

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 976 Session of
2019

INTRODUCED BY REGAN, MASTRIANO, ARGALL, BAKER, BARTOLOTTA,
BREWSTER, BROWNE, COSTA, DINNIMAN, KILLION, MARTIN, MENSCH,
PHILLIPS-HILL, STEFANO, J. WARD, K. WARD, YUDICHAK, AUMENT,
ARNOLD, FARNESE, BROOKS AND STREET, DECEMBER 12, 2019

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 29, 2020

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, IN JURISDICTION OF <--
3 APPELLATE COURTS, PROVIDING FOR COMMERCE COURT PROGRAM; AND,
4 in organization and jurisdiction of courts of common pleas,
5 further providing for problem-solving courts AND PROVIDING <--
6 FOR COMMERCE COURTS.

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

9 ~~Section 1. Section 916(a) of Title 42 of the Pennsylvania~~ <--
10 ~~Consolidated Statutes is amended and the section is amended by~~
11 ~~adding subsections to read:~~

12 SECTION 1. TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED <--
13 STATUTES IS AMENDED BY ADDING A SECTION TO READ:
14 § 743. COMMERCE COURT PROGRAM.

15 (A) APPEALS.--THE SUPERIOR COURT MAY ESTABLISH FROM
16 AVAILABLE FUNDS A COMMERCE COURT PROGRAM THAT SHALL HAVE
17 SPECIALIZED JURISDICTION. IN A COMMERCE COURT PROGRAM
18 ESTABLISHED UNDER THIS SECTION, THE SPECIALIZED JURISDICTION OF

1 APPEALS RELATING TO THE FOLLOWING MATTERS MAY BE VESTED IN THE
2 PROGRAM:

3 (1) THE INTERNAL AFFAIRS, GOVERNANCE, DISSOLUTION,
4 LIQUIDATION, RIGHTS OR OBLIGATIONS BETWEEN OR AMONG OWNERS
5 AND LIABILITY OR INDEMNITY OF MANAGERS OF BUSINESS
6 CORPORATIONS, PARTNERSHIPS, LIMITED PARTNERSHIPS, LIMITED
7 LIABILITY PARTNERSHIPS, PROFESSIONAL ASSOCIATIONS, BUSINESS
8 TRUSTS, JOINT VENTURES OR OTHER BUSINESS ENTERPRISES,
9 INCLUDING ANY ACTIONS INVOLVING THE INTERPRETATION OF THE
10 RIGHTS OR OBLIGATIONS UNDER THE ORGANIC LAW, ARTICLES OF
11 INCORPORATION, BYLAWS OR AGREEMENTS GOVERNING THESE
12 ENTERPRISES.

13 (2) DISPUTES BETWEEN OR AMONG TWO OR MORE BUSINESS
14 ENTERPRISES RELATING TO A TRANSACTION, BUSINESS RELATIONSHIP
15 OR A CONTRACT.

16 (B) RULES.--THE COURT MAY ADOPT RULES FOR THE ADMINISTRATION
17 OF THE PROGRAM ESTABLISHED UNDER THIS SECTION. THE RULES MAY NOT
18 BE INCONSISTENT WITH THIS SECTION OR ANY RULE ESTABLISHED BY THE
19 SUPREME COURT.

20 (C) JURISDICTION.--NOTHING UNDER THIS SECTION SHALL BE
21 CONSTRUED TO AFFECT THE JURISDICTION OF AN APPELLATE COURT AS
22 PROVIDED BY LAW OTHER THAN THIS SECTION.

23 SECTION 2. SECTION 916(A) OF TITLE 42 IS AMENDED AND THE
24 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

25 § 916. Problem-solving courts.

26 (a) Establishment.--The court of common pleas of a judicial
27 district and the Municipal Court of Philadelphia may establish,
28 from available funds, one or more problem-solving courts which
29 have specialized jurisdiction, including, but not limited to,
30 veterans courts, drug courts, mental health courts and driving

1 under the influence courts, whereby defendants are admitted to a
2 court-supervised individualized treatment program. The court may
3 adopt local rules for the administration of problem-solving
4 courts and their related treatment services. The local rules may
5 not be inconsistent with this section or any rules established
6 by the Supreme Court.

7 * * *

8 (d) Veterans courts.--

9 (1) If a court of common pleas of a judicial district or
10 the Municipal Court of Philadelphia has established a
11 veterans court under subsection (a), the court may provide
12 for participation by defendants from another county or
13 counties.

14 (2) A court of common pleas of a judicial district or
15 the Municipal Court of Philadelphia may join with the court
16 in another county or counties to establish a multicounty
17 veterans court.

18 (e) Veterans track.--If a court of common pleas of a
19 judicial district or the Municipal Court of Philadelphia
20 established a problem-solving court under subsection (a), except
21 for a veterans court, the court may establish a veterans track
22 within the problem-solving court. As used in this subsection,
23 the term "veterans track" means a program that utilizes some
24 components of a veterans court, including, but not limited to,
25 treatment resources and veteran mentors and does not have the
26 population and judicial resources to sustain a full veterans
27 court.

28 (f) Local rules.--A court of common pleas of a judicial
29 district or the Municipal Court of Philadelphia that established
30 a veterans court, multicounty veterans court or veterans track

1 under this section may adopt local rules for the administration
2 of the courts and their related treatment services. The local
3 rules may not be inconsistent with this section or any rules
4 established by the Supreme Court.

5 SECTION 3. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ: <--
6 § 916.1. COMMERCE COURTS.

7 (A) ESTABLISHMENT.--THE COURT OF COMMON PLEAS OF A JUDICIAL
8 DISTRICT MAY ESTABLISH FROM AVAILABLE FUNDS A COMMERCE COURT
9 THAT SHALL HAVE SPECIALIZED JURISDICTION. IN A COURT OF COMMON
10 PLEAS THAT HAS ESTABLISHED A COMMERCE COURT UNDER THIS SECTION,
11 THE EXCLUSIVE JURISDICTION OF CASES RELATING TO THE FOLLOWING
12 MATTERS MAY BE VESTED IN THE COMMERCE COURT:

13 (1) THE INTERNAL AFFAIRS, GOVERNANCE, DISSOLUTION,
14 LIQUIDATION, RIGHTS OR OBLIGATIONS BETWEEN OR AMONG OWNERS
15 AND LIABILITY OR INDEMNITY OF MANAGERS OF BUSINESS
16 CORPORATIONS, PARTNERSHIPS, LIMITED PARTNERSHIPS, LIMITED
17 LIABILITY PARTNERSHIPS, PROFESSIONAL ASSOCIATIONS, BUSINESS
18 TRUSTS, JOINT VENTURES OR OTHER BUSINESS ENTERPRISES,
19 INCLUDING ANY ACTIONS INVOLVING THE INTERPRETATION OF THE
20 RIGHTS OR OBLIGATIONS UNDER THE ORGANIC LAW, ARTICLES OF
21 INCORPORATION, BYLAWS OR AGREEMENTS GOVERNING THESE
22 ENTERPRISES.

23 (2) DISPUTES BETWEEN OR AMONG TWO OR MORE BUSINESS
24 ENTERPRISES RELATING TO A TRANSACTION, BUSINESS RELATIONSHIP
25 OR A CONTRACT.

26 (B) RULES.--THE COURT MAY ADOPT LOCAL RULES FOR THE
27 ADMINISTRATION OF COMMERCE COURTS ESTABLISHED UNDER THIS
28 SECTION. THE LOCAL RULES MAY NOT BE INCONSISTENT WITH THIS
29 SECTION OR ANY RULE ESTABLISHED BY THE SUPREME COURT.

30 (C) STATEWIDE COMMERCE COURTS COORDINATOR.--TO THE EXTENT

1 THAT FUNDS ARE AVAILABLE, THE SUPREME COURT MAY APPOINT A
2 STATEWIDE COMMERCE COURT COORDINATOR. THE COORDINATOR MAY:

3 (1) ENCOURAGE AND ASSIST IN THE ESTABLISHMENT OF
4 COMMERCE COURTS IN EACH JUDICIAL DISTRICT.

5 (2) DEVELOP MODEL GUIDELINES FOR THE ADMINISTRATION OF
6 COMMERCE COURTS AND THEIR RELATED SERVICES.

7 (3) ESTABLISH PROCEDURES FOR MONITORING COMMERCE COURTS
8 AND FOR EVALUATING THE EFFECTIVENESS OF COMMERCE COURTS.

9 (D) ADVISORY COMMITTEE.--THE SUPREME COURT MAY ESTABLISH,
10 FROM AVAILABLE FUNDS, AN INTERDISCIPLINARY AND INTERBRANCH
11 ADVISORY COMMITTEE TO ADVISE AND ASSIST THE STATEWIDE COMMERCE
12 COURTS COORDINATOR IN MONITORING AND ADMINISTRATING COMMERCE
13 COURTS STATEWIDE.

14 Section 2 4. This act shall take effect in 60 days.

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