

FINAL REPORT¹

Recommendation 2-2014, Minor Court Rules Committee

*Amendment of Rules 307, 308, 309, 310, 312, 313, and 314
of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings
before Magisterial District Judges*

PERMITTING USE OF ELECTRONIC RECEIPTS AND COMMERCIAL CARRIERS

On July 21, 2014, effective August 20, 2014, upon recommendation of the Minor Court Rules Committee (“Committee”)², the Supreme Court of Pennsylvania adopted amendments to Rules 307, 308, 309, 310, 312, 313, and 314 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges.

I. Background and Discussion

The goal of the amendments is to provide for the use of electronic receipts in lieu of “greens cards” where elected and available, as well as the use of commercial carriers in lieu of the United States Postal Service. Currently, proof of service by certified or registered mail is provided by “a return receipt card,” colloquially referred to as a “green card.” Committee members are aware of postal delays in returning the return receipt cards. For some time now, the United States Postal Service has offered electronic return receipts in lieu of the traditional green cards to demonstrate proof of delivery. The Committee recognizes that court administrators in some judicial districts may want to utilize these services, and proposed amending the above referenced rules to specifically permit such activity. The Committee noted that this practice is already allowed under the Pennsylvania Rules of Criminal Procedure, with the comment to Pa.R.Crim.P. 114 providing that “[n]othing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service’s return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.” See Pa.R.Crim.P. 114, comment.

The Committee also recognized that there may be circumstances where a judicial district may elect to use a commercial carrier service as an alternative to the United States Post Office. The Committee proposed permitting the use of such services where a return receipt in paper or electronic form is available. The Committee noted a similar

¹ The Committee’s Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee’s Official Notes or the contents of the explanatory Final Reports.

² Minor Court Rules Committee Recommendation 2-2014.

practice is already allowed by the Pennsylvania Rules of Criminal Procedure for service of most orders and court notices. See Pa.R.Crim.P. 114(B)(3)(vii)(permitting delivery by “carrier service”).

II. Rule Changes

Changes to Rules 307(3), 308(3), 309(3), 310(4), 312(3), 313(2), and 314B include adding the phrase “comparable delivery method resulting in a return receipt in paper or electronic form” to permit the use of electronic receipts. Additional changes include adding references to alternative commercial carrier services, updating cross references to the Rules of Civil Procedure, adding a definition of “political subdivision” to Rule 312, and amending Rule 308(3) to simplify determination of when a person other than the defendant is authorized to sign for the defendant’s restricted delivery mail.