

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1422 Session of
2012

INTRODUCED BY KASUNIC, FARNESE, FONTANA, GREENLEAF, McILHINNEY
AND SOLOBAY, FEBRUARY 14, 2012

REFERRED TO JUDICIARY, FEBRUARY 14, 2012

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, abrogating the common law
3 doctrines of adverse possession and easement by prescription;
4 and making a related repeal.

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

7 Section 1. Section 5530(a)(1) and (b) of Title 42 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 5530. Twenty-one year limitation.

10 (a) General rule.--The following actions and proceedings
11 must be commenced within 21 years:

12 [(1) An action for the possession of real property.]

13 * * *

14 [(b) Entry upon land.--No entry upon real property shall
15 toll the running of the period of limitation specified in
16 subsection (a)(1), unless a possessory action shall be commenced
17 therefor within one year after entry. Such an entry and
18 commencement of a possessory action, without recovery therein,
19 shall not toll the running of such period of limitation in

1 respect of another possessory action, unless such other
2 possessory action is commenced within one year after the
3 termination of the first.]

4 Section 2. Title 42 is amended by adding a section to read:

5 § 8320.1. Adverse possession and prescriptive easements.

6 A person may not, on the basis of a use which is open,
7 notorious and uninterrupted for a time period specified by law,
8 attain any of the following:

9 (1) Title to the real property of another person.

10 (2) The right to use the real property of another
11 person.

12 Section 3. Repeals are as follows:

13 (1) The General Assembly declares that the repeal under
14 paragraph (2) is necessary to effectuate the amendment or
15 addition of 42 Pa.C.S. §§ 5530(a)(1) and (b) and 8320.1.

16 (2) The act of May 31, 1901 (P.L.352, No.217), entitled
17 "An act to provide for the recording, in certain instances,
18 of titles to real estate acquired by twenty-one years'
19 adverse possession," is repealed.

20 Section 4. The addition of 42 Pa.C.S. § 8320.1 shall not
21 apply to actions commenced prior to the effective date of this
22 section.

23 Section 5. This act shall take effect in 60 days.