

INTRODUCTION

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules 307, 308, 309, 310, 312, 313, and 314 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of the explanatory reports.

The text of the proposed amendments precedes the Report.

We request that interested persons submit written suggestions, comments, or objections concerning this proposal to the Committee through counsel,

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Minor Court Rules Committee
Pennsylvania Judicial Center
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Harrisburg, PA 17106-2635
Fax: 717-231-9546
or email to: minorrules@pacourts.us

no later than March 7, 2014.

December 20, 2013

BY THE MINOR COURT RULES COMMITTEE:

Mary P. Murray, Chair

Pamela S. Walker
Counsel

REPORT

Proposed Amendments to 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

I. Introduction

The Minor Court Rules Committee (“Committee”) is proposing amendments to Rules 307, 308, 309, 310, 312, 313, and 314 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges. The goal of these proposed 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.

II. Discussion

For some time now, the United States Post Office has offered electronic return receipts for certified mail 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 proposes amending the above referenced rules to specifically permit such activity. The Committee notes 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 recognizes 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 proposes permitting the use of such services where a return receipt in paper or electronic form is available. The Committee notes a similar practice is already allowed under the Pennsylvania Rules of Criminal Procedure. See Pa.R.Crim.P. 114(B)(3)(vii).

III. Proposed Rule Changes

Proposed 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 and alternative commercial carriers. Additionally, the Committee proposes adding a

definition of “political subdivision” to Rule 312, Service on a Political Subdivision. The proposed definition is derived from Pa.R.C.P. No. 76.