

CHAPTER 23. FORMAT AND STYLE

Subchap.		Sec.
A.	FORMAL REQUIREMENTS	23.1
B.	SEQUENCE OF MATERIAL	23.71
C.	RULES OF STYLE	23.101
D.	SPECIAL RULES FOR AMENDMENTS	23.241

Cross References

This chapter cited in 101 Pa. Code § 25.1 (relating to scope).

Subchapter A. FORMAL REQUIREMENTS

STRUCTURE

- Sec.
- 23.1. Titles.
- 23.2. Parts.
- 23.3. Subparts.
- 23.4. Articles, divisions and subdivisions.
- 23.5. Chapters.
- 23.6. Subchapters.
- 23.7. Sections.
- 23.8. Subdivisions of sections.

NORMAL NUMBERING

- 23.21. Titles.
- 23.22. Parts.
- 23.23. Chapters.
- 23.24. Other major subdivisions.
- 23.25. Sections.
- 23.26. Internal divisions of sections.
- 23.27. Reservation of numbers.

SPECIAL NUMBERING PROBLEMS

- 23.31. Addition of new units between existing units.
- 23.32. Re-use of section numbers.

HEADINGS AND TABLES OF CONTENTS

- 23.41. Section headings.
- 23.42. Subsection headings.
- 23.43. Summary analyses.
- 23.44. Short titles.
- 23.45. Tables of contents.

REFERENCES

- 23.51. General requirements.
- 23.52. Cross reference descriptions.
- 23.53. Cross reference within same title.
- 23.54. Cross reference between titles.
- 23.55. Cross reference to units within sections.
- 23.56. References to other statutes.
- 23.57. Citation of *Pennsylvania Code*.
- 23.58. Citation of *Pennsylvania Bulletin*.
- 23.59. Citation of Federal statutes.

STRUCTURE**§ 23.1. Titles.**

The major divisions of the Statutes are titles, which bring together broadly related areas of statutory law. The various title headings are set forth in § 21.13(b) (relating to Pa.C.S. classification).

§ 23.2. Parts.

Titles may be divided into parts when it is necessary or desirable to group related chapters within a title. The use of parts is not mandatory but is desirable.

§ 23.3. Subparts.

Parts may be subdivided into subparts when it is necessary or desirable to group related chapters within a part.

§ 23.4. Articles, divisions and subdivisions.

In unusual cases, when further subdivision of a title is unavoidable, subparts may be subdivided into articles, articles may be subdivided into divisions and divisions may be subdivided into subdivisions.

§ 23.5. Chapters.

The normal subdivision of titles are chapters. The chapter is the basic major subdivision of the Statutes. It comprises the sections embraced in the heading of

the chapter and should consist of a unified body of statutory material on a specific subject. The use of chapters is mandatory.

§ 23.6. Subchapters.

Subchapters may be used to group related sections within a chapter.

§ 23.7. Sections.

The normal divisions of chapters are sections. The section is the basic unit of the Statutes. It should consist of a short, simple presentation of one principal proposition.

§ 23.8. Subdivisions of sections.

The normal subdivisions of sections are subsections, paragraphs and subparagraphs. In unusual cases, where further subdivision of a section is unavoidable, subparagraphs may be subdivided into clauses and clauses may be subdivided into subclauses. Except for subsections, each subdivision is indented a uniform space from the indentation of the next higher subdivision.

NORMAL NUMBERING

§ 23.21. Titles.

Titles are numbered sequentially in Arabic throughout the Statutes.

§ 23.22. Parts.

Parts are numbered sequentially in Roman throughout each title.

§ 23.23. Chapters.

Chapters are numbered sequentially in Arabic throughout each title. No chapter may be numbered beyond 99.

§ 23.24. Other major subdivisions.

Whenever other subdivisions are necessary, subparts shall be identified by letters, beginning with each part, articles shall be identified by letters, beginning with each subpart, divisions shall be identified by Arabic numerals, beginning with each article, subdivisions shall be identified by letters, beginning with each division, and subchapters shall be identified by letters, beginning with each chapter, as follows:

<i>Terminology</i>	<i>Illustrative Symbol</i>	<i>Numbered Within</i>
Part	I	Title
Subpart	A	Part
Article	A	Subpart
Division	1	Article

<i>Terminology</i>	<i>Illustrative Symbol</i>	<i>Numbered Within</i>
Subdivision	A	Division
Chapter	1	Title
Subchapter	A	Chapter

§ 23.25. Sections.

Sections are numbered sequentially in Arabic throughout each title. Chapters shall consist of no more than 99 sections and no section may be numbered beyond 9999. The last two digits in the section number indicate the sequence of the sections within a chapter and the digit or digits preceding such digits indicate the number of the chapter. For example, a section is numbered “2342.” The section is in the 42nd position in Chapter 23 of the title.

Cross References

This section cited in 101 Pa. Code § 25.17 (relating to assignment of section numbers).

§ 23.26. Internal divisions of sections.

Whenever internal divisions are necessary, subsections shall be identified by lower case letters, paragraphs by Arabic numerals, subparagraphs by lower case Roman numerals, clauses by capital letters and subclauses by capital Roman numerals, all contained within parentheses, as follows:

<i>Terminology</i>	<i>Illustrative Symbol</i>
Subsection	(a)
Paragraph	(1)
Subparagraph	(i)
Clause	(A)
Subclause	(I)

Notes of Decisions

Construction of Acts

This regulation aids in the interpretation of section 5704 of the Wiretap Act, 18 Pa.C.S. § 5703 et seq. By construing section 5704 with this regulation’s guidance it becomes clear that the approval and supervisory requirements contained in paragraph (2)(ii) apply to all of paragraph (2), including paragraph (2)(i). *Commonwealth v. McIvor*, 670 A.2d 697 (Pa. Super. 1996); appeal denied 692 A.2d 564 (Pa. 1997).

Illustrative Cases

Based on this regulation, it is clear that provision (1) of § 1705(d), 75 Pa.C.S. § 1705, is a paragraph since it is illustrated by an Arabic numeral and (iv) is a subparagraph because it is illustrated by a lower case Roman numeral. Since the exception in subparagraph (iv) expressly states that “noth-

ing in this paragraph shall affect the limitations of section 1731(d)(2)” it necessarily applies to all of paragraph (1). Therefore, a limited tort designee may not collect uninsured or underinsured motorist benefits for noneconomic harm under any subparagraph of paragraph (1). It is for the Legislature, not the courts, to alter this construction. *Rump v. The Aetna Casualty & Surety Co.*, 678 A.2d 1197 (Pa. Super. 1996); affirmed 710 A.2d 1093 (Pa. 1998).

§ 23.27. Reservation of numbers.

(a) *General rule.*—Chapter numbers should be spaced to allow for expansion and a minimum of one number, the even number, should be omitted between chapters of a new or revised part, subpart, article, division or subdivision. Where subchapters are used, section numbers should be spaced to allow for expansion and the first section in each subchapter should end with the number “1” (*e.g.* 101, 111, 121, *etc.*).

(b) *Uniform laws.*—When incorporating uniform laws into the Statutes, spacing between chapter numbers and section numbers may be omitted where it is desirable to maintain the same numbering system of the uniform law to simplify comparison between the provision of the uniform law and the comparable provisions of the Statutes.

Cross References

This section cited in 101 Pa. Code § 25.17 (relating to assignment of section numbers).

SPECIAL NUMBERING PROBLEMS

§ 23.31. Addition of new units between existing units.

(a) *Chapters.*—If it becomes necessary to introduce a new chapter between existing chapters the new chapter shall be designated by the addition of a letter suffix to the preceding chapter number. Thus, a chapter introduced between Chapters 31 and 32 would be numbered Chapter 31A. This practice should be avoided whenever possible since it results in extremely awkward section numbering. For example, the first section in Chapter 31A would be numbered § 31A01.

(b) *Sections.*—If it becomes necessary to introduce a new section between existing sections the new section shall be designated by the addition of a period and Arabic numeral suffix to the preceding section number. Thus, a section introduced between § 311 and § 312 would be numbered § 311.1. When a number of such section numbers have been introduced the entire portion of the title or chapter should be revised and renumbered.

(c) *Subsections.*—If it should become necessary to introduce a subsection between existing subsections, and revision of the entire section is not desirable, the new subsection shall be designated by the addition of a period and Arabic numeral suffix to the letter designating the preceding subsection. Thus, a subsection introduced between subsections (a) and (b) would be numbered as subsection (a.1).

(d) *Smaller units.*—Should it become necessary to introduce a unit smaller than a subsection between existing units, the entire subsection or appropriate

minor subdivision should be revised. If this is not feasible, the numbering scheme applicable to subsections is to be used.

§ 23.32. Re-use of section numbers.

A section number shall not be re-used for a different subject, except in a bill to revise a part, subpart, article, division, subdivision, chapter or subchapter of the Statutes.

HEADINGS AND TABLES OF CONTENTS

§ 23.41. Section headings.

(a) *General rule.*—Each section shall be given a brief descriptive heading or catchline set out on a separate line immediately preceding the body of the section. The symbol “§” shall precede the digits of a section number in the catchline.

(b) *Status.*—Under 1 Pa.C.S. § 1101 (relating to enacting clause and unofficial provisions), section headings do not constitute part of the law and may be added or changed in editing statutes for printing.

Cross References

This section cited in 101 Pa. Code § 25.18 (relating to insertion of section headings).

§ 23.42. Subsection headings.

(a) *General rule.*—Except in unusual cases, subsections shall be given a brief descriptive catchline. The subsection headings shall not be set out on separate lines.

(b) *Status.*—Under 1 Pa.C.S. § 1101 (relating to enacting clause and unofficial provisions), subsection headings do not constitute part of the law and may be added or changed in editing statutes for printing.

Cross References

This section cited in 101 Pa. Code § 25.20 (relating to insertion of subsection headings).

§ 23.43. Summary analyses.

(a) *General rule.*—Each unit of the Statutes shall be preceded by a summary analysis of the contents of the unit as follows:

(1) A subchapter, or chapter if the chapter is not subdivided into subchapters, shall contain the term “Sec.” in the lefthand margin immediately under the subchapter or chapter heading, followed by a list of the section catchlines, omitting, in each case, the symbol “§”.

(2) A chapter, if the chapter is subdivided into subchapters, shall contain the word “Subchapter” in the lefthand margin immediately under the chapter

heading, followed by a list of the subchapters of the chapter printed in initial capital letters and omitting, in each case, the initial word “Subchapter.”

(3) A part, or other major subdivision immediately superior to a chapter, shall contain the word “Chapter” in the lefthand margin immediately under the part or other major subdivision heading, followed by a list of the chapters of the part or other major subdivision printed in initial capital letters and omitting, in each case, the initial word “Chapter.”

(4) A title shall contain the word “Part” or other applicable word in the lefthand margin immediately under the title heading, followed by a list of the parts of the title printed in initial capital letters and omitting, in each case, the initial word “Part” or other applicable word.

(5) Subparts, articles, divisions and subdivisions shall be preceded by corresponding summary analyses.

(b) *Status.*—Under 1 Pa.C.S. § 1101 (relating to enacting clause and unofficial provisions), summary analyses do not constitute part of the law and may be added or changed in editing statutes for printing. Thus, they do not have to be amended upon the addition, repeal or amendment of an item included in the summary analysis.

Cross References

This section cited in 101 Pa. Code § 25.23 (relating to insertion of summary analyses).

§ 23.44. Short titles.

A section or major subdivision may be given an official short title (*e.g.* Pennsylvania Uniform Firearms Act) to simplify informal references to its provisions. However, this short title will not be used in an official citation contained in another title or statute unless contained in the cross reference description of the section or major subdivision referred to. It is not necessary that the short title for an entire title conform to the heading of the title (*e.g.* Title 18 (Crimes and Offenses) which was given the short title Crimes Code). Short titles are particularly useful for identifying uniform laws incorporated into the Statutes.

Cross References

This section cited in 101 Pa. Code § 25.12 (relating to insertion of short title).

§ 23.45. Tables of contents.

(a) *General rule.*—A table of contents should be included in bills adding major subdivisions to the Statutes. The table of contents shall include a listing of the designation, number and heading of each section and major subdivision added by the bill.

(b) *Status.*—Under 1 Pa.C.S. § 1101 (relating to enacting clause and unofficial provisions), tables of contents do not constitute part of the law and may be

added or changed in editing statutes for printing. Thus, they do not have to be amended upon the addition, repeal or amendment of an item included in the table of contents.

Cross References

This section cited in 101 Pa. Code § 25.26 (relating to insertion of table of contents).

REFERENCES

§ 23.51. General requirements.

All references to the Statutes shall be in terms of the specific titles, chapters, sections, subsections or other specific units involved. Ambiguous references such as “herein,” “above,” “below” and the like shall never be used. A reference to “statute” or “statutes” means acts of the General Assembly generically and, unless the context clearly indicates otherwise, under 1 Pa.C.S. § 304 (relating to references to other statutes) such reference is deemed to be also a general reference to the provisions of the Statutes.

§ 23.52. Cross reference descriptions.

(a) *General rule.*—A cross reference description based on the section heading or headings of the provisions cited shall be inserted in parentheses immediately following the first occurrence in a section of the citation to another provision of the Statutes. Where required for clarity in the case of cross references to subsections or other parts of a section, the cross reference description may be based on the heading of the subsection or other part thereof referred to. Similar cross reference descriptions shall be used when the citation is to a title, part, chapter or other major subdivision of the Statutes.

(b) *Status.*—Under 1 Pa.C.S. § 1101 (relating to enacting clause and unofficial provisions), cross reference descriptions do not constitute part of the law and may be added or corrected in editing statutes for printing.

Cross References

This section cited in 101 Pa. Code § 25.18 (relating to insertion of section headings); and 101 Pa. Code § 25.20 (relating to insertion of subsection headings).

§ 23.53. Cross reference within same title.

(a) *General rule.*—When reference is made to provisions contained in any other unit of the same title, the following forms shall be used:

Part I (relating to general provisions).

Chapter 9 (relating to constitutional provisions).

Subchapter E of Chapter 77 (relating to judicial supervision of corporate action).

Subchapter F (relating to involuntary liquidation and dissolution).

section 102 (relating to citation of Pennsylvania Consolidated Statutes).

(b) *Double citations.*—When reference is made to provisions contained in two other units of the same title, the following forms shall be used:

Parts I (relating to general provisions) and III (relating to higher education).

section 301 (relating to initial deposits by newly organized cemetery companies) or 302 (relating to initial deposits by existing cemetery companies).

sections 1909 (relating to publication for successive weeks) and 1910 (relating to computation of months).

section 306(f)(1) or (2) (relating to exceptions).

(c) *Multiple citations.*—When reference is made to provisions contained in three or more consecutive units of the same title, the following forms shall be used:

Parts I (relating to general provisions) through III (relating to higher education).

section 3126(3), (4) and (5) (relating to indecent assault).

§ 23.54. Cross reference between titles.

When reference is made to provisions contained in a title other than that in which the reference occurs, the short form of citation provided in 1 Pa.C.S. § 102 (relating to citation of Pennsylvania Consolidated Statutes) shall be used. Thus a reference made within Title 15 to section 504 of Title 54 appears as “54 Pa.C.S. § 504 (relating to effect of failure to make decennial filings).” However, a reference in Title 15 to Chapter 5 of Title 54 appears as “Chapter 5 of Title 54 (relating to corporate and association names).” A short form of reference (*e.g.* 54 Pa.C.S. Ch.5) may also be used.

§ 23.55. Cross reference to units within sections.

(a) *References to units within another section.*—When reference is made to units contained in another section, the reference is denominated as a reference to the “section” although the citation specifies a subordinate unit within the section. Thus, a reference made to subclause (I) of clause (C) of subparagraph (i) of paragraph (1) of subsection (b) of 15 Pa.C.S. § 7313 (relating to corporate name) should be in the following forms:

section 7313(b)(1)(i)(C)(I) (relating to notice of intention to appropriate corporate name).

15 Pa.C.S. § 7313(b)(1)(i)(C)(I) (relating to notice of intention to appropriate corporate name).

(b) *References to units within same section.*—When reference is made to units contained in the same section, the reference is denominated as a reference to the unit.

(1) When the reference is to another subordinate unit within a subsection or other subordinate unit, the reference is made with respect to the highest unit cited in the reference. The following is exemplary:

- paragraph (1).
- paragraph (1)(i).
- paragraph (1)(i)(A).
- paragraph (1)(i)(A)(I).
- subparagraph (i).
- subparagraph (i)(A).
- subparagraph (i)(A)(I).
- clause (A).
- clause (A)(I).
- subclause (I).

(2) When the reference is to a unit within another subsection of the section, the reference is made with respect to the subsection. The following is exemplary:

- subsection (a).
- subsection (a)(1).
- subsection (a)(1)(i).
- subsection (a)(1)(i)(A).
- subsection (a)(1)(i)(A)(I).

§ 23.56. References to other statutes.

(a) *General rule.*—Any statute other than a provision of the Statutes shall be cited by reference to its date of enactment, and the page number (*e.g.* P. L. 406) and act number (*e.g.* No. 21) assigned in the Laws of Pennsylvania.

(b) *Official short title.*—If the statute has an official statutory short title, the short title shall be set forth without the use of quotation marks as follows:

act of July 23, 1970 (P. L. 563, No. 195), known as the Public Employee Relations Act.

(c) *Unofficial short title or summary of title.*—If the statute has no official statutory short title, the unofficial short title of the statute or, if there is no unofficial short title, a brief summary of the title may be set forth without the use of quotation marks as follows:

act of May 13, 1909 (P. L. 520, No. 292), referred to as the Pure Food Law.

act of June 3, 1911 (P. L. 639, No. 246), relating to medicine and surgery.

(d) *Special session.*—If the statute was passed during a special session, a reference to the special session and special session number, if any, shall be set forth as follows:

act of April 27, 1966 (1st Sp. Sess., P. L. 31, No. 1), known as The Bituminous Mine Subsidence and Land Conservation Act.

Year of pamphlet law.—If a statute is finally enacted in the year following the year of the volume of the Laws of Pennsylvania containing the statute, the year of the volume of the Laws of Pennsylvania shall be set forth as follows:

act of January 8, 1960 (1959 P. L. 2119, No. 787), known as the Air Pollution Control Act.

§ 23.57. Citation of *Pennsylvania Code*.

The *Pennsylvania Code* shall be cited as provided in 1 Pa. Code § 1.2 (relating to citation of *Pennsylvania Code*) as follows:

1 Pa. Code § 1.2.

§ 23.58. Citation of *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* shall be cited as provided in 1 Pa. Code § 9.82 (relating to references to *Pennsylvania Bulletin*) as follows:

1 Pa.B. 801.

§ 23.59. Citation of Federal statutes.

(a) *Statutes at Large*.—In citing the U.S. Statutes at Large, reference should be made to Public Law number if available, otherwise date of enactment, and section, volume and page. The page number should refer to the page on which the section cited begins as follows:

(1) Public Law 85-315, Part III, § 121,71 Stat. 637.

(2) act of October 31, 1951, § 50(b), 65 Stat. 727.

(b) *U.S. Code*.—In citing provisions of the U. S. Code which have been enacted into positive law, reference should be made to title and section number in the same manner as citation of the Statutes. For example:

28 United States Code § 2254 (relating to state custody remedies in Federal courts).

(c) *U.S.C. titles enacted into law*.—The following titles of the United States Code have been enacted into positive law:

Title 1—General Provisions.

Title 3—The President.

Title 4—Flag and Seal, Seat of Government, and the States.

Title 5—Government Organization and Employees.

Title 6—Surety Bonds.

Title 9—Arbitration.

Title 10—Armed Forces.

Title 13—Census.

Title 14—Coast Guard.

Title 17—Copyrights.

Title 18—Crimes and Criminal Procedure.

Title 23—Highways.

Title 28—Judiciary and Judicial Procedure.

Title 32—National Guard.

Title 35—Patents.

Title 37—Pay and Allowances of the Uniformed Services.

Title 38—Veterans' Benefits.

Title 39—Postal Service.

Title 44—Public Printing and Documents.

(d) *Internal Revenue Code.*—The Internal Revenue Code of 1954 was enacted in the form of a separate code by the act of August 16, 1954, c. 736, 68A Stat. 1. The sections of Title 26, United States Code, are identical to the sections of the Internal Revenue Code.

(e) *Preferred practice.*—The preferred practice for citing Federal statutes is the use of the official or unofficial name together with a reference to either the Public Law number, if any, or Statutes at Large and a reference to the U.S. Code where it readily may be found as follows:

Federal Corporate Takeover Act (Public Law 90-439, 15 U.S.C. § 78 *et seq.*)

Social Security Act (49 Stat. 620, 42 U.S.C. § 301 *et seq.*)

Subchapter B. SEQUENCE OF MATERIAL

DISTRIBUTION OF MATERIAL AMONG PARTS AND OTHER MAJOR SUBDIVISIONS

Sec.

23.71. Titles.

23.72. Parts and other major subdivisions.

DISTRIBUTION OF MATERIAL WITHIN SECTION

23.81. Initial subsection.

23.82. Intermediate subsections.

23.83. Definitions limited in application to one section.

Cross References

This subchapter cited in 101 Pa. Code § 25.11 (relating to draft of revision bill).

DISTRIBUTION OF MATERIAL AMONG PARTS AND OTHER MAJOR SUBDIVISIONS

§ 23.71. Titles.

Titles ordinarily should be arranged with preliminary or general provisions at the beginning, substantive provisions in the middle and miscellaneous provisions at the end. The following is exemplary:

TITLE 24
EDUCATION
PART I
PRELIMINARY PROVISIONS
PART II
BASIC EDUCATION
PART III
HIGHER EDUCATION
PART IV
MISCELLANEOUS PROVISIONS

§ 23.72. Parts and other major subdivisions.

Parts and other major subdivisions ordinarily should be arranged with general provisions, including short titles, scope provisions and definitions at the beginning. If possible, all procedural, enforcement and similar provisions should be collected into one or more major subdivisions at the end.

DISTRIBUTION OF MATERIAL WITHIN SECTION

§ 23.81. Initial subsection.

The initial subsection of a section should state in simple and brief terms the principal proposition for which the section stands, unencumbered by exceptions, modifications or definitions. The usual catchline of the initial section of civil and criminal statutes is “*General rule.—*” and “*Offense defined.—*,” respectively.

Cross References

This section cited in 101 Pa. Code § 25.19 (relating to reorganization of sections).

§ 23.82. Intermediate subsections.

Subsections containing exceptions to or modifications of the general rule are set forth in the second and subsequent subsections of the section. The usual catchlines of these sections in civil statutes are “*Exceptions.—*” and in criminal statutes are “*Exceptions.—*” or “*Grading.—*” or “*Defenses.—*.”

Cross References

This section cited in 101 Pa. Code § 25.19 (relating to reorganization of sections).

§ 23.83. Definitions limited in application to one section.

Where certain words or terms are defined solely for use in a specific section, the definitions are set forth in the last subsection. The usual catchline for this subsection is “*Definition.—*” or “*Definitions.—*.”

Cross References

This section cited in 101 Pa. Code § 25.19 (relating to reorganization of sections).

Subchapter C. RULES OF STYLE**STYLE GENERALLY**

- Sec.
- 23.101. Punctuation, capitalization and orthography.
 - 23.102. Geographic names.
 - 23.103. Use of words or figures to express numbers.
 - 23.104. Enumeration in running text.
 - 23.105. References to Commonwealth.
 - 23.106. References to Constitution of Pennsylvania.
 - 23.107. References to Legislature.
 - 23.108. References to pamphlet laws.
 - 23.109. References to United States Government.
 - 23.110. Conferring powers and imposing duties.
 - 23.111. Cross references to supplying or superseding statutes.
 - 23.112. Introduction of definitions.
 - 23.113. References to repealed statutes.
 - 23.114. Defining offenses.
 - 23.115. Preambles.

USE OF GOVERNMENTAL DEFINITIONS

- 23.221. Governmental definitions.
- 23.222. Commonwealth government.
- 23.223. Executive department.
- 23.224. Executive establishment.
- 23.225. Government agency.
- 23.226. Political subdivision.
- 23.227. Municipality.
- 23.228. Municipal corporation.
- 23.229. All government units.

STYLE GENERALLY**§ 23.101. Punctuation, capitalization and orthography.**

(a) *General rule.*—Punctuation, capitalization, orthography and other matters of style shall conform in general to the most recent edition of the United States Government Printing Office Style Manual. Note that although the terms “part,” “article,” “chapter” and other major subdivisions are capitalized in the Pennsylvania Code, they are not capitalized in the Statutes unless forming a part of a heading or a cross reference to a specific heading.

(b) *Prepositional phrase preferred.*—Whenever possible without undue awkwardness, a prepositional phrase rather than a possessive noun is used. For example, “The rights of each employee shall be protected,” not “Each employee’s rights shall be protected.”

(c) *Spelling of employee.*—The word “employee” is spelled as such and not “employe.”

Cross References

This section cited in 101 Pa. Code § 25.22 (relating to elimination of departures from uniform style of the Statutes).

§ 23.102. Geographic names.

(a) *Topographic features in Commonwealth.*—Section 2804-A of the Administrative Code (71 P. S. § 718-1) provides that every department, board or commission shall, in preparing or publishing maps, reports or other documents showing or referring to any mountain, river, creek or other topographic feature in this Commonwealth, designate such feature by and only by such name as has been adopted therefor by the Pennsylvania Historical and Museum Commission.

(b) *Topographic features outside Commonwealth.*—The spelling and usage of topographic features outside this Commonwealth shall conform to the most recent official decisions of the United States Board on Geographic Names established pursuant to the act of July 25, 1947 (61 Stat. 456, 43 U.S.C. § 364a).

Cross References

This section cited in 101 Pa. Code § 25.22 (relating to elimination of departures from uniform style of the Statutes).

§ 23.103. Use of words or figures to express numbers.

(a) *General rule.*—The numbers ten and under, when not used in a citation, date, reference to age, monetary amount, percentage or similar quantity, are expressed in words only in running text. The number 11 and larger and numbers used in citations, dates, references to age, monetary amounts, percentages and similar quantities are expressed in figures only.

(b) *Exceptions.*—The numbers 11 and larger are expressed in words when used at the beginning of a sentence and the numbers ten and under are expressed in figures when set forth in tabular form or when used in combination with other numbers at least one of which is 11 or larger.

Cross References

This section cited in 101 Pa. Code § 25.22 (relating to elimination of departures from uniform style of the Statutes).

§ 23.104. Enumeration in running text.

(a) *General rule.*—The style and punctuation of enumerations in running text shall conform to the following rules:

- (1) All items in the tabulated enumeration shall belong to the same class, that is, the enumeration must have a common theme or thread.

- (2) Each item in the tabulated enumeration shall be responsive, in substance and in form, to the introductory language of the enumeration (the material immediately preceding the colon).
- (3) If the sentence of which the tabulated enumeration is a part continues beyond the end of the enumeration, the part of the sentence that follows the enumeration must be appropriate to each item.
- (4) All of each item in the enumeration shall be indented.
- (5) Material immediately preceding or following the enumeration shall not be indented unless it marks the beginning of a paragraph.
- (6) If the tabulated material takes the form of a sentence in which the enumeration is an integral part, each item shall begin with a small letter and end with a semicolon, except that:
- (i) The penultimate item should end with a semicolon followed by an “and” or an “or”.
 - (ii) If the last item ends the sentence, it should end with a period.
- (7) If the tabulated material takes the form of a simple list following a sentence that is otherwise complete, each item shall begin with a capital letter and end with a period. No “and” or “or” follows the penultimate item.
- (b) *Preferred form.*—Unless the meaning would be unclear, the preferred form for enumerations is to begin each enumeration with a capital letter and end it with a period. For clarity, the introductory phrase should contain a statement in one of the following forms:
- any of the following
 - all of the following

Cross References

This section cited in 101 Pa. Code § 25.22 (relating to elimination of departures from uniform style of the Statutes).

§ 23.105. References to Commonwealth.

(a) *Commonwealth government.*—The government of the Commonwealth of Pennsylvania at the Statewide level shall be referred to as “the Commonwealth” or “Commonwealth government” or “State government” except when used in connection with a reference to the Federal Government, when the term “State” is used, as follows:

The agency shall consider mutual problems concerning Federal and State programs, activities and services which affect local government.

The agency shall promote cooperation among Commonwealth and local agencies in order to maximize the interchange of available information.

(b) *Commonwealth territory.*—The territory under the jurisdiction of the government of the Commonwealth of Pennsylvania shall be referred to as “this Commonwealth” except that a reference to “this State” or “Pennsylvania” shall be used when required to avoid ambiguity, as follows:

The notice shall be deemed to have been given to all persons residing in this Commonwealth.

The heads of departments and agencies of the Commonwealth shall minimize health hazards caused by the facilities and activities of the Commonwealth in this State.

Cross References

This section cited in 101 Pa. Code § 25.22 (relating to elimination of departures from uniform style of the Statutes).

§ 23.106. References to Constitution of Pennsylvania.

The Constitution of this Commonwealth shall be referred to as the “Constitution of Pennsylvania.”

Cross References

This section cited in 101 Pa. Code § 25.22 (relating to elimination of departures from uniform style of the Statutes).

§ 23.107. References to Legislature.

The Legislature of this Commonwealth shall be referred to as the “General Assembly.”

Cross References

This section cited in 101 Pa. Code § 25.22 (relating to elimination of departures from uniform style of the Statutes).

§ 23.108. References to pamphlet laws.

The acts of the General Assembly as officially published in bound form (sometimes referred to as the “pamphlet laws”) shall be referred to as the “Laws of Pennsylvania.”

Cross References

This section cited in 101 Pa. Code § 25.22 (relating to elimination of departures from uniform style of the Statutes).

§ 23.109. References to United States Government.

The government of the United States of America shall be referred to as the “Federal Government.”

Cross References

This section cited in 101 Pa. Code § 25.22 (relating to elimination of departures from uniform style of the Statutes).

§ 23.110. Conferring powers and imposing duties.

(a) *Background.*—Under the structure established by the Administrative Code, powers and duties are vested in and imposed upon administrative departments, as such. Section 206 of the Administrative Code (71 P. S. § 66) provides that the head of each administrative department, either personally, by deputy or by duly authorized agent or employee of the department, shall exercise the powers and perform the duties imposed by law upon the department. In this manner adequate provision is made for vacancies in office, the absence or disability of the department head and for functions which by their nature require delegation to a lower administrative level.

(b) *General rule.*—Except as otherwise provided in subsection (d), powers and duties shall be expressly conferred and imposed by statute upon departments, boards, commissions and other offices in their institutional capacities, rather than upon the secretary or chief executive officer of the agency or upon any individual administering or serving within the agency or unit thereof, regardless of the title of such officer or individual or the language of the prior statutory provision.

(c) *Limitation on agency authority.*—In cases where the constitutional or other authority which authorizes the statute purports to confer the relevant power or to impose the relevant duty upon an officer or individual rather than upon the agency or unit thereof, a definition of the agency or unit should be utilized indicating that the agency or unit acts through the appropriate officer or individual, as follows:

Department.—The Department of Education of the Commonwealth. Where any provision of this part confers powers or imposes duties upon the department which under any Federal statute may be exercised by or imposed on only the Secretary of Education, the reference to the department shall be construed to mean the department acting by and through the Secretary of Education, or the person for the time being acting as the Secretary of Education, personally.

(d) *Conferring power upon officer.*—The power of appointment may be conferred upon an officer, as such, where it is intended that only that officer, or the person for the time being acting as that officer, may exercise the power.

Cross References

This section cited in 101 Pa. Code § 25.22 (relating to elimination of departures from uniform style of the Statutes).

§ 23.111. Cross references to supplying or superseding statutes.

(a) *Alternative drafting techniques.*—If a statutory provision has been omitted from a revision pursuant to the rules set forth in § 21.32 (relating to provisions supplied and impliedly repealed by later statute) and § 21.33 (relating to provisions superseded by general statute), the following three drafting techniques are available with respect to possible cross references between the revision and the supplying or superseding general statute:

(1) *No mention.*—The revision may be wholly silent on the subject covered by the general statute and on the existence of such statute. This technique is preferred, since it eliminates later problems concerning the continued maintenance of the accuracy of the language of the cross reference following revision or reenactment of the general statute.

(2) *Reference to subject matter.*—The revision may make a reference to the subject covered by the general statute, as follows:

The final order of the department upon the application for a certificate of authority under this section shall be subject to judicial review in the manner and within the time provided by law.

(3) *Reference to statute.*—The revision may make specific reference to the general statute, as follows:

The final order of the department upon the application for a certificate of authority under this section shall be subject to judicial review in the manner and within the time provided by Title 2 (relating to administrative law and procedure).

(b) *Preferred practice.*—The preferred practice, however, when it is desired to call the statute specifically to the attention of the reader, is to mention the citation of the statute in the source notes accompanying the new section, where they will ordinarily be used by Purdon's Statutes as the basis of an unofficial cross reference. Reference should be made to Subchapter C of Chapter 25 (relating to tables and source notes).

Cross References

This section cited in 101 Pa. Code § 21.32 (relating to provisions supplied and impliedly repealed by later statute); 101 Pa. Code § 21.33 (relating to provisions superseded by general statute); and 101 Pa. Code § 25.22 (relating to elimination of departures from uniform style of the Statutes).

§ 23.112. Introduction of definitions.

(a) *Major subdivisions.*—Definitions set out at the beginning of a part, subpart, article, division or subdivision shall be introduced by text in the following form, modified to refer to the major subdivision involved:

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

The foregoing language shall be immediately followed by the several definitions in alphabetical order and without paragraph numbers.

(b) *Chapter or subchapter definitions.*—Definitions set out at the beginning of a chapter or subchapter shall be introduced by text in the following form, modified to refer to the major subdivision involved:

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(c) *Sectional definitions.*—The form used for sectional definitions shall comply with the following:

(1) Multiple definitions set out in the last subsection of a section shall be introduced by text in the following form:

(c) *Definitions.*—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

Approval. Includes recommendation, failure to disapprove or any other manifestation of favor or acquiescence.

Special influence. Power to influence through kinship, friendship or other relationship, apart from the merits of the transaction.

(2) A single definition shall be set out in the last subsection of a section in the following form:

(c) *Definition.*—As used in this section the term “noncancellable health insurance” means benefits against disability under a certificate under which the society does not have the option to cancel or otherwise terminate the certificate at or after the expiration of one year from its effective date.

Cross References

This section cited in 101 Pa. Code § 25.22 (relating to elimination of departures from uniform style of the Statutes).

§ 23.113. References to repealed statutes.

When reference is made to a repealed statute, the citation shall be introduced by the phrase: “the former provisions of,” for example:

This section does not apply to any institution incorporated with the approval of the department under the former provisions of section 412 of the act of May 15, 1933 (P. L. 624, No. 112), known as the Banking Code.

Cross References

This section cited in 101 Pa. Code § 25.22 (relating to elimination of departures from uniform style of the Statutes).

§ 23.114. Defining offenses.

(a) *Background.*—Normally, an offense is classified as a felony, misdemeanor or summary offense and is accompanied by a sentence consisting of imprisonment, payment of a fine or both. However, 18 Pa.C.S. § 106(e) (relating to classes of offenses) provides that an offense defined by any statute, including any other titles of the Statutes, shall be classified as provided in 18 Pa.C.S. § 106. Furthermore, 18 Pa.C.S. § 107 (relating to application of preliminary provisions) provides that the provisions of Part I of Title 18 of the Statutes (relating to preliminary provisions) are applicable to offenses defined in Title 18 or

other statutes, including any other title of the Statutes. This means that when an offense is classified as a summary offense or a particular grade of a felony or misdemeanor, the fines and sentences of imprisonment provided in Chapter 11 of Title 18 of the Statutes (relating to authorized disposition of offenders) automatically apply unless a different fine or sentence of imprisonment is prescribed in the statute defining the offense.

(b) *General rule.*—When defining an offense in any title of the Statutes, it is sufficient merely to classify it (*e.g.*, felony of the first degree, *etc.*) according to the provisions of 18 Pa.C.S. § 106 (relating to classes of offenses) without setting forth the fine or sentence of imprisonment except when a minimum or different fine or term of imprisonment is intended for the particular offense. Bills drafted by the Bureau will always so classify an offense unless a nonstandard penalty is insisted upon by a member.

Cross References

This section cited in 101 Pa. Code § 25.22 (relating to elimination of departures from uniform style of the Statutes).

§ 23.115. Preambles.

A preamble placed before the enacting clause or contained in a non-amendatory section in a bill amending the Statutes will not be incorporated into the Statutes and will eventually lose its identity. Therefore, to insure the incorporation of the provisions of a proposed preamble into the body of the Statutes and thus preserve its identity and usefulness, it will be necessary to make it a section or part of a section contained in or to be added to the Statutes in the form of a declaration of policy, legislative finding or otherwise. However, the use of preambles, in any form, is to be discouraged and should only be used when insisted upon by a member.

Cross References

This section cited in 101 Pa. Code § 25.22 (relating to elimination of departures from uniform style of the Statutes).

USE OF GOVERNMENTAL DEFINITIONS

§ 23.221. Governmental definitions.

The following governmental definitions are suggested for use in drafting amendments to the Statutes:

Commonwealth agency—An executive agency or independent agency.

Commonwealth government—The government of the Commonwealth, including the courts and other officers or agencies of the unified judicial system, the General Assembly and its officers and agencies, the Governor and the departments, boards, commissions, authorities and officers and agencies of the

Commonwealth. The term does not include political subdivision or municipal or other local authority or an officer or agency of the political subdivision or local authority.

Executive agency—The Governor and the departments, boards, commissions, authorities and other officers and agencies of the Commonwealth government. The term does not include a court or other officer or agency of the unified judicial system, the General Assembly and its officers and agencies or an independent agency.

Executive department—An executive agency or independent department.

Executive establishment—An executive agency or independent establishment.

Government agency—A Commonwealth agency, political subdivision or municipal or other local authority or an officer or agency of the political subdivision or local authority.

Government unit—The General Assembly and its officers and agencies, a government agency or a court or other officer or agency of the unified judicial system.

Independent agency—A board, commission, authority or other agency or officer of the Commonwealth government which or who is not subject to the policy supervision and control of the Governor. The term does not include a court or other officer or agency of the unified judicial system or the General Assembly and its officers and agencies.

Independent department—The Department of the Auditor General, the Treasury Department and the Office of Attorney General and the departmental boards, commissions and officers of any of them.

Independent establishment—A board, commission, authority or other agency or officer of the Commonwealth government which or who is not subject to the policy supervision and control of the Governor. The term does not include a court, the General Assembly or an independent department.

Local authority—A municipal authority or any other body corporate and politic created by a political subdivision pursuant to statute.

Municipal corporation—A city, borough, incorporated town or township.

Municipality—A county, city, borough, incorporated town or township.

Municipality authority or *municipal authority*—A body corporate and politic created pursuant to the act of June 28, 1935, (P. L. 463, No. 191), known as the Municipality Authorities Act of 1935, or to the act of May 2, 1945 (P. L. 382, No. 164), known as the Municipality Authorities Act of 1945.

Political subdivision—A county, city, borough, incorporated town, township, school district or county institution district.

§ 23.222. Commonwealth government.

When drafting a statute which requires reference to the executive, legislative and judicial branches of government at the Statewide level, the term “Commonwealth government” may be used:

- Commonwealth government
- Unified judicial system
- General Assembly
- Commonwealth agency
- Executive agency
- Independent agency
- Independent establishment
- Independent department
- Department of the Auditor General
- Treasury Department
- Office of Attorney General

Cross References

This section cited in 101 Pa. Code § 25.14 (relating to analysis and insertion of definitions).

§ 23.223. Executive department.

When drafting a statute which requires reference to the executive branch of government at the Statewide level, but it is desired to exclude independent establishments such as the Pennsylvania Public Utility Commission and to include independent departments, the term “executive department” may be used:

- Executive department
- Executive agency
- Independent department

§ 23.224. Executive establishment.

When drafting a statute which requires reference to the executive branch of government at the Statewide level, but it is desired to exclude the Department of the Auditor General, the Treasury Department and the Office of Attorney General and to include independent establishments such as the Pennsylvania Public Utility Commission, the term “executive establishment” may be used:

- Executive establishment
- Executive agency
- Independent establishment

§ 23.225. Government agency.

When drafting a statute which requires reference to all Commonwealth and lower level governmental agencies, except the judicial branch and the General Assembly, the term “government agency” may be used:

- Government agency

- Commonwealth agency
- Political subdivision
- Municipal (or local) authority

§ 23.226. Political subdivision.

When drafting a statute which requires reference to lower level governmental agencies, except municipal and other local authorities, the term “political subdivision” may be used:

- Political subdivision
- School district
- County institution district
- Municipality
- County
- City
- Borough
- Incorporated town
- Township

§ 23.227. Municipality.

When drafting a statute which requires reference to general local governmental agencies, the term “municipality” may be used:

- Municipality
- County
- Municipal corporation
- City
- Borough
- Incorporated town
- Township

§ 23.228. Municipal corporation.

When drafting a statute which requires reference to general local governmental agencies below the county level, the term “municipal corporation” may be used:

- Municipal corporation
- City
- Borough
- Incorporated town
- Township

§ 23.229. All government units.

When drafting a statute which requires reference to all governmental agencies of the Commonwealth, both Statewide and local, the term “government unit” may be used:

- Government unit

Government agency
Unified judicial system
General Assembly

Subchapter D. SPECIAL RULES FOR AMENDMENTS

- Sec.
23.241. Scope of amendment.
23.242. Title of amendatory bill.
23.243. Operative language of amendatory bill.
23.244. References to prior amendments.
23.245. Brackets and underscoring.
23.246. Revision of major subdivision.
23.247. Amendment of minor subdivision.
23.248. Amendment of bills.

§ 23.241. Scope of amendment.

(a) *Background.*—Section 3 of Article III of the Constitution of Pennsylvania, as amended by referendum of May 16, 1967, provides that no bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof. The statute enacting the Statutes and to which all amendments are made is entitled “An act codifying and compiling a part of the law of the Commonwealth.” In his “Introduction to the Pennsylvania Consolidated Statutes” contained in Title 1 (General Provisions) of the Statutes as published in Purdon’s Statutes, William E. Zeiter interprets the constitutional provision to require that amendments to the Statutes must satisfy the single subject title requirement to the extent they are more than mere codifications (*i.e.* reduction of unwritten case law to statutory law) or compilations (*i.e.* transfer of existing statutory provisions unchanged to code format) and make any change in substantive law. Thus, a bill to change the law on one subject would be valid even though it also codified or compiled without change in substantive law existing law on one or more additional subjects but a bill changing the law on two or more subjects would be unconstitutional. However, the practice of including more than one subject in a bill that makes changes in substantive law should be avoided even though it might otherwise be constitutional.

(b) *Determination of one subject.*—In general, the headings of the various titles of the Statutes will serve as a sufficient reference for classifying the subject thus permitting amendments to any of the provisions of the particular title resulting in a change in substantive law. At the same time, conforming amendments changing substantive law may be made to titles other than the principal title being amended so long as they relate to the same subject. On the other hand, certain titles (*e.g.* Titles 1 (General Provisions), 69 (Savings and Validating Provisions)

and 79 (Supplementary Provisions)) are broad in scope and may not sufficiently identify the subject to permit comprehensive amendments to the particular title. In such cases, amendments will be limited to a particular part of the title and may or may not be accompanied by a corresponding amendment to a title containing the principal subject of the amendment.

(c) *General rule.*—Except as provided in subsection (d), a bill may amend one or more titles of the Statutes and may relate to more than one subject.

(d) *Revision of substantive law.*—The particular provisions of a bill which revise the substantive law must be limited to one subject.

Cross References

This section cited in 101 Pa. Code § 23.242 (relating to title of amendatory bill).

§ 23.242. Title of amendatory bill.

(a) *Title of Statutes.*—The bill is an amendment to the Statutes. Thus, the title of the bill must refer to the Statutes as required in the case of any amendatory bill. However, because of the new concept of the Statutes and the fact that the title of the original statute provides no information on subject matter as in the case of other statutes being amended, a short form of reference is used which includes the title number and heading and the short title of the Statutes, and which omits the date of enactment and the constitutional title.

(b) *New matter.*—In addition to the reference described in subsection (a), the title of the amendatory bill must also include new matter which consists of the subject matter of the amendatory bill. The scope and content of the new matter is determined by reference to the rules relating to amendatory bills in general. However, because of the expanded scope of the amendatory bill referred to in section 23.241 (relating to scope of amendment) it is desirable to use new techniques to separate the portion of the bill relating to revisions of substantive law from the portion or portions constituting mere codifications or compilations. Accordingly, the revision portion of the new matter should contain language indicating that the bill contains revisions of existing law and the single subject of such revision (*e.g.* “adding and revising provisions relating to publication of laws”).

§ 23.243. Operative language of amendatory bill.

(a) *First section.*—The first amendatory section of the bill will contain a reference to the title of the Statutes affected, a reference without quotes to the official short title of the Statutes, a reference or references to the particular provision or provisions cited for amendment and the manner in which the provision is affected. This conforms to existing practice for bills amending other statutes. In addition to these requirements, it will be necessary, where appropriate (*e.g.* where it would be unclear under which major subdivision the added or affected provision would fall), to refer to the applicable major subdivisions within the title.

(b) *Subsequent sections.*—The language used in subsequent amendatory sections of the bill should conform to existing practice for bills amending other statutes except that it will be necessary to cite the title number and, where appropriate, major subdivisions within the title.

(c) *Summary analyses.*—The summary analysis at the beginning of each major subdivision of the Statutes is not part of the law and will not require amendment to conform to the other provisions of the amendatory bill (*e.g.* when a section or major subdivision is added or deleted or when the heading of a section or major subdivision is changed). However, where it is necessary to refer to a summary analysis for any reason, it shall be identified by reference to the major subdivision containing the analysis (*e.g.* summary analysis for Subchapter A, summary analysis for Chapter 25, *etc.*). Where it is necessary to refer to less than the entire analysis, each separate entry in the analysis is referred to as an “item”.

§ 23.244. References to prior amendments.

(a) *Provisions in official publication.*—When a provision to be amended is published in a permanent or cumulative supplement edition of the official publication of the Statutes, it is not necessary to cite prior amendments in the bill.

(b) *Provisions not in official publication.*—When a provision to be amended is not published in the official publication, it is necessary to cite prior amendments as in the case of amendments to other statutes.

§ 23.245. Brackets and underscoring.

(a) *General rule.*—Except as provided in subsection (b), words, phrases and provisions to be deleted by amendment are placed between brackets and words, phrases and provisions to be added by amendment are underscored in the same manner as amendments to statutes generally.

(b) *Addition of major subdivisions.*—Underscoring is not necessary in the case of additions of entire major subdivisions (including subchapters).

Cross References

This section cited in 101 Pa. Code § 9.22 (relating to brackets and underscoring).

§ 23.246. Revision of major subdivision.

Whenever an entire major subdivision is revised, the existing major subdivision is repealed by appropriate language and the new major subdivision is added by appropriate language in either the same or immediately succeeding section of the amendatory bill followed by the text of the new major subdivision.

§ 23.247. Amendment of minor subdivision.

(a) *General rule.*—Whenever a section or part thereof is amended, the entire section shall be set forth to facilitate future amendments.

3(b) *Exception.*—In cases of amendments of subsections or other minor subdivision contained in lengthy sections, it shall be sufficient to set forth the subsection or subsections amended or containing the minor subdivision or subdivisions amended.

§ 23.248. Amendment of bills.

(a) *Provisions in bill.*—In amending bills containing tables of contents, summary analyses and cross references, it will be necessary to amend the table of contents, summary analysis or cross reference affected by the amendment to the bill.

(b) *Provisions not in bill.*—If the amendment affects a cross reference in the Statutes by reason of the amendment of a heading or repeal of a provision, even though not contained in the bill amended, an appropriate amendment to amend the section which contains the reference should be added to the bill.

[Next page is 25-1.]