
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1908 Session of
2015

INTRODUCED BY THOMAS, V. BROWN, ROZZI, KINSEY AND COHEN,
MARCH 18, 2016

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 18, 2016

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
7 of 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. Section 1121 of Title 42 is amended to read:

10 § 1121. Philadelphia Municipal Court.

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

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

14 (1.1) The Traffic Division shall consist of seven judges
15 as follows:

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

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

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

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

30 (ii) the date of the expiration of the longest term

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

6 (b) General Division.--

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

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

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

17 (c) Traffic Division.--

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

19 (i) be an attorney at law; or

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

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

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

29 (4) This subsection shall apply [during the terms of] to
30 all judges of the Philadelphia Traffic Court:

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

2 and

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

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

7 [(6) 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) the date of the expiration of the longest term
12 of a judge specified in paragraph (4).]

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

19 Section 3. Section 1302(a) introductory paragraph and (a.1)
20 of Title 42 are amended to read:

21 § 1302. Jurisdiction and venue.

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

27 * * *

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

29 (1) Except as otherwise prescribed by any general rule
30 adopted pursuant to section 503, each traffic court under

1 Subchapter B (relating to Traffic Court of Philadelphia)
2 shall, at the direction of the President Judge of the
3 Philadelphia Municipal Court, have jurisdiction of all
4 prosecutions for summary offenses arising under:

5 (i) Title 75.

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

8 (2) 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) January 1, 2018.]

13 * * *

14 Section 4. Section 1321 of Title 42 is repealed:

15 [§ 1321. Traffic Court of Philadelphia.

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

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

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

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

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

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

27 (2) January 1, 2018.]

28 Section 5. This act shall take effect immediately.