing officers shall complete a continuing education program each year equivalent to not less than eight (8) hours per year in such courses or programs as may be established from time to time by the Philadelphia Municipal Court Traffic Division.

(2) At the discretion of the Philadelphia Municipal Court Traffic Division, attendance at training courses conducted by or on behalf of the Minor Judiciary Education Board may satisfy the training requirements or continuing education requirements.

(3) The employment of any Traffic Division hearing officer who fails to meet the continuing education requirements shall be terminated.

(D) The appointment of any employee of the Municipal Court Traffic Division as a "Traffic Court hearing officer" pursuant to former Pa.R.Crim.P. 1036 (rescinded) and former Phila. T.C. Local Rule 1036 (rescinded) shall cease on [effective date of the new rules]. From time to time, the Court may direct any such former Traffic Court hearing officer to assist in issuing payment plans and releasing impounded vehicles.

Note: New Local Rule 1037 adopted May 8, 2014, effective _____, 2014.

Local Rule 1037. Appeals From Traffic Division Orders.

(a)(1) Notices of Appeal from Traffic Division proceedings are to be filed with the Philadelphia Municipal Court Traffic Division, which will accept them on behalf of the Office of Judicial Records, Criminal (formerly, the Clerk of Courts and Clerk of Quarter Sessions), at the following address:

Philadelphia Municipal Court Traffic Division
 Appeals Unit
 800 Spring Garden Street
 Philadelphia, PA 19123

Upon receipt of the Notice of Appeal, the Traffic Division shall transmit the Traffic Division record to the Court of Common Pleas, Trial Division, Criminal pursuant to Pa.R.Crim.P. 460. The Notice of Appeal forms shall be posted on the website of the First Judicial District of Pennsylvania at www.courts.phila.gov/forms.

(2) On appeal, proceedings shall be held as provided in Pa.R.Crim.P. 1037. The Order to be issued by the Court of Common Pleas judge shall be substantially in the form provided hereunder.

(b) Motions to Appeal Nunc Pro Tunc and Notices of Appeal Nunc Pro Tunc shall also be filed with the Philadelphia Municipal Court Traffic Division which will transmit the record to the Court of Common Pleas, Trial Division, Criminal.

(c) *Red Light Appeals.* Traffic Division orders issued after de novo hearings authorized by 75 Pa.C.S. § 3116(m)(4) for violations of Automated Red Light Enforcement Systems are appealable to the Court of Common Pleas, Trial Division, Civil.

(d) *Appeals from Impoundment Orders.* Notices of Appeal from orders issued upon Requests for Release of an Impounded Vehicle pursuant to 75 Pa.C.S. §§ 6309, 6309.1 and 6309.2 are to be filed with the Office of Judicial Records, Civil (formerly, the Prothonotary), electronically through the website of the First Judicial District at www.courts.phila.gov, or at the following address:

Office of Judicial Records, Civil
 Room 296 City Hall
 Philadelphia, PA 19107

Note: New Local Rule 1037 adopted May 8, 2014, effective _____, 2014.

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
 COURT OF COMMON PLEAS

Commonwealth of Pennsylvania	Docket No. CP-51-_____ - _____ - _____
vs.	:
	:
	Traffic Citation(s) No.
	:
	:
Defendant	: Appeal Hearing Date: _____

ORDER—SUMMARY APPEAL

AND NOW, this _____ day of _____, 20____, it is hereby ordered, adjudged and decreed that:

- APPEAL HEARING continued to: _____ .
- NOT GUILTY. Upon conclusion of the trial, the defendant is found NOT GUILTY. The Municipal Court Traffic Division shall apply any collateral posted by defendant to any fees, fines and costs owed by defendant and shall refund the balance, if any.
- DEFENDANT FAILED TO APPEAR. MANDATORY SENTENCING. The defendant having failed to appear, the appeal is dismissed, the judgment of the Municipal Court Traffic Division is entered as the judgment of the Court of Common Pleas, a bench warrant is issued for the defendant's arrest, and execution of the sentence shall commence immediately upon defendant's arrest. This order shall authorize Defendant's commitment. The defendant is sentenced to serve a period of incarceration as follows: a minimum of _____ days and a maximum of _____ days as more fully provided in the attached Municipal Court Traffic Division order.
- DEFENDANT FAILED TO APPEAR. OTHER THAN MANDATORY SENTENCE. The defendant having failed to appear, the appeal is dismissed, and the judgment of the Municipal Court Traffic Division is entered as the judgment of the Court of Common Pleas, as more fully provided in the attached Traffic Division order. The defendant must pay in full the outstanding fines and costs totaling \$ _____ or contact the Municipal Court Traffic Division to enter into an installment payment plan within 30 days, or a warrant for defendant's arrest will be issued.
- APPEAL WITHDRAWN—The defendant having withdrawn the appeal, the judgment of the Municipal Court Traffic Division is entered as the judgment of the Court of Common Pleas, as more fully provided in the attached Municipal Court Traffic Division order.
- PLEA. NEGOTIATED PLEA. Defendant has negotiated a plea, or knowingly, intelligently and voluntarily entered a plea of GUILTY to the following Summary Violation(s), which is accepted by the Court:

Unless full collateral has already been posted, the defendant must pay in full within 24 hours all fines and costs associated with this GUILTY plea, in the sum of \$ _____, or as otherwise provided by the Municipal Court Traffic Division, and if not so paid the plea will be set aside and a hearing on the Appeal will be rescheduled by the Court.

- GUILTY. MANDATORY SENTENCING. The defendant is found GUILTY, is ordered to pay within 30 days the sum of \$ _____ in fines and costs, and is sentenced to serve a period of incarceration as follows: a minimum of _____ days and a maximum of _____ days. The sentence is stayed for 30 days and unless a Notice of Appeal is filed, defendant shall appear for execution of sentence on _____, 2010 at _____ AM/PM in Courtroom _____, Justice Juanita Kidd Stout Center for Criminal Justice, 1301 Filbert Street, Philadelphia, PA.
- GUILTY. OTHER THAN MANDATORY SENTENCE. The defendant is found GUILTY, is ordered to pay \$ _____, or as otherwise provided by the Traffic Court, in fines and costs in full, or to contact the Municipal Court Traffic Division to enter into an installment payment plan within 30 days or a warrant for defendant's arrest will be issued.

Jurisdiction is remanded to the Municipal Court Traffic Division pursuant to Pa.R.Crim.P. No. 1037.

BY THE COURT:

 Judge

[Pa.B. Doc. No. 14-1081. Filed for public inspection May 23, 2014, 9:00 a.m.]

Title 25—LOCAL COURT RULES

CARBON COUNTY

Amendment of Civil Case Management Plan; 04-1823

Administrative Order No. 11-2014

And Now, this 6th day of May, 2014, it is hereby

Ordered and *Decreed* that, effective July 1, 2014, Carbon County *Amends* the Civil Case Management Plan as follows.

The Carbon County District Court Administrator is *Ordered* and *Directed* to do the following:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

By the Court

ROGER N. NANOVIĆ,
President Judge

CARBON COUNTY COURT OF COMMON PLEAS

CIVIL CASE MANAGEMENT PLAN

I. Judicial Commitment to Caseflow Management

Since January 3, 1995, the Court has assumed the responsibility of ensuring the fair and prompt disposition of all cases, as well as assuring effective and efficient use of Court resources paid for by taxpayers. Our success is attributable to the commitment of this principle by each Judge, Court and County staff of the 56th Judicial District.

Goal setting provides the objectives and a benchmark for measuring its success. The Court must meet reasonable time standards for the processing and prompt disposition of standard types of cases in terms of their nature and legal issues. Exhibit "1," attached hereto, shows the timelines and time standards by track for civil cases adopted by this Court.

II. Effective Communications with the Bar

The Court coordinates scheduling of cases and makes reasonable accommodations to attorneys and parties in the management of cases. Operative scheduling allows efficient case processing.

III. Early and Continuous Court Supervision of Case Progress

The Court monitors the progress of cases from the time a writ of summons or complaint is filed to ensure

movement of cases to disposition, eliminating unnecessary delay and additional costs of litigation. Mere agreement of counsel/parties is not sufficient grounds for the Court to grant continuances. When a continuance is granted, the matter is continued to a specified date.

IV. Event-Date Certainty

Reasonable certainty about filing deadlines and event dates avoids aggravation, waste and unnecessary cost to the parties and their attorneys. Moreover, national studies have found that nothing promotes pretrial dispositions more than the expectation that a trial is more likely than not to occur on or near the scheduled date. Approximately one hundred twenty days (120) after initial filing of the action, deadlines and events are scheduled with notice given to attorneys/parties of all deadlines and projected event dates, assuring case flow and expeditious case dispositions.

V. A Functional Case Management Information System

The fully automated court computer system provides relevant, accurate, and timely case information, supporting an efficient case management plan by tracking and maintaining cases and events. Monthly reports identify specific cases that have been pending longer than the time standards so appropriate steps can be taken.

VI. Time Standards and Case Management Criteria

A. Court Ruling on Motions

1. Motions are decided pursuant to Pa.R.C.P. 208.4.
2. Each Judge monitors the status of all outstanding motions.

3. Semi Annual Reports—Pursuant to Pennsylvania Rule of Judicial Administration 703(B)(2), each Judge is responsible to report on matters submitted and undisposed for 90 days or more.

B. Differentiated Case Management by Case Tracks

Upon the filing of an action, the court computer database assigns a Judge, track and timelines based on the case type, number of parties, and the timeframes established by this Court. These provisions govern each case unless changed at an attorney's request, upon management review by the Office of the District Court Administrator or upon the Court's own directive. If the amount in controversy is less than \$50,000.00, the case proceeds on the fast track directly to arbitration.

C. One Hundred Twenty-Day Review

Approximately one hundred twenty (120) days after initial filing of the case, a review of the docket activity is performed to check the status of the case. If the complaint and service are in order, a management review order is produced confirming the timelines established for the case. A management conference is scheduled for cases where the proper pleadings or service have not been initiated.

D. Fast Track

A case is assigned to the fast track when it appears that it can be promptly tried with little pre-trial discovery and other pre-trial proceedings. All cases having four or less parties as shown in Exhibit "2" are fast track cases. Except in extraordinary circumstances, the Court strives to dispose of all fast track cases within ten (10) months

after initial filing. Upon completion of the discovery period, the case is given a date certain for arbitration or non-jury trial. In any case where an appeal for an arbitration award is filed, the case is given a date certain for a pre-trial conference or non-jury trial. If settlement is not reached at the pre-trial conference, the case is scheduled for trial.

E. Standard Case Track

All cases not designated fast track or complex are standard civil cases. Except in extraordinary circumstances, the Court strives to dispose all standard cases within 18 months after initial filing. Upon completion of the discovery period, the case is given a date certain for a pre-trial conference or non-jury trial. If settlement is not

reached at the pre-trial conference, the case is scheduled for trial.

F. Complex Case Track.

A case is assigned to the complex track when additional time and resources are needed to bring the case to disposition. Civil cases involving construction contracts, three or more parties, or claims of asbestos, medical malpractice or products liability are complex cases. Upon completion of the discovery period, the case is given a date certain for a pre-trial conference or non-jury trial. If settlement is not reached at the pre-trial conference, the case is scheduled for trial. Except in extraordinary circumstances, the Court strives to dispose all complex cases within 24 months after initial filing.

<i>Case Event/Timelines</i>	Exhibit "1"		
	<i>Fast Track</i>	<i>Standard Track</i>	<i>Complex Track</i>
Management Review Order or Management Conference	4 months	4 months	4 months
Discovery Complete	6 months	13 months	18 months
Plaintiff Expert Reports	6 months	13 months	19 months
Defendant Expert Reports	8 months	14 months	20 months
Motions Filing Deadline	8 months	14 months	20 months
Pretrial Memorandum Due		Approx. 15 months	Approx. 21 months
Pretrial Settlement Conference (If Jury Trial)		16 months	22 months
Jury/Non-Jury Trial	10 months	18 months	24 months

Exhibit "2"

CASE MANAGEMENT TRACK CRITERIA

<i>Case Type</i>	<i>Number of Parties</i>	<i>Management Track</i>	<i>Disposition Within</i>
Assault, Battery Premises Liability, Slip & Fall Other Personal Injury Torts to Land Motor Vehicle Property Damage Other Personal Property Damage Motor Vehicle Accident (under \$25,000) Insurance, Declaratory Judgment Negotiable Instruments Recovery of Overpayment Contracts for Goods Other Contract Foreclosure Rent, Lease, Ejectment Title to Real Property Replevin Appeals from District Justice Mechanic's Lien Other: Consumer or Credit	<4	Fast	10 months

<i>Case Type</i>	<i>Number of Parties</i>	<i>Management Track</i>	<i>Disposition Within</i>
Employment/Wrongful Discharge Assault, Battery Premises Liability, Slip & Fall Other Personal Injury Torts to Land Motor Vehicle Property Damage Other Personal Property Damage Motor Vehicle Accident (under \$25,000) Insurance, Declaratory Judgment Negotiable Instruments Recovery of Overpayment Contracts for Goods Other Contract Foreclosure Partition Right to Know Rent, Lease, Ejectment Title to Real Property Other: Consumer or Credit	>4	Standard	<18 months
Fraud Truth in Lending	Any Number	Standard	<18 months
Class Action Construction Contracts Medical Malpractice Toxic Waste, Contamination & Environmental Professional Malpractice Toxic Tort Personal Injury Stockholders Suits Defamation, Discrimination, Malicious Prosecution Motor Vehicle Accident (over \$25,000.00) Motor Vehicle Product Liability Product Liability Product Liability Property Damage Contract Product Liability	Any Number	Complex	<24 months

[Pa.B. Doc. No. 14-1082. Filed for public inspection May 23, 2014, 9:00 a.m.]

CHESTER COUNTY

Adoption of New Rule of Criminal Procedure 507

Administrative Order No. 10-2014

And Now, this 28th day of April, 2014, the Court approves and adopts the following Chester County Rule of Criminal Procedure C.C.R.Crim.P. 507. This rule shall become effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin*. In conformity with Pa.R.Crim.P. Rule 105(E), (F) certified copies of this Order shall be distributed by the Court Administrator as follows: one certified copy filed with the Administrative Office of Pennsylvania Courts; two certified copies and a computer diskette containing the text of the local rule sent to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one copy of the local rule published on the Unified Judicial System's web site; and one copy filed with the Clerk of Courts.

By the Court

JAMES P. MacELREE, II,
President Judge

C.C.R.Crim.P. 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Chester County having filed a certification pursuant to Pa.R.Crim.P. 507, criminal com-

plaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging the following offenses shall not hereafter be accepted by any judicial officer unless the complaint and affidavit have the approval of an attorney for the Commonwealth prior to filing:

1. Corrupt organizations in violation of 18 Pa.C.S.A. § 911;
2. Criminal homicide in violation of 18 Pa.C.S.A. § 2501;
3. Murder in any degree in violation of 18 Pa.C.S.A. § 2502;
4. Voluntary manslaughter in violation of 18 Pa.C.S.A. § 2503;
5. Involuntary manslaughter in violation of 18 Pa.C.S.A. § 2504;
6. Causing or aiding suicide in violation of 18 Pa.C.S.A. § 2505;
7. Drug delivery resulting in death in violation of 18 Pa.C.S.A. § 2506;
8. Criminal homicide of a law enforcement officer in violation of 18 Pa.C.S.A. § 2507;
9. Criminal homicide of an unborn child in violation of 18 Pa.C.S.A. § 2603;

10. Murder of an unborn child in violation of 18 Pa.C.S.A. § 2604;

11. Voluntary manslaughter of an unborn child in violation of 18 Pa.C.S.A. § 2605;

12. Assault of law enforcement officer in violation of 18 Pa.C.S.A. § 2702.1;

13. Threat to use weapons of mass destruction in violation of 18 Pa.C.S.A. § 2715;

14. Weapons of mass destruction in violation of 18 Pa.C.S.A. § 2716;

15. Terrorism in violation of 18 Pa.C.S.A. § 2717;

16. Kidnapping in violation of 18 Pa.C.S.A. § 2901;

17. Trafficking of persons in violation of 18 Pa.C.S.A. § 3002;

18. Homicide by vehicle in violation of 75 Pa.C.S.A. § 3732;

19. Homicide by vehicle while driving under the influence in violation of 75 Pa.C.S.A. § 3735;

20. Rape in violation of 18 Pa.C.S.A. § 3121;

21. Involuntary deviate sexual intercourse in violation of 18 Pa.C.S.A. § 3123;

22. Sexual assault in violation of 18 Pa.C.S.A. § 3124.1;

23. Institutional sexual assault in violation of 18 Pa.C.S.A. § 3124.2;

24. Aggravated indecent assault in violation of 18 Pa.C.S.A. § 3125;

25. Indecent assault in violation of 18 Pa.C.S.A. § 3126 (victim less than 16 years of age);

26. Arson in violation of 18 Pa.C.S.A. § 3301;

27. Incest in violation of 18 Pa.C.S.A. § 4302;

28. Concealing death of child in violation of 18 Pa.C.S.A. § 4303;

29. Bribery in official and political matters in violation of 18 Pa.C.S.A. § 4701;

30. Threats and other improper influence in official and political matters in violation of 18 Pa.C.S.A. § 4702;

31. Perjury in violation of 18 Pa.C.S.A. § 4902;

32. Interception, disclosure, or use of wire, electronic, or oral communications in violation of 18 Pa.C.S.A. § 5703;

33. Unlawful contact with a minor in violation of 18 Pa.C.S.A. § 6318;

34. Sexual exploitation of children in violation of 18 Pa.C.S.A. § 6320;

35. Attempt, conspiracy, or solicitation to commit any of the above offenses; and

36. All cases against juvenile defendants that are being direct filed into the adult system.

[Pa.B. Doc. No. 14-1083. Filed for public inspection May 23, 2014, 9:00 a.m.]

LUZERNE COUNTY

Order Amending Rule of Civil Procedure 1018.1; No. 5705 of 2014

Order

And Now, this 2nd day of May, 2014, the Luzerne County Rules of Civil Procedure (Luz.Co.R.Civ.P.) are hereby revised as follows:

1. Luzerne County Rule of Civil Procedure (Luz.Co.R.Civ.P.) 1018.1 is hereby amended as provided in the following copy of the same.

2. It is further Ordered that the Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, two (2) copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Judicial Council of Pennsylvania Statewide Rules Committee, and one (1) copy to the *Luzerne Legal Register* for publication in the next issue.

3. It is further Ordered that the effective date of this order shall be thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

4. It is further Ordered that these local rules shall be kept continuously available for public inspection and copying in the Office of Judicial Services and Records of Luzerne County.

By the Court

THOMAS F. BURKE, Jr.,
President Judge

Luz.Co.R.Civ.P. Rule 1018.1. Notice to Defend. Form.

(a) In accordance with Pa.R.C.P. 1018.1, every complaint filed by a plaintiff and every complaint filed by a defendant against an additional defendant shall begin with a Notice to Defend.

(b) The Notice to Defend shall be in both English and Spanish.

(c) The required Notice to Defend shall be in substantially the following form:

(Caption)

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claim set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED RATE OR NO FEE.

AVISO

A USTED SE LE HA DEMANDADO EN LA CORTE. Si usted quiere defenderse contra la demanda expuesta en las siguientes páginas, tiene que tomar acción en un plazo de veinte (20) días después que reciba esta demanda y aviso, por presentar una notificación de comparecencia escrita personalmente o por un abogado y radicar por escrito en la Corte sus defensas u objeciones a las demandas presentadas en su contra. Se le advierte que si falla en hacerlo, el caso podría seguir adelante sin usted y un fallo podría ser dictado en su contra por la Corte sin previo aviso por cualquier dinero reclamado en la demanda o por cualquier otro reclamo o desagravio pedido por el/la demandante. Puede que usted pierda dinero o propiedad u otros derechos importantes para usted. USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO, DIRÍJASE O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ABAJO. ESTA OFICINA PUEDE PROVEERLE CON INFORMACIÓN SOBRE COMO CONTRATAR UN ABOGADO. SI NO TIENE LOS FONDOS SUFICIENTES PARA CONTRATAR UN ABOGADO, ESTA OFICINA PODRÍA PROPORCIONARLE INFORMACIÓN ACERCA

DE AGENCIAS QUE PUEBAN OFRECERLES SERVICIOS LEGALES A PERSONAS QUE REÚNAN LOS REQUISITOS A UN HONORARIO REDUCIDO O GRATIS.

North Penn Legal
Services, Inc.
33 N. Main Street,
Suite 200
Pittston, PA 18640
(570) 299-4100
(877) 953-4250 Toll free
(570) 824-0001 Fax

Servicios Legales de North
Penn, Inc.
33 la Calle Main del Norte,
Oficina 200
Pittston, PA 18640
(570) 299-4100
(877) 953-4250 Llamada
gratuita
(570) 824-0001 Fax

101 West Broad Street
Suite 513
Hazleton, PA 18201
(570) 455-9512
(877) 953-4250 Toll free
(570) 455-3625 Fax

101 la Calle Broad del Oeste
Oficina 513
Hazleton, PA 18201
(570) 455-9512
(877) 953-4250 Llamada
gratuita
(570) 455-3625 Fax

[Pa.B. Doc. No. 14-1084. Filed for public inspection May 23, 2014, 9:00 a.m.]