

Rule 302.1 Dismissal for Lack of Personal Jurisdiction (NEW RULE)

A. The magisterial district judge may dismiss a complaint at any time for lack of personal jurisdiction.

B. The magisterial district judge shall issue written notice of the dismissal to the parties.

Official Note: This rule addresses dismissal due to lack of personal jurisdiction. Jurisdictional issues must be raised at a hearing. A party aggrieved by a determination regarding jurisdiction over the parties should follow the procedures for filing a praecipe for a writ of certiorari, set forth in Rule 1009.

302.2 Transfer of Action for Lack of Subject Matter Jurisdiction (NEW RULE)

A. When an action is commenced in a magisterial district court but the court does not have jurisdiction over the subject matter of the action, the magisterial district court shall not dismiss the action if there is another court of appropriate jurisdiction within the Commonwealth in which the action could originally have been brought.

B. The magisterial district court shall transfer the action at the cost of the plaintiff to the court of appropriate jurisdiction.

C. The magisterial district court in which the action is commenced shall transfer the complaint to the prothonotary or clerk of the court to which the action is transferred.

Official Note: This rule authorizes a magisterial district court to transfer a case to another court within the Commonwealth when the magisterial district court does not have jurisdiction over the subject matter of the action. The jurisdictional scope of the magisterial district courts is governed by Section 1515 of the Judicial Code, 42 Pa.C.S. § 1515.

Rule 302.2 is derived in part from Section 5103(a) of the Judicial Code, 42 Pa.C.S. § 5103(a). “If an appeal or other matter is taken to or brought in a court or magisterial district of the Commonwealth which does not have jurisdiction of the appeal or other matter, the court or magisterial district judge shall not quash such appeal or dismiss the matter, but shall transfer the record thereof to the proper tribunal of this Commonwealth, where the appeal or other matter shall be treated as if originally filed in the transferee tribunal on the date when the appeal or other matter was first filed in a court or magisterial district of this Commonwealth.” 42 Pa.C.S. § 5103(a). Rule 302.2 is also derived in part from Pa.R.C.P. No. 213(f)(authorizing transfer of actions for lack of subject matter jurisdiction).

When a complaint is transferred under this rule, it is treated as if it was originally filed in the transferee court on the date first filed in the magisterial district court. It is the intent of this rule that cases may be transferred to any Pennsylvania court with appropriate jurisdiction and venue, including the Philadelphia Municipal Court. Likewise, nothing in this rule prohibits a court other than a magisterial district court from transferring a case to a magisterial district court with proper jurisdiction and venue, in accordance with the procedural rules of the transferring court.

There may be additional costs when a case is transferred, including, but not limited to, service costs.