

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1930]

Order Amending Rule 1930.4 of the Pennsylvania Rules of Civil Procedure; No. 686 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 12th day of September, 2018, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interest of efficient administration:

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1930.4 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on September 28, 2018.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GERNERALLY

Rule 1930.4. Service of Original Process in Domestic Relations Matters.

(a) *Persons Who May Serve.* Original process in all domestic relations matters, including Protection of Victims of Sexual Violence or Intimidation matters, may be served by the sheriff or a competent adult:

* * * * *

(c) *Service by Mail.*

(1) Except in Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation matters, original process in all domestic relations matters may be served by mailing the original process, a notice or order to appear, if required, and other orders or documents, as necessary, to the defendant's last known address by both regular and certified mail.

[(a)](i) Delivery of the certified mail shall be restricted to the addressee only and a return receipt shall be requested.

[(b)](ii) If the certified mail is refused by the defendant, but the regular mail is not returned within 15 days, service may be deemed complete.

[(c)](iii) If the mail is returned with notation by the postal authorities that it was unclaimed, service shall be made by another means pursuant to these rules.

* * * * *

(h) *Proof of Service.* [Proof of service shall be made as follows:

(1) The person serving the original process shall complete a return of service without delay. If service has not been completed within the time allowed in subdivision (e) or (f), a return of no service shall be completed.

(2) Proof of service shall set forth the date, time, place, manner of service, the identity of the person served, and any other facts necessary for the court to determine whether proper service has been made.

(3) Proof of service by a person other than the sheriff shall be by affidavit. If a person other than the sheriff completes a return of no service, the affidavit shall set forth with particularity the efforts made to effect service.

(4) Proof of service by mail shall include a return receipt signed by the defendant or, if the defendant has refused to accept mail service, the returned letter with the notation that the defendant refused to accept delivery and an affidavit that the regular mail was not returned within 15 days after mailing.

(5) Proof of service or of no service shall be filed with the prothonotary.

(6) An executed Acceptance of Service shall be filed in lieu of a Proof of Service if the defendant or defendant's agent accepts service of the original process.]

(1) Proof of service shall state:

(i) the date and time of service;

(ii) the place of service;

(iii) the manner in which service was made;

(iv) the identity of the person served; and

(v) other facts necessary for the court to determine whether proper service has been made.

(2) *Original Process Served.*

(i) *Personal Service Pursuant to Subdivision (a).*

(A) The person serving the original process shall complete a proof of service.

(B) If a person other than a sheriff serves the original process, the proof of service shall be by an affidavit.

(C) The proof of service shall be filed in the appropriate filing office within 10 days of the date of service.

(ii) *Service by Mail Pursuant to Subdivision (c).*

(A) Proof of service by mail shall be by an affidavit that includes the certified mail return receipt signed by the defendant except as set forth in (B).

(B) If the defendant has refused to accept the certified mail, the proof of service shall include the returned envelope with the notation that the defendant refused to accept delivery and an affidavit stating that the regular mail was not returned within 15 days after mailing.

(C) The proof of service shall be filed in the appropriate filing office within 10 days of the date

the defendant signed the certified mail return receipt or after the passage of time set forth in subdivision (c)(1)(ii).

(iii) Acceptance of Service Pursuant to Subdivision (d).

(A) If the defendant or the defendant's authorized agent accepts service of the original process as set forth in subdivision (d), the defendant or the defendant's authorized agent shall sign an Acceptance of Service.

(B) The Acceptance of Service shall be filed in the appropriate filing office within 10 days of accepting service.

Official Note: See Pa.R.C.P. No. 402(b) for the prescribed form document.

(3) Original Process Not Served.

(i) If the defendant cannot be served within the time allowed in subdivision (e) or (f), the person attempting service shall complete a proof of no service promptly.

(ii) If a person other than a sheriff attempts service of the original process, the proof of no service shall be by an affidavit stating with particularity the efforts made to effect service.

(iii) The proof of no service shall be filed in the appropriate filing office within 10 days of the expiration of time allowed for service in subdivision (e) or (f).

Official Note: See Pa.R.C.P. No. 1910.4(a). The Domestic Relations Section is the filing office for child support, spousal support and alimony pendente lite cases.

See Pennsylvania Rule of Professional Conduct 7.3(b)(4). The timing of an attorney's solicitation of a prospective client in actions governed by the Family Court Rules, see Pa.R.C.P. No. 1931(a), and actions pursuant to the Protection of Victims of Sexual Violence or Intimidation Act, see 42 Pa.C.S. §§ 62A03—62A20, is restricted until proof of service appears on the docket.

(i) *Appearance at Hearing or Conference.* A party appearing for the hearing or conference will be deemed to have been served.

[Pa.B. Doc. No. 18-1521. Filed for public inspection September 28, 2018, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Pretrial Services Department Ignition Interlock Fees; No AD-2018 266 CR

Order of Court

And Now, this 10th day of September 2018, upon review of the request to increase Ignition Interlock fees, the Court finds the following:

1. That the Court established an ignition interlock program in 2001.

2. That the ignition interlock program has not amended its fees since 2012.

3. That the Pretrial Services Department expends significant time and resources administering its ignition interlock program, and the costs associated with administering this service have increased. Specifically Act 33 of 2016 and Act 30 of 2017 amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes mandate positive ID technology on all interlock devices effective September 1, 2018. This will increase our cost per unit. These Acts also expand the number of people eligible for interlock licensing. Additionally, rent and staff have increased over the past six years.

4. That the ignition interlock program is a safe, cost-effective alternative to other transportation methods for offenders in Allegheny County, and said ignition interlock program provides a significant benefit to those who utilize the program.

5. That the Court, through the Pretrial Services Department, can no longer continue to administer the ignition interlock program under the current fee structure, and that it is fair and reasonable to assess the amended ignition interlock fees against offenders for the purpose of more effectively defraying the costs of administering the ignition interlock program.

It is, therefore, *Ordered* that the following ignition interlock fee schedule be and is hereby adopted and shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin* and applied only to offenders sentenced or placed on the interlock program on or after the publication requirement has been satisfied.

By the Court

JEFFREY A. MANNING,
President Judge

Allegheny County Ignition Interlock Fees

| Price Schedule for all Installs or re-install on or after 9/1/2018 | |
|--|-----------------|
| Service | Price |
| Total Installation Charge with One Month Service | \$175.00 |
| Total Monthly Charge (calibration/Download) | \$115.00 |
| Total Bi-Monthly Charge | \$200.00 |
| Voluntary Client Discount Per Monthly or Bi-Monthly Service | (-\$10) |
| <i>Breakdown of Monthly Charges & Fees</i> | |
| Installation at Service Center | \$80.00 |
| Monthly Lease Payment | \$85.00 |
| Monthly Damage Protection | \$10.00 |
| Office Charge Per Appointment (not charged at Install) | \$20.00 |
| Lockout Reset At Service Center | \$50.00 |
| Service Call | \$150.00 |
| Tamper Bypass Activation | \$100.00 |
| Reconnect Fee | \$75.00 |
| Early Termination of Program | \$80.00 |
| De-installation/Removal At Service Center | \$75.00 |

| Price Schedule for all Installs or re-install on or after 9/1/2018 | |
|--|-----------------|
| Vehicle Swap | \$155.00 |
| Out Of County/State 60 day Compliance Fee | \$40.00 |
| Bounced Check Fee | \$30.00 |
| Missed Appointment without 24 Hour Notice | \$25.00 |
| Missed Appointment with 24 Hour Notice | no charge |
| Compliance Check | no charge |
| Prorated Fee per day | \$3.83 |
| Self Certification | \$150.00 |

MAKE ALL CHECKS/MONEY ORDERS PAYABLE TO
"ALLEGHENY COUNTY"

*Prices effective September 1, 2018

| Daily Prorate Price | Install On or after 9/1/2018 |
|---------------------|------------------------------|
| Day | Amount |
| 1 | \$3.83 |
| 2 | \$7.67 |
| 3 | \$11.50 |
| 4 | \$15.33 |
| 5 | \$19.17 |
| 6 | \$23.00 |
| 7 | \$26.83 |
| 8 | \$30.67 |
| 9 | \$34.50 |
| 10 | \$38.33 |
| 11 | \$42.17 |
| 12 | \$46.00 |
| 13 | \$49.83 |
| 14 | \$53.67 |
| 15 | \$57.50 |
| 16 | \$61.33 |
| 17 | \$65.17 |
| 18 | \$69.00 |
| 19 | \$72.83 |
| 20 | \$76.67 |
| 21 | \$80.50 |
| 22 | \$84.33 |
| 23 | \$88.17 |
| 24 | \$92.00 |
| 25 | \$95.83 |
| 26 | \$99.67 |
| 27 | \$103.50 |
| 28 | \$107.33 |
| 29 | \$111.17 |
| 30 | \$115.00 |
| 31 | \$118.83 |

[Pa.B. Doc. No. 18-1522. Filed for public inspection September 28, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BLAIR COUNTY

Adoption of New Rule of Judicial Administration Uniform Rules Regarding Broadcasting, Taking of Sound Recording, Photographs, Audio, Video or Motion Pictures of Judicial Proceedings in the Hearing Room or Courtroom or its Environs; Local Rule of Judicial Administration; No. 58 of 2018

Order

And Now, this 6th day of September, 2018, It Is Hereby Ordered and Decreed that the Blair County Court of Common Pleas adopts the following local rule governing uniform rules regarding broadcasting, taking of sound recording, photographs, video, or motion pictures of judicial proceedings in the hearing room or courtroom or its environs for the 24th Judicial District of the Commonwealth of Pennsylvania:

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

1) File one (1) copy of these Rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2) File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish these Rules on the Blair County Court website at www.blairco.org.

4) File one (1) copy which shall be kept continuously available for public inspection and copying in the Office of Prothonotary of Blair County and the Blair County Law Library.

Said Local Rule of Judicial Administration shall be effective in the 24th Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Blair County website.

By the Court

ELIZABETH A. DOYLE,
President Judge

Blair Co.R.Jud.A. 1910; Uniform Rules Regarding Broadcasting, Taking of Sound Recording, Photographs, Video, or Motion Pictures of Judicial Proceedings in the Hearing Room or Courtroom or its Environs

Rule 1910. Broadcasting, Taking of Sound Recording, Photographs, Video or Motion Pictures.

1. No sound recording, photograph, video recording, cellular phone recording, or motion picture of any type may be made or taken of any judicial proceeding, which includes during, immediately before or immediately after said proceeding or in any hearing room or courtroom or in the area immediately surrounding the entrances or exits of such rooms, without the prior permission of the presiding judge, the presiding hearing officer, or the designee of the presiding judge or the presiding hearing officer.

2. All electronic devices, including, but not limited to, cellular phones, tablets, laptops and cameras, shall be

powered off (not simply muted) in all hearing rooms, courtrooms and in the area immediately surrounding the entrances and exits of such rooms unless permission to activate such device has been first obtained in advance from the presiding judge, the presiding hearing officer or the designee of the presiding judge or the presiding hearing officer. This directive specifically includes the public, parties, witnesses, support staff of participants, and attorneys. This provision does not apply to any Deputy Sheriff.

3. No sound recording, video recording, photograph, cellular phone recording or motion picture of any party, witness, juror, police officer, judge or judicial officer connected to a pending judicial proceeding may be taken or made in the courthouse or in any building housing a courtroom or hearing room, whether or the court is actually in session, without the prior permission of the presiding judge, the presiding hearing officer or the designee of the presiding judge or presiding hearing officer.

4. The transmission in any form by any means of any conversation or testimony taken by any electronic means during or anytime thereafter any judicial proceeding without the prior permission of the presiding judge, the

presiding hearing office or the designee of the presiding judge or presiding hearing officer is strictly prohibited.

5. Violation of this Order may constitute contempt of court and result in the confiscation of such device and the deletion of any offending data or material on such device, the imposition of a fine of up to \$1,000.00 and/or imprisonment of up to six (6) months upon a finding of contempt of this rule.

6. The presiding judge, the presiding hearing officer, the District Court Administrator, the designee of the presiding judge, the presiding hearing officer or the District Court Administrator, including the courtroom staff of the presiding judge or presiding hearing officer and the Sheriff of Blair County or his deputy, are authorized to enforce this Order, including taking immediate possession of any offending device.

7. Any device confiscated pursuant to this Order that is not claimed by its lawful owner within seven (7) business days of such confiscation shall be deemed forfeited to the County of Blair.

[Pa.B. Doc. No. 18-1523. Filed for public inspection September 28, 2018, 9:00 a.m.]