§ 1303. Jury trials; how obtained; jury fee.

(a) If the defendant appears before the clerk to answer in person, he shall demand a jury trial, if desired, at that time. If he does not do so, any other party may demand trial by jury by mailing such a demand to the clerk and all other parties within three days after receiving notice of the trial date as set forth in § 1301(a).

(b) If a motion is made to have a trial date set, as provided in § 1301(b), the movant shall include demand for trial by jury, if desired, in his notice of motion. If he omits to do so, any other party desiring trial by jury shall demand it in papers opposing the motion.

(c) If the trial date is set by agreement pursuant to § 1301(c), the trial shall be without jury unless the stipulation provides otherwise.

(d) The party demanding trial by jury shall pay the fee therefor upon making the demand. If trial by jury is stipulated to, the stipulation shall provide for payment of the jury fee, and in the absence of providing therefor, it shall be paid by the plaintiff.

(e) Unless a jury is demanded or stipulated to, and the jury fee paid as provided in section nineteen hundred eleven of this act, trial by jury is waived.

(f) The court may relieve a party from the effect of failing to comply with this section if no undue prejudice to the rights of another party would result.