

**Subpart D. PENNSYLVANIA CONSOLIDATED STATUTES
STYLE MANUAL**

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CHAPTER 21. GENERAL PROVISIONS

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Subchapter A. INTRODUCTION

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§ 21.1. Definitions.

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

Bureau—The Legislative Reference Bureau.

Revision or revision bill—The text of a bill to amend or add provisions to the Statutes.

Statutes or Pa.C.S.—The Consolidated Pennsylvania Statutes (act of November 25, 1970 (P. L. 707, No. 230)).

§ 21.2. Short title of Subpart.

This Subpart shall be known and may be cited as the “Pennsylvania Consolidated Statutes Style Manual.”

§ 21.3. Scope and application of Subpart.

(a) *Bills originated by the Bureau.*—This Subpart sets forth the style manual which will be followed by the Bureau in the discharge of its powers and duties under 1 Pa.C.S. § 306 (relating to bills to amend the Consolidated Statutes) and under the penultimate and last sentences of section 7 of the act of May 7, 1923

(P. L. 158, No. 119) (46 P. S. § 457) in drafting on its own initiative bills amending or adding provisions to the Pennsylvania Consolidated Statutes.

(b) *Bills not originated by the Bureau.*—Bills not drafted by the Bureau which amend or add provisions to the Pennsylvania Consolidated Statutes will be revised automatically to conform to this Subpart during preparation in the Bureau for introduction, unless the member of the General Assembly requesting the bill indicates specifically that preparation on a nonuniform format is desired.

§ 21.4. Requests for bills to amend Statutes.

(a) *Preliminary determination by Bureau.*—Pursuant to 1 Pa.S. § 306 (relating to bills to amend the Consolidated Statutes), in drafting bills requested by members of the General Assembly or other duly authorized agencies and persons, the Bureau shall determine whether the bill shall be drafted in the form of an amendment to the Statutes or in the form of an original enactment or amendment to another statute and shall draft the bill according to such determination.

(b) *Duty of persons submitting requests.*—Pursuant to 1 Pa.S. § 306, agencies and persons submitting requests for bills to amend the Statutes shall allow the Bureau sufficient time to make the necessary review and revisions prior to final drafting of the bill by the Bureau and shall, upon request or pursuant to requirements established by the Bureau, submit copies or information for preparation of tables of contents, source notes and parallel tables for the use or information of the Bureau, the General Assembly, governmental agencies and the public.

(c) *Rules and regulations.*—The Bureau is authorized by 1 Pa.C.S. § 306 to adopt and enforce rules, regulations, instructions and forms to carry out its powers and duties under this section or other statute.

Subchapter B. SELECTION OF APPROPRIATE SUBJECT MATTER

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- 21.12. Selection of basic subject classification.
- 21.13. Pa.C.S. classification.
- 21.14. Purdon's Statutes classification.
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§ 21.11. General considerations.

Prior to the commencement of the program for the development of the Pennsylvania Consolidated Statutes, as authorized by the Constitutional Amendment of May 16, 1967, to section 3 of Article III of the Constitution of Pennsylvania, the statutes of this Commonwealth had never been codified. Thus, the initial, and

in most cases the most difficult, step in preparing a bill adding new provisions to the Statutes is the identification of the prior statutory provisions to be included in and specifically repealed by the revision. This Subchapter sets forth a number of the more obvious steps to be taken in identifying the appropriate subject matter for a revision bill. However, the steps set forth are not intended to be exhaustive, and merely illustrate the general nature of the inquiry to be made.

§ 21.12. Selection of basic subject classification.

(a) *General rule.*—The basic subject classification, that is, nonprofit corporations, judiciary and judicial procedure, crimes and offenses and the like, will control the nature and extent of the examination of existing statutory law. The initial careful delineation of the classification will simplify the examination of existing law by ruling out obviously unprofitable areas.

(b) *Broad classifications.*—Care should be taken to avoid selecting a classification which is so broad that it will produce a revision bill which is too large for legislative consideration, or which may raise unnecessary jurisdictional questions as between several legislative committees.

(c) *Narrow classifications.*—The classification should not be so narrow that a substantial part of the statutory law relating to the general subject to which the bill relates will continue on an unconsolidated basis. Such a result creates an undesirable trap for the user, who ordinarily assumes that a codification has exhausted the statutory material on the subject. Frequent cross reference in a revision bill to unconsolidated statutory provisions may be an indication that too narrow a subject classification has been adopted.

§ 21.13. Pa.S. classification.

(a) *Use of classification system.*—The Statutes themselves set forth a basic subject classification system, which may be used as a starting point. However, although one particular Pa.S. title may be selected as the focus of the revision effort, it will frequently be necessary to transfer provisions of prior statutory law from the principal title to one which more appropriately covers the transferred provisions. For example, the former provisions of the Nonprofit Corporation Law of 1933, relating to cemeteries, private police and hospitalization plans, were incorporated into Title 9 (Burial Grounds), Title 22 (Detectives and Private Police) and Title 40 (Insurance), respectively, by the act of November 15, 1972 (P. L. 1063, No. 271).

(b) *Contents of classification system.*—The classification system of the Statutes is as follows:

<i>Title</i>	
<i>Number</i>	<i>Subject</i>
1	General Provisions
2	Administrative Law and Procedure
3	Agriculture

4	Amusements
5	(Reserved)
6	Bailees and Factors
7	Banks and Banking
8	Boroughs and Incorporated Towns
9	Burial Grounds
10	Charities
11	Cities
12	Commerce and Trade
13	Commercial Code
14	Community Affairs
15	Corporations and Unincorporated Associations
16	Counties
17	(Reserved)
18	Crimes and Offenses
19	(Reserved)
20	Decedents, Estates and Fiduciaries
21	(Reserved)
22	Detectives and Private Police
23	Domestic Relations
24	Education
25	Elections
26	Eminent Domain
27	Environmental Resources
28	Escheats
29	Federal Relations
30	Fish
31	Food
32	Forests, Waters and State Parks
33	Frauds, Statute of
34	Game
35	Health and Safety
36	Highways and Bridges
37	Historical and Museums
38	Holidays and Observances
39	Insolvency and Assignments
40	Insurance
41	(Reserved)
42	Judiciary and Judicial Procedure
43	Labor
44	Law and Justice
45	Legal Notices
46	Legislature

47	Liquor
48	Lodging and Housing
49	Mechanics' Liens
50	Mental Health
51	Military Affairs
52	Mines and Mining
53	Municipalities Generally
54	Names
55	(Reserved)
56	(Reserved)
57	Notaries Public
58	Oil and Gas
59	Partnerships
60	Peddlers
61	Penal and Correctional Institutions
62	Procurement
63	Professions and Occupations (State licensed)
64	Public Authorities and Quasi-Public Corporations
65	Public Officers
66	Public Utilities
67	Public Welfare
68	Real and Personal Property
69	Savings and Validating Provisions
70	Securities
71	State Government
72	Taxation and Fiscal Affairs
73	Townships
74	Transportation
75	Vehicles
76	Weights, Measures and Standards
77	Workmen's Compensation
78	Zoning and Planning
79	Supplementary Provisions

(c) *Change in classification.*—Pursuant to 1 Pa.C.S. § 306 (relating to bills to amend the Consolidated Statutes), the Bureau shall determine whether the number or name of a title established under the Statutes shall be changed and whether titles shall be added or deleted. Where a change in the classification set forth in subsection (b) is indicated as a result of preliminary work on a revision bill, the matter should be brought to the attention of the Director of the Bureau for consideration. Except for Title 1 (General Provisions) and Title 79 (Supplementary Provisions), the concept of the classification system is to maintain the headings of the titles in alphabetical order.

Cross References

This section cited in 101 Pa. Code § 21.14 (relating to Purdon's Statutes classification); and 101 Pa. Code § 23.1 (relating to titles).

§ 21.14. Purdon's Statutes classification.

(a) *Transition to Pa.C.S. classification.*—Purdon's Statutes represents a privately published unofficial codification of the general and permanent statutory law of this Commonwealth. The publishers of Purdon's Statutes have announced an intention gradually to rearrange the contents of Purdon's Statutes to conform to the Pa.C.S. classification set forth in § 21.13(b) (relating to Pa.C.S. classification).

(b) *Multiple classification in Purdon's.*—In general, statutory provisions on the same subject may be found in two or more distinct Purdon's Statutes titles. The following is exemplary:

(1) *Function-Performer of function (governmental).*—Provisions on decorating veterans' graves by governmental agencies in Title 9 (Burial Grounds) and provisions on authorized county expenditures for the decoration of veterans' graves in Title 16 (Counties).

(2) *Function-Performer of function (private).*—Provisions on nonprofit hospital plan corporations in Title 40 (Insurance) and provisions on nonprofit corporations organized for the furnishing of hospital plan services in Title 15 (Corporations and Unincorporated Associations).

(3) *Specific function—General function.*—Private police appointed by certain agencies for the prevention of cruelty to children in Title 11 (Children) and private police appointed by charities in Title 10 (Charities and Welfare). Provisions on the appointment of private police also were classified to Title 15 (Corporations and Unincorporated Associations) and in Title 38 (Industrial Police). Compare Title 22 (Detectives).

(4) *Regulatory law—Structural law.*—Provisions on nuisances detrimental to the public health in Title 35 (Health and Safety) and similar provisions in the Administrative Code of 1929 in Title 71 (State Government).

(c) *Reference aids.*—The multiple classifications illustrated in subsection (b) frequently may be disclosed by reference to one of the following sources:

(1) The cross reference notes contained in Purdon's Statutes.

(2) A statute which expressly saves or partially repeals the subject statute. Statutes dealing with the same or related subject matter are sometimes grouped together for purposes of an express savings clause or a partial repealer.

(3) Court decisions which cite the subject statute. A court decision will sometimes discuss a number of related statutes on the same subject.

(4) The Table of Authorities Cited, contained in the Pennsylvania Code preceding Title 1 (General Provisions). Frequently regulations issued under the subject statute will be classified in the Pennsylvania Code in the same Code Title with regulations issued under related statutory authority.

§ 21.15. Full text computer search.

The entire text of Pennsylvania statutes is presently available in computer-searchable form through the facilities of the Legislative Data Processing Center, Room 47, Main Capitol Building, Harrisburg, Pennsylvania. By framing an appropriate search question it is possible to locate all sections of Pennsylvania statutes which contain a specified word, term or phrase. The statutory provisions thus identified may then be examined to determine their relevance to the basic subject classification of the revision bill.

§ 21.16. Communication with responsible Commonwealth agency.

If the basic subject matter of the revision bill falls within the jurisdiction of a Commonwealth agency, inquiry should be made to the staff of the agency for the purpose of securing a list of all statutory provisions known to the staff which relate to the subject matter of the bill.

§ 21.17. Communication with interested professional, occupational or trade associations.

If the basic subject matter of the revision bill falls within an area of primary interest to a professional, occupational or trade association, inquiry should be made to a responsible official of the association for the purpose of securing a list of all statutory provisions known to the association which relate to the subject matter of the bill.

Subchapter C. ELIMINATION OF UNNECESSARY MATTER

Sec.

- 21.31. General considerations.
- 21.32. Provisions supplied and impliedly repealed by later statute.
- 21.33. Provisions superseded by general statute.
- 21.34. Provision contained in Administrative Code.
- 21.35. Obsolete statutes.
- 21.36. Use of history of amendment and citation.

§ 21.31. General considerations.

The size and complexity of a revision bill frequently may be minimized by omitting statutory provisions which are no longer required. This subchapter sets forth examples of the more common instances where the reenactment of a statutory provision is unnecessary, but it is not intended as an exclusive enumeration of such cases.

§ 21.32. Provisions supplied and impliedly repealed by later statute.

(a) *Background.*—Specific repeals of prior statutory provisions did not come into general use until after about 1900. Prior to that time primary reliance was

placed on the rule of construction now embodied in 1 Pa.C.S. § 1971 (relating to implied repeal by later statute) to the effect that whenever a later statute purports to be a revision of all statutes upon a particular subject, or sets up a general or exclusive system covering the entire subject matter of a former statute and is intended as a substitute for such former statute, such later statute shall be construed to supply and therefore to repeal all former statutes on the same subject. Sometimes a modern code will not contain exhaustive specific repealers, instead relying in whole or in part on the rule of 1 Pa.C.S. § 1971. The following is exemplary:

(1) *Eminent Domain Code*.—The Eminent Domain Code (26 P. S. § 1-101 *et seq.*) provides a complete procedural system for the condemnation of property, but specifically repealed only a few statutes on the subject. A revision of a general statute, such as the Borough Code, may now omit all references to procedures for condemnation of property.

(2) *Public Works Contractors' Bond Law of 1967*.—The Public Works Contractors' Bond Law of 1967 (8 P. S. § 191 *et seq.*) provides a complete system governing the requirements of bonds to be furnished by contractors in the prosecution of any public building or other public work or improvement, including road work, but did not specifically repeal absolutely any statutes on the subject. A revision may now omit all reference to contractor bonding procedures.

(3) *Commonwealth Documents Law*.—The Commonwealth Documents Law (45 P. S. § 1101 *et seq.*) and 45 Pa.C.S. § 501 *et seq.* provides a complete system governing the adoption, publication and effectiveness of Commonwealth administrative and other regulations and statements of policy, but specifically repealed only a few statutes on the subject. A revision may now omit all reference to procedures relating to the adoption, publication and effectiveness of such documents.

(b) *General Rule*.—When drafting a revision which encompasses prior statutory provisions which have been supplied and hence repealed by a subsequent general statute, the superseded language is omitted. Reference should also be made to § 23.111 (relating to cross references to supplying or superseding statutes) for rules governing cross references to the subsequent general statute.

(c) *Effect of subsequent reenactment of supplied provisions*.—The implied repeal of a prior statutory provision by a subsequent general statute ordinarily will not result in the deletion of the repealed provision from the prior statute as printed in Purdon's Statutes. Thus, when the prior statute as a whole is expressly repealed and reenacted by a third statute at a date subsequent to the enactment of the general statute, the provisions impliedly repealed by the general statute are sometimes inadvertently reenacted in full in the third statute. However, under the rule of construction now embodied in 1 Pa.C.S. § 1963 (relating to effect of reenactment on intervening statutes) the reenactment of the prior statute as a whole does not effect the general statute, and the repeal effected by the general

statute is construed as a repeal of the corresponding provisions of the third statute, notwithstanding the fact that the third statute is latest in time. The same conclusion follows also from the rules of construction now embodied in 1 Pa.C.S. § 1957 (relating to ineffective provisions not revived by reenactment in amendatory statutes) and 1 Pa.C.S. § 1962 (relating to repeal and reenactment). Therefore, when drafting a revision which encompasses the third statute, the statutory provisions of the third statute covered by the subject matter of the general statute are omitted as having been previously repealed by the general statute.

Cross References

This section cited in 101 Pa. Code § 21.33 (relating to provisions superseded by general statute); 101 Pa. Code § 21.34 (relating to provision contained in Administrative Code); and 101 Pa. Code § 23.111 (relating to cross references to supplying or superseding statutes).

§ 21.33. Provisions superseded by general statute.

(a) *Background.*—When the same issue of policy or procedure recurs with sufficient frequency a statute is sometimes enacted which, while not a general statute in the same sense that it is intended to supply and repeal prior statutes on the same subject, as discussed in § 21.32 (relating to provisions supplied and impliedly repealed by later statutes), is intended to establish a general rule which may be relied upon to simplify the drafting of future statutes. The following is exemplary:

(1) *Administrative Agency Law.*—The Administrative Agency Law, 2 Pa.C.S. § 701 *et seq.*, provides a complete procedural system for the taking of appeals to the Commonwealth Court from the action of Commonwealth agencies which are not appealable under a specific statute. See also 42 Pa.C.S. § 763 (relating to direct appeals from government agencies).

(2) *Local Agency Law.*—The Local Agency Law, 2 Pa.C.S. § 751 *et seq.*, provides a complete procedural system for the taking of appeals to the local court of common pleas from the actions of agencies of political subdivisions which are not appealable under a specific statute. See also 42 Pa.C.S. § 933 (relating to appeals from government agencies).

(b) *General rule.*—When drafting a revision which encompasses statutory provisions which deal with the same subject matter as a nonexclusive, but nevertheless complete, general statute, the duplicating provisions are omitted from the revision. Reference should also be made to § 23.111 (relating to cross references to supplying or superseding statutes) for rules governing cross references to the general statute.

Cross References

This section cited in 101 Pa. Code § 23.111 (relating to cross references to supplying or superseding statutes).

§ 21.34. Provision contained in Administrative Code.

(a) *Background.*—Prior to The Administrative Code of 1923 no general statute on the organization of the Commonwealth government existed. The Administrative Code of 1923 was drafted and held constitutional (see *Commonwealth ex rel. Attorney General v. Snyder*, 279 Pa. 234 (1924)) on the theory that the statute did not vest any substantive governmental authority in the executive branch, but merely specified which department, board or commission was thereafter to exercise authority vested in the executive branch by other statutes, which other statutes continued in operation except as to the specification of the identity of the administering agency. This result was required by section 3 of Article III of the Constitution of Pennsylvania as in effect prior to the Constitutional Amendment of May 16, 1967. Thus, the absolute repeal of a pre-1923 statutory provision terminates the function notwithstanding the continuation of the same statutory language in the Administrative Code. For example, a statute is enacted in 1907 conferring jurisdiction on the Water Supply Commission of Pennsylvania to approve charters for water companies. The Administrative Codes of 1923 and 1929 recite that the Water and Power Resources Board shall, inter alia, exercise the powers vested in the Water Supply Commission of Pennsylvania with respect to approval of water company charters. A statute is enacted in 1939 repealing absolutely the 1907 act and substituting a scheme of water rights regulation wholly independent of corporate charters. The functions of the Water and Power Resources Board with respect to approval of charters for water companies are terminated, notwithstanding the continued existence of the Administrative Code language. A statute is enacted in 1970 transferring the functions, inter alia, of the Water and Power Resources Board with respect to approval of charters for water companies to the Department of Environmental Resources. The purported transfer does not revive the power over water company charters. Reference should also be made to § 21.32(c) (relating to effect of subsequent reenactment of supplied provisions).

(b) *General rule.*—When drafting a revision which encompasses pre-1927 statutory provisions which have been expressly repealed, or supplied and hence impliedly repealed, the repealed or supplied language is omitted notwithstanding the fact that similar or identical language is contained in the Administrative Code. Such similar or identical Administrative Code language is cited for absolute repeal as obsolete in the revision bill repealer.

(c) *1927 and later amendments to the Administrative Code.*—The rule set forth in subsection (b) is not necessarily applicable to a power vested in the executive branch by any of the 1927 amendments to The Administrative Code of 1923 or any amendment to The Administrative Code of 1929.

§ 21.35. Obsolete statutes.

(a) *Background.*—Statutory provisions are sometimes enacted to require or encourage a social change, which thereafter becomes an accepted and unques-

tioned part of the foundation of our governmental or social system. When that point has been reached it is no longer necessary to continue the statute in force. Thus, 1 Pa.C.S. § 1978 (relating to repeal as obsolete does not affect substantive rights) provides that whenever a statute which created a personal or property right in derogation of the common law is repealed as obsolete or by a code which does not contain an express provision with respect to such personal or property right, the repeal does not revive the prior inconsistent common law rule, but the repeal is to be construed as a recognition by the General Assembly that such personal or property right has been received into and has become a part of the common law, that is, nonstatutory law of this Commonwealth. For example, a statute is enacted in 1919 providing that women, married and single, shall have the same rights as men to be incorporators, stockholders, officers and directors of corporations for profit. The provision is incorporated into the Business Corporation Law and the Banking Code of 1933, and the 1919 statute is repealed as to such corporations. The provision is omitted as obsolete from the Banking Code of 1965 and is repealed as obsolete from the Business Corporation Law in 1968. The equal rights of women in business and banking corporations are a part of the common law of this Commonwealth.

(b) *General rule.*—When drafting a revision which encompasses prior statutory civil provisions which merely state obvious principles of law which would be incontestable in modern society even in the absence of the statutory provision, the unnecessary language is omitted as obsolete.

§ 21.36. Use of history of amendment and citation.

Where a statutory provision is performing an active function there is an increased likelihood that it will be either cited in a judicial decision or amended by the General Assembly. Thus the failure of a statute to be either cited or amended during the 30-40 year period prior to the drafting of the revision should alert the drafting attorney to the possibility that the provision may be omitted. Under 1 Pa.C.S. § 1973 (relating to no implied repeal by nonuser) the mere failure to use a statutory provision does not affect its validity. The question is whether the failure to cite the statutory provision results from the fact that the provision has been supplied, and thus repealed, by another later statute on the same subject; or that the provision is obsolete.

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