

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1119 Session of 2020

INTRODUCED BY BAKER, FARNESE, KILLION, K. WARD, ARNOLD, J. WARD, REGAN, STEFANO AND SCAVELLO, APRIL 17, 2020

SENATOR BAKER, JUDICIARY, RE-REPORTED AS AMENDED, APRIL 29, 2020

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in limitation of time,
3 providing for declaration of judicial emergencies.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 5506. Declaration of judicial emergencies.

9 (a) Judicial emergencies.--Notwithstanding any other
10 provision of this chapter, if the time within which an action <--
11 must be commenced under this chapter is set to expire during IN <--
12 THE EVENT OF a judicial emergency declared by a governing
13 authority under Article V of the Constitution of Pennsylvania, a
14 law of this Commonwealth, a rule of court or other judicial
15 order BY THE SUPREME COURT OR ANY AGENCY OR UNIT OF THE UNIFIED <--
16 JUDICIAL SYSTEM EXERCISING A POWER OR PERFORMING A DUTY IN
17 ACCORDANCE WITH SECTION 1721 (RELATING TO DELEGATION OF POWERS),
18 IF THE TIME WITHIN WHICH AN ACTION MUST BE COMMENCED UNDER THIS

1 CHAPTER EXPIRES PRIOR TO THE EXPIRATION OF THE EARLIER TO OCCUR
2 OF THE ADDITIONAL 30-DAY PERIODS SPECIFIED UNDER PARAGRAPH (2)
3 (I), (II) OR (III), the following shall apply:

4 (1) The time within which the action must be commenced
5 shall be tolled AS PROVIDED UNDER THIS SECTION. <--

6 (2) A person ~~may~~ MUST commence the action within 30 days <--
7 after the expiration of the declared judicial emergency and <--
8 the action shall be deemed timely filed under section 5503(a)
9 (relating to commencement of matters).

10 ~~(b) Applicability.~~

11 ~~(1) This section shall apply to any judicial district~~
12 ~~for which a judicial emergency is declared. If a Statewide~~
13 ~~judicial emergency is declared by a governing authority, this~~
14 ~~section shall apply to all judicial districts.~~

15 ~~(2) This section shall be retroactive to March 18, 2020.~~

16 ANY OF THE FOLLOWING, WHICHEVER OCCURS FIRST: <--

17 (I) THE EXPIRATION OF THE DECLARED JUDICIAL
18 EMERGENCY.

19 (II) THE JUDICIAL DISTRICT ESTABLISHES A METHOD BY
20 WHICH THE ACTION MAY BE COMMENCED BY RULE OF COURT OR
21 OTHER JUDICIAL ORDER DURING THE JUDICIAL EMERGENCY.

22 (III) THE EFFECTIVE DATE OF THE JUDICIAL EMERGENCY
23 IF THE JUDICIAL DISTRICT HAS ESTABLISHED A METHOD BY
24 WHICH THE ACTION MAY BE COMMENCED BY RULE OF COURT OR
25 OTHER JUDICIAL ORDER PRIOR TO SUCH EFFECTIVE DATE.

26 (3) AN ACTION COMMENCED DURING THE ADDITIONAL 30-DAY
27 PERIODS SPECIFIED UNDER PARAGRAPH (2) (I), (II) OR (III) SHALL
28 BE DEEMED TIMELY FILED UNDER SECTION 5503(A) (RELATING TO
29 COMMENCEMENT OF MATTERS).

30 (B) APPLICABILITY.--THIS SECTION SHALL APPLY TO ANY JUDICIAL

1 DISTRICT FOR WHICH A JUDICIAL EMERGENCY IS DECLARED. IF A
2 STATEWIDE JUDICIAL EMERGENCY IS DECLARED BY A GOVERNING
3 AUTHORITY, THIS SECTION SHALL APPLY TO ALL JUDICIAL DISTRICTS.

4 (C) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
5 CONSTRUED TO REDUCE THE TIME WITHIN WHICH AN ACTION MUST BE
6 COMMENCED AS ESTABLISHED BY ANY OTHER LAW OF THIS COMMONWEALTH,
7 RULE OF COURT OR OTHER JUDICIAL ORDER.

8 Section 2. This act shall take effect immediately.