

SUPREME COURT OF PENNSYLVANIA

In Re: Amendment of Financial Regulations Pursuant to Act 20 of 2019, Pa.R.C.P. No. 1920.31(A)(2), and 23 Pa.C.S. § 5323

In re: Amendment of Financial Regulations · Decided October 10, 2019

SUMMARY

This Pennsylvania Supreme Court per curiam promulgation document amends financial regulations in 204 Pa. Code Chapter 29, Subchapter I, pursuant to Acts 40 and 44 of 2017 and related statutory provisions. It increases specified statutory fees from \$17 to \$19, modifies traffic-related fees, and establishes temporary surcharges applicable from July 1, 2019, through December 31, 2020.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
JURISDICTION	Pennsylvania
DECIDED	October 10, 2019
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Pennsylvania promulgated amendments to financial regulations governing statutory fees and temporary surcharges collected by Pennsylvania courts and related offices.
PRECEDENTIAL VALUE	Published promulgation order

TOPICS

rulemaking administrative law civil procedure criminal procedure real estate

PRACTICE AREAS

administrative law court administration civil procedure criminal procedure real estate

QUESTIONS PRESENTED

1. What statutory fees and temporary surcharges should apply to filings, proceedings, convictions, guilty pleas, pretrial diversionary programs, and property-transfer documents under the amended financial regulations?
2. Which proceedings and documents are subject to the statutory fees and temporary surcharges under 42 Pa.C.S. §§ 3733(a.1) and 3733.1, section 2802-E of The Administrative Code of 1929, and section 1795.1-E of The Fiscal Code?

HOLDINGS

1. The court promulgated amendments to 204 Pa. Code Chapter 29, Subchapter I, establishing a \$19 statutory fee for specified filings and proceedings, a \$12 fee for specified Title 75 summary offenses initiated by traffic citation, and the temporary surcharges specified in subsection (g), effective July 1, 2019, through December 31, 2020.
2. The amended regulations define the initiation of covered civil, family, criminal, and other legal proceedings, and identify deeds, mortgages, related instruments, long-term leases, easements, and rights of way as property-transfer documents subject to the applicable fee.

KEY QUOTATIONS

“Beginning July 1, 2019, and until December 31, 2020, for purposes of section 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102) and 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.” (204 Pa. Code Ch. 29, Subch. I, § 29.351(g)(1))

FACTUAL BACKGROUND

The regulations concern fees collected by Pennsylvania appellate courts, courts of common pleas, orphans' court offices, minor judiciary courts, Pittsburgh and Philadelphia municipal courts, and recorders of deeds. The amendments increase the general statutory fee from \$17 to \$19, modify the traffic-offense fee from \$10 to \$12, and reduce specified temporary surcharges effective July 1, 2019. The amendments also clarify which civil, family, criminal, property-transfer, and traffic proceedings trigger the fees.

PROCEDURAL HISTORY

The court acted in its rulemaking and administrative capacity to amend 204 Pa. Code Chapter 29, Subchapter I. The order revises statutory fee amounts, identifies proceedings and filings subject to those fees, and modifies temporary surcharges effective July 1, 2019, through December 31, 2020.

DISPOSITION

other

OPINION

PER CURIAM.

PROMULGATION OF FINANCIAL REGULATIONS PURSUANT TO ACTS 40 AND 44 OF 2017 204 Pa. Code Ch. 29, Subch. I (relating to budget and finance) § 29.351. Definitions. (a) Pennsylvania Supreme, Superior and Commonwealth Courts. Initial Filing. [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 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102), a statutory fee of

[seventeen dollars (\$17.00)] 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[; and]. 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 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102), a statutory fee of [seventeen dollars (\$17.00)] 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 [which] 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[; or]. 1 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, [Visitation of Minor Children] 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[; or]. 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. [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 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102), a statutory fee of [seventeen dollars (\$17.00)] 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 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102), a statutory fee of [seventeen dollars (\$17.00)] 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 2 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 [the] appeal of a summary conviction to the Court of Common Pleas[;]. iii. Cases [cases] involving juvenile defendants where a petition alleging delinquency has been filed in the Court of Common Pleas[;]. iv. Cases [cases] involving juvenile defendants certified to the Court of Common Pleas, resulting in the issuance of a numbered docket transcript form (OTN)[; and]. v. Cases [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 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102), a statutory fee of [seventeen dollars (\$17.00)] 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[; and]. 3 ix. Rights of Way. (e) Minor Judiciary. Civil and Criminal Proceedings. [1.]

For purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, and section 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102), a statutory fee of [seventeen dollars (\$17.00)] 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 [seventeen dollars (\$17.00)] 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 [seventeen dollars (\$17.00)] 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 [ten dollars (\$10.00)] 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 [seventeen dollars (\$17.00)] 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 4 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 [seventeen dollars (\$17.00)] 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 [seventeen dollars (\$17.00)] 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 [seventeen dollars (\$17.00)] 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) Records 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 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102), a statutory fee of [seventeen dollars (\$17.00)] 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[;]. 5 iv. Mortgage releases[;]. v. Mortgage satisfaction pieces[;]. vi. Installment sales agreements[;]. vii. Leases for a term of thirty (30) years or longer[;]. viii. Easements[; and]. ix. Rights of Way. (g) Temporary Surcharge. 1. Beginning [October 30, 2017] July 1, 2019, and until December 31, 2020, for purposes of section 2802-E of The Administrative Code of 1929 (71 P.S. § 720.102) and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a temporary surcharge of [twenty-three] twenty-one dollars and twenty-five cents [(\$23.25)] (\$21.25) shall be collected by all collectors of the JCS/ATJ/CJEA fee to supplement the [seventeen (\$17.00)] 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 [October 30, 2017] July 1, 2019, and until December 31, 2020, for purposes of Section 1795.1-E of [the] The Fiscal Code (72 P.S. § 1795.1-E), a temporary surcharge of [twelve dollars (\$12.00)] ten dollars (\$10.00) shall be collected to supplement the [ten dollars (\$10.00)] 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.