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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 541 Session of  
2017

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INTRODUCED BY THOMAS, KINSEY, FITZGERALD AND V. BROWN,  
FEBRUARY 17, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 17, 2017

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in general provisions,  
3 further providing for definitions; in community and municipal  
4 courts, further providing for Philadelphia Municipal Court;  
5 and, in traffic courts, further providing for jurisdiction  
6 and venue and repealing provisions regarding Traffic Court of  
7 Philadelphia.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The definition of "Traffic Court of Philadelphia"  
11 in section 102 of Title 42 of the Pennsylvania Consolidated  
12 Statutes is amended to read:

13 § 102. Definitions.

14 Subject to additional definitions contained in subsequent  
15 provisions of this title which are applicable to specific  
16 provisions of this title, the following words and phrases when  
17 used in this title shall have, unless the context clearly  
18 indicates otherwise, the meanings given to them in this section:

19 \* \* \*

20 "Traffic Court of Philadelphia." [Any of the following:

1 (1)] The Traffic Division under section 1121(c)  
2 (relating to Philadelphia Municipal Court). This paragraph  
3 includes the predecessor of the Traffic Division.

4 [(2) The Traffic Court of Philadelphia under section  
5 1321(b) (relating to Traffic Court of Philadelphia). This  
6 paragraph includes the predecessor of the Traffic Court of  
7 Philadelphia.]

8 \* \* \*

9 Section 2. Sections 1121 and 1302(a) introductory paragraph  
10 and (a.1) of Title 42 are amended to read:

11 § 1121. Philadelphia Municipal Court.

12 (a) Organization.--The Philadelphia Municipal Court shall be  
13 organized as follows:

14 (1) The General Division shall consist of 27 judges.

15 (1.1) The Traffic Division shall consist of seven judges  
16 as follows:

17 (i) The judges serving in the Traffic Division on  
18 the effective date of this paragraph.

19 (ii) As many more judges as necessary to achieve the  
20 full complement of seven judges after taking into  
21 consideration the number of judges under subparagraph  
22 (i).

23 (2) [The Traffic Division shall consist of four judges  
24 elected to the Traffic Court of Philadelphia prior to the  
25 effective date of this paragraph. If a vacancy in the Traffic  
26 Division occurs, the vacancy shall not be filled. This  
27 paragraph shall expire on the later of:

28 (i) the date of the ratification by the electorate  
29 of an amendment to the Constitution of Pennsylvania  
30 abolishing the Philadelphia Traffic Court; or

1           (ii) the date of the expiration of the longest term  
2 of a judge specified in subsection (c)(4).] A vacancy in  
3 the Traffic Division shall be filled subject to section  
4 3132 (relating to vacancies in office) and section 602 of  
5 the act of June 3, 1937 (P.L.1333, No.320), known as the  
6 Pennsylvania Election Code.

7 (b) General Division.--

8           (1) A judge in the General Division must be an attorney  
9 at law.

10           (2) The salary of a judge in the General Division shall  
11 be as set forth in section 2.1(e) and (i) of the act of  
12 September 30, 1983 (P.L.160, No.39), known as the Public  
13 Official Compensation Law.

14           (3) The General Division shall exercise full  
15 jurisdiction of the municipal court under section [1123(a)]  
16 1123(a)(1), (2), (3), (4), (5), (6), (7) and (8) (relating to  
17 jurisdiction and venue).

18 (c) Traffic Division.--

19           (1) A judge in the Traffic Division must[:

20               (i) be an attorney at law; or

21               (ii)]  prior to assuming office, complete a course of  
22 training and instruction in the duties of the office and  
23 pass an examination.

24           (2) The salary of a judge in the Traffic Division shall  
25 be as set forth in section 2.1(f) and (i) of the Public  
26 Official Compensation Law.

27           (3) The Traffic Division shall, at the direction of the  
28 President Judge of the Philadelphia Municipal Court, exercise  
29 jurisdiction under section 1123(a)(9).

30           (4) This subsection shall apply [during the terms of] to

1 all judges of the Philadelphia Traffic Court:

2 (i) who have been elected prior to January 1, 2014;

3 and

4 (ii) whose term expires after December 31, 2017.

5 (5) A judge identified in paragraph (4) shall, until the  
6 expiration of the term to which the judge has been elected,  
7 serve as a judge in the Traffic Division.

8 [(6) This subsection shall expire on the later of:

9 (i) the date of the ratification by the electorate  
10 of an amendment to the Constitution of Pennsylvania  
11 abolishing the Philadelphia Traffic Court; or

12 (ii) the date of the expiration of the longest term  
13 of a judge specified in paragraph (4).]

14 (d) Annual report.--The President Judge of the Philadelphia  
15 Municipal Court shall file an annual report with the General  
16 Assembly regarding the Traffic Division. The report shall  
17 include how funding was allocated for the Traffic Division, the  
18 number of cases that came before the Traffic Division and how  
19 the cases were resolved by the Traffic Division.

20 § 1302. Jurisdiction and venue.

21 (a) General rule.--Except [as set forth in subsection (a.1)  
22 or] as otherwise prescribed by any general rule adopted pursuant  
23 to section 503 (relating to reassignment of matters), each  
24 traffic court shall have jurisdiction of all prosecutions for  
25 summary offenses arising under:

26 \* \* \*

27 [(a.1) Traffic Court of Philadelphia.--

28 (1) Except as otherwise prescribed by any general rule  
29 adopted pursuant to section 503, each traffic court under  
30 Subchapter B (relating to Traffic Court of Philadelphia)

1 shall, at the direction of the President Judge of the  
2 Philadelphia Municipal Court, have jurisdiction of all  
3 prosecutions for summary offenses arising under:

4 (i) Title 75.

5 (ii) Any ordinance of any political subdivision  
6 enacted pursuant to Title 75.

7 (2) This subsection shall expire on the later of:

8 (i) the date of the ratification by the electorate  
9 of an amendment to the Constitution of Pennsylvania  
10 abolishing the Philadelphia Traffic Court; or

11 (ii) January 1, 2018.]

12 \* \* \*

13 Section 3 Section 1321 of Title 42 is repealed:

14 [§ 1321. Traffic Court of Philadelphia.

15 (a) Establishment.--The Traffic Court of Philadelphia shall  
16 be a court not of record. The court is established for the City  
17 and County of Philadelphia.

18 (b) Composition.--The court shall consist of two judges:

19 (1) who are serving on the court on the effective date  
20 of this subsection; and

21 (2) whose terms expire on December 31, 2017.

22 (c) Expiration.--This section shall expire on the later of:

23 (1) the date of the ratification by the electorate of an  
24 amendment to the Constitution of Pennsylvania abolishing the  
25 Philadelphia Traffic Court; or

26 (2) January 1, 2018.]

27 Section 4. This act shall take effect immediately.