

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 968      Session of  
1989

---

INTRODUCED BY JACKSON, LLOYD, MOEHLMANN, CALTAGIRONE, CHADWICK,  
COY, KUKOVICH, HAGARTY, PICCOLA, FARGO, SCHEETZ,  
STRITTMATTER, BARLEY, CARLSON, BUSH, JADLOWIEC, ROBBINS,  
DAVIES, HESS, S. H. SMITH, ITKIN, NOYE, HALUSKA, TRELLO,  
MORRIS, REBER, TIGUE, FAIRCHILD, THOMAS, SCHULER, HARPER,  
RAYMOND, SAURMAN, FOX, NAHILL, JOHNSON, LASHINGER, RYBAK,  
E. Z. TAYLOR, BATTISTO AND RITTER, APRIL 4, 1989

---

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 4, 1989

---

AN ACT

1 Amending the act of February 19, 1980 (P.L.15, No.9), entitled  
2 "An act establishing the State Real Estate Commission and  
3 providing for the licensing of real estate brokers and  
4 salesmen," further providing for recovery from the Real  
5 Estate Recovery Fund.

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

8 Section 1. Section 803(a) of the act of February 19, 1980  
9 (P.L.15, No.9), known as the Real Estate Licensing and  
10 Registration Act, amended March 29, 1984 (P.L.162, No.32), is  
11 amended to read:

12 Section 803. Application for recovery from fund.

13 (a) When any aggrieved person obtains a final judgment in  
14 any court of competent jurisdiction against any person licensed  
15 under this act, upon grounds of fraud, misrepresentation or  
16 deceit with reference to any transaction for which a license or  
17 registration certificate is required under this act (including

1 with respect to cemetery companies any violation of 9 Pa.C.S. §  
2 308(b) (relating to accounts of qualified trustee)) and which  
3 cause of action occurred on or after the effective date of this  
4 act, the aggrieved person may, upon termination of all  
5 proceedings, including reviews and appeals, file an application  
6 in the court in which the judgment was entered for an order  
7 directing payment out of the Real Estate Recovery Fund of the  
8 amount unpaid upon the judgment and for the aggrieved person's  
9 attorney fees, court costs and interest on the judgment.

10 \* \* \*

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