

Subpart B-1. TORT CLAIMS

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CHAPTER 111. TORT CLAIMS LITIGATION

- Sec.
- 111.1. Service of process.
- 111.2. [Reserved].
- 111.3. [Reserved].
- 111.4. Venue.

Authority

The provisions of this Chapter 111 issued under 42 Pa.C.S. App. 11, unless otherwise noted.

Source

The provisions of this Chapter 111 adopted January 4, 1980, effective January 5, 1980, 10 Pa.B. 39, amended through April 25, 1986, effective April 26, 1986, 16 Pa.B. 1486, unless otherwise noted. Immediately preceding text appears at serial pages (86533) to (86534), (68616) to (68619), (103551) to (103552) and (86537).

§ 111.1. Service of process.

(a) Service of process on Commonwealth agencies in actions brought under 42 Pa.C.S. §§ 8501—8564 (relating to matters affecting government units) shall be made at the principal office of the defendant agency as set forth in subsection (b) or at the local office of the defendant agency as designed in § 111.4(c) (relating to venue). Service of process shall also be made at the principal office of the Attorney General as set forth in subsection (b), and at the Office of Attorney General as set forth in subsection (d).

(b) The addresses of the principal offices designated to accept service of an agency are as follows:

Department of Aging
 Office of Chief Counsel
 555 Walnut Street, 5th Floor
 Harrisburg, Pennsylvania 17101-1919

Department of Agriculture
 Office of Chief Counsel
 Room 201 Agriculture Building
 2301 North Cameron Street
 Harrisburg, Pennsylvania 17110

Office of Attorney General

Torts Litigation Unit
15th Floor, Strawberry Square
Harrisburg, Pennsylvania 17120

Office of Auditor General

Office of Chief Counsel
229 Finance Building
Harrisburg, Pennsylvania 17120

Department of Banking

Office of Chief Counsel
Market Square Plaza
17 North 2nd Street, 13th Floor
Harrisburg, Pennsylvania 17101

Department of Community and Economic Development

Office of Chief Counsel
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, Pennsylvania 17120

Department of Conservation and Natural Resources

Office of Chief Counsel
Rachel Carson State Office Building
Post Office Box 8767
Harrisburg, Pennsylvania 17105-8767

Department of Corrections

Office of Chief Counsel
2520 Lisburn Road
Post Office Box 598
Camp Hill, Pennsylvania 17001-8764

Department of Education

(If a Tort claim is made involving State universities, do not serve the Department of Education, serve the State System of Higher Education.)

Office of Chief Counsel
Ninth Floor, Harrisstown 2
333 Market Street
Harrisburg, Pennsylvania 17126-0333

Pennsylvania Emergency Management Agency

Office of Chief Council
2605 Interstate Drive
Harrisburg, Pennsylvania 17110

Department of Environmental Protection

Office of Chief Counsel
16th Floor, Rachel Carson State Office Building
Post Office Box 2063
Harrisburg, Pennsylvania 17105-2063

Fish and Boat Commission

Office of Chief Counsel
1601 Elmerton Avenue
Post Office Box 67000
Harrisburg, Pennsylvania 17106-7000

Game Commission

Executive Director
2001 Elmerton Ave.
Harrisburg, Pennsylvania 17110-9797

Department of General Services

Office of Chief Counsel
603 North Office Building
Harrisburg, Pennsylvania 17125

Governor's Office

Office of Counsel to Governor
225 Main Capitol Building
Harrisburg, Pennsylvania 17120

Department of Health

Office of Chief Counsel
8th Floor West, Health and Welfare Building
Harrisburg, Pennsylvania 17108

Pennsylvania Higher Education Assistance Agency

Office of Chief Counsel
1200 North 7th Street
Harrisburg, Pennsylvania 17102

Pennsylvania Higher Educational Facilities Authority

Executive Director
1035 Mumma Road
Wormleysburg, Pennsylvania 17043
**Post Office Box 990, Camp Hill, Pennsylvania 17001-0990

Pennsylvania Housing Finance Agency

Office of Chief Counsel
211 North Front Street
Harrisburg, Pennsylvania 17105-8029

Historical and Museum Commission

Office of Chief Counsel
500 State Museum Building
Post Office Box 1026
Harrisburg, Pennsylvania 17120

Insurance Department

Office of Chief Counsel
13th Floor—Strawberry Square
Harrisburg, Pennsylvania 17120

Department of Labor and Industry

Office of Chief Counsel
10th Floor, Labor and Industry Building
651 Boas Street
Harrisburg, Pennsylvania 17121

Liquor Control Board

Office of Chief Counsel
401 Northwest Office Building
Harrisburg, Pennsylvania 17124-0001

Department of Military and Veterans Affairs

Commonwealth of Pennsylvania
Department of Military and Veterans Affairs
Attn: Office of Chief Counsel
Building 7-36
Fort Indiantown Gap
Annville, Pennsylvania 17003-5002

Board of Probation and Parole

Office of Chief Counsel
1101 South Front Street, Suite 5100
Harrisburg, Pennsylvania 17104

Public Utility Commission

Secretary
North Office Building
Post Office Box 3265
Harrisburg, Pennsylvania 17105-3265

Department of Public Welfare

(Including restoration centers, State mental hospitals, mental retardation centers, youth development centers, youth forestry camps, and State general hospitals.)

Department of Public Welfare

Office of Legal Counsel
3rd Floor West, Health and Welfare Building
Post Office Box 2675
7th and Forster Streets
Harrisburg, Pennsylvania 17120

Department of Revenue

Office of Chief Counsel
Tenth Floor
Strawberry Square
Harrisburg, Pennsylvania 17128

Securities Commission

Office of Chief Counsel
2nd Floor—Eastgate
1010 North 7th Street
Harrisburg, Pennsylvania 17102-1410

Department of State

Office of Chief Counsel
301 North Office Building
Harrisburg, Pennsylvania 17120-0029

Pennsylvania State Police

Office of Chief Counsel
3rd Floor, Department Headquarters
1800 Elmerton Avenue
Harrisburg, Pennsylvania 17110

State System of Higher Education

Office of Chief Counsel
Dixon University Center
2986 North Second Street
Harrisburg, Pennsylvania 17110

Department of Transportation

Office of Chief Counsel
9th Floor, Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania 17120-0041

Department of Treasury

Office of Chief Counsel
Finance Building
Harrisburg, Pennsylvania 17120-0018

(c) Service upon bureaus and commissions not listed in subsection (b) shall be made upon the principal or local office of the bureau or commission, and shall also be made upon the offices of the Attorney General as designated in subsection (a).

(d) The office of the Attorney General designated for service of process only in actions where venue is located in the following counties is as follows:

(1) Adams, Berks, Bradford, Cameron, Carbon, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York—Torts Litigation Unit, 15th Floor, Strawberry Square, Harrisburg, Pennsylvania 17120.

(2) Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington and Westmoreland—Torts Litigation Unit, 4th Floor, Manor Building, 564 Forbes Avenue, Pittsburgh, Pennsylvania 15219.

(3) Bucks, Chester, Delaware, Montgomery and Philadelphia—Torts Litigation Unit, 206 Philadelphia State Office Building, Philadelphia, Pennsylvania 19130.

Notes of Decisions

Local Offices

Offices of Department of Transportation designated by 37 Pa. Code § 111.1 as local offices for service of process are also local offices for venue purposes under 42 Pa.C.S. § 8523(a). *Department of Transportation v. Chatzidakis*, 492 A.2d 1170 (Pa. Cmwlth. 1985).

Service of Process

In an action begun on January 20, 1982, the provisions of 37 Pa. Code § 111.1, which at that time required that service of process upon the Department be made at the office of Chief Counsel in Harrisburg, in conjunction with the provisions of this section, which at that time provided that venue in actions in trespass against the Commonwealth or Commonwealth parties would lie only in the county where the cause of action arose, the county where a transaction or occurrence took place out of which a cause of action arose, or where an office of the Commonwealth or a Commonwealth party is designated under § 111.1 (relating to service of process), permitted a Luzerne County judge to transfer the action for improper venue, since the cause of action arose in Wyoming County and the Department of Transportation maintenance shed located in Luzerne County was not a “principal office” of the Department. *Cortese v. Department of Transportation*, 463 A.2d 1293 (Pa. Cmwlth. 1983).

An action against Department of Transportation may be brought where its “principal office” is located or the “local office” which is in the county where the cause of action arose or where a transaction or occurrence took place out of which the cause of action arose. *Bortulin v. Harley-Davidson Motor Co.*, 539 A.2d 906 (Pa. Cmwlth. 1988); appeal denied 554 A.2d 511 (Pa. 1988); and appeal denied 555 A.2d 116 (Pa. 1988).

Waiver

An agreement between the plaintiff, the Liquor Control Board and the Attorney General whereby the parties agreed to an extension of time for the Liquor Control Board to file an answer but not preliminary objections to the plaintiff’s complaint, constituted a waiver of this section’s service of process requirements. *Leahy v. Liquor Control Board*, 551 A.2d 1153 (Pa. Cmwlth. 1989).

Source

Immediately preceding text appears at serial pages (230295) to (230296), (246795) to (246796) and (336813) to (336814).

Cross References

This section cited in 37 Pa. Code § 111.4 (relating to venue).

§ 111.2. [Reserved].**§ 111.3. [Reserved].****§ 111.4. Venue.**

(a) Venue in actions for claims against a Commonwealth party as defined in 42 Pa.C.S. § 8501 (relating to definitions) shall be in the county in which one of the following exists:

- (1) The cause of action arose.
- (2) A transaction or occurrence took place out of which the cause of action arose.
- (3) The principal office of the Commonwealth party is located.
- (4) The local office of the Commonwealth party is located.

(b) The principal offices of Commonwealth parties are the same as those offices designated in § 111.1(b) and (c) (relating to service of process).

(c) For purposes of subsection (a)(4), the local office of the Commonwealth party is the local office located in that county where the cause of action arose or where a transaction or occurrence took place out of which the cause of action arose.

(d) Nothing in this section shall be deemed to change or alter the judicial discretion granted under 42 Pa.C.S. § 8523 (relating to venue and process) which permits a Judge of the Court of Common Pleas of Dauphin County to transfer an action to an appropriate county where venue would otherwise lie, if venue is obtained in the Twelfth Judicial District (Dauphin County) solely because the principal office of a Commonwealth party is located there.

Notes of Decisions*Local Office*

For purposes of determining venue within which the Commonwealth may be subject to suit, a “local office” was defined so as to restrict venue to the county where the cause of action arose, not simply any county within which the Commonwealth had an office. *Bogetti v. Department of Transportation*, 601 A.2d 421 (Pa. Cmwlth. 1991).

Third-Party Proceedings

Section 8523 of the Judicial Code, 42 Pa.C.S. § 8523, which required actions against a Commonwealth party be brought in and only in a county in which the principal or local office of the party was located, was not applicable to third-party proceedings in which the Commonwealth was joined as a defendant by the original defendants against whom the action was brought. *Chen v. Philadelphia Elec. Co.*, 661 A.2d 25 (Pa. Cmwlth. 1995); appeal dismissed 680 A.2d 1156 (Pa. 1996); overruled, *Ribnick v. Yerex*, 701 A.2d 1348 (Pa. 1997).

Cross References

This section cited in 37 Pa. Code § 111.1 (relating to service of process).

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