

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 786 Session of  
2003

INTRODUCED BY GANNON, ADOLPH, BAKER, BOYES, BUNT, BUXTON,  
CAPPELLI, CORNELL, COY, DeWEESE, FEESE, FICHTER, FORCIER,  
GEIST, GODSHALL, HARPER, HENNESSEY, HERMAN, HORSEY, LaGROTTA,  
LAUGHLIN, LESCOVITZ, LEWIS, MAHER, MANN, MARKOSEK, McCALL,  
MELIO, MICOZZIE, NICKOL, SANTONI, SAYLOR, STABACK,  
R. STEVENSON, T. STEVENSON, TANGRETTI, WALKO, WRIGHT, MARSICO  
AND BENNINGHOFF, MARCH 10, 2003

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,  
SEPTEMBER 30, 2003

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 general provisions relating to powers of attorney.

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

6 ~~Section 1. Section 5601 of Title 20 of the Pennsylvania~~ <—  
7 ~~Consolidated Statutes is amended by adding a subsection to read:~~  
8 ~~§ 5601. General provisions.~~

9 \* \* \*

10 ~~(c.3) Exemption from notice requirements. A dealer as~~  
11 ~~defined by the act of December 22, 1983 (P.L.306, No.84), known~~  
12 ~~as the Board of Vehicles Act, shall be exempt from the~~  
13 ~~requirements of subsections (c), (d) and (e) when using a power~~  
14 ~~of attorney in conjunction with a sale, purchase or transfer of~~  
15 ~~a vehicle as authorized by 75 Pa.C.S. § 1119 (relating to~~

1 ~~application for certificate of title by agent).~~

2 SECTION 1. SECTION 5601(E.1) OF TITLE 20 OF THE PENNSYLVANIA <—  
3 CONSOLIDATED STATUTES IS AMENDED TO READ:

4 § 5601. GENERAL PROVISIONS.

5 \* \* \*

6 (E.1) LIMITATION ON APPLICABILITY IN COMMERCIAL  
7 TRANSACTION.--

8 (1) SUBSECTIONS (C), (D) AND (E) DO NOT APPLY TO A POWER  
9 OR A POWER OF ATTORNEY CONTAINED IN AN INSTRUMENT USED IN A  
10 COMMERCIAL TRANSACTION WHICH SIMPLY AUTHORIZES AN AGENCY  
11 RELATIONSHIP. THIS PARAGRAPH INCLUDES THE FOLLOWING:

12 (I) A POWER GIVEN TO OR FOR THE BENEFIT OF A  
13 CREDITOR IN CONNECTION WITH A LOAN OR OTHER CREDIT  
14 TRANSACTION.

15 (II) A POWER EXCLUSIVELY GRANTED TO FACILITATE  
16 TRANSFER OF STOCK, BONDS AND OTHER ASSETS.

17 (III) A POWER CONTAINED IN THE GOVERNING DOCUMENT  
18 FOR A CORPORATION, PARTNERSHIP OR LIMITED LIABILITY  
19 COMPANY OR OTHER LEGAL ENTITY BY WHICH A DIRECTOR,  
20 PARTNER OR MEMBER AUTHORIZES OTHERS TO DO OTHER THINGS ON  
21 BEHALF OF THE ENTITY.

22 (IV) A WARRANT OF ATTORNEY CONFERRING AUTHORITY TO  
23 CONFESS JUDGMENT.

24 (V) A POWER GIVEN TO A DEALER AS DEFINED BY THE ACT  
25 OF DECEMBER 22, 1983 (P.L.306, NO.84), KNOWN AS THE BOARD  
26 OF VEHICLES ACT, WHEN USING THE POWER IN CONJUNCTION WITH  
27 A SALE, PURCHASE OR TRANSFER OF A VEHICLE AS AUTHORIZED  
28 BY 75 PA.C.S. § 1119 (RELATING TO APPLICATION FOR  
29 CERTIFICATE OF TITLE BY AGENT).

30 (2) POWERS AND POWERS OF ATTORNEY EXEMPTED BY THIS

1       SUBSECTION NEED NOT BE DATED.

2       \* \* \*

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