PRINTER'S NO. 3363

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2308 Session of 2012

INTRODUCED BY EVERETT, CREIGHTON, GEIST, GODSHALL, HARPER, HORNAMAN, F. KELLER, METZGAR, PICKETT, PYLE, SONNEY AND SWANGER, APRIL 5, 2012

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 5, 2012

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, providing for actions to quiet title involving subsurface rights.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 8320.1. Actions to quiet title involving subsurface rights.

(a) Rebuttable presumption.--In an action to quiet title involving subsurface rights to real property, failure by any person claiming to hold the subsurface rights, other than the surface owner of the real property, to exercise the subsurface rights for a period in excess of 50 years shall create a rebuttable presumption that the subsurface rights have been abandoned by such person in favor of the surface owner.

(b) Definition.--As used in this section, "subsurface rights" means mineral, oil or gas rights, or any combination of

those rights.

Section 2. This act shall take effect in 60 days.