

CHAPTER 15. STATUTES

Subchap.		Sec.
A.	GENERAL PROVISIONS	15.1
B.	STRUCTURE AND CONTENTS	15.21
C.	STYLE AND LANGUAGE	15.91
D.	AMENDATORY STATUTES	15.201

Subchapter A. GENERAL PROVISIONS

- | Sec. | |
|-------|-------------------------------|
| 15.1. | Passage of law by bill. |
| 15.2. | Form and use of bills. |
| 15.3. | Original enactments. |
| 15.4. | Amendments to existing law. |
| 15.5. | Reenactments of existing law. |
| 15.6. | Supplements to existing law. |
| 15.7. | Codifications generally. |
| 15.8. | Form of codifications. |

§ 15.1. Passage of law by bill.

The Constitution (art. III, sec. 1) provides that no law shall be passed except by bill.

§ 15.2. Form and use of bills.

(a) *Form.* A bill is the first step in the enactment of a statute and takes the same form as a statute that has been enacted. It consists of a title, an enacting clause and a number of sections depending on what is necessary to state the thing to be accomplished.

(b) *Use.* Bills are used for:

- (1) Original enactments.
- (2) Amendments to existing law.
- (3) Reenactments of existing law.
- (4) Supplements to existing law.
- (5) Codifications.
- (6) Joint resolutions for constitutional amendments.

§ 15.3. Original enactments.

As original enactment is the simplest form of a bill and does not contain underscoring or brackets to indicate language added or deleted or reference to any statute cited for amendment.

§ 15.4. Amendments to existing law.

A bill containing an amendment or amendments to an existing statute is used most frequently and, unlike an original enactment, it contains underscoring and brackets and a reference to the statute amended.

§ 15.5. Reenactments of existing law.

(a) *Use.* Reenactments of existing statutes are used to:

- (1) Continue in effect a statute that is about to expire.
- (2) Extend the statute to a new agency or set of circumstances.
- (3) Cure a defect in an existing statute, such as a failure to give notice in the title of a provision of the statute.
- (4) Harmonize the language of amendments of the same provision of a statute so as to make it less confusing.

(b) *Form.* The form of a reenactment is the same as that for an amendment, with the exception that the recital is “is reenacted” instead of “is amended.” If a reenactment includes a change in the provision being reenacted, the recital is, “is reenacted and amended.”

(c) *Original enactments.* Another form of reenactment, not designated as such, is the setting up in the form of original legislation the provisions of an existing statute or a number of statutes. In these cases, the statute or statutes to be incorporated in the new bill are always specifically cited for repeal either absolutely or to the extent which they are covered by the new enactment.

§ 15.6. Supplements to existing law.

(a) *Use.* At one time supplements to statutes were very extensively used. In modern practice, however, supplements have fallen into disuse. The present practice is to add a section or sections by way of amendment to existing law. In this way they find their place in the logical sequence of existing law.

(b) *Form.* Supplements are, generally speaking, in the form of a simple new enactment, except that the title of the supplement cites the statute to which it is supplementary. In this respect, the same rules apply as in the case of titles to amendatory bills.

§ 15.7. Codifications generally.

(a) *General.* Codification is the gathering together into one comprehensive statute of all of the law on a given subject, with or without change, and the repeal of the existing statutes so incorporated. A codification is a form of reenactment and is governed by the rules of statutory construction covering reenactments.

(b) *Scope.* As the number of codifications increase it becomes obvious that many provisions belong equally well in one code as in another. The tendency in the past has been to incorporate in the code first prepared, all provisions that could possibly fit into it. This has resulted in considerable repetition of the same

provisions in different codes, and frequently in changes in one code that are not incorporated in other codes where the same provision appears. It is therefore preferable to refrain from incorporating more than provisions relating only to the subject of the code and not to take provisions from one code and insert them in a new one just being prepared.

§ 15.8. Form of codifications.

- (a) *General.* Codifications are in the form of original enactments.
- (b) *Table of contents.* A codification as a general rule carries a table of contents which varies in degree of completeness. It appears immediately following the title and preceding the enacting clause.
- (c) *Major subdivisions.* Codifications are usually divided into one or more major subdivisions which include chapters and subchapters. Formerly, the major subdivisions commonly used were articles and subdivisions.
- (d) *Repeals.* The last major subdivision of a codification usually covers the citation of a number of statutes for repeal.

Subchapter B. STRUCTURE AND CONTENTS

GENERAL

- Sec.
- 15.21. Description of original enactment.
- 15.22. Use of existing statutes and bills.
- 15.23. Importance of arrangement of material.
- 15.24. Prescribed arrangement of material.
- 15.25. Enacting clause.

TITLE

- 15.31. Constitutional requirement.
- 15.32. Use in statutory construction.
- 15.33. Location and structure.
- 15.34. Expression of subject.
- 15.35. Inclusion of details.
- 15.36. Time of preparation.

SUBDIVISIONS, NUMBERING AND HEADINGS

- 15.41. Use of headings in statutory construction.
- 15.42. System of division of statute.
- 15.43. System of numbering divisions.

- 15.44. Chapters.
- 15.45. Subchapters.
- 15.46. Sections.
- 15.47. Subsections.
- 15.48. Paragraphs and subparagraphs.
- 15.49. Clauses and subclauses.

PARTICULAR PROVISIONS

- 15.61. Preamble.
- 15.62. Table of contents.
- 15.63. Short title.
- 15.64. Declaration of purpose.
- 15.65. Definitions.
- 15.66. Offenses and penalties.
- 15.67. Saving clause.
- 15.68. Appropriations.
- 15.69. Severability clause.
- 15.70. Nonseverability clause.
- 15.71. Retroactivity clause.
- 15.72. Applicability provision.
- 15.73. Effective date.

REPEALS

- 15.81. Use and scope.
- 15.82. General repeal.
- 15.83. Partial repeal.
- 15.84. Multiple repeals.
- 15.85. Repeal of amendatory statute.

GENERAL

§ 15.21. Description of original enactment.

An original enactment is a specific statement in direct language imposing duties, conferring powers, granting privileges, decreeing prohibitions, prescribing penalties, making appropriations, etc., as is necessary to accomplish the desired purpose.

§ 15.22. Use of existing statutes and bills.

It is helpful to pattern a bill on an existing statute or on a bill prepared for the same or earlier session of the General Assembly even if it is not on the same subject. However, bills and statutes are seldom perfect in form or style and should not be blindly followed.

§ 15.23. Importance of arrangement of material.

The arrangement of a bill is particularly important. The longer the bill the more important this becomes. An analytical arrangement is necessary to make the bill readily understandable and facilitates finding provisions without each time going over the whole bill. The arrangement should always be orderly and logical. Provisions are written down as they come to one's mind. This is usually neither logical nor orderly. They must invariably be rearranged so as to bring related provisions together and to follow an orderly plan based on sequence of events and having dependent provisions follow those on which they depend.

§ 15.24. Prescribed arrangement of material.

In lengthy statutes the following technical arrangement is prescribed:

- (1) Title.
- (2) Preamble.
- (3) Table of contents.
- (4) Enacting clause.
- (5) Short title.
- (6) Declaration of purpose.
- (7) Definitions.
- (8) Construction and application, what the statute covers, what is excluded, and all limitations, exceptions and conditions applicable to the statute as a whole.
- (9) Substantive provisions.
- (10) Administrative provisions.
- (11) Penalties.
- (12) Saving Clause.
- (13) Appropriation.
- (14) Severability Clause.
- (15) Repeals.
- (16) Temporary provisions.
- (17) Effective date.

§ 15.25. Enacting clause.

(a) *Form.* The act (1 Pa.C.S. § 1101) provides that all statutes shall begin in the following style: "The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:"

(b) *Location.* The enacting clause is placed immediately after the preamble or the table of contents of the statute, or if there is no preamble or table of contents, then immediately after the title.

TITLE**§ 15.31. Constitutional requirement.**

The Constitution (art. III, sec. 3), provides that no bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof.

§ 15.32. Use in statutory construction.

The act (1 Pa.C.S. § 1924) provides that the title of a statute may be considered in the construction thereof.

§ 15.33. Location and structure.

Titles appear first in a statute. All bills begin with the words "AN ACT," or "A SUPPLEMENT" which appear in capital letters and centered below the top of the page. The balance of the title begins two spaces below and is written in single space. The first line is brought out to the margin and the rest of the title is indented three spaces.

§ 15.34. Expression of subject.

(a) *General.* Long and involved titles should be avoided. Every title of an original statute should begin with an expression of a general subject, which should give a clear indication of what the statute is about. In selecting an expression for a general subject, care must be taken not to make it appear as though the bill contains more than one subject. For instance, do not say "An act relating to divorces and the annulment of marriages," but say "An act affecting marital relations." The title should not state merely the purpose of the bill.

(b) *Codifications.* In codifications a very general title will suffice. It is usually the broad subject followed by "and amending, revising, consolidating and changing the law relating thereto."

§ 15.35. Inclusion of details.

Details, if necessary in order to satisfy the requirements laid down by the courts, follow the statement of the general subject. In all cases care should be exercised not to make a title an index of the contents of the bill. To do so is likely to invalidate the statute or parts of it. Unless the index is complete the courts may hold that the provisions not indexed are not clearly expressed.

§ 15.36. Time of preparation.

Although titles appear first on the bill they should always be written last. The reason for this is that the subject of the bill must be clearly expressed in its title and the title must give notice to all persons affected by the proposed statute. It is therefore necessary that the bill be completed in order to insure that these require-

ments are observed. When a title has been drawn, each section of the bill should be reread to ascertain whether it comes within the title.

SUBDIVISIONS, NUMBERING AND HEADINGS

§ 15.41. Use of headings in statutory construction.

The act (1 Pa.C.S. § 1924) provides that headings prefixed to parts, articles, chapters, sections and other divisions of a statute shall not be considered to control but may be used to aid in the construction thereof.

§ 15.42. System of division of statute.

(a) *General.* Except as provided in subsections (b) and (c), the normal divisions of a statute are chapters, subchapters, sections, subsections, paragraphs, subparagraphs, clauses and subclauses.

(b) *Amendatory statutes.* In cases of amendments to statutes, the system of division of the statute being amended shall be followed. Many existing statutes are divided into articles, subdivisions, sections, subsections and clauses.

(c) *Uniform laws.* The system of division for enacting a uniform law may be varied to conform to the system used for the particular uniform law being enacted to assist in comparing the statute with similar laws and court decisions in other states and thereby achieve uniformity of interpretation.

§ 15.43. System of numbering divisions.

(a) *Major subdivisions.* Whenever major subdivisions are necessary, chapters are identified by Arabic numerals throughout the statute and subchapters are identified by capital letters beginning with each chapter as follows:

Chapter	1
Subchapter	A

(b) *Sections and minor subdivisions.* Sections are numbered sequentially in Arabic throughout the statute with such variation prescribed in this Subchapter. Whenever minor subdivisions are necessary, subsections are identified by lower case letters, paragraphs by Arabic numerals, subparagraphs by lower case Roman numerals, clauses by capital letters, and subclauses by capital Roman numerals, all contained within parentheses, as follows:

Section	1
Subsection	(a)
Paragraph	(1)
Subparagraph	(i)
Clause	(A)
Subclause	(I)

§ 15.44. Chapters.

(a) *Use.* Lengthy statutes may be subdivided into chapters to effect a division of the subject matter of the statute.

(b) *Heading.* All chapters have headings consisting of one or more words in capital letters describing in general terms what the chapter covers as follows:

CHAPTER 5
REMEDIES AND PENALTIES

(c) *Addition of new chapter.* If it becomes necessary to introduce a new chapter between existing chapters, the new chapter is designated by the addition of a letter suffix to the preceding chapter number. Thus, a chapter introduced between Chapters 3 and 4 would be numbered Chapter 3A, and the first section would be numbered 3A01.

§ 15.45. Subchapters.

(a) *Use.* Lengthy chapters of statutes may be subdivided into subchapters to effect a division of the subject matter of the chapter.

(b) *Heading.* All subchapters have headings consisting of one or more words in capital letters describing in general terms what the subchapter covers as follows:

SUBCHAPTER A
GENERAL PROVISIONS

(c) *Addition of new subchapter.* If it becomes necessary to introduce a new subchapter between existing subchapters, the new subchapter is designated by the addition of a number suffix to the preceding subchapter letter. Thus, a subchapter introduced between Subchapters A and B would be lettered Subchapter A-1.

§ 15.46. Sections.

(a) *Use.* Every statute is subdivided into sections beginning with the word "Section" followed by the section number. In some cases, a statute may contain only one section.

(b) *Heading.* Sections may, and in lengthy statutes should, contain headings following the section number and concluded by a period, followed by a dash. Section headings must be kept as brief as possible consistent with the contents of the section. The value of a section heading is lost if it is lengthened by unnecessary verbiage. It is better not to use it if it is inaccurate and thereby misleading. For these reasons, general and comprehensive terms should be selected for section headings. They should indicate what the section deals with, not what the section does.

(c) *Numbering.* In statutes containing no major subdivisions, sections are numbered sequentially throughout the statute (i.e. 1, 2, 3, etc.). In statutes con-

taining chapters, sections are numbered sequentially throughout each chapter with the last two digits indicating the sequence of the sections within a chapter and the digit or digits preceding such digits indicating the number of the chapter. Thus, in Chapter 3, sections are numbered 301, 302, 303, etc. Section numbers should be skipped between subchapters in chapters to facilitate later amendment and the first section in each subchapter should end with the number 1 (e.g. 301, 311, 321, etc.).

(d) *Addition of new section.* If it becomes necessary to introduce a new section between existing sections, the new section is designated by the addition of a period and number suffix to the preceding section number. Thus, a section introduced between sections 5 and 6 would be numbered Section 5.1.

§ 15.47. Subsections.

(a) *Use.* Sections may be subdivided into subsections to effectuate a division of the subject matter of the section. Subsections are statements or groups of statements, complete in themselves, that might well constitute separate sections. Unless there is a compelling reason to group a number of separate propositions as subsections into one section it is preferable to make them separate sections. Except where the style of the Consolidated Pennsylvania Statutes is followed, the first line of subsection (a) begins on the same line and immediately following the section number and heading, if any. The first lines of subsequent subsections begin on a separate line.

(b) *Heading.* Subsections may, but do not usually, contain headings following the subsection letter and concluded by a period, followed by a dash.

(c) *Addition of new subsection.* If it becomes necessary to introduce a new subsection between existing subsections, the new subsection is designated by the addition of a period and number suffix to the preceding subsection letter. Thus, a subsection introduced between subsections (a) and (b) would be lettered subsection (a.1).

§ 15.48. Paragraphs and subparagraphs.

(a) *Use.* Subsections may be subdivided into paragraphs and paragraphs into subparagraphs. Paragraphs and subparagraphs may consist of statements or groups of statements complete in themselves or may consist of enumerations of circumstances, conditions, powers, etc., each depending on preliminary language applicable to all for a complete grammatical sentence. The latter form of expression is very desirable to indicate the coordination of the various provisions, as well as to simplify and shorten the statute. The first line of a paragraph and subparagraph begins on a separate line.

(b) *Addition of new units.* If it becomes necessary to introduce a paragraph between existing paragraphs or a subparagraph between existing paragraphs, the

entire subsection or paragraph, as the case may be, should be revised. Otherwise, the system of numbering prescribed for the addition of subsections should be followed.

§ 15.49. Clauses and subclauses.

In unusual cases, where further subdivision of a section is unavoidable, subparagraphs may be subdivided into clauses and clauses may be subdivided into subclauses. In such case, the rules relating to paragraphs and subparagraphs apply.

PARTICULAR PROVISIONS

§ 15.61. Preamble.

(a) *Use.* Some statutes have preambles which is a preliminary statement of the reasons for the enactment of the statute. The use of preambles is not recommended.

(b) *Location and form.* The preamble follows the title and precedes the table of contents, if any, and the enacting clause. Preambles are usually divided into paragraphs each of which begins with the word “WHEREAS.”

(c) *Use in statutory construction.* The act (1 Pa.C.S. § 1924) provides that the preamble of a statute may be considered in the construction thereof.

§ 15.62. Table of contents.

(a) *Use.* A table of contents may, and in lengthy statutes should, be included to simplify reviewing and finding the contents of the statute.

(b) *Location and form.* The table of contents follows the title and preamble, if any, and precedes the enacting clause. The table of contents usually includes a listing of the designation, number or letter and heading of all major subsections and sections. In lengthy statutes containing major subdivisions, it may be sufficient to include only the major subdivisions and the first and last number of sections within each major subdivision.

§ 15.63. Short title.

(a) *Use.* The official short title is not suitable for all statutes. However, when a statute creates new law in a definable area, the short title will enable quick future identification. Short titles are often used to identify uniform state laws.

(b) *Location and form.* The short title is always the first section of a statute except where it is a uniform law in which case it may appear near the end of the statute to conform to its location in the proposed uniform law. In establishing a short title, it is desirable to eliminate as part of the title terms such as “The,” “of 1974,” “Pennsylvania” and “State” but it is desirable to identify uniform laws by the inclusion of the word “Uniform.” The short title is in the following form: “This act shall be known and may be cited as the ‘Adoption Act’.”

§ 15.64. Declaration of purpose.

(a) *Use.* Language stating the purpose of a statute or a recital of facts upon which the statute is predicated should not be included in a statute. A well drafted statute requires no extraneous statement within itself of what it seeks to accomplish nor the reasons prompting its enactment. The practice of resorting to purpose clauses is but a revival of the tried and convicted preamble. However, if it is desirable to express the policy or purpose of a statute, the “declaration of purpose” is preferred to the preamble in a bill since it is a section of the statute and becomes part of the statute.

(b) *Form.* The declaration of purpose may be a variation of the following form:

“It is the purpose of this act to protect the health and safety of the people of Pennsylvania from the menace of drug addiction. The General Assembly intends that the criminal laws shall be enforced against drug users as well as other persons. This act shall not be construed as intending to substitute treatment for punishment where crimes are committed by drug users.”

§ 15.65. Definitions.

(a) *Use.* To avoid repetition of words and to assure clarity, a well drafted statute often contains a section on definitions. They are of definite advantage in the following situations:

- (1) To define a general term in order to avoid its frequent repetition.
- (2) To avoid repeating the full title of an officer or agency.
- (3) To give an exact meaning to a word that has several dictionary meanings.
- (4) To define a technical word that has no popular meaning in commonly understood language.
- (5) To limit the meaning of a term that, if not defined, would have a broader meaning than intended.

(b) *Precautions.* A word should not be defined to mean something wholly foreign to its dictionary meaning or to include substantive provisions. In referring to defined words, the defined word and not the definition should be used.

(c) *Statutory construction and definitions.* The act (1 Pa.C.S. §§ 1901—1910) contains various rules for construing words and phrases and (1 Pa.C.S. § 1991) defines words and phrases used in statutes enacted finally on or after September 1, 1937 which apply unless the context of the statute under consideration clearly indicates otherwise.

(d) *Form.* Definition provisions are usually in the following form:

“The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Action.” Any suit or proceeding in any court of this Commonwealth.

“Administrator.” “A fiduciary appointed under authority of law by a register of wills or court to administer the estate of a decedent.”

§ 15.66. Offenses and penalties.

(a) *Classification of offenses.* The act (18 Pa.C.S. § 106(e)) provides that an offense defined by any statute shall be classified as provided in 18 Pa.C.S. § 106 (relating to classes of offenses) which provides that:

(1) A crime is a murder of the first degree or of the second degree if it is so designated or if a person convicted of criminal homicide may be sentenced to death or life imprisonment.

(2) A crime is a felony of the first degree if it is murder of the third degree or if it is so designated or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is more than ten years.

(3) A crime is a felony of the second degree if it is so designated or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than ten years.

(4) A crime is a felony of the third degree if it is so designated or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than 7 years, or if it is a crime declared to be a felony without specification of degree.

(5) A crime is a misdemeanor of the first degree if it is so designated or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than 5 years.

(6) A crime is a misdemeanor of the second degree if it is so designated or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than 2 years, or if it is an offense declared by law to constitute a crime, without specification of the class thereof, if the maximum sentence does not make it a felony.

(7) A crime is a misdemeanor of the third degree if it so designated or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than 1 year, or if it is a crime declared to be a misdemeanor, without specification of degree.

(8) An offense is a summary offense if it is so designated or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than 90 days.

(b) *Penalties for offenses.* The act (18 Pa.C.S. §§ 1101—1105) provides that persons convicted of offenses may be sentenced to imprisonment and to pay a fine not exceeding the following maximum time or amounts (unless a higher or lower time or amount is specifically prescribed by statute):

(1) Murder of the first degree	Mandatory death or life imprisonment
(2) Murder of the second degree.	Mandatory life imprisonment
(3) Felony of the first degree	20 years — \$25,000

(4) Felony of the second degree.	10 years	—	\$25,000
(5) Felony of the third degree.	7 years	—	\$15,000
(6) Misdemeanor of the first degree.	5 years	—	\$10,000
(7) Misdemeanor of the second degree.	2 years	—	\$5,000
(8) Misdemeanor of the third degree.	1 year	—	\$2,000
(9) Summary Offense	90 days	—	\$300

(c) *Use.* If a violation of a statute is to constitute an offense or result in a penalty, a section or other provision should be devoted to setting forth the classification of the offense and, if necessary, the penalty.

(d) *Form.* Except when a minimum or different term of imprisonment or fine is intended for the particular offense, when defining an offense it is sufficient merely to classify it without setting forth the sentence of imprisonment or payment of a fine in the following form:

“A person violating this act is guilty of a misdemeanor of the third degree.”

§ 15.67. Saving clause.

(a) *Use.* Newly enacted statutes could often disrupt transactions already in progress. The saving clause preserves rights and duties that have already matured or proceedings that have already been begun. The repeal of a penal statute terminates all prosecutions under it. If this is not the purpose, or if the penal provisions are substantially reenacted by the repealing statute, pending prosecutions should be specifically saved. This is not necessary with respect to civil rights and proceedings which are preserved by the act (1 Pa.C.S. §§ 1962, 1975, 1976 and 1978).

(b) *Form.* The form of the saving clause for repealed penal statutes may be in the following language, together with additional provisions necessary in the individual case: “The provisions of this act shall not affect any act done, liability incurred or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any act or part thereof repealed by this act.”

§ 15.68. Appropriations.

(a) *Use.* If the administration of a statute requires a special sum of money that will not be provided in a general appropriation bill or otherwise, an appropriation should be included. If the appropriation is to lapse on a certain date or upon the expiration of a specified period of time, a provision should be included to accomplish this purpose.

(b) *Form.* The appropriation provision may be in substantially the following form:

“The sum of \$1,000,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Department of Revenue for the fiscal year July 1, 1971 to June 30, 1972 to carry out the provisions of this act.”

§ 15.69. Severability clause.

(a) *Use.* A severability clause is not necessary and should not be used. The act (1 Pa.C.S. § 1925) provides that the provisions of every statute shall be severable and that the valid provisions should be given effect unless the court finds that the valid provisions of the statute are so essentially and inseparably connected with, and so depend upon, the void provision or application, that it cannot be presumed the General Assembly would have enacted the remaining valid provisions without the void one; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

(b) *Form.* If a severability clause is used, it may be in substantially the following form:

“If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.”

§ 15.70. Nonseverability clause.

(a) *Use.* The nonseverability clause, which is rarely used, is included in a statute if the sponsor wants the entire statute to be declared invalid if any part of it is held unconstitutional or invalid. In the absence of such a clause, the statute will be construed to be severable.

(b) *Form.* A nonseverability clause may be in substantially the following form:

“The provisions of this act are declared to be nonseverable. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remaining provisions or applications of this act shall be void.”

§ 15.71. Retroactivity clause.

(a) *Use.* If a statute is to apply retroactively, it is necessary to include a provision to achieve this effect. The act (1 Pa.C.S. § 1926) provides that no statute shall be construed to be retroactive unless clearly and manifestly so intended by the General Assembly.

(b) *Form.* A retroactive provision may be in substantially the following form:

“This act shall take effect immediately and shall be retroactive to January 1, 1973.”

§ 15.72. Applicability provision.

(a) *Use.* In certain cases it may be desirable to clearly identify in a separate provision of a statute persons or circumstances to which the act shall apply or not apply in whole or in part. In such case, a specific applicability provision may be used.

(b) *Form.* An applicability provision may be in substantially the following form:

“(a) Except incidentally, as in sections 108, 201, 210 and 211 of this act, this act does not apply to counties of the first or second classes.

“(b) Except where otherwise specifically limited, this act applies to all counties of the third, fourth, fifth, sixth, seventh and eighth classes.”

§ 15.73. Effective date.

(a) *Use.* A statute that is silent as to when it is to take effect becomes effective, with certain exceptions in cases of appropriations or statutes affecting the budget of a political subdivision, 60 days after final enactment. If it is desirable to have the statute become effective prior or subsequent to that time, an effective date provision must be included.

(b) *Statutes effective immediately.* No statute should be made effective immediately unless there is an actual need that it should. Statutes imposing penalties or creating liabilities must not be made effective immediately. A period of at least ten days should be allowed for persons affected to become aware of the existence of the statute.

(c) *Form.* Effective date provisions may include variations of the following forms:

“This act shall take effect immediately.”

“This act shall take effect July 1, 1973.”

“This act shall take effect in 30 days.”

REPEALS**§ 15.81. Use and scope.**

(a) *General.* It may be necessary to repeal one or more statutes that conflict with the new statute. Repeals may be absolute or partial. A repeal without a special designation is always an absolute repeal. An entire statute or one or more sections or other designated subdivisions of a statute may be repealed absolutely.

(b) *Form.* A provision repealing an entire statute absolutely is usually in the following form:

“The act of July 10, 1919 (P. L. 903, No. 359), entitled ‘An act regulating the fees of notaries public,’ is repealed.”

§ 15.82. General repeal.

(a) *Use.* A general repeal provision serves no useful purpose except possibly at the end of a list of specific repeals, where it may serve to prevent the application of the rule of “expressio unius est exclusio alterius” to a provision inadvertently not specifically cited for repeal.

(b) *Form.* A general repeal provision is usually in the following form:

“All acts and parts of acts are repealed in so far as they are inconsistent herewith.”

§ 15.83. Partial repeal.

(a) *Use.* A partial repeal is a repeal “as to” a specified agency or activity. The form “as much as relates to” or “as much as requires” or other similar indefinite expressions seeming to describe specific parts of the statute for absolute repeal should not be used.

(b) *Form.* A partial repeal provision is usually in the following form:

“The act of May 4, 1864 (P. L. 776, No. 668), entitled ‘A further supplement to an act to enable the Governor to appoint notaries public, and for other purposes therein mentioned,’ is repealed as to notaries.”

§ 15.84. Multiple repeals.

Where there are a number of different provisions to be repealed, the repeal section will read, “The following acts and parts of acts are repealed to the extent specified:” Each statute affected, whether the whole of it or parts only, is cited in a separate paragraph in chronological order. At the end of each citation appears the extent to which the provision is repealed, “absolutely,” “as to,” “except as to,” or other designation that best expresses the extent or limitation of the repeal.

§ 15.85. Repeal of amendatory statute.

An amendatory statute must never be repealed. The amendment becomes a part of the statute amended. The repeal of an amendment therefore repeals the provision it amended as well. If this is the purpose, the original statute or part amended must be cited for repeal. If the purpose is to do away with the amendment and restore the law as it was before it was amended, the provision must be re-amended by removing added language and adding language previously removed.

Subchapter C. STYLE AND LANGUAGE**GENERAL**

- Sec.
15.91. Rules of grammar.
15.92. Consistency.
15.93. Brevity.
15.94. Directness.
15.95. Provisos.
15.96. Limitations, exceptions and conditions.
15.97. Enumerations.
15.98. Dangling paragraphs.

GRAMMAR

- 15.111. Tense.
15.112. Mood.
15.113. Voice.
15.114. Person.
15.115. Number.
15.116. Gender.

CAPITALIZATION AND PUNCTUATION

- 15.121. U. S. Printing Style Manual.
15.122. Capitalization in general.
15.123. When to use capitalization.
15.124. When not to use capitalization.
15.125. Punctuation in general.
15.126. Commas.
15.127. Semicolons.
15.128. Colons.
15.129. Parentheses.
15.130. Quotation marks.

WORDS AND PHRASES

- 15.141. Choice of words and phrases.
15.142. Articles and adjectives.
15.143. "Shall" and "may."
15.144. Expressions to be avoided.
15.145. Preferred expressions.

NUMBERS, DATES, TIME AND AGE

- 15.151. Numbers.
- 15.152. Money, percentages and measurements.
- 15.153. Time and age.
- 15.154. Dates.

CITATIONS AND REFERENCES

- 15.161. Pennsylvania statutes.
- 15.162. Consolidated Pennsylvania Statutes.
- 15.163. Federal statutes.
- 15.164. Pennsylvania Constitution.
- 15.165. Pennsylvania Code and Bulletin.
- 15.166. Major subdivisions and sections.
- 15.167. Minor subdivisions.
- 15.168. Multiple references.

GENERAL**§ 15.91. Rules of grammar.**

(a) *General.* Generally, the ordinary rules of grammar apply to legislative drafting except that in a few instances a departure from common usage is desirable.

(b) *Statutory construction.* The act (1 Pa.C.S. § 1923) provides that grammatical errors shall not vitiate a statute.

§ 15.92. Consistency.

(a) *General.* The same arrangement and form of expression should be used throughout the statute unless the meaning requires variation. Consistency helps to avoid having a different construction placed on similar provisions.

(b) *Words and phrases.* Because different words and phrases are presumed to refer to different things, do not use different words or phrases to denote the same thing. Conversely, because the same word or phrase is presumed to refer to the same thing each time it is used, do not use it to denote different things.

(c) *Structure.* Be consistent in approach as well as in the use of particular words. If two sections or minor subdivisions are similar in substance, arrange them similarly.

§ 15.93. Brevity.

(a) *General.* No unnecessary word must be used. The courts seek to give effect to every word. An unnecessary word may defeat the true purpose of a statute. If a word has the same meaning as a phrase, the word should be used. The

shortest sentences which bring out the meaning intended should be used. Compound sentences should be avoided.

(b) *Technical and complicated subjects.* Simplicity and brevity should not, of course, be carried to an extreme. A technical subject cannot be treated without the use of some technical language. Care must be taken not to treat inadequately a complicated subject. Preciseness must not be sacrificed to simplicity. Be sure you say what you want to say and that it is neither too comprehensive nor too restricted.

§ 15.94. Directness.

(a) *Positive expression.* Where the same idea can be accurately expressed either positively or negatively, express it positively. Do not say “Indigents other than those without children may” but say “Indigents with children may.....”

(b) *Negative expression.* The negative form (“No person may....., unless....”) is appropriate, however, where the provision is intended to be mandatory (i.e., compliance is a condition precedent to the validity of the transaction). Conversely, do not use it in provisions that are intended to be only directory (i.e., compliance is not such a condition).

§ 15.95. Provisos.

(a) *Use.* The use of provisos should be avoided. See section 15.145 of this Title (relating to preferred expressions). “Provided, That” and “Provided, however, That” are much abused phrases. They are meaningless when used to introduce an additional provision that should be expressed by a direct statement. There is no special case that cannot be expressed equally well by a direct statement. They are often improperly used to introduce a new idea or a separate statement not necessarily connected with the preceding clause. They should be used only for introducing exceptions and qualifications to the preceding clause.

(b) *Statutory construction.* The act (1 Pa.C.S. § 1924) provides that provisos shall be construed to limit rather than to extend the operation of the clauses to which they refer.

§ 15.96. Limitations, exceptions and conditions.

(a) *General.* If a provision is limited in its application or is subject to an exception or condition, it will frequently promote clarity to begin the sentence with the limitation, exception, or condition, or with an expression calling attention to any limitation that follows. If limitations, exceptions or conditions apply to the whole statute they should be in a section at the beginning of the statute; if to a section, at the beginning of the section.

(b) *Form.* If the circumstances under which the rule is to apply can be stated briefly and simply, they should precede the rule itself. If there is a simple exception to the rule, place the exception at the end of the rule as follows: “This act applies to all persons except persons 65 years of age or older.” However, if the

circumstances in which the rule is to apply involve numerous contingencies or conditions, the general rule should be stated first and the conditions listed in tabular form or placed in a separate subsection stating the exceptions as follows:

“This act applies to all persons except:

(1) Persons 65 years of age or older.

(2) “Persons who have resided in the State for less than one year.”

“(d) Except as provided in subsection (e) of this section, the board may.....
etc.

“(e) This section does not apply to etc.”

(c) *Statutory construction.* The act (1 Pa.C.S. § 1924) provides that exceptions expressed in a statute shall be construed to exclude all others.

§ 15.97. Enumerations.

(a) *General.* Enumerations are dangerous both alone and following or preceding a general term. In most cases it is impossible to make an enumeration complete. In such cases the courts apply the rule “expressio unius est exclusio alterius” and refuse to apply the statute to something that would have been included if someone had thought of it in time. The enumeration preceding or following a general term brings the “ejusdem generis” rule into play and restricts the application of the statute to things similar to those enumerated even though the general term is of wider application. General terms alone should therefore be used in all cases without specific enumeration.

(b) *Form.* In a series, list, or other enumeration, introductory language that applies to more than one item named must apply to all. In an enumeration of items that are to be taken together, connect the last two items by “and.” In an enumeration of items that are to be taken in the alternative, use “or.” Sometimes it is hard to tell which is appropriate. The problem is to determine what, specifically, you are enumerating. In an enumeration of items that are to be taken both together and in the alternative, say “A or B, or both,” if two items are involved (not “and/or”); or “one or more of the following:” if more than two items are involved. Thus the problem of whether to use “and” or “or” can sometimes be by-passed by using the tabular form with appropriate introductory language.

§ 15.98. Dangling paragraphs.

A paragraph without designation should not be added at the end of a section consisting of several paragraphs. This is sometimes referred to as a “dangling paragraph.” If it affects the last paragraph only, it should be a part of the paragraph containing it; otherwise the provision including the paragraphs should be made one subsection, and the added paragraph a separate subsection. There are even times when a dangling paragraph should be a separate section.

GRAMMAR**§ 15.111. Tense.**

(a) *General.* A statute is regarded as constantly speaking. It speaks as of the time when it is read or applied. It must, therefore, be written in the present tense, except for stating a condition precedent to its operation, which should be phrased in the perfect tense if it is required to be completed before the statute applies. The use of the word “shall” in imposing a duty or prohibition does not indicate the future tense. Even where an action is required on a specified future date, the form of expression is not in the future tense. In speaking in the present, a circumstance which puts a provision of a statute in operation, if continuing to exist is in the present tense, if completed is in the perfect tense, but is never in the future or future perfect.

(b) *Statutory construction.* The act (1 Pa.C.S. § 1902) provides that words used in the past or present tense shall include the future.

§ 15.112. Mood.

(a) *General.* The indicative rather than the subjunctive mood should be used in statutes. The subjunctive mood has no place in a statute since a statute deals with facts and not with hypothetical cases.

(b) *Use of “shall.”* The word “shall” should not be used in a statute to state a legal result (false imperative) but should be used in mandatory statutes requiring a certain legal act.

§ 15.113. Voice.

The active voice (e.g. “The board shall appoint a director”) should be used in statutes instead of the passive voice (e.g. “A director shall be appointed by the board”).

§ 15.114. Person.

The third person should be used in statutes rather than the first or second person.

§ 15.115. Number.

(a) *General.* The singular should be used in a statute whenever possible rather than the plural.

(b) *Statutory construction.* The act (1 Pa.C.S. § 1902) provides that the singular shall include the plural and the plural the singular.

§ 15.116. Gender.

(a) *General.* The phrases “he or she” and “his or hers” should be avoided in a statute when referring to a person affected by a statute. The word “he” or “his” is preferred.

(b) *Statutory construction.* The act (1 Pa.C.S. § 1902) provides that the masculine gender shall include the feminine and neuter.

CAPITALIZATION AND PUNCTUATION

§ 15.121. U. S. Printing Style Manual.

Capitalization and punctuation should conform in general to the most recent edition of the United States Government Printing Office Style Manual.

§ 15.122. Capitalization in general.

A departure from the ordinary rules of capitalization is suggested for legislative drafting. In general, capitalize as little as possible. The lower case is easier to read and easier to write.

§ 15.123. When to use capitalization.

Capitalization should be used in the following circumstances:

- (1) The initial word in a sentence.
- (2) The initial word in enumerations set out as separate paragraphs which end in a period.
- (3) Months and days of the week.
- (4) The word state, county, city, borough, town and township when used as part of a proper name (e.g. Dauphin County).
- (5) The word or phrase Pennsylvania, Commonwealth, Federal Government and United States.
- (6) Names of specific persons (Charles M. Smith), places (Blue Ridge Mountains), historic events (World War II) and holidays (Christmas Day).
- (7) Short titles and popular names of statutes (Securities Act).
- (8) The word part or other major subdivision designation when accompanied by the part or major subdivision number.

§ 15.124. When not to use capitalization.

Capitalization should not be used in the following circumstances:

- (1) The initial word in enumerations set out as separate paragraphs which end in a semicolon.
- (2) A word indicating a geographic location (northern Pennsylvania).
- (3) References to official agencies (department) or officers (secretary) unless accompanied by the full title of such agency (Department of Revenue) or officer (Secretary of Revenue).
- (4) The word act, statute, section or name of minor subdivision.

§ 15.125. Punctuation in general.

(a) *General.* A statute must be punctuated carefully since it may be relied upon by the courts in interpreting statutes. A sentence should be rearranged if a change in punctuation might change its meaning.

(b) *Statutory construction.* The act (1 Pa.C.S. § 1923) provides that in no case shall the punctuation of a statute control or affect the intention of the General Assembly in the enactment thereof unless the statute was finally enacted after December 31, 1964.

§ 15.126. Commas.

The following are guidelines for the use of commas:

- (1) If a sentence consists of two independent clauses, each with subject and predicate, use a comma before the conjunction.
- (2) If the second part of a sentence has no subject, a comma is unnecessary unless required for clarity.
- (3) Enclose a parenthetical phrase or clause with two commas.
- (4) Words, phrases, or clauses in a series are separated by commas.
- (5) The use of the comma before the conjunction connecting the last two members of a series is preferable, but the comma may be omitted unless required for clarity.

§ 15.127. Semicolons.

The following are guidelines for the use of semicolons:

- (1) Use the semicolon between two main clauses not joined by one of the simple co-ordinating conjunctions (and, but, or, nor, for).
- (2) Use the semicolon to separate two or more co-ordinate elements, one or both of which contain commas.
- (3) Use the semicolon at the end of enumerations in separate paragraphs which take the form of a sentence and are either in the conjunctive or disjunctive.

§ 15.128. Colons.

The following are guidelines for the use of colons:

- (1) Use the colon to introduce a series in tabular form or otherwise.
- (2) Use the colon to introduce a long quotation.

§ 15.129. Parentheses.

Parentheses are generally frowned upon, but they are sometimes more reliable than commas in setting off a phrase where there is possible uncertainty as to how the ideas that follow the phrase are linked to the ideas that precede it.

§ 15.130. Quotation marks.

(a) *Use.* Quotation marks should not be overused. In legislative drafting quotation marks are usually used only to enclose:

- (1) Titles or texts of statutes referred to or incorporated by reference.
- (2) Defined words or phrases.

(b) *Location of punctuation.* Periods and commas are placed inside quotation marks, as a general rule. Other punctuation marks normally go outside the quotation marks, unless they are part of the matter quoted.

WORDS AND PHRASES**§ 15.141. Choice of words and phrases.**

(a) *General.* The objective in legislative drafting is to make the final product as precise and understandable as possible. There are hundreds of expressions, legal and otherwise, that can be simplified. The choice of words is important. They should be plain and well understood. Well turned phrases are effective in lawyers' briefs and in court opinions, but have no place in statutes. Language which is peculiarly limited to legal diction should be avoided in favor of ordinary and common phraseology, if the popular words convey the meaning equally well.

(b) *Guidelines.* In drafting statutes, the following general guidelines should be followed:

- (1) Select short, familiar words and phrases that best express the intended meaning according to common and approved usage.
- (2) Never use a long word where a short one will do.
- (3) If it is possible omit a word and preserve the desired meaning, always omit the word.
- (4) Never use a foreign phrase, a scientific word, or a jargon word if an everyday English equivalent can be used.
- (5) Use the same word throughout if the same meaning is intended and do not use the same word to denote different meanings.
- (6) Avoid the use of indefinite terms, such as "reasonable" that invite litigation but supply a definite standard or vest discretion in a designated official where it is appropriate.

§ 15.142. Articles and adjectives.

(a) *Articles.* Consistent use of the articles "a" or "an" will result in smoother writing and more precise expression. "A person who violates" is preferred to "any person who violates," "each person who violates," or "all persons who violate."

(b) *Demonstrative adjectives.* Although the word "such" is commonly used in legislation as a demonstrative adjective (i.e., as a word pointing at a particular person, object, or entity already referred to), this use is undesirable because it is

improper under general writing standards, it is a stilted way of saying something better expressed by “that,” “the,” “those,” “it,” “them,” etc., and it is easily confused with the more appropriate uses of the word. Likewise, the words “said,” “aforesaid,” “hereinabove,” “beforementioned,” “whatsoever,” or similar words of reference or emphasis should be avoided.

(c) *Pronominal indefinite adjectives.* Use adjectives such as “each,” “every,” “any,” “all,” “no,” and “some” (technically known as “pronominal indefinite adjectives”) only where necessary. If the subject of the sentence is plural, it is almost never necessary to use such an adjective (e.g., “Qualified State officers shall”; “Qualified State officers may not.....”). If the subject of the sentence is singular, use the pronominal indefinite only when the article “a” or “the” is inadequate, as when the use of “a” would allow the unintended interpretation that the obligation is to be discharged (or the privilege exhausted) by applying it to a single member of the class instead of to all of them. If it is necessary to use a pronominal indefinite, follow these conventions:

- (1) If a right, privilege, or power is conferred, use “any” (e.g., “Any qualified State officer may.....”).
- (2) If an obligation to act is imposed, use “each” (e.g., “Each qualified State officer shall.....”).
- (3) If a right, privilege, or power is abridged, or an obligation to abstain from acting is imposed, use “no” (e.g., “No qualified State officer may.....”).

§ 15.143. “Shall” and “may.”

(a) *Function of statute.* The principal functions of a statute are to:

- (1) Create.
- (2) Impose a duty or obligation.
- (3) Prohibit.
- (4) Confer a right, power or privilege.

(b) *Duty, obligation or prohibition.* Whenever possible, use “shall” only in the imperative sense. A duty or obligation is expressed by “shall” and a prohibition by “shall not.” However, “may” should be used in the case of a negative subject. For example, “No person shall....” means that no one is required to act. So read, it negates the obligation, but not the permission, to act. On the other hand, “No person may” negates also the permission and is, therefore, the stronger prohibition.

(c) *Right, power or privilege.* Whenever possible, use “may” only in the permissive sense. A right, power or privilege is expressed by “may” and an abridgement of a right, power or privilege by “may not.” Where an intended right might be construed as merely an unenforcible privilege, use “is entitled.” Where a power conferred on a public authority is liable to be construed by the courts as a duty, the word “may” should be followed by words such as “in his discretion” unless “may” has been expressly defined as being only permissive.

§ 15.144. Expressions to be avoided.

(a) *Forbidden words.* Avoid the following terms altogether:

above (as an adjective)	said (as a substitute for “the,” “that,” or “those”)
aforesaid	
afore-mentioned	same (as a substitute for “it,” “he,” “him,” etc.)
and/or	
before-mentioned	to wit
herein	whatsoever
hereinafter	whenssoever
hereinbefore	wheressoever
provided that	

(b) *Pairs of words having same effect.* Avoid the following pairs of words having the same effect:

authorize and empower	each and all
by and with	each and every
final and conclusive	order and direct
from and after	over and above
full and complete	sole and exclusive
full force and effect	type and kind
made and entered into	unless and until
null and void	

(c) *Pairs of words having different effect.* Avoid the following pairs of words one of which includes the other and use the broader or narrower terms as the substance requires:

any and all	desire and require
authorize and direct	means and includes
by and under	

§ 15.145. Preferred expressions.

Unless there are special reasons to the contrary, the following expressions should be avoided or used as indicated:

<i>Avoid</i>	<i>Use</i>
it is directed	shall
it is the duty	shall
is authorized	may
is empowered	may
it shall be lawful	may
accorded	given

<i>Avoid</i>	<i>Use</i>
afforded	given
prior to	before
subsequent to	after
at the time	when
hereafter	after this act takes effect
heretofore	before this act takes effect
period of time	period, time
during such time as	while
during the course of	during
for the duration of	during
until such time as	until
forthwith	immediately
per annum, per day, per foot	a year, a day, a foot
per centum	percent
pursuant to	under
under the provisions of	under
provision of law	law
effectuate	carry out
and/or	“either X or Y or both of them” or “X and Y or either of them”
is able to	can
is unable to	cannot
feasible	possible
the Congress	Congress
law passed	law enacted
approximately	about
expend	spend
enter into a contract with	contract with
is binding upon	binds
donate	give
modify	change
provided, further; provided, however; provided that	“except,” “but” or “however” or start a new sentence
provided (conjunction)	“if” or “but”
every person, all persons	a person
null and void	void
constitute and appoint	appoint
is applicable	applies
fail, refuse or neglect	fail
is able to	can

<i>Avoid</i>	<i>Use</i>
is unable to effectuate	cannot carry out
be and the same is hereby is defined and shall be construed to mean	is means
means and includes	“means” or “includes” as required

NUMBERS, DATES, TIME AND AGE

§ 15.151. Numbers.

(a) *General.* The numbers ten and under, when not used in a citation, date, monetary amount, percentage, or similar quantity, are expressed in words only in running text. The number 11 and larger and numbers used in citations, dates, monetary amounts, percentages, and similar quantities are expressed in figures only.

(b) *Exceptions.* The numbers 11 and larger are expressed in words when used at the beginning of a sentence and the numbers ten and under are expressed in figures when set forth in tabular form or when used in combination with other numbers one of which is 11 or larger.

§ 15.152. Money, percentages and measurements.

(a) *Money and percentages.* Monetary sums and percentages are expressed in figures only as follows:

12%
25 1/2%
30¢
\$10
\$2,500,000
\$5.30

(b) *Measurements.* Measurements are expressed in figures as follows:

1 1/2 miles
6 acres
90 gallons

§ 15.153. Time and age.

(a) *Time.* Time is expressed in figures as follows:

9:30 a.m.
4:30 p.m.
10 p.m.
12 noon

12 midnight

(b) *Age.* Age is expressed in figures in accordance with the following guidelines:

- (1) A person attains a given age on the day preceding his birthday.
- (2) Where the age referred to is to be included, use “18 years of age or older” and not “over 18 years of age.”
- (3) Where both ages referred to are to be included, use “18 years of age or older and 50 years of age or under” and not “between the ages of 18 and 50.”

§ 15.154. Dates.

(a) *General.* Dates are expressed in figures as follows:

June 1956

June 1, 1956

June 1 (not “June first” or “first day of June”)

(b) *Period of time.* When specifying a period of time, make clear what the first and last days are. For example, a period of time that begins July 1, 1961 and ends June 30, 1962 should be expressed “after June 30, 1961 and before July 1, 1962” and not “from July 1, 1961 to June 30, 1962” or “between July 1, 1961 and June 30, 1962.”

(c) *Terms of reference.* Since a statute is considered to be continuously speaking, do not use words like “now,” “present,” “already,” “heretofore,” or “hereafter” to relate events to the time when the law takes effect. Relate them expressly to that event (“when this act takes effect,” “before this act takes effect,” etc.). When used to fix the beginning or end of a period, the word “time” is liable to be construed as referring to the exact time during the day or night when the event occurs. If you intend that the period is to be measured in whole days only, say “day” instead of “time.”

CITATIONS AND REFERENCES

§ 15.161. Pennsylvania statutes.

(a) *General.* Any statute other than a provision of the Consolidated Pennsylvania Statutes shall be cited by reference to its date of enactment, and the page number (e.g. P. L. 406) and act number (e.g. No. 21), if any, assigned in the Laws of Pennsylvania.

(b) *Official short title.* If the statute has an official statutory short title, the short title shall be set forth without the use of quotation marks as follows:

“act of June 4, 1945 (P. L. 1388, No. 442), known as the Administrative Agency Law.”

(c) *Popular name or summary of title.* If the statute has no statutory short title, the popular name of the statute or, if there is no popular name, a brief summary of the title may be set forth without the use of quotation marks as follows:

“act of May 13, 1909 (P. L. 520, No. 2912), referred to as the Pure Food Law.”

“act of June 3, 1911 (P. L. 639, No. 246), relating to medicine and surgery.”

(d) *Special session*. If the statute was passed during a special session, a reference to the special session and special session number, if any, shall be set forth as follows:

“act of April 27, 1966 (1st Sp.Sess., P. L. 31, No. 1), known as The Bituminous Mine Subsidence and Land Conservation Act of 1966.”

(e) *Year of pamphlet law*. If a statute is finally enacted in the year following the year of the volume of the Laws of Pennsylvania containing the statute, the year of the volume of the Laws of Pennsylvania shall be set forth as follows:

“act of January 26, 1972 (1971 P. L. 761, No. 188), known as the Capital Budget Act of 1971.”

§ 15.162. Consolidated Pennsylvania Statutes.

The Consolidated Pennsylvania Statutes are cited by reference to the title number, official short form of citation (Pa.S), provision referred to and a cross reference description of the provision as follows:

1 Pa.C.S. § 1909 (relating to publication)

Subchapter B of Chapter 73 of Title 18 of the
Consolidated Pennsylvania Statutes (relating to
Sunday trading)

Chapter 7 of Title 18 of the Consolidated Pennsylvania
Statutes (relating to responsibility)

Title 18 of the Consolidated Pennsylvania Statutes
(relating to crimes and offenses)

§ 15.163. Federal statutes.

(a) *Statutes at large*. In citing the U. S. Statutes at Large, reference should be made to the Public Law number if available, otherwise the date of enactment, and section, volume, and page. The page number should refer to the page on which the section cited begins:

“Public Law 85-325, Part III, § 121, 71 Stat. 637.”

“act of October 31, 1951, § 50(b), 65 Stat. 727.”

(b) *U. S. Code*. In citing provisions of the U. S. Code which have been enacted into positive law, reference should be made to title and section number in the same manner as citation of the Consolidated Pennsylvania Statutes as follows:

“28 United States Code § 2254 (relating to state custody, remedies in Federal courts).”

§ 15.164. Pennsylvania Constitution.

(a) *General.* The Constitution of Pennsylvania is cited by reference to the provision referred to and article as follows:

“section 18 of Article V of the Constitution of Pennsylvania”

“section 21, Schedule to Article V of the Constitution of Pennsylvania”

(b) *Constitution of 1874.* The Constitution of Pennsylvania, as adopted by referendum of December 16, 1873, shall be known and may be cited as the “Constitution of 1874.”

(c) *Constitution of 1968.* The Constitution of Pennsylvania, as amended by referenda of May 17, 1966, November 8, 1966, May 16, 1967 and April 23, 1968 and as numbered by proclamation of the Governor of this Commonwealth of July 7, 1967 pursuant to the act of August 17, 1965 (No.180), shall be known and may be cited as the “Constitution of 1968.”

§ 15.165. Pennsylvania Code and Bulletin.

(a) *Pennsylvania Code.* The Pennsylvania Code is cited as provided in 1 Pa. Code § 1.2 (relating to citation of Pennsylvania Code) as follows:

“1 Pa. Code § 1.2.”

(b) *Pennsylvania Bulletin.* The Pennsylvania Bulletin is cited as provided in 1 Pa. Code § 9.82 (relating to references to Pennsylvania Bulletin) as follows:

“1 Pa.B. 801.”

§ 15.166. Major subdivisions and sections.

(a) *References to other statute.* Major subdivisions and sections of other statutes are cited by reference to the provision referred to and the statute containing the provision as follows:

Subchapter A of Chapter 31 of the act of

Chapter 31 of the act of

section 411 of the act of

(b) *References within statute.* Major subdivisions and sections within the statute containing the reference are cited by reference to the provision referred to without the reference “of this act” as follows:

Subchapter A of Chapter 31

Chapter 31

section 411

§ 15.167. Minor subdivisions.

(a) *General.* Minor subdivisions of statutes are cited by reference to the highest unit cited in the reference.

(b) *Other section.* Minor subdivisions in another section of the same or other statute are cited as follows:

section 411(a)(1)

section 411(a)(1)(i) of the act of

(c) *Same section.* Minor subdivisions in another subsection of the same section are cited without the reference “of this section” as follows:

subsection (a)(1)(i)(A)(I)

subsection (a)(1)(i)(A)

subsection (a)(1)(i)

subsection (a)(1)

subsection (a)

(d) *Same subdivision.* Minor subdivisions in the same minor subdivision are cited without the reference to the subdivision common to the unit containing the reference and the unit referred to as follows:

paragraph (1)

paragraph (1)(i)

subparagraph (i)

paragraph (3)(ii)(A)

subparagraph (ii)(B)

clause (B)

paragraph (3)(ii)(A)(I)

subparagraph (ii)(B)(I)

clause (B)(I)

subclause (I)

§ 15.168. Multiple references.

References to two or more provisions are cited as follows:

Chapters 1 and 3 of the act of

Chapters 1 through 3 of the act of

sections 102 and 103 of the act of

sections 306(e) and 307(f)(1)

subsections (a) and (b)

paragraph (1) or (2)

subsection (a)(2), (3) or (4)

Subchapter D. AMENDATORY STATUTES

GENERAL

- Sec.
- 15.201. Purpose of amendatory statute.
- 15.202. Constitutional limitation.
- 15.203. Scope of amendment.
- 15.204. Location and nature of provisions amended.
- 15.205. Preparation from official law.

TITLE

- 15.211. Form generally.
- 15.212. Reference to particular provision.
- 15.213. Reference to amended titles.
- 15.214. New matter in title.

BODY

- 15.221. Form generally.
- 15.222. Brackets and underscoring.
- 15.223. Designation of new provisions.
- 15.224. Describing provision amended.
- 15.225. Sections of amendatory statute.
- 15.226. Pre-1938 enacting clause.
- 15.227. Form of first amendatory section.
- 15.228. Form of provisions amended.
- 15.229. Reenacting penalty clause.

PRIOR AMENDMENTS

- 15.241. Initial search.
- 15.242. Conforming multiple amendments.
- 15.243. Reference to prior amendments.
- 15.244. Grouping provisions previously amended.

GENERAL**§ 15.201. Purpose of amendatory statute.**

The purpose of an amendatory statute is to change some provisions of an existing statute. This may be done either by removing words or provisions, or by adding words or provisions, or by removing some, and at the same time, adding others. All acts of Assembly at one time began in the form of an original act. Some of these that are still in effect date back more than 150 years.

§ 15.202. Constitutional limitation

The Constitution (art. III, sec. 6) provides that no statute may be revived, amended or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be reenacted and published at length.

§ 15.203. Scope of amendment.

(a) *General.* An amendment may be of only one section, subsection or other minor subdivision, or it may include several sections or parts of an existing statute. It may also reenact and amend the entire statute, including the title. Frequently, an amendment merely adds a section, subsection or other minor subdivision to an existing statute or section thereof without reenacting any of its present language. In all cases, enough of the existing statute must be set out to complete the grammatical sense and to include all that is directly affected by the change which the amendment proposes.

(b) *Minor subdivisions.* Usually the section is the basis for an amendment. It is quite proper to amend a minor subdivision or even a paragraph without distinctive designation, if the paragraph can be identified as the “first,” “last” or other numerical order. In most cases of unlettered and unnumbered paragraphs it is preferable to amend the whole section, and as a part of the amendment divide it into subsections to facilitate future amendments. It is also proper to use other designations if the section is unusually long, such as section 202 of the Administrative Code of 1929, which is often amended “As much of section 202 as relates to the Department of Public Welfare of the act is amended to read:”

§ 15.204. Location and nature of provisions amended.

(a) *General.* The parts of a statute or of a section amended need not immediately follow each other. It is proper in one bill to amend sections 1, 4 and 19, as long as it is clearly stated that those are the sections that are amended. It is also proper to amend whole sections and parts of sections or parts of several different sections in the same bill.

(b) *Chronological order.* The sections, subsections and other minor subdivisions of the statute being amended must always be kept in their proper numerical or lettered order. This applies also where sections, subsections or other minor subdivisions are added. They must always be placed in the bill so that the number or letter assigned them will be in proper position with respect to existing sections, subsections or other minor subdivisions that are being amended in the same bill.

(c) *Additions and repeals.* The practice of placing all added sections at the end of the bill is not approved. Likewise, if one or more sections are repealed, the repealing section of the amendatory bill should appear in the proper numerical order of the sections to be repealed.

§ 15.205. Preparation from official law.

In all cases where language of a present statute is incorporated in an amendment, the language must be copied from and compared with the appropriate volume of the Laws of Pennsylvania so as to make absolutely certain that the copy is exact in all details with the original. If the provision has been previously

amended, the language is copied from the Laws of Pennsylvania where it was last amended. The title must always be copied from and compared with the Laws of Pennsylvania so as to minimize the possibility of errors. Where the appropriate volume of the Laws of Pennsylvania has not been published, the slip laws are used.

TITLE

§ 15.211. Form generally.

(a) *General.* The title to a bill proposing to amend an existing statute begins “AN ACT Amending the act of” followed by a reference to the statute being amended, the word “entitled” and the title of the statute as it appears in the Laws of Pennsylvania or slip law enclosed in quotation marks.

(b) *Use of short title.* Except for amendments to the Consolidated Pennsylvania Statutes, the substitution of the official short title has not been attempted. If the new matter adequately covers the subject of the amendment, it is likely that the short title would be held to be sufficient.

§ 15.212. Reference to particular provision.

(a) *General.* Reference to the sections or other parts of the statute that are being amended should be avoided. Aside from making the title unnecessarily long, it presents another opportunity for inaccuracies and inconsistencies to creep in. Whether it is proposed to amend one or any other number of sections, subsections or other minor subdivisions, the form should be “AN ACT Amending the act.”

(b) *Repeals.* When the purpose of an amendatory bill is to repeal a provision by the use of a repealer clause, it is proper to cite the provision in the title in the form “AN ACT Repealing section 4 of the act” followed by the required reference to the statute and the subject matter of the provision repealed.

§ 15.213. Reference to amended titles.

The titles of some statutes have been amended by subsequent statutes. In these cases, the title as it has been last amended should be set forth. In all cases of amended titles, the word “entitled” is followed by the words “as amended,” which immediately precede the quoted title.

§ 15.214. New matter in title.

Immediately after the close of the quotation of the title of the statute to be amended, follows the new matter of the amendatory title. Its purpose is to express in as very few words as possible what the proposed changes in the statute are. The new matter may be a single phrase without punctuation except the period at the end. But more frequently it is divided into two or more phrases that are separated by semicolons.

BODY**§ 15.221. Form generally.**

(a) *General.* The form of the bill is an amendment to the existing statute. Amendments follow a standard form as to references to the statute amended, references to previous amendments and statements of what is being done.

(b) *Conforming to statute amended.* Language and form are harmonized with that used in the statute amended, even if they do not conform to the drafting rules prescribed by this Subpart. When a new section is added to an existing statute the sections of which have section headings, a section heading is added to conform to the statute amended.

§ 15.222. Brackets and underscoring.

Language intended to be taken out of an existing provision is enclosed in brackets and new language to be added is underscored. Removing language from the statute improperly may render the amendment unconstitutional. While the consequences of failure to underscore may not be serious, it is very important to the proper understanding of the bill. If language is removed and added at the same place, the language to be removed always come first, followed by the language added.

§ 15.223. Designation of new provisions.

(a) *Changing provisions.* Major subdivisions, sections, subsections or other minor subdivisions should not be renumbered or relettered. Doing so often leads to endless confusion in later citations of the provisions. It becomes difficult to determine whether reference is intended to the section or subdivision originally carrying the number or letter or to the renumbered or relettered section or subdivision.

(b) *Adding provisions.* If it becomes necessary to add one or more chapters between two existing chapters, they are designated, by the numeral of the next preceding chapter followed by a capital letter A, B, C, etc. (1A). The same system generally applies to subchapters (A-1). If sections or subsections are added, except at the end of the statute or in other cases where there is room for expansion, the next preceding designation is used followed by a dot and the numeral 1, 2, 3, etc. (2.1). This is not a decimal system; .12 is further advanced than .3.

§ 15.224. Describing provision amended.

In designating the portion of a statute that is being amended it must be described accurately. If the bill recites for amendment an entire section and only a part of the section is set out, the whole attempt to amend may be unconstitutional and fail to accomplish anything.

§ 15.225. Sections of amendatory statute.

(a) *Amendatory sections.* The section of an amending or reenacting bill is the statement that the specified provision of an existing statute is “amended (or reenacted) to read,” or is “amended by adding a section (subsection, etc.) to read.” What comes after is the existing statute as changed or reenacted or the new provisions added to the existing statute. The section numbers and other designations appearing in it are of the existing statute and not of the bill.

(b) *Additional sections.* The amended or reenacted provisions may be followed by a general section of the amending or reenacting bill. The most common instance is a section fixing an effective date for the amendment or reenactment. Also, where the purpose of an amendment or reenactment is to cure a defect in an existing statute, it is always well to add a section validating what was done under the defective statute. In each case this is a section of the amending or reenacting statute, not of the statute amended or reenacted.

§ 15.226. Pre-1938 enacting clause.

Prior to the special session of 1938 the enacting clause was different from that now in use and was incorporated as a part of the first section of the bill. In the Laws of Pennsylvania up to 1872, it was printed at length. From 1873 to 1937, only the abbreviation “Be it enacted, &c.,” was printed. In amending the first section of 1937 and earlier acts, this abbreviation is always used, whether or not the old enacting clause appears in full in the printed statute.

§ 15.227. Form of first amendatory section.

(a) *Single amendment.* Section one of the bill starts out with the citation of the section to be amended, 2, act of May 2, 1945 (P. L. 382, No. 164).” If the statute has a short title, this will be used, “known as the Municipality Authorities Act of 1945.” If the statute does not have a short title, its constitutional title is quoted, following the word “entitled.” After the quotation of the title appear the words “is amended to read.” Then follows the language of the section which is to be amended with the changes to be made indicated thereon.

(b) *Multiple amendments.* Frequently several sections of an existing statute will be amended in the same section of a bill. In such cases, all sections to be amended are enumerated at the beginning of the bill, and the language following the quotation of the title will be “are amended to read.” This is immediately followed by the language of the sections to be amended, one after the other in their proper order without regard to their continuity in the original statute. The same is true as to combinations of subsections or other minor subdivisions and as to combinations of sections, subsections or other minor subdivisions.

§ 15.228. Form of provisions amended.

(a) *General.* If a part only of a section is being amended, the section number and section heading, if any, are always set forth, even though the first part of the section is not included in the amendment. If less than all of the minor subdivisions of a section or subsection are being amended, in addition to the section number and heading, the preliminary language upon which all the minor subdivisions depend to express a complete thought is also included, but is not specifically cited for amendment unless a change in its language is made. Three asterisks (* * *) are used to indicate the omission of any language, whether at the beginning or any subsequent point in the section.

(b) *Citing provision.* In citing a subsection or other minor subdivision for amendment, the designations as they appear in the statute being amended, figures, parentheses, capital or small letters, Roman numerals, and numbers expressed in words are used just as they are in the statute amended, even though they do not conform to the rules set forth in this Subpart.

§ 15.229. Reenacting penalty clause.

In changing a clause in a penal section or adding a new clause, the penalty is likewise included without being referred to unless it is changed. The reason is that penal statutes are strictly construed and it may be held that the part of the statute amended is not reenacted and published at length unless the penalty is included.

PRIOR AMENDMENTS**§ 15.241. Initial search.**

Before preparing an amendatory bill, it is necessary to make a proper search of prior amendments to the provision to be amended. Where the provision has been amended, it is necessary to ascertain that the last amendment has taken into consideration all preceding amendments. This is particularly important in the case of sections amended more than once in the same legislative session.

§ 15.242. Conforming multiple amendments.

All prior amendments must be given effect unless the changes in the statute (as distinguished from mere changes in language) made by them are irreconcilable. Usually this can be done by removing and adding the changes made in each amendment. But sometimes new provisions are added in language of the old section that is removed by another amendment. A good example of this are the amendments made in 1953 to section 2502 of the Public School Code of 1949. A rewriting of the section was necessary to give effect to all the changes made by each of the five amendments.

§ 15.243. Reference to prior amendments.

If the section, subsection or other minor subdivision that is being amended has been previously amended, the citation of the statute in section one of the bill is followed by a reference to the last amending statute followed by “is amended to read:” In cases of multiple amendments, it is necessary in citing the provision to be amended to specifically cite in chronological order each existing amendment that has not previously been accounted for in a later amendment.

§ 15.244. Grouping provisions previously amended.

(a) *General.* If a bill amends several sections, subsections or other minor subdivisions, some of which have been amended and others not, or some of which have been amended by different earlier statutes, the proper order of the parts amended is always maintained, but the sections of the amending bill will group them so as to include in each section all the consecutive provisions affected by the same amendment, or that have not been amended. This, of course, sometimes requires repetition of citations of amending statutes where sections otherwise affected intervene.

(b) *Example.* An example would be a bill containing the following:

(1) Section 1 of the bill amending sections 308 and 311 of the Public School Code of 1949 that have not been previously amended.

(2) Section 2 of the bill amending sections 315 and 317, “amended July 27, 1953 (P. L. 616, No. 176)”.

(3) Section 3 of the bill amending section 672 and clause (c) of section 687, “amended January 21, 1952 (P. L. 2195, No. 627)”.

(4) Section 4 of the bill amending sections 701, 733 and 739, which again have not been previously amended.

(5) Section 5 of the bill amending section 2511.1, again “amended January 21, 1952 (P. L. 2195, No. 627).”

[Next page is 17-1.]

15-40

(235700) No. 278 Jan. 98

Copyright © 1998 Commonwealth of Pennsylvania