

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 332 Session of 2019

INTRODUCED BY GROVE, PICKETT, KAUFFMAN, PYLE, RYAN, MILLARD, FRITZ, SAYLOR, LAWRENCE, KEEFER, HERSHEY, ECKER, JONES, KORTZ AND WHEELAND, FEBRUARY 1, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 1, 2019

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 providing for commerce courts.

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

8 Section 1. Title 42 of the Pennsylvania Consolidated
9 Statutes is amended by adding sections to read:

10 § 743. Commerce court program.

11 (a) Appeals.--The Superior Court may establish from
12 available funds a commerce court program that shall have
13 specialized jurisdiction. In a commerce court program
14 established under this section, the specialized jurisdiction of
15 appeals relating to the following matters may be vested in the
16 program:

17 (1) The internal affairs, governance, dissolution,
18 liquidation, rights or obligations between or among owners

1 and liability or indemnity of managers of business  
2 corporations, partnerships, limited partnerships, limited  
3 liability partnerships, professional associations, business  
4 trusts, joint ventures or other business enterprises,  
5 including any actions involving the interpretation of the  
6 rights or obligations under the organic law, articles of  
7 incorporation, bylaws or agreements governing these  
8 enterprises.

9 (2) Disputes between or among two or more business  
10 enterprises relating to a transaction, business relationship  
11 or a contract.

12 (b) Rules.--The court may adopt rules for the administration  
13 of the program established under this section. The rules may not  
14 be inconsistent with this section or any rule established by the  
15 Supreme Court.

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

19 § 916.1. Commerce courts.

20 (a) Establishment.--The court of common pleas of a judicial  
21 district may establish from available funds a commerce court  
22 that shall have specialized jurisdiction. In a court of common  
23 pleas that has established a commerce court under this section,  
24 the exclusive jurisdiction of cases relating to the following  
25 matters may be vested in the commerce court:

26 (1) The internal affairs, governance, dissolution,  
27 liquidation, rights or obligations between or among owners  
28 and liability or indemnity of managers of business  
29 corporations, partnerships, limited partnerships, limited  
30 liability partnerships, professional associations, business

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1 trusts, joint ventures or other business enterprises,  
2 including any actions involving the interpretation of the  
3 rights or obligations under the organic law, articles of  
4 incorporation, bylaws or agreements governing these  
5 enterprises.

6 (2) Disputes between or among two or more business  
7 enterprises relating to a transaction, business relationship  
8 or a contract.

9 (b) Rules.--The court may adopt local rules for the  
10 administration of commerce courts established under this  
11 section. The local rules may not be inconsistent with this  
12 section or any rule established by the Supreme Court.

13 (c) Statewide commerce courts coordinator.--To the extent  
14 that funds are available, the Supreme Court may appoint a  
15 Statewide commerce court coordinator. The coordinator may:

16 (1) Encourage and assist in the establishment of  
17 commerce courts in each judicial district.

18 (2) Develop model guidelines for the administration of  
19 commerce courts and their related services.

20 (3) Establish procedures for monitoring commerce courts  
21 and for evaluating the effectiveness of commerce courts.

22 (d) Advisory committee.--The Supreme Court may establish,  
23 from available funds, an interdisciplinary and interbranch  
24 advisory committee to advise and assist the Statewide commerce  
25 courts coordinator in monitoring and administrating commerce  
26 courts Statewide.

27 Section 2. This act shall take effect in 60 days.