

**CHAPTER 2100. THE COMMONWEALTH AND POLITICAL
SUBDIVISIONS AS PARTIES**

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Rule 2101. Definition.

As used in this chapter:

“action” means any civil action or proceeding brought in or appealed to any court which is subject to these rules.

Source

The provisions of this Rule 2101 adopted June 25, 1946, effective January 1, 1947; amended December 16, 2003, effective July 1, 2004, 34 Pa.B. 9. Immediately preceding text appears at serial page (276611).

Rule 2102. Style of Action.

(a)(1) An action by the Commonwealth shall be brought in the name of the Commonwealth of Pennsylvania.

(2) An action against a Commonwealth agency or party shall be styled in the following manner: Plaintiff v. “_____ (Name of Agency or Party) _____ of the Commonwealth of Pennsylvania.”

Official Note: “Commonwealth” is defined by Pa. R.C.P. No. 76. An action may be brought against the Commonwealth only when a cause of action against it exists and when a right of action has been authorized by statute. Constitution of 1968, Article I, Section 11; 1 Pa.C.S. § 2310.

Section 8522 of the Judicial Code, 42 Pa.C.S. § 8522, provides exceptions to sovereign immunity as to Commonwealth parties. See Section 8501 of the Code, 42 Pa.C.S. § 8501, for the definition of Commonwealth party.

The Commonwealth is an entity distinct from a Commonwealth party. See *Garcia v. Commonwealth of Pennsylvania et al*, 131 Cmwlth. 327, 570 A.2d 137 (1990) and cases cited therein.

(b) An action shall be brought by or against a political subdivision in its name.

Official Note: “Political subdivision” is defined by Pa. R.C.P. No. 76.

For exceptions to governmental immunity, see Section 8542 of the Judicial Code, 42 Pa.C.S. § 8542.

Source

The provisions of this Rule 2102 adopted June 25, 1946, effective January 1, 1947; amended April 18, 1975, effective immediately, 5 Pa.B. 1820; amended July 18, 1991, effective January 1, 1992, 21 Pa.B. 3399. Immediately preceding text appears at serial page (99945).

Rule 2103. Venue.

(a) An action brought in a court of common pleas by the Commonwealth may be brought in any county permitted by a rule of the Supreme Court.

(b) Except when the Commonwealth is the plaintiff or when otherwise provided by an Act of Assembly, an action against a political subdivision may be brought only in the county in which the political subdivision is located.

Official Note: Adopted June 25, 1946, effective January 1, 1947.

For the venue of actions in mandamus and quo warranto, see Rules 1092 and 1112.

This rule does not alter the practice where the political subdivision is located in more than one county or in actions for materials furnished for construction of inter-county bridges. See Rule 2123, Acts of Assembly not suspended.

Rule 2104. Service.

[Rescinded].

Official Note: For service upon the Commonwealth and political subdivisions, see Rule 422.

Source

The provisions of this Rule 2104 rescinded June 20, 1985, effective January 1, 1986, 15 Pa.B. 2452. Immediately preceding text appears at serial page (28071).

Rule 2123. Acts of Assembly Not Suspended.

The rules governing the Commonwealth and political subdivisions as parties shall not be deemed to suspend or affect any Act of Assembly regulating the venue of actions brought by the head of an executive or administrative department or by a departmental administrative board or commission or by an independent administrative board or commission of the Commonwealth.

Source

The provisions of this Rule 2123 adopted June 25, 1946, effective January 1, 1947; amended June 3, 1994, effective July 1, 1994, 24 Pa.B. 3010. Immediately preceding text appears at serial pages (159506) to (159507).

Rule 2124. Effective Date. Pending Actions.

These rules shall become effective on the 1st day of January, 1947, but shall not apply to actions pending at that time.

Source

The provisions of this Rule 2124 adopted June 25, 1946, effective January 1, 1947.

Rule 2125. Suspension of Acts of Assembly.

Section 213 of the Act approved March 10, 1949, P. L. 30, Art. II, 24 P. S. § 2-213, is suspended in accordance with the provisions of the Constitution of 1968, Article V, Section 10(c).

Official Note: This section relates to actions by and against school districts and service upon school districts.

Source

The provisions of this Rule 2125 adopted June 25, 1946, effective January 1, 1947; amended June 3, 1994, effective July 1, 1994, 24 Pa.B. 3010. Immediately preceding text appears at serial pages (159507) to (159508).

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