

CHAPTER 29. MISCELLANEOUS PROVISIONS

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Subchapter A. GENERAL

Sec.	
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§ 29.1. Continuation of Pre-1969 Statutes and Rules.

All statutes and rules governing practice and procedure in actions and proceedings in the Courts of record and Courts not of record of this Commonwealth in force on December 31, 1968, shall continue in force until suspended, revoked or modified, pursuant to Article V of the Constitution of Pennsylvania.

Source

The provisions of this § 29.1 adopted December 31, 1968, effective January 1, 1969, Supreme Court of Pennsylvania Order No. 24, Civil Procedure Rules Docket No. 4.

§ 29.2. Certification to the State Treasurer.

Pursuant to the authority granted by Acts 352 and 359 of the 1968 Session of the Pennsylvania General Assembly, the Court of Common Pleas of each Judicial District numbered 2 through 59 is hereby directed to certify promptly to the State Treasurer the number of persons residing within each magisterial district within said Court's Judicial District for salary purposes only, under Section 5(b) of said Acts of Assembly. For determining population for said purpose, said Courts are hereby authorized to utilize 1960 Federal Census or subsequent Federal Census population figures, and make certification without further approval from this Court. If any of said Courts desire or need to use state or local agency population figures or estimates, or other than Federal Census figures, said population figures or estimates, along with the source of said figures or estimates, shall first be submitted to this Court for approval before certification to the State Treasurer. Copies of the final certification shall be sent to the State Court Administrator.

Source

The provisions of this § 29.2 adopted February 8, 1969, Supreme Court of Pennsylvania Order No. 502, Miscellaneous Docket No. 16.

§ 29.3. [Rescinded].

Official Note: The Order of March 15, 1972 of Supreme Court of Pennsylvania Order No. 27, Court Administrator Docket No. 1 provides: "8. The Order of this Court at No. 26 in this Docket entered May 26, 1970 shall continue in effect until supplied by an order of the Judicial Council under Rule 313 of the Pennsylvania Rules of Judicial Administration."

Source

The provision of this § 29.3 adopted May 26, 1970, Supreme Court of Pennsylvania Order No. 26, Court Administrator Docket No. 1; rescinded May 17, 1990, effective May 17, 1990, 20 Pa.B. 3157. Immediately preceding text appears at serial page (136770).

§ 29.4. Appointment of Masters under Mental Health and Mental Retardation Act.

1. The President Judge of the Court of Common Pleas of each Judicial District shall have the power to appoint one or more Special Masters, who are members of the Bar of the Supreme Court, to hear petitions filed under Section 406 of the Mental Health and Mental Retardation Act of 1966.

2. The President Judge shall prescribe the necessary procedures to be followed by such Masters in scheduling hearings, filing fees, notices of hearings, presence of necessary parties, right of patient to be represented by counsel, taking of testimony, securing files and all other related and pertinent matters.

3. Upon conclusion of the hearing the Masters shall make a written report, findings of fact and recommendations to the President Judge in the manner prescribed by the Court.

4. This order is made effective as of July 30, 1971.

Source

The provisions of this § 29.4 adopted August 10, 1971, Supreme Court of Pennsylvania Order No. 78, Miscellaneous Docket No. 19.

§ 29.5. Certification of District Justice Election Data.

(1) On or before the 15th Tuesday before the primary election in each odd-numbered year the Court Administrator of Pennsylvania shall certify to the Secretary of the Commonwealth such information as may be necessary to specify the magisterial districts in which district justices will be elected at the municipal election in such year.

(2) Except as otherwise expressly ordered by the Supreme Court with respect to any particular magisterial districts, orders establishing or modifying magisterial districts entered after the 19th Tuesday before the primary election in an odd-numbered year shall not affect the number and boundaries of magisterial districts certified to the Secretary of the Commonwealth for the purposes of such primary election and the ensuing municipal election.

(3) Should any political subdivision or part thereof (other than the City and County of Philadelphia) be omitted in the description of the magisterial districts so certified, such political subdivision or part thereof shall be included as a part of the magisterial district which completely surrounds it, or if such omitted political subdivision or part thereof is not completely surrounded by one magisterial district it shall become a part of that magisterial district to which it is contiguous within the same county, or if there are two or more such contiguous magisterial districts, it shall become a part of that magisterial district contiguous thereto which is located within the same county and which has the least population as last officially determined for the purpose of establishing magisterial districts.

(4) Any city, borough, township or ward created since the affected magisterial districts were last established, and not specifically provided for in the order establishing the affected magisterial districts, shall form a part of the magisterial district or districts to which the territory comprised within the city, borough, township or ward is allotted by the provisions of the most recent order establishing the affected magisterial districts, according to the political division existing at the date of such order; and any city, borough, township or ward, or any portion thereof, annexed to any other city, borough, township or ward since the date of such order, shall form a part of the magisterial district to which the territory com-

prised within such city, borough, township or ward, or portion thereof, is allotted by such order, according to the political division existing at the time of such order.

Official Note: Section 905 of the Pennsylvania Election Code, Act of June 3, 1937 (P. L. 1333, No. 320) (25 P. S. § 2865) requires that the Secretary of the Commonwealth on or before the thirteenth Tuesday preceding the primary at which district justices are to be nominated shall send to each county board of election a written notice designating the offices of district justice for which candidates are to be nominated.

Source

The provisions of this § 29.5 adopted November 19, 1974, Supreme Court of Pennsylvania, Magisterial Docket No. 1-K, 5 Pa. B. 177.

§ 29.6. Duties and Responsibilities of a District Court Administrator.

Pursuant to Article V, § 10, of the Constitution of Pennsylvania, that, effective as of this date, the duties and responsibilities of a District Court Administrator should be, but not be limited to, those set forth below:

1. Implementation of policies set by the State Court Administrator.
2. Assistance to the State Court Administrator in setting statewide policies.
3. Preparation, submission and management of the budget for his court or courts.
4. Recruiting, hiring, training, evaluating and monitoring personnel of his court or courts.
5. Management of space, equipment and facilities of his court or courts.
6. Dissemination of information concerning, or of interest to, his court or courts.
7. Procurement of supplies and services for his court or courts.
8. Custody and disbursement of funds for his court or courts.
9. Preparation of reports concerning his court or courts.
10. Jury management.
11. Study and improvement of caseload, time standards, and calendaring.
12. Research and development of effective methods of court functioning, including in districts where feasible the mechanization and computerization of court operations.
13. Preparation and administration of trial calendars for all civil and criminal cases, including daily trial lists.
14. Responsibility for the assignment, listing and disposition of all arbitration matters.
15. General supervision of the minor judiciary system of the Judicial District.

Official Note: Where control and supervision of the minor judiciary from an administrative standpoint is vested in the same person serving as court administrator, it is expected that the District Court Administrator give adequate time in pursuance of his duties with the court.

Source

The provisions of this § 29.6 adopted December 9, 1975, 5 Pa. B. 3256.

§ 29.7. [Reserved].**§ 29.8. Pennsylvania Conference of State Trial Judges.**

The Pennsylvania Conference of State Trial Judges is hereby designated as the recognized conference representing the judges of the Courts of Common Pleas of Pennsylvania, pursuant to 42 Pa.C.S. § 1728.

Source

The provisions of this § 29.8 adopted July 18, 1980, effective July 19, 1980, 10 Pa.B. 3034.

§ 29.9. Senior Judge Health Benefit Program.

(a) A senior judge or district justice (hereinafter referred to collectively as “senior judge”) who has worked, either as an active judge or senior judge, for at least seventy-five (75) days on any court during calendar year 1983 shall receive health benefits similar to those available to active judges, commencing January 1, 1984, or thereafter upon the attainment of senior judge status, subject to the following conditions:

(1) That the said senior judge shall indicate his/her availability to serve as a judge during the 1984 calendar year for a period of at least ninety (90) days, the periods during the calendar year when he/she will be available for assignment, and his/her willingness to accept assignments. The senior judge shall submit, on forms prepared by the Administrative Office of Pennsylvania Courts, notice of his/her availability not later than December 15, 1983, or thirty (30) days prior to reaching senior judge status, whichever is later.

(2) Upon certification as a senior judge, the right of the senior judge to continued health benefits shall not terminate if he/she should become unable to serve by reason of intervening illness arising during the year of such certification. Any senior judge shall be entitled to receive continued health benefits for a period of one year following such inability to serve by reason of illness, provided that notice is given to the Administrative Office within thirty (30) days of such inability.

(b) The continuation of the aforesaid benefits following July 1, 1984, is contingent upon the authorization of such expenditure.

Source

The provisions of this § 29.9 adopted December 16, 1983, effective December 1, 1983, 13 Pa. B. 3876.

§ 29.10. [Rescinded].**Source**

The provisions of this § 29.10 adopted and effective December 6, 1983, 13 Pa.B. 3931; amended and effective January 4, 1984, 14 Pa.B. 214; rescinded August 7, 2017, effective immediately, 47 Pa.B. 4830. Immediately preceding text appears at serial page (200582).

§ 29.11. Administrative Judges Appointed by the Supreme Court.

Under 201 Pa. Code Rule 706(d), the authority of each Administrative Judge who presides over and administers a division of a court, which division has three or more judges, shall include, but not be limited by, the following papers:

(1) The Administrative Judge for each division of a Court of Common Pleas shall be appointed by the Supreme Court and shall serve as such at the pleasure of the Court.

(2) The Administrative Judge shall have administrative supervision over the Judges of the division in the exercise of their jurisdiction.

(3) In exercising the administrative supervision prescribed, the Administrative Judge shall have the following general powers for facilitating the speedy and proper administration of justice in those divisions.

(i) To assign individual judges (including visiting judges and available judges from other divisions) to preside in cases, in designated court rooms and, from time to time to reassign the individual judges therein. Such assignments shall be for a reasonable period of time and no judge shall, without his consent, be assigned for any unreasonable or indefinite term to any specified duty.

(ii) The Administrative Judge shall appoint and assign all personnel of the division. However, each judge shall have power of appointment and assignment of a secretary, a tipstaff, and a law clerk, which comprise the personal staff of the appointing judge.

(iii) The Administrative Judge shall have the duty and authority to designate and use of all rooms assigned to the division for judicial uses, excepting chambers of each judge.

(iv) To provide for, establish and maintain consolidated lists (i.e., motions, jury trial, nonjury trial, equity, arraignment, etc.), and to provide and establish procedures necessary and proper to implement these practices.

(v) To formulate, establish and maintain such procedures as are necessary to promote, encourage and implement waivers of civil jury trials.

(vi) To require that sessions of the division shall be of such nature and duration that there may be maximum dispositions of business consistent with the number of judges and rooms available and the proper administration of justice in the causes concerned.

(vii) To report periodically to the President Judge and the Supreme Court facts and statistics concerning the dispatch of business under this program and to make such additional recommendations for changes or improvements in rules and procedures as may further expedite the proper administration of justice.

(viii) To make rules and regulations and do any and all things necessary and proper to carry out the purposes and intent of the general powers granted to the Administrative Judge herein.

(4) The Administrative Judge shall have power to assign one or more judges to sit variously to screen, pre-try, conciliate and settle such cases as may be allotted—which assignments shall be subject to the same limitations as any other assignments made by the Administrative Judge to the extent provided in these Rules.

Any judge so assigned may appoint, with the approval of the Administrative Judge, a Special Master or Masters to assist in the performance of these various functions and shall have power, with the approval of the Administrative Judge, to issue rules and regulations governing the conduct of the phases of work herein recited.

(5) (Rescinded).

(6) This directive, which further defines the previously promulgated Rule of Judicial Administration, is promulgated pursuant to Article V, Section 10(c) of the Pennsylvania Constitution which empowers this Court to prescribe lawfully for “the administration of all courts and supervision of all officers of the Judicial Branch. . . .” and 42 Pa.C.S. § 325(e) defining the powers of president judges, and authorizing change in those powers by general rule or order of this Court as governing authority.

Source

The provisions of this § 29.11 adopted April 11, 1986, effective April 11, 1986, 16 Pa.B. 1484; amended May 24, 2013, effective immediately, 43 Pa.B. 3097. Immediately preceding text appears at serial pages (200582) to (200584).

Subchapter B. ALLEGED INCOMPETENT SPECIAL MASTERS

- Sec.
29.41. Appointment of Special Masters.
29.42. Procedures for Appointment of Guardians.
29.43. Fee Schedule for Special Masters and Appointed Counsel.

§ 29.41. Appointment of Special Masters.

Whenever a petition for the appointment of a guardian of an alleged incompetent residing in a state mental hospital or state center for the mentally retarded is filed in the Court of Common Pleas wherein the alleged incompetent is domiciled, pursuant to Section 5511 of the Act of June 30, 1972, P. L. 508, as amended by the Act of December 10, 1974, P. L. 867, known as the "Decedents, Estates and Fiduciaries Act," 20 Pa.C.S. § 5511, it is hereby ordered that each judge of the Court of Common Pleas, when hearing such a petition, shall adopt the procedures and requirements for the provision of counsel to the alleged incompetent and his guardian set forth at Section 3 of the Order of July 7, 1978, No. 1 Alleged Incompetents Special Masters Docket, authorizing the appointment of Special Masters to hear said petitions.

1. The Special Master shall conduct such hearing at the state institution wherein the alleged incompetent resides, whether or not the institution is in the county of domicile. The Special Master shall have such powers as are conferred upon the court by 20 Pa.C.S. § 5501 to schedule hearings at the convenience of the parties, provide notice of hearing, require the presence of all necessary parties by the issuance of subpoenas, administer oaths to parties and to witnesses, and conduct the hearing.

2. The Court Administrator may promulgate regulations and standard petition forms to insure uniform hearing procedures on a statewide basis.

3. The alleged incompetent and his guardian shall be represented by counsel and, unless private estate counsel exists or is appointed by the Court of Common Pleas, the Court Administrator shall take necessary steps to insure that such counsel is provided.

4. Unless a court-appointed guardian exists prior to the filing of this petition, the Institutional Guardian of the facility in which the alleged incompetent resides shall be appointed.

5. At the conclusion of the hearing, the Special Master shall submit his findings and recommendations to the appropriate judge of the Court of Common Pleas in the county where the petition was filed in the form of a Proposed Order for action by the court.

6. The Special Master and appointed counsel, if any, shall receive such reasonable expenses and fees as are approved by the Court Administrator.

Official Note: By Order dated July 7, 1978, No. 1 Alleged Incompetents Special Masters Docket (8 Pa. B. 2098), this Court established a procedure for the appointment of a guardian for alleged incompetents residing in state mental hospitals or state centers for the mentally retarded, which are filed in the Court of Common Pleas wherein the alleged incompetent is domiciled, pursuant to Section 5511, *supra*. Said Order contemplated the appointment of Special Masters in those Judicial Districts where existing judicial manpower is insufficient to handle the expected volume of such petitions, necessitated by *Vecchione v. Wohlgemuth, et al.*, No. 73-162 (U.S.D.C.-E. Pa.). This Order clarifies the intention of that Order that the alleged incompetent and his guardian be represented by counsel at all petition hearings, regardless of who conducts said hearing.

Source

The provisions of this § 29.41 adopted July 28, 1978, 8 Pa.B. 2098, amended May 18, 1979, effective May 19, 1979, 9 Pa.B. 1607.

§ 29.42. Procedures for Appointment of Guardians.

The subject order of the Supreme Court of Pennsylvania provides a procedure for the appointment of Special Masters to conduct hearings on petitions for appointment of guardians of an alleged incompetent residing in a state mental hospital or state center for the mentally retarded, pursuant to § 5511 of the act of June 30, 1972 (P. L. 508) (20 Pa.C.S. § 5511) as amended by the act of December 10, 1974 (P. L. 867, No. 293) known as the “Decedents, Estates and Fiduciaries Act.” This order attempts to relieve the substantial hearing burden imposed on the state judiciary by the decision in *Vecchione v. Wohlgemuth, et al.*, No. 73-162 (U.S.D.C.E. Pa.). To this end, the appointment of Special Masters is authorized.

Section 2 of the order authorizes the Court Administrator to promulgate a standard petition form and other necessary regulations to insure uniform, simple hearing procedures throughout the state. Section 3 provides for designations of

counsel by the Court Administrator where private counsel is unavailable to the alleged incompetent because of indigency or the lack of adequate local counsel. Section 6 provides for the establishment of fees and reasonable expenses by the Court Administrator for the Special Master and designated counsel for the alleged incompetent, if any. Regulations implementing these three sections follows:

1. Each petition for appointment of a guardian shall be substantially in the form set forth at Appendix A. Said Petition shall have attached to it a proposed Report and Recommendations of the Special Master, and Order, Citation, Preliminary Order of Court, a Consent of the Proposed Guardian and appropriate affidavits and competency reports. Hearings shall, whenever possible, be scheduled consecutively at each institution to maximize the resources of the Special Master and others involved in the hearing process.

2. When private counsel is not available to the alleged incompetent and an application is made in writing to the President Judge of the court wherein the petition is filed by either the petitioner, the alleged incompetent or the guardian *ad litem* for the alleged incompetent, the President Judge shall designate and appoint such counsel as are in public service, to serve without compensation; failing in which, however, the Court Administrator shall designate appointed counsel, upon the recommendation and finding of the President Judge that such appointment is appropriate and necessary. The Court Administrator may designate one or more counsel to represent all unrepresented alleged incompetents at each institution or center where such hearings are held. The application for appointment of counsel shall be substantially in the form set forth at Appendix B.

3. The Special Master and appointed counsel shall receive such reasonable compensation and actual expenses as may be fixed by the Court Administrator on recommendation of the President Judge. Scheduling of hearings should be made so as to minimize travel costs. Such expenses shall be submitted to the Court for approval at the time the Report and Recommendation of the Special Master is submitted to the Court and shall be paid from the estate, unless funds are insufficient or legally unavailable for such purposes. If funds are not available, such compensation and expense charges shall be assessed for payment by the County.

4. The Special Master shall receive such reasonable per diem compensation or salary as is agreed upon in advance of hearings by the Court Administrator and the President Judge. Special Masters shall be appointed so as to minimize overall costs and to reduce the amount which may be assessed against individual estates to cover such compensation. Where funds in individual estates are insufficient or are otherwise legally unavailable, the compensation of the Special Master shall be assessed for payment by the County. The Court Administrator may authorize representation of alleged incompetents pursuant to Section 3 and Regulation 2 to be paid reasonable compensation as determined in advance of such representation, either on a per case basis, if such counsel is designated for individual cases, or on a salary basis, if such counsel is designated as a general representative for all unrepresented alleged incompetents at a specific institution or center.

MISCELLANEOUS PROVISIONS

204 § 29.42

Source

The provisions of this § 29.42 adopted September 1, 1978, 8 Pa. B. 2424.

APPENDIX A

IN THE MATTER OF _____ : IN THE COURT OF COMMON
 _____ : PLEAS OF
 (name) : COUNTY, PENNSYLVANIA
 An Alleged Incompetent : ORPHANS' COURT DIVISION
 : No. 19 ____

PETITION FOR APPOINTMENT OF GUARDIAN

The petition of _____ Superintendent of _____, respectfully represents:

- 1. Your Petitioner has custody of the alleged incompetent at _____.
- 2. The alleged incompetent was admitted to the aforesaid institution on _____.

3. The alleged incompetent is domiciled at _____.

4. The alleged incompetent is _____ years of age, having been born on _____.

5. The alleged incompetent's military status is: _____

6. The alleged incompetent's marital status is _____

7. Those persons, if any, who are the alleged incompetent's next of kin and their relationship to same, of whom your Petitioner has knowledge are as follows:

8. No other Court within this Commonwealth of which Petitioner has knowledge has appointed a guardian for the alleged incompetent.

9. The alleged incompetent has income consisting of:

(a) Money due from _____

_____ in the amount of \$ _____ per _____.

(b) Money due from _____

_____ in the amount of \$ _____ per _____.

APPENDIX A (Continued)

10. The alleged incompetent has assets, real and personal, of which the Petitioner is aware, in the amount of \$ _____ consisting of:

(a) _____ held by the Guardian Officer of _____ in the amount of \$ _____ as of _____ .

(b) "Vecchione Refund" monies in the amount of \$ _____ , title to which is in dispute.

(c) _____ .

11. The alleged incompetent has debts outstanding in the amount of \$ _____ , as of _____ , consisting of:

(a) \$ _____ owing to the Commonwealth of Pennsylvania as payment for care and maintenance received from the period _____ 19 ____ to _____ , _____ , in accordance with 50 P. S. §§ 4501 and 4504 and regulations promulgated thereunder.

(b) \$ _____ owing to the Commonwealth of Pennsylvania as payment for care and maintenance rendered between July 11, 1974, and April 4, 1975, which relates to the "Vecchione Refund," title to which is in dispute.

(c) _____ .

12. The alleged incompetent is incapable of handling _____ financial affairs for the reasons set forth in the attached Affidavit and Competency Report, prepared by _____ , marked as Exhibit A and made a part hereof.

13. _____ , Guardian Officer at the aforesaid institution, and his/her successors in office, having no interest adverse to the alleged incompetent, has agreed to act as Guardian if this Honorable Court shall so appoint. The consent of the proposed Guardian to so act is attached hereto and made a part hereof as Exhibit B.

14. If appointed as Guardian, _____ is required to act in compliance with regulations promulgated under Court Order in *5 Pennsylvania Bulletin 931 et seq.* (April 19, 1975).

15. In light of these provisions and in furtherance of Paragraph 7 of the aforesaid regulations, Petitioner requests preference be given to a bank, trust company or other individual willing to accept appointment as Guardian.

Wherefore, the Petitioner prays that a citation be issued directing _____ , and those persons, if any, listed in paragraph 7 of this Petition, to show cause, if any there be, why _____ should not be declared an incompetent and a Guardian of the estate appointed, and why distribution of assets and income as payment of debts listed in paragraph 11 should not be made. Petitioner further prays that a guardian *ad litem* be appointed to act for the alleged incompetent regarding such hearing.

APPENDIX A (Continued)

BY: _____

COMMONWEALTH OF PENNSYLVANIA :

ss

COUNTY OF :

_____, Petitioner in this matter, being duly sworn according to law, do depose and state that I am _____ of _____ and that the facts set forth in the foregoing Petition are true and correct to the best of my knowledge, information and belief.

Sworn to and Subscribed
Before me this _____
day of _____ 19_____

EXHIBIT "A"
COMPETENCY REPORT
AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :

ss

COUNTY OF :

I, _____, being duly sworn according to law, depose and say that I am a _____ in the Commonwealth of Pennsylvania employed at _____, and I have examined the patient, _____, an alleged incompetent, with care and diligence and based upon said examination and observations am of the opinion that said patient is incompetent to manage his/her own affairs for the reasons set forth in the attached Competency Report, and that the facts and opinions contained therein are true and correct to the best of my knowledge, information and belief.

APPENDIX A (Continued)

Sworn to and Subscribed Before
me this _____ day of
_____, 19____.

EXHIBIT "B"
CONSENT OF PROPOSED GUARDIAN

I, _____,
of _____, do hereby certify that I and my
successors in office are willing to act as Guardian for the estate of _____
_____, an alleged incompetent, if the Court shall so
appoint.

Further, I do hereby certify that I am not a fiduciary of any estate in which the
alleged incompetent has an interest, nor have I any interest adverse to the alleged
incompetent.

The facts and opinions contained herein are true and correct to the best of my
knowledge, information, and belief.

IN THE MATTER OF _____ : IN THE COURT OF COMMON
PLEAS OF

(name) : COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
An Alleged Incompetent : No. 19____

PRELIMINARY ORDER OF COURT

AND NOW, this _____ day of _____ 19____, upon con-
sideration of the foregoing Petition, it is Ordered that a citation be issued,
directed to _____
to show cause why _____
should not be adjudged an incompetent, and a guardian of _____
estate appointed; and why distribution of assets and income as payment of debts
listed in paragraph _____ of the within Petition should not be made.

_____ is hereby
appointed Special Master for the purposes of conducting a hearing on said Peti-
tion at the institution at which _____
_____ resides, at a time to be
fixed by said Special Master, and to submit a Report and Recommendation to this
Court in a timely fashion. _____

APPENDIX A (Continued)

is hereby appointed by the court to act as guardian ad litem for _____ the alleged incompetent regarding this hearing.

At least twenty (20) days written notice of the hearing shall be given to _____ the alleged incompetent, by serving _____ personally with the citation and a copy of the foregoing Petition; and at least twenty (20) days written notice of the Petition and hearing shall also be given to any next of kin listed in the Petition either personally or by certified mail.

BY THE COURT:

J.

IN THE MATTER OF _____ : IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION
(name)
An Alleged Incompetent : No. 19_____

CITATION

TO: _____
We command you to appear at a hearing in the Orphans' Court of _____ County, to be held at _____ on _____, 19_____, at _____ M., to show cause why you should not be adjudged an incompetent, and a guardian appointed for your estate.
Citation Returnable the _____ day of _____, 19_____.

WITNESSETH:
The Honorable _____
President Judge of said Court, sitting in the Orphans' Court this _____ day of _____, 19_____.

CLERK OF THE ORPHANS' COURT DIVISION

IN THE MATTER OF _____ : IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION
(name)
An Alleged Incompetent : No. 19_____

APPENDIX A (Continued)

REPORT AND RECOMMENDATION OF THE SPECIAL MASTER AND ORDER OF COURT

Upon hearing of the Petition and Citation for Appointment of a guardian for _____, proof of notice of the said hearing to _____ next of kin having been filed, and _____ appointed as guardian ad litem, the Special Master, appointed by this Honorable Court to hear said Petition, finds that the said _____ is so mentally infirm that _____ is likely to dissipate or lose _____ estate and become the victim of designing persons; and that the Court further finds that the entire real and personal estate of the said _____ should be handled by the Guardian designated herein.

It Is Therefore Recommended that _____ and his/her successors in office be and are hereby authorized to receive, hold and dispose of the estate of the said _____ as the duly appointed guardian under Court Decree, and to pay such debts as enumerated in said Petition, such debts having been found to be proper and in accord with law.

The guardian, within three months after real or personal estate of the incompetent comes into his possession, shall verify by oath and file with the Clerk an inventory and appraisal of such personal estate, a statement of such real estate, and a statement of any real or personal estate which he expects to acquire thereafter.

Special Master
DATE: _____

ORDER

IT IS ORDERED AND DECREED THAT the report and recommendation of the Special Master be approved.

IT IS FURTHER ORDERED AND DECREED, that the Surety Bond issued by _____ Bond No. _____ shall be sufficient as bond.

All costs and expenses of this hearing to be borne by the Estate of the said _____, including a fee of _____ to be paid the guardian ad litem.

BY THE COURT

DATE: _____ J.

APPENDIX B

IN THE MATTER OF _____ : IN THE COURT OF COMMON
 _____ : PLEAS OF
 _____ : COUNTY, PENNSYLVANIA
 (name) : ORPHANS' COURT DIVISION
 An Alleged Incompetent : No. 19_____

*APPLICATION FOR APPOINTMENT
 OF COUNSEL FOR ALLEGED INCOMPETENT*

_____ asserts that the named alleged incompetent is without funds to secure private counsel to represent him/her in the above matter, and that alternative counsel provided by a publicly funded community legal services organization, or like agency providing legal representation to indigents, is also unavailable. The attached affidavit accurately sets forth available assets in support of said application.

_____ The Court Administrator is hereby requested to designate appointed counsel for said alleged incompetent upon the Court's finding of the unavailability of appropriate private counsel as set forth in said application.

BY THE COURT:

DATE: _____

§ 29.43. Fee Schedule for Special Masters and Appointed Counsel.

(a) In accordance with Order entered by this Court on July 7, 1978, at No. 1 Alleged Incompetent Special Masters Docket, Special Masters and counsel appointed for proceedings on petitions for the appointment of guardians of alleged incompetents residing in state mental hospitals or state centers for the mentally retarded pursuant to Section 5511 of the Decedents, Estates and Fiduciaries Act, 20 Pa.C.S. § 5511, are entitled to receive reasonable expenses and fees for services. Fees for such services shall not exceed the following:

- \$100.00 One (1) hearing per day
- \$200.00 Two (2) hearings per day
- \$300.00 Three (3) or more hearings per day.

(b) These fees set forth in subsection (a) are premised on the theory that as many hearings as possible will be scheduled per day.

(c) Any schedule proposed by a court of common pleas must receive the approval of the Court Administrator of Pennsylvania prior to implementation.

Source

The provisions of this § 29.43 adopted and effective December 3, 1984, 14 Pa.B. 4593.

**Subchapter C. FINANCIAL DISCLOSURE AND REPORTING
REQUIREMENTS FOR JUDICIAL OFFICERS**

Sec.	
29.51—29.55.	[Rescinded].
29.56.	Persons Required to File.
29.57.	Filing.
29.58.	Failure to File; Falsification of Information.
29.59.	Public Access.
29.60.	Retention.

Source

The provisions of this Subchapter C adopted and effective April 13, 1984, 14 Pa.B. 1448, unless otherwise noted.

§§ 29.51—29.55. [Rescinded].

Source

The provisions of these §§ 29.51—29.55 rescinded February 6, 2015, effective immediately, 45 Pa.B. 862. Immediately preceding text appears at serial pages (319333) to (319334).

§ 29.56. Persons Required to File.

For purposes of this Order, a judicial officer is defined as a justice of the Supreme Court, a judge of the Superior or Commonwealth Court, a judge of the Court of Common Pleas, a judge of the Municipal Court of Philadelphia, a magisterial district judge, and all senior jurists who are active or eligible for recall to judicial service.

Source

The provisions of this § 29.56 adopted February 6, 2015, effective immediately, 45 Pa.B. 862.

§ 29.57. Filing.

(A) All judicial officers shall file a statement of financial interest with the AOPC for the prior calendar year no later than May 1 of each year.

(B) All judicial officers who are appointed to office shall file a statement of financial interest within 60 days of assuming office.

(C) All judicial officers who leave their position shall file a statement of financial interest within 60 days of their departure for any period of service not covered by a previously filed statement. This requirement does not apply to judicial officers who are certified as senior jurists within that period of time.

(D) Such filing may be accomplished electronically through the use of a secure log-in supplied by the AOPC. The submission of a statement through electronic means signifies the user's intent to sign the document. By submitting the statement electronically, the individual certifies the electronic filing is true and correct. All statements of financial interest submitted electronically through the secure log-in procedure shall be accepted for filing by the AOPC.

Source

The provisions of this § 29.57 adopted February 6, 2015, effective immediately, 45 Pa.B. 862.

§ 29.58. Failure to File; Falsification of Information.

(A) Upon failure of any judicial officer to file the required statement within the time allowed, the AOPC shall give notice to such judicial officer that failure

to comply with this Order within 10 days may result in the suspension of the judicial officer from his or her duties.

(B) Following receipt of this notice, if the judicial officer fails to file the statement within the 10-day period, the AOPC shall immediately notify the Chief Justice of Pennsylvania and the Judicial Conduct Board of Pennsylvania of the delinquency in filing.

(C) The knowing and willful falsification of any information required to be reported pursuant to this Order, or the knowing and willful failure to report information as required by this Order, may result in the suspension of the judicial officer from his or her duties, and shall constitute a charge of misconduct and result in referral of the case to the Judicial Conduct Board for disposition. *See In re Bruno*, _____ Pa. _____, 101 A.3d 635 (2014) (explaining the separate constitutional functions of the Judicial Conduct Board, Court of Judicial Discipline and Pennsylvania Supreme Court).

Source

The provisions of this § 29.58 adopted February 6, 2015, effective immediately, 45 Pa.B. 862.

§ 29.59. Public Access.

All statements of financial interest filed pursuant to this Order shall be made available for public inspection and copying during regular office hours.

Source

The provisions of this § 29.59 adopted February 6, 2015, effective immediately, 45 Pa.B. 862.

§ 29.60. Retention.

The AOPC shall preserve statements of financial interest for a period of 10 years from the date of receipt.

Source

The provisions of this § 29.60 adopted February 6, 2015, effective immediately, 45 Pa.B. 862.

Subchapter D. [Rescinded]

Sec.

29.71. [Rescinded].

29.72. [Rescinded].

§ 29.71. [Rescinded].

Source

The provisions of this § 29.71 adopted September 12, 1986, effective September 12, 1986, 16 Pa.B. 3688; amended May 11, 1987, effective May 11, 1987, 17 Pa.B. 2065; rescinded October 16, 2019, effective immediately, 49 Pa.B. 6522. Immediately preceding text appears at serial pages (392228) and (281329).

§ 29.72. [Rescinded].

Source

The provisions of this § 29.72 adopted September 12, 1986, effective September 12, 1986, 16 Pa.B. 3688; rescinded October 16, 2019, effective immediately, 49 Pa.B. 6522. Immediately preceding text appears at serial page (281329).

Subchapter E. CAPITAL EXPENDITURES

Sec.
29.81. Acquisition of Capital Equipment.

§ 29.81. Acquisition of Capital Equipment.

The intermediate appellate courts, committees and boards of this Court shall not incur any capital expenditure where the total cost exceeds ten thousand (\$10,000.00) dollars without the explicit approval of the Supreme Court.

Subchapter F. FINANCIAL INTERMEDIARY

Sec.
29.91. Payment through financial intermediary.
29.92. Pittsburgh Magistrates Court—Payment of Fines, Costs, Fees and Other Remittances.

§ 29.91. Payment through financial intermediary.

(a) The Supreme Court, pursuant to Art. 5, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, hereby authorizes the Court Administrator of Pennsylvania to adjust the level of fines, costs, fees and other remittances as otherwise fixed by law so as to facilitate the transmission of remittances through or by a financial intermediary pursuant to such regulations without net cost to any government unit, pursuant to 42 Pa.C.S. § 3502(c)(3).

(b) For purposes of 42 Pa.C.S. § 3502(c) and this regulation, the term financial intermediary shall include credit card issuers, ticket processing service organizations, and other institutions providing services relating to the collection of fines, costs and other remittances.

Source

The provisions of this § 29.91 adopted October 14, 1988, effective October 14, 1988, 18 Pa.B. 4860.

§ 29.92. Pittsburgh Magistrates Court—Payment of Fines, Costs, Fees and Other Remittances

(a) Pursuant to 42 Pa.C.S.A. § 3502(c)(1) and (2), the Court Administrator of Pennsylvania hereby authorizes the payment of fines, costs, fees and other remittances in all cases under the Motor Vehicle Code (Title 75, Pennsylvania Consolidated Statutes) and all local ordinances prosecuted in the Pittsburgh Magistrates Court through or by a credit card issuer or other financial intermediary. The City of Pittsburgh is hereby authorized to enter into contracts for such services, as agent of the Administrative Office, with credit card issuers and other financial intermediaries.

(b) Pursuant to 42 Pa.C.S.A. § 3502(c)(3), the Court Administrator of Pennsylvania hereby adjusts the level of fines, costs, fees and other remittances in all cases under the Motor Vehicle Code (Title 75, Pennsylvania Consolidated Statutes) and all local ordinances prosecuted in the Pittsburgh Magistrates Court as follows:

(i) by increasing such costs, fees and remittances in an amount not more than 30% of the entire amount collected by a contracting financial intermediary per citation. Said amount shall be paid to a contracting financial intermediary and shall be added to the fines, costs, fees and other remittances at such time as an adjudication of guilt is entered against the defendant by a judge of the Pittsburgh Magistrates Court, and

(ii) by increasing such costs, fees and remittances in an amount not more than 5% of the entire amount collected through a credit card issuer per citation. Said amount shall be paid to a credit card issuer and shall be added at the time of payment.

(c) This regulation shall be effective October 26, 1992, and shall apply to all citations filed with the Pittsburgh Magistrates Court prior to that date.

Source

The provisions of this § 29.92 adopted October 26, 1992, effective October 26, 1992, and apply to all citations filed with the Pittsburgh Magistrates Court prior to that date, 22 Pa.B. 5516.

[Next page is 29-25.]

**Subchapter G. ASSIGNMENT OF VISITING
ACTIVE JUDGES AND DISTRICT JUSTICES**

- Sec.
- 29.101. Court of Common Pleas of the 4th, 8th, 17th, 25th, 26th, 29th, 42nd and 55th Judicial Districts.
- 29.102. Court of Common Pleas of the 9th, 19th, 39th, 41st, 51st and 57th Judicial Districts.
- 29.103. Court of Common Pleas of the 18th, 28th, 33rd, 37th, 48th, 54th and 59th Judicial Districts.
- 29.104. Court of Common Pleas of the 20th, 24th, 25th, 41st, 46th, 49th and 58th Judicial Districts.
- 29.105. Court of Common Pleas of the 2nd, 34th, 43rd, 44th and 60th Judicial Districts.

§ 29.101. Court of Common Pleas of the 4th, 8th, 17th, 25th, 26th, 29th, 42nd and 55th Judicial Districts.

(a) To promote continuous judicial coverage and the efficient assignment of visiting active judges and district justices for the year 1990, the president judges of the Courts of Common Pleas of the 4th, 8th, 17th, 25th, 26th, 29th, 42nd, and 55th judicial districts, subject to the Regulations of the Court Administrator of Pennsylvania, are authorized to provide for the assignment of said judges and district justices to any other of the judicial districts referred to herein. Judges and district justices when so assigned shall exercise the same power and authority as are vested in a judge or district justice of the assigned district, and their expenses shall be reimbursed as provided by law.

(b) This Order shall be effective immediately.

Source

The provisions of this § 29.101 adopted January 27, 1989, effective January 27, 1989, 19 Pa.B. 633; amended December 29, 1989, effective immediately, 20 Pa.B. 1285. Immediately preceding text appears at serial page (134120).

§ 29.102. Court of Common Pleas of the 9th, 19th, 39th, 41st, 51st and 57th Judicial Districts.

(a) To promote continuous judicial coverage and the efficient assignment of visiting active judges and district justices for the year 1990, the president judges of the Courts of Common Pleas of the 9th, 19th, 39th, 41st, 51st and 57th judicial districts, subject to the Regulations of the Court Administrator of Pennsylvania, are authorized to provide for the assignment of said judges and district justices to any other of the judicial districts referred to herein. Judges and district justices when so assigned shall exercise the same power and authority as are vested in a judge or district justice of the assigned district, and their expenses shall be reimbursed as provided by law.

(b) This Order shall be effective immediately.

Source

The provisions of this § 29.102 adopted January 27, 1989, effective January 27, 1989, 19 Pa.B. 633; amended December 27, 1989, effective immediately, 20 Pa.B. 1285. Immediately preceding text appears at serial pages (134120) and (136771).

§ 29.103. Court of Common Pleas of the 18th, 28th, 33rd, 37th, 48th, 54th and 59th Judicial Districts.

(a) To promote continuous judicial coverage and the efficient assignment of visiting active judges and district justices for the year 1990, the president judges of the Courts of Common Pleas of the 18th, 28th, 33rd, 37th, 48th, 54th, and 59th judicial districts, subject to the Regulations of the Court Administrator of Pennsylvania, are authorized to provide for the assignment of said judges and district justices to any other of the judicial districts referred to herein. Judges and district justices when so assigned shall exercise the same power and authority as are vested in a judge or district justice of the assigned district, and their expenses shall be reimbursed as provided by law.

(b) This Order shall be effective immediately.

Source

The provisions of this § 29.103 adopted January 27, 1989, effective January 27, 1989, 19 Pa.B. 634; amended December 27, 1989, effective immediately, 20 Pa.B. 1285. Immediately preceding text appears at serial page (136771).

§ 29.104. Court of Common Pleas of the 20th, 24th, 25th, 41st, 46th, 49th and 58th Judicial Districts.

(a) To promote continuous judicial coverage and the efficient assignment of visiting active judges and district justices for the year 1990, the president judges of the Courts of Common Pleas of the 20th, 24th, 25th, 41st, 46th, 49th, and 58th judicial districts, subject to the Regulations of the Court Administrator of Pennsylvania, are authorized to provide for the assignment of said judges and district justices to any other of the judicial districts referred to herein. Judges and district justices when so assigned shall exercise the same power and authority as are vested in a judge or district justice of the assigned district, and their expenses shall be reimbursed as provided by law.

(b) This Order shall be effective immediately.

Source

The provisions of this § 29.104 adopted January 27, 1989, effective January 27, 1989, 19 Pa.B. 634; amended December 27, 1989, effective immediately, 20 Pa.B. 1285. Immediately preceding text appears at serial pages (136771) to (136772).

§ 29.105. Court of Common Pleas of the 2nd, 34th, 43rd, 44th and 60th Judicial Districts.

(a) To promote continuous judicial coverage and the efficient assignment of visiting active judges and district justices, the president judges of the Court of Common Pleas of the 22nd, 34th, 43rd, 44th, and 60th judicial districts, subject to the Regulations of the Court Administrator of Pennsylvania, are authorized to provide for the assignment of said judges and district justices to any other of the judicial districts referred to herein. Judges and district justices when so assigned shall exercise the same power and authority as are vested in a judge or district justice of the assigned district, and their expenses shall be reimbursed as provided by law.

(b) This Order shall be effective immediately and shall continue in effect until further order.

Source

The provisions of this § 29.105 adopted October 10, 1990, effective immediately, 20 Pa.B. 5364.

Subchapter H. [Rescinded]

Sec.
29.111. [Rescinded].

§ 29.111. [Rescinded].

Source

The provisions of this § 29.111 amended March 7, 1989, effective March 7, 1989, 19 Pa.B. 1279; rescinded December 29, 2018, effective immediately, 48 Pa.B. 7948. Immediately preceding text appears at serial page (389907).

Subchapter I. BUDGET AND FINANCE

Sec.
29.351. Definitions.
29.352. Methods of Reporting.
29.353. General Principles.

§ 29.351. Definitions.

(a) *Pennsylvania Supreme, Superior and Commonwealth Courts. Initial Filing.*

Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on all

items enumerated in the fee schedules of the Appellate Courts for which a filing and service fee is collected, excluding the following:

- i. Second and Subsequent Filings for Extension of Time.
- ii. Reargument/Reconsideration.
- iii. Services in Connection with Appeals to or Writs of Certiorari from the United States Supreme Court.
- iv. Miscellaneous Fees.
- v. Subpoenas.

(b) *Court of Common Pleas. Prothonotary. Civil Actions and Legal Proceedings.*

1. Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on a civil action or legal proceeding in a Court of Common Pleas whenever it is initiated upon the filing of the first legal paper therein of record with the prothonotary. The first legal paper may be any of the following:

- i. Praecipe for a Writ of Summons.
- ii. Complaint.
- iii. Deleted.
- iv. Petition.
- v. Notice of Appeal from a court of limited jurisdiction.
- vi. Petition or grant of any other legal paper commencing an action or proceeding authorized by Act of Assembly or rule of court.

2. For purposes of these regulations, the initiation of a civil action or legal proceeding shall include, but is not limited to:

- i. Actions governed by or authorized under the Pennsylvania Rules of Civil Procedure, such as Civil Action Ejectment, Equity, Ground Rent, Mandamus, Mortgage Foreclosure, Partition of Real Property, Quiet Title, Quo Warranto, Replevin, and the Prevention of Waste.
- ii. Actions pertaining to Dependency, Annulments, Divorce, Custody, Partial Custody, Alimony Pendente Lite, Support, and Paternity. With respect to Divorce actions, a separate statutory fee shall be imposed for each count in the complaint in addition to the count requesting divorce.
- iii. Statutory actions such as Confirmation of Arbitration Awards, Confirmation of Confessed Judgment, Declaratory Judgment, Opening or Striking Off a Judgment, Eminent Domain, Habeas Corpus, Proceedings on Liens (other than revival), Name Changes, Partition of Property Held by Husband and Wife as Tenants By the Entireties, Tax Sales of Real Property.
- iv. Other actions not included in subsections (i), (ii) or (iii), such as: Appeals from Board of Elections, Appeals from Board of Viewers, Appeals from Zoning Boards, and Certiorari to Magisterial District Judges.

(c) *Court of Common Pleas. Orphans' Court Clerk, Register of Wills.*

Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on all petitions for grant of letters, and first filings in petitions concerning adoptions, incapacitated persons' estates, minors' estates, and *inter vivos* trusts.

(d) *Court of Common Pleas. Clerk of Court.*

1. Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed upon conviction, guilty plea, or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or other pretrial diversionary program based upon the initiation of any criminal proceeding. The initiation of a criminal proceeding shall include the following:

- i. Cases commenced at the magisterial district judge level resulting in the issuance of a numbered docket transcript form (OTN), and subsequently waived or held to court.
- ii. The appeal of a summary conviction to the Court of Common Pleas.
- iii. Cases involving juvenile defendants where a petition alleging delinquency has been filed in the Court of Common Pleas.
- iv. Cases involving juvenile defendants certified to the Court of Common Pleas, resulting in the issuance of a numbered docket transcript form (OTN).
- v. Cases involving the severance of charges into separate cases resulting in the issuance of one or more additional numbered docket transcripts (OTNs).

2. Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive; other filings for which a fee is imposed and that can be considered a property transfer are included, and the fee shall be imposed. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

- i. Deeds in any form.
- ii. Mortgages.
- iii. Mortgage assignments.
- iv. Mortgage releases.
- v. Mortgage satisfaction pieces.
- vi. Installment sales agreements.
- vii. Leases for a term of thirty (30) years or longer.
- viii. Easements.
- ix. Rights of Way.

(e) *Minor Judiciary. Civil and Criminal Proceedings.*

For purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on the initiation of a legal proceeding except as provided in subsection (iii). The initiation of a legal proceeding, in the following courts of the Minor Judiciary, shall include, but is not limited to, the following:

i. *Magisterial District Judge. Civil Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed in connection with the filing of a complaint in Trespass and Assumpsit or for the Recovery of Possession of Real Property (Landlord and Tenant Proceeding) or for any other Civil Action as provided in the Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges.

ii. *Magisterial District Judge. Criminal Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed upon a conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

iii. *Magisterial District Judge, Pittsburgh Municipal Court, and Philadelphia Municipal Court. Title 75 Summary Offenses Initiated by Traffic Citation.* Except for the provisions of subsection (g)(2) below, a statutory fee of twelve dollars (\$12.00) shall be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a violation of Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

iv. *Pittsburgh Municipal Court. Civil Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed in connection with the filing of a civil complaint seeking recovery of fines and penalties imposed by an ordinance of the City of Pittsburgh or by any ordinance or regulation relating to housing and health administered and enforced by the county health department where the violation occurs within the City of Pittsburgh.

v. *Pittsburgh Municipal Court. Criminal Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed upon a conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under state statute or local ordinance as provided for in the Pennsylvania Rules of Criminal Procedure.

vi. *Philadelphia Municipal Court. Civil Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed in connection with the filing of a complaint for a Civil Action, as defined in the Philadelphia Municipal Court Rules of Civil Procedure.

vii. *Philadelphia Municipal Court. Criminal Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed upon conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under state statute or local ordinance as provided for in the Pennsylvania Rules of Criminal Procedure.

(f) *Recorders of Deeds.*

Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive; other filings for which a fee is imposed and that can be considered a property transfer are included, and the fee shall be imposed. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

- i. Deeds in any form.
- ii. Mortgages.
- iii. Mortgage assignments.
- iv. Mortgage releases.
- v. Mortgage satisfaction pieces.
- vi. Installment sales agreements.
- vii. Leases for a term of thirty (30) years or longer.
- viii. Easements.
- ix. Rights of Way.

(g) *Temporary Surcharge.*

1. Beginning July 11, 2022, and until July 31, 2023, for purposes of section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a temporary surcharge of twenty-one dollars and twenty-five cents (\$21.25) shall be collected by all collectors of the JCS/ATJ/CJEA fee to supplement the nineteen dollars (\$19.00) statutory fee described above. This temporary surcharge may not be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

2. *Magisterial District Judge, Pittsburgh Municipal Court, and Philadelphia Municipal Court. Title 75 Summary Offenses Initiated by Traffic Citation.* Beginning July 11, 2022, and until July 31, 2023, for purposes of section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a temporary surcharge of

ten dollars (\$10.00) shall be collected to supplement the twelve dollars (\$12.00) statutory fee imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a violation of Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

Source

The provisions of this § 29.351 adopted June 29, 1990, effective June 29, 1990, 20 Pa.B. 3969; amended October 24, 2002, effective immediately, 32 Pa.B. 5507; amended October 29, 2009, effective December 8, 2009, 39 Pa.B. 6543; amended August 26, 2011, effective immediately, 41 Pa.B. 4845; amended July 18, 2014, effective immediately, 44 Pa.B. 5180; amended December 22, 2017, effective immediately, 48 Pa.B. 222; amended October 10, 2019, effective immediately, 49 Pa.B. 6380; amended June 30, 2020, effective July 1, 2020, 50 Pa.B. 3423; amended December 29, 2021, effective January 1, 2022, 52 Pa.B. 339; amended July 12, 2022, effective immediately, 52 Pa.B. 4083. Immediately preceding text appears at serial pages (408451) to (408456).

§ 29.352. Methods of Reporting.

All system and related personnel are to follow the procedures set forth by the Department of Revenue for the reporting of fees.

Source

The provisions of this § 29.352 adopted June 29, 1990, effective June 29, 1990, 20 Pa.B. 3969.

§ 29.353. General Principles.

The Supreme Court of Pennsylvania, pursuant to general authority set forth by Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized the Court Administrator of Pennsylvania to promulgate regulations in accordance with all applicable statutory provisions pertaining to the distribution and disbursement of all fines, fees, costs, reparations, restitution, penalties and other remittances imposed and collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, any other entity on behalf of the Court using the Common Pleas Criminal Court Case Management System (CPCMS), and the Magisterial District Courts, which use the Magisterial District Judge System (MDJS).

These regulations are effective September 1, 2022.

I. Schedule for standard distribution of funds collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, any other entity on behalf of the Court using the CPCMS, and the Magisterial District Courts, which use the MDJS.

A. All fines, fees, costs, reparations, restitution, penalties and other remittances imposed and collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, any other entity on behalf of the Court using the CPCMS, and the Magisterial District Courts, which use the MDJS, shall be distributed in the following prioritized order:

1. The collection agency fee provided for in 42 Pa.C.S. § 9730.1 shall be paid first, but only in cases wherein the private collection agency has secured the funds from the defendant or a third party and the payment is made to the court. No more than 25% of each payment secured from the defendant by the private collection agency may be applied towards this fee.

2. The Crime Victim Services and Compensation Fund shall be paid, but only in cases in which the defendant has been sentenced to incarceration, probation or is admitted into an accelerated rehabilitative disposition program (see 18 P.S. § 11.1101). Otherwise, these costs shall be distributed in accordance with subsection (A)(6) of these regulations.

3. At least 50% of any additional payment shall go to restitution until it is paid in full (see 42 Pa.C.S. § 9728(g.1)). When restitution is ordered to more than one recipient at the same time, the court shall set the priority of payment as follows, in accordance with 18 Pa.C.S. § 1106(c)(1)(ii)(A)—(G):

i. Any individual.

ii. Any affected government agency. The term “affected government agency” is defined as the Commonwealth, a political subdivision or local authority that has sustained injury to property. The term “injury to property” is defined as loss of real or personal property, including negotiable instruments, or decrease in its value, directly resulting from the crime. See Section 1106(h) of the Crimes Code, 18 Pa.C.S. § 1106(h).

iii. The Crime Victim’s Compensation Board.

iv. Any other government agency that has provided reimbursement to the victim as a result of the defendant’s criminal conduct.

v. Any insurance company that has provided reimbursement to the victim as a result of the defendant’s criminal conduct.

vi. Any estate or testamentary trust.

vii. Any business entity organized as a nonprofit or not-for-profit entity.

viii. Any other business entity. The term “business entity” is defined as a domestic or foreign: business corporation, nonprofit corporation, general partnership, limited partnership, limited liability company, unincorporated nonprofit association, professional association or business trust, common law business trust or statutory trust. See Section 1106(h) of the Crimes Code, 18 Pa.C.S. § 1106(h).

4. Judicial Computer Project/Access To Justice/Criminal Justice Enhancement Account/Office of Attorney General (JCS/ATJ/CJEA/OAG) Fee (see 42 Pa.C.S. §§ 3733(a.1) and 3733.1; and 72 P.S. § 1795.1-E).

5. Electronic monitoring fees, offender supervision fees (as set forth in 18 P.S. § 11.1102(c)), alcohol highway safety school fees, service fees (such as sheriff’s fees set forth in 42 P.S. § 21101 *et seq.*, and constable’s fees set forth in 44 Pa.C.S. §§ 7161 and 7161.1), transcript fees, witness fees (as provided for in 42 Pa.C.S. § 5903), and other similar fees shall be paid based upon a pro-rated formula, unless the fees are prioritized by court order or the judicial district. The Administrative Office of Pennsylvania Courts may preclude a fee from being classified as an “other similar fee.” The amount of the payment allocated to each outstanding item shall be determined by dividing the outstanding balance for the individual item by the combined total of the outstanding balances for all items. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual item involved.

For example, a defendant owes \$80.00 in electronic monitoring fees, \$10.00 in offender supervision fees, and \$10.00 in service fees, for a total of \$100.00 in outstanding fees. Defendant makes a payment of \$10.00 in his/her case. To determine the amount to be allocated to electronic monitoring fees, divide the outstanding balance of the electronic monitoring fee (\$80.00) by the combined total outstanding balances of all items ($\$80.00 + 10.00 + 10.00 = \100.00). The result in this example is .8 ($80/100$). Multiply the resulting figure by the amount of the payment to determine the allocation to electronic monitoring fees, which in this example is \$8.00 ($.8 \times \$10.00 = \8.00).

6. All other fines, fees, costs, reparations, penalties and other remittances, except for judgment or satisfaction fees, shall be distributed based upon a pro-rated formula. Specifically, the amount of the payment allocated to each outstanding item shall be determined by dividing the outstanding balance for the individual item by the combined total of the outstanding balances for all items. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual item involved.

For example, a defendant owes \$80.00 in costs, \$10.00 in fines, and \$10.00 in fees, for a total of \$100.00 in outstanding costs, fines and fees. Defendant makes a payment of \$20.00 in his/her case. To determine the amount to be allocated to the fines, divide the outstanding balance of the fines (\$10.00) by the combined total outstanding balances of all items ($\$80.00 + 10.00 + 10.00 = \100.00). The result in this example is .1 ($10/100$). Multiply the resulting figure by the amount of the payment to determine the allocation to the fines, which in this example is \$2.00 ($.1 \times \$20.00 = \2.00).

7. Fees charged by the clerk of courts, prothonotary, other entity in the county responsible for the distribution and disbursement of all fines, fees, costs, reparations, restitution, penalties, or other remittances, or the Clerk of Philadelphia Municipal Court for the entry or satisfaction of a civil judgment related to a criminal proceeding, as set forth in 42 Pa.C.S. § 1725 and 42 P.S. §§ 21042 and 21071, shall be paid last. The amount of the payment allocated to each fee shall be determined by dividing the outstanding balance for the individual fee by the combined total of the outstanding balances for both fees. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual fee involved.

For example, a defendant owes \$60.00 in judgment fees and \$40.00 in satisfaction fees for a total of \$100.00 in outstanding fees. Defendant makes a payment of \$10.00 in his/her case. To determine the amount to be allocated to judgment fees, divide the outstanding balance of the judgment fees (\$60.00) by the combined total outstanding balances of all items ($\$60.00 + 40.00 = \100.00). The result in this example is .6 ($60/100$). Multiply the resulting figure by the amount of the payment to determine the allocation to judgment fees, which in this example is \$6.00 ($.6 \times \$10.00 = \6.00).

B. Each payment shall be applied to a single case, unless otherwise ordered by the court.

II. The county probation department or other agent designated to collect all fines, fees, costs, reparations, restitution, penalties and other remittances pursuant to 42 Pa.C.S. § 9728 shall use the CPCMS when performing collection-related activities.

III. Nothing in these regulations shall be applicable to the collection and/or distribution of any filing fee that is authorized by law. Filing fees shall include but not be limited to the clerk of courts automation fee set forth in 42 Pa.C.S. § 1725.4(b).

Source

The provisions of this § 29.353 adopted September 30, 2003, effective immediately, 33 Pa.B. 5173; amended March 23, 2005, effective April 1, 2005, 35 Pa.B. 2095; amended October 29, 2009, effective December 8, 2009, 39 Pa.B. 6545; amended April 10, 2019, effective immediately, 49 Pa.B. 1997; amended September 1, 2022, effective immediately, 52 Pa.B. 5926. Immediately preceding text appears at serial pages (408456), (396193) to (396194) and (406993).

Subchapter J. PROCUREMENT FOR FIRST JUDICIAL DISTRICT

Sec.

29.371. Procurement of goods, supplies, equipment and certain services.

§ 29.371. Procurement of goods, supplies, equipment and certain services.

The procurement of goods, supplies, equipment and certain services and facilities for all the Courts of the First Judicial District of the Commonwealth of Pennsylvania (the “Courts”) shall be made directly by the Courts, rather than by the Procurement Department of the City of Philadelphia. All procurement shall be administered by the Administrative Office of the Pennsylvania Courts (the “A.O.P.C.”) pursuant to those regulations that apply to procurement by the A.O.P.C. and such other requirements as the A.O.P.C. shall direct. The City of Philadelphia shall transfer procurement funds, other than Federal funds, appropriated by Council of Philadelphia and required for the operation of the Courts, to the A.O.P.C. The A.O.P.C. is hereby authorized to enter into a Memorandum of Understanding with the City of Philadelphia to effectuate the purposes of this Order. The funds transferred to the A.O.P.C. shall not be applied to purchase orders or commitments placed prior to this Order by the City of Philadelphia for the Courts of the First Judicial District of the Commonwealth of Pennsylvania.

Source

The provisions of this § 29.371 adopted June 27, 1991, effective June 27, 1991, 21 Pa.B. 3137.

Subchapter K. COSTS, FINES AND FEES

Sec.

- 29.401. Scope.
- 29.401a. Consumer Price Index—costs and fines.
- 29.402. 42 Pa.C.S. § 1725.1. Costs.
- 29.403. 42 Pa.C.S. § 3571.
- 29.404. Fee schedule under 15 Pa.C.S.A. § 153.
- 29.405. [Rescinded].

Source

The provisions of this Subchapter K adopted December 13, 1993, effective immediately, 23 Pa.B. 6054; amended September 30, 1994, effective immediately, 24 Pa.B. 5224; amended September 25, 1995, effective September 25, 1995, 25 Pa.B. 4218; amended September 9, 1996, effective immedi-

ately, 26 Pa.B. 4634; amended June 23, 1998, effective January 1, 1999, 28 Pa.B. 3252; amended June 23, 1998, effective January 1, 1998, 28 Pa.B. 3253; amended July 7, 1999, effective immediately, 29 Pa.B. 3833; amended June 26, 2000, effective January 1, 2001, 30 Pa.B. 3563; amended January 29, 2002, effective immediately, 32 Pa.B. 875; amended September 23, 2002, effective immediately, 32 Pa.B. 4813; amended September 11, 2003, effective immediately, 33 Pa.B. 4783; amended October 14, 2004, effective immediately, 34 Pa.B. 5887; amended August 29, 2005, effective immediately, 35 Pa.B. 5091; amended September 29, 2006, effective immediately, 36 Pa.B. 5965; September 18, 2006, effective immediately; amended October 3, 2007, effective January 1, 2008; amended September 23, 2008, effective January 1, 2009, 38 Pa.B. 5421; unless otherwise noted. Immediately preceding text appears at serial pages (330788) to (330795).

§ 29.401. Scope.

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized by Administrative Order, the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, and clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including magisterial district judges, and judges and staff of all divisions of the Philadelphia Municipal Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under 42 Pa.C.S. § 3502(a) of the Judicial Code, the following regulations are adopted to implement Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

Source

The provisions of this § 29.401 amended November 3, 2011, effective January 1, 2012, 41 Pa.B. 6195; amended August 29, 2012, effective January 1, 2013, 42 Pa.B. 5854; amended October 17, 2013, effective immediately, 43 Pa.B. 6489; amended October 15, 2014, effective immediately, 44 Pa.B. 6914; amended September 18, 2015, effective immediately, 45 Pa.B. 5905; amended September 23, 2016, effective immediately, 46 Pa.B. 6290; amended October 12, 2017, effective immediately, 47 Pa.B. 6722; amended September 25, 2018, effective immediately, 48 Pa.B. 6783; amended October 1, 2019, effective immediately, 49 Pa.B. 6061; amended October 7, 2020, effective immediately, 50 Pa.B. 5838; amended September 23, 2021, effective immediately, 51 Pa.B. 6393. Immediately preceding text appears at serial page (402764).

§ 29.401a. Consumer Price Index—costs and fines.

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2020 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 555 Judicial Administration Docket.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U.S. City Average, for calendar year 2020 was 1.4% percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, January 22, 2021.)

Source

The provisions of this § 29.401a adopted November 4, 1993, effective November 4, 1993, 23 Pa.B. 5527; amended September 9, 1994, effective September 9, 1994, 24 Pa.B. 4769; amended September 25, 1995, effective September 25, 1995, 25 Pa.B. 4220; amended September 9, 1996, effective September 9, 1996, 26 Pa.B. 4637; amended November 20, 1996, effective January 1, 1997, 26 Pa.B. 5881; corrected January 17, 1997, effective January 1, 1997, 27 Pa.B. 289; amended November 5, 1997, effective January 1, 1998, 27 Pa.B. 6074; amended November 1, 1998, effective January 1, 1999, 28 Pa.B. 3586; amended November 19, 1998, 28 Pa.B. 5866; amended July 7, 1999, effective January 1, 2000; amended June 26, 2000, effective January 1, 2001, 30 Pa.B. 3564; amended November 29, 2000, effective January 1, 2001, 30 Pa.B. 6420; amended November 29, 2001, effective Janu-

ary 1, 2002, 31 Pa.B. 6783; amended January 29, 2002, effective January 1, 2002, 32 Pa.B. 876; amended September 23, 2002, effective January 1, 2003, 32 Pa.B. 4814; amended November 27, 2002, effective January 1, 2003, 32 Pa.B. 6075; amended September 11, 2003, 33 Pa.B. 4784; amended December 4, 2003, effective January 1, 2004, 33 Pa.B. 6208; amended October 14, 2004, 34 Pa.B. 5888; amended December 8, 2004, effective January 1, 2005, 34 Pa.B. 6645; amended August 29, 2005, effective January 1, 2006, 35 Pa.B. 5092; amended September 18, 2006, effective January 1, 2007, 36 Pa.B. 5966; amended October 3, 2007, effective January 1, 2008, 37 Pa.B. 5594; amended September 23, 2008, effective October 4, 2008, 38 Pa.B. 5422; amended September 25, 2009, effective September 26, 2009, 39 Pa.B. 5543; amended November 17, 2010, effective November 27, 2010, 40 Pa.B. 6777; renumbered from 204 Pa. Code § 211.1, April 9, 2011, 41 Pa.B. 1894; amended November 3, 2011, effective January 1, 2012, 41 Pa.B. 6195; amended August 29, 2012, 42 Pa.B. 5855; amended October 17, 2013, 43 Pa.B. 6490; amended October 15, 2014, 44 Pa.B. 6915; amended September 18, 2015, 45 Pa.B. 5905; amended September 23, 2016, 46 Pa.B. 6290; amended October 12, 2017, effective immediately, 47 Pa.B. 6722; amended September 24, 2018, effective immediately, 48 Pa.B. 6385; amended October 1, 2019, effective immediately, 49 Pa.B. 6061; amended October 7, 2020, effective immediately, 50 Pa.B. 5837; amended September 23, 2021, effective immediately, 51 Pa.B. 6393. Immediately preceding text appears at serial pages (402764) to (402765).

§ 29.402. 42 Pa.C.S. § 1725.1. Costs.

(a) *Civil cases.*—In calendar year 2022, the costs to be charged by magisterial district judges in every civil case, except as otherwise provided in this section, shall be as follows:

- (1) Actions involving \$500 or less \$57.00
- (2) Actions involving more than \$500 but not more than \$2,000. . \$76.00
- (3) Actions involving more than \$2,000 but not
more than \$4,000 \$94.50
- (4) Actions involving between \$4,001 and \$12,000. \$142.00
- (5) Landlord-tenant actions involving \$2,000 or less. \$85.00
- (6) Landlord-tenant actions involving more than \$2,000 but not
more than \$4,000 \$104.00
- (7) Landlord-tenant actions involving more than \$4,000 but not
more than \$12,000 \$142.00
- (8) Order of execution \$42.50
- (9) Objection to levy \$19.00
- (10) Reinstatement of complaint \$9.50
- (11) Entering Transcript on Appeal or Certiorari. \$5.00

Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1) *Custody cases.*—In calendar year 2022, the cost (in addition to the cost provided by general rule) to be charged by the court of common pleas shall be as follows:

- (1) Custody cases, except as provided in section 1725(c)(2)(v) \$8.50

(b) *Criminal cases.*—In calendar year 2022, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- (1) Summary conviction, except motor vehicle cases \$54.00
- (2) Summary conviction, motor vehicle cases, other than
paragraph (3) \$42.50

- (3) Summary conviction, motor vehicle cases, hearing demanded \$51.50
- (4) Misdemeanor \$61.50
- (5) Felony \$71.00

Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

(c) *Unclassified costs or charges.*—In calendar year 2022, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

- (1) Entering transcript of judgment from another member of the minor judiciary \$9.50
- (2) Marrying each couple, making record thereof, and certificate to the parties \$47.50
- (3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) \$19.00
- (4) Issuing a search warrant (except as provided in subsection (d)). \$19.00
- (5) Any other issuance not otherwise provided in this subsection \$19.00

Source

The provisions of this § 29.402 amended September 10, 2009, effective immediately, 39 Pa.B. 5542; amended November 17, 2010, effective immediately, 40 Pa.B. 6774; corrected December 3, 2010, 40 Pa.B. 6933; amended November 3, 2011, effective January 1, 2012, 41 Pa.B. 6195; amended August 29, 2012, effective January 1, 2013, 42 Pa.B. 5854; amended October 17, 2013, effective immediately, 43 Pa.B. 6489; amended October 15, 2014, effective immediately, 44 Pa.B. 6914; amended September 18, 2015, effective immediately, 45 Pa.B. 5905; amended September 23, 2016, effective immediately, 46 Pa.B. 6290; amended October 12, 2017, effective immediately, 47 Pa.B. 6722; amended September 25, 2018, effective immediately, 48 Pa.B. 6783; amended October 1, 2019, effective immediately, 49 Pa.B. 6061; amended October 7, 2020, effective immediately, 50 Pa.B. 5838; amended September 23, 2021, effective immediately, 51 Pa.B. 6393. Immediately preceding text appears at serial pages (402765) to (402766).

§ 29.403. 42 Pa.C.S. § 3571.

In calendar year 2022, Commonwealth portion of fines, etc.

* * * * *

(c) *Costs in magisterial district judge proceedings.*

- (2) Amounts payable to the Commonwealth:
 - (i) Summary conviction, except motor vehicle cases \$18.90
 - (ii) Summary conviction, motor vehicle cases other than subparagraph (iii) \$18.90
 - (iii) Summary conviction, motor vehicle cases, hearing demanded. \$18.90
 - (iv) Misdemeanor \$24.60
 - (v) Felony \$37.85
 - (vi) Assumpsit or trespass involving:
 - (A) \$500 or less. \$23.75
 - (B) More than \$500 but not more than \$2,000 \$38.00
 - (C) More than \$2,000 but not more than \$4,000 \$56.70
 - (D) Between \$4,001 and \$12,000. \$94.65

(vii) Landlord-tenant proceeding involving:	
(A) \$2,000 or less	\$37.80
(B) More than \$2,000 but not more than \$4,000	\$47.25
(C) More than \$4,000 but not more than \$12,000	\$66.25
(viii) Objection to levy	\$9.50
(ix) Order of execution	\$28.35
(x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs))	\$13.30
(xi) Order of possession	\$15.00
(xii) Custody cases (except as provided in section 1725(c)(2)(v))	\$6.80

(Editor's Note: Ellipses refer to the text of 42 Pa.C.S. § 3571.)

Source

The provisions of this § 29.403 amended September 10, 2009, effective immediately, 39 Pa.B. 5542; amended November 17, 2010, effective immediately, 40 Pa.B. 6774; amended November 3, 2011, effective January 1, 2012, 41 Pa.B. 6195; amended August 29, 2012, effective January 1, 2013, 42 Pa.B. 5854; amended October 17, 2013, effective immediately, 43 Pa.B. 6489; amended October 15, 2014, effective immediately, 44 Pa.B. 6914; amended September 18, 2015, effective immediately, 45 Pa.B. 5905; amended September 23, 2016, effective immediately, 46 Pa.B. 6290; amended October 12, 2017, effective immediately, 47 Pa.B. 6722; amended September 25, 2018, effective immediately, 48 Pa.B. 6783; amended October 1, 2019, effective immediately, 49 Pa.B. 6061; amended October 7, 2020, effective immediately, 50 Pa.B. 5838; amended September 23, 2021, effective immediately, 51 Pa.B. 6393. Immediately preceding text appears at serial pages (402766) to (402767).

§ 29.404. Fee schedule under 15 Pa.C.S.A. § 153.

(a) *General rule.*—In calendar year 2001, the fees of the Corporation Bureau of the Department of State, including fees for the public acts and transactions of the Secretary of the Commonwealth administered through the bureau, and of county filing officers under Title 13 (relating to commercial code), shall be as follows:

* * * * *

(8) Uniform Commercial Code:	
(i) Financing statement—per debtor name:	
(A) Fee charged by Dept. of State	\$12.00
(B) Fee charged by County	\$59.00
Amount payable to Commonwealth	\$44.25
Amount payable to county	\$14.75
(ii) Each ancillary transaction:	
(A) Fee charged by Dept. of State	\$12.00
(B) Fee charged by County	\$59.00
Amount payable to Commonwealth	\$44.25
Amount payable to county	\$14.75
(iii) Search—per debtor name:	
(A) Fee charged by Dept. of State	\$12.00

(B)	Fee charged by County	\$59.00
	Amount payable to Commonwealth	\$44.25
	Amount payable to county	\$14.75
(iv)	Additional fee for each financing statement found and for each statement of assignment reported therein:	
(A)	Fee charged by Dept. of State	\$1.00
(B)	Fee charged by County	\$5.00
	Amount payable to Commonwealth	\$3.75
	Amount payable to county	\$1.25
(v)	For each financing statement or ancillary transaction not filed on standard forms approved by the Department of State, in addition to the fee provided above, there shall be charged a per filing fee of:	
(A)	Fee charged by Dept. of State	\$28.00
(B)	Fee charged by County	\$137.00
	Amount payable to Common wealth	\$102.75
	Amount payable to county	\$34.25
	* * * * *	

(Editor’s Note: Ellipses refer to the text of 15 Pa.C.S.A. § 153.)

§ 29.405. [Rescinded].

Source

The provisions of this § 29.405 adopted June 14, 2005, effective immediately, 35 Pa.B. 3542; rescinded July 5, 2019, effective July 6, 2019, 49 Pa.B. 3469. Immediately preceding text appears at serial pages (394334), (322793) to (322794) and (393623).

Subchapter L. CERTIFICATION OF QUESTIONS OF LAW

- Sec.
29.451. Order.
29.452. Internal Operating Procedures.

Source

The provisions of this Subchapter L adopted October 28, 1998, 28 Pa.B. 5667, unless otherwise noted.

§ 29.451. Order.

1. Any of the following courts may file a Certification Petition with this Court:
 - a. The United States Supreme Court; or
 - b. Any United States Court of Appeals.

2. A court may file a Certification Petition either on the motion of a party or sua sponte.
3. A Certification Petition shall contain the following:
 - a. A brief statement of the nature and stage of the proceedings in the petitioning court;
 - b. A brief statement of the material facts of the case;
 - c. A statement of the question or questions of Pennsylvania law to be determined;
 - d. A statement of the particular reasons why this Court should accept certification; and
 - e. A recommendation about which party should be designated Appellant and which Appellee in subsequent pleadings filed with this Court.
 - f. The petitioning court shall attach to the Certification Petition copies of any papers filed by the parties regarding certification, e.g., a Motion for Certification, a Response thereto, a Stipulation of Facts, etc.

§ 29.452. Internal Operating Procedures.

1. Any of the following courts may file a Certification Petition with this Court:
 - a. The United States Supreme Court; or
 - b. Any United States Court of Appeals.
2. A court may file a Certification Petition either on the motion of a party or sua sponte.
3. A Certification Petition shall contain the following:
 - a. A brief statement of the nature and stage of the proceedings in the petitioning court;
 - b. A brief statement of the material facts of the case;
 - c. A statement of the question or questions of Pennsylvania law to be determined;
 - d. A statement of the particular reasons why this Court should accept certification; and
 - e. A recommendation about which party should be designated Appellant and which Appellee in subsequent pleadings filed with this Court.
 - f. The petitioning court shall attach to the Certification Petition copies of any papers filed by the parties regarding certification, e.g., a Motion for Certification, a Response thereto, a Stipulation of Facts, etc.

Subchapter M. [Rescinded]

Sec.
29.471—29.474. [Rescinded].

Source

The provisions of this Subchapter M adopted November 24, 1998, effective immediately, 28 Pa.B. 6068; rescinded August 8, 2018, effective September 17, 2018, 48 Pa.B. 5346, unless otherwise noted. Immediately preceding text appears at serial pages (322796) and (385435) to (385436).

§§ 29.471—29.474. [Rescinded].

[Next page is 31-1.]