



# Pennsylvania Consolidated Statutes

## GENERAL PROVISIONS (TITLE 1)

### PART V. STATUTORY CONSTRUCTION

#### CHAPTER 19. RULES OF CONSTRUCTION

*[Webmaster note: The rules of statutory construction apply to municipal ordinances as well as Commonwealth statutes. See, In re Earned Income Tax Ordinance of City of Wilkes-Barre, 208 Pa. Superior Ct. 424, 222 A.2d 499 (1996).]*

#### Subchapter B. Construction Of Statutes

- § 1921. Legislative intent controls.
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- § 1935. Irreconcilable statutes passed by same General Assembly.
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#### § 1921. Legislative intent controls.

(a) Object and scope of construction of statutes.- The object of all interpretation and construction of statutes is to ascertain and effectuate the intention of the General Assembly. Every statute shall be construed, if possible, to give effect to all its provisions.

(b) Unambiguous words control construction.- When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.

(c) Matters considered in ascertaining intent.- When the words of a statute are not explicit, the intention of the General Assembly may be ascertained by considering, among other matters:

1. The occasion and necessity for the statute.
2. The circumstances under which it was enacted.
3. The mischief to be remedied.
4. The object to be attained.
5. The former law, if any, including other statutes upon the same or similar subjects.
6. The consequences of a particular interpretation.
7. The contemporaneous legislative history.

8. Legislative and administrative interpretations of such statute.

### **§ 1922. Presumptions in ascertaining legislative intent.**

In ascertaining the intention of the General Assembly in the enactment of a statute the following presumptions, among others, may be used:

1. That the General Assembly does not intend a result that is absurd, impossible of execution or unreasonable.
2. That the General Assembly intends the entire statute to be effective and certain.
3. That the General Assembly does not intend to violate the Constitution of the United States or of this Commonwealth.
4. That when a court of last resort has construed the language used in a statute, the General Assembly in subsequent statutes on the same subject matter intends the same construction to be placed upon such language.
5. That the General Assembly intends to favor the public interest as against any private interest.

### **§ 1923. Grammar and punctuation of statutes.**

(a) Grammatical errors and transposition of words.- Grammatical errors shall not vitiate a statute. A transposition of words and clauses may be resorted to where a sentence is without meaning as it stands.

(b) Use of punctuation in construction.- In no case shall the punctuation of a statute control or affect the intention of the General Assembly in the enactment thereof but punctuation may be used to aid in the construction thereof if the statute was finally enacted after December 31, 1964.

(c) Adding words for proper construction.- Words and phrases which may be necessary to the proper interpretation of a statute and which do not conflict with its obvious purpose and intent, nor in any way affect its scope and operation, may be added in the construction thereof.

### **§ 1924. Construction of titles, preambles, provisos, exceptions and headings.**

The title and preamble of a statute may be considered in the construction thereof. Provisos shall be construed to limit rather than to extend the operation of the clauses to which they refer. Exceptions expressed in a statute shall be construed to exclude all others. The headings prefixed to titles, parts, articles, chapters, sections and other divisions of a statute shall not be considered to control but may be used to aid in the construction thereof.

### **§ 1925. Constitutional construction of statutes.**

The provisions of every statute shall be severable. If any provision of any statute or the application thereof to any person or circumstance is held invalid, the remainder of the statute, and the application of such provision to other persons or circumstances, shall not be affected thereby, unless the court finds that the valid provisions of the statute are so essentially and inseparably connected with, and so depend upon, the void provision or application, that it cannot be presumed the General Assembly would have enacted the remaining valid provisions without the void one; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

### **§ 1926. Presumption against retroactive effect.**

No statute shall be construed to be retroactive unless clearly and manifestly so intended by the General Assembly.

**§ 1927. Construction of uniform laws.**

Statutes uniform with those of other states shall be interpreted and construed to effect their general purpose to make uniform the laws of those states which enact them.

**§ 1928. Rule of strict and liberal construction.**

(a) Statutes in derogation of common law.- The rule that statutes in derogation of the common law are to be strictly construed, shall have no application to the statutes of this Commonwealth enacted finally after September 1, 1937.

(b) Provisions subject to strict construction.- All provisions of a statute of the classes hereafter enumerated shall be strictly construed:

1. Penal provisions.
2. Retroactive provisions.
3. Provisions imposing taxes.
4. Provisions conferring the power of eminent domain.
5. Provisions exempting persons and property from taxation.
6. Provisions exempting property from the power of eminent domain.
7. Provisions decreasing the jurisdiction of a court of record.
8. Provisions enacted finally prior to September 1, 1937 which are in derogation of the common law.

(c) Provisions subject to liberal construction.- All other provisions of a statute shall be liberally construed to effect their objects and to promote justice.

**§ 1929. Penalties no bar to civil remedies.**

The provision in any statute for a penalty or forfeiture for its violation shall not be construed to deprive an injured person of the right to recover from the offender damages sustained by reason of the violation of such statute.

**§ 1930. Penalties for each offense.**

Whenever a penalty or forfeiture is provided for the violation of a statute, such penalty or forfeiture shall be construed to be for each such violation.

**§ 1931. Intent to defraud.**

Whenever an intent to defraud is required in any statute in order to constitute an offense, the statute shall be construed to require only an intent to defraud any person or body politic.

**§ 1932. Statutes in pari materia.**

(a) Meaning.- Statutes or parts of statutes are in pari materia when they relate to the same persons or things or to the same class of persons or things.

(b) Construction.- Statutes in pari materia shall be construed together, if possible, as one statute.

**§ 1933. Particular controls general.**

Whenever a general provision in a statute shall be in conflict with a special provision in the same or another statute, the two shall be construed, if possible, so that effect may be given to both. If the conflict between the two provisions is irreconcilable, the special provisions shall prevail and shall be construed as an exception to the general provision, unless the general provision shall be enacted later and it shall be the manifest intention of the General Assembly that such general provision shall prevail.

**§ 1934. Irreconcilable clauses in the same statute.**

Except as provided in section 1933 of this title (relating to particular controls general), whenever, in the same statute, several clauses are irreconcilable, the clause last in order of date or position shall prevail.

**§ 1935. Irreconcilable statutes passed by same General Assembly.**

Whenever the provisions of two or more statutes enacted finally during the same General Assembly are irreconcilable, the statute latest in date of final enactment, and where two or more irreconcilable statutes are enacted finally on the same date, the statute bearing the highest number, in either case irrespective of its effective date, shall prevail from the time it becomes effective except as otherwise provided in section 1952 of this title (relating to effect of separate amendments on code provisions enacted by same General Assembly) and section 1974 of this title (relating to effect of separate repeals on code provisions by same General Assembly).

**§ 1936. Irreconcilable statutes passed by different General Assemblies.**

Whenever the provisions of two or more statutes enacted finally by different General Assemblies are irreconcilable, the statute latest in date of final enactment shall prevail.

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The complete Pennsylvania Statutes are not yet available on the web. However, selected portions have been made available and can be accessed by [CLICKING HERE](#). These statutes, though available instantaneously over the web, may not be the current law. Court decisions overturning them, later statutes amending them, and a host of other factors come into play when interpreting them. They are provided here as a resource. They should provide some information about the state of the law. However, a competent lawyer, *who from other sources will research the law to insure what is current*, should always be employed in matters of importance.

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