

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2402 Session of
2004

INTRODUCED BY PISTELLA, DeWEESE, BELFANTI, BROWNE, CAPPELLI,
CAWLEY, FRANKEL, GEORGE, GOOD, GRUCELA, HALUSKA, HARHAI,
HARPER, HERSHEY, HORSEY, JAMES, KELLER, KOTIK, LAUGHLIN,
MANDERINO, MELIO, R. MILLER, NICKOL, SOLOBAY, THOMAS, TIGUE,
WALKO, WANSACZ, WASHINGTON AND YOUNGBLOOD, MARCH 8, 2004

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 8, 2004

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 payments to family and funeral directors and for allowable
4 family exemption.

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

7 Section 1. Sections 3101(b) and (c) and 3121 of Title 20 of
8 the Pennsylvania Consolidated Statutes are amended to read:

9 § 3101. Payments to family and funeral directors.

10 * * *

11 (b) Deposit account.--Any bank, savings association, savings
12 and loan association, building and loan association, credit
13 union or other savings organization, at any time after the death
14 of a depositor, member or certificate holder, may pay the amount
15 on deposit or represented by the certificate, when the total
16 standing to the credit of the decedent in that institution does
17 not exceed [\$3,500] \$5,000, to the spouse, any child, the father

1 or mother or any sister or brother (preference being given in
2 the order named) of the deceased depositor, member or
3 certificate holder, provided that a receipted funeral bill or an
4 affidavit, executed by a licensed funeral director which sets
5 forth that satisfactory arrangements for payment of funeral
6 services have been made, is presented. Any bank, association,
7 union or other savings organization making such a payment shall
8 be released to the same extent as if payment had been made to a
9 duly appointed personal representative of the decedent and it
10 shall not be required to see to the application thereof. Any
11 person to whom payment is made shall be answerable therefor to
12 anyone prejudiced by an improper distribution.

13 (c) Patient's care account.--When the decedent was a
14 qualified recipient of medical assistance from the Department of
15 Public Welfare, the facility in which he was a patient may make
16 payment of funds, if any, remaining in the patient's care
17 account, for the decedent's burial expenses to a licensed
18 funeral director in an amount not exceeding [\$3,500] \$5,000
19 whether or not a personal representative has been appointed.
20 After the payment of decedent's burial expenses, the facility
21 may pay the balance of decedent's patient's care account, as
22 long as the payments including the payment for burial expenses
23 does not exceed [\$4,000] \$5,500, to the spouse, any child, the
24 father or mother or any sister or brother (preference being
25 given in the order named) of the deceased patient. Any facility
26 making such a payment shall be released to the same extent as if
27 payment had been made to a duly appointed personal
28 representative of the decedent and it shall not be required to
29 see to the application thereof. Any licensed funeral director or
30 other person to whom payment is made shall be answerable

1 therefor to anyone prejudiced by an improper distribution.

2 * * *

3 § 3121. When allowable.

4 The spouse of any decedent dying domiciled in the
5 Commonwealth, and if there be no spouse, or if he has forfeited
6 his rights, then such children [as are members] of [the same
7 household as] the decedent, and in the event there are no such
8 children, then the parent or parents of the decedent [who are
9 members of the same household as the decedent,] may retain or
10 claim as an exemption either real or personal property, or both,
11 not theretofore sold by the personal representative, to the
12 value of [\$3,500] \$5,000: Provided, That property specifically
13 devised or bequeathed by the decedent, or otherwise specifically
14 disposed of by him, may not be so retained or claimed if other
15 assets are available for the exemption. The surviving husband or
16 wife shall be a competent witness as to all matters pertinent to
17 the issue of forfeiture of the right to exemption.

18 Section 2. This act shall apply to the estates of decedents
19 dying on or after the effective date of this section.

20 Section 3. This act shall take effect in 60 days.