

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 869 Session of  
2005

INTRODUCED BY BASTIAN, BENNINGHOFF, CALTAGIRONE, CAUSER,  
CRAHALLA, CREIGHTON, DALEY, DALLY, FAIRCHILD, GEIST,  
GILLESPIE, GRUCELA, HALUSKA, HERSHEY, HESS, HUTCHINSON,  
LEDERER, S. MILLER, PETRI, ROHRER, SCAVELLO, SHANER,  
E. Z. TAYLOR, THOMAS, WALKO, WASHINGTON AND YOUNGBLOOD,  
MARCH 14, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 14, 2005

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 making an  
4 editorial change.

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

7 Section 1. Section 3101 heading and (b) of Title 20 of the  
8 Pennsylvania Consolidated Statutes are amended and the section  
9 is amended by adding a subsection to read:

10 § 3101. Payments to family and funeral directors and motor  
11 vehicle transfers.

12 \* \* \*

13 (b) Deposit account.--Any bank, savings association, savings  
14 and loan association, building and loan association, credit  
15 union or other savings organization, at any time after the death  
16 of a depositor, member or certificate holder, may pay the amount  
17 on deposit or represented by the certificate, when the total

1 standing to the credit of the decedent in that institution does  
2 not exceed [\$3,500] \$10,000, to the spouse, any child, the  
3 father or mother or any sister or brother (preference being  
4 given in the order named) of the deceased depositor, member or  
5 certificate holder, provided that a receipted funeral bill or an  
6 affidavit, executed by a licensed funeral director which sets  
7 forth that satisfactory arrangements for payment of funeral  
8 services have been made, is presented. Any bank, association,  
9 union or other savings organization making such a payment shall  
10 be released to the same extent as if payment had been made to a  
11 duly appointed personal representative of the decedent and it  
12 shall not be required to see to the application thereof. Any  
13 person to whom payment is made shall be answerable therefor to  
14 anyone prejudiced by an improper distribution.

15 \* \* \*

16 (f) Motor vehicle title.--The title of a motor vehicle owned  
17 by a decedent and that has a fair market value of less than  
18 \$15,000 shall be transferred by the Department of Transportation  
19 at any time after the death of that owner to the spouse, any  
20 child, the father or mother or any sister or brother (preference  
21 being given in the order named) of the deceased, whether or not  
22 a personal representative has been appointed. The Department of  
23 Transportation shall, by regulation, establish a procedure to  
24 transfer the title of motor vehicles subject to this subsection.

25 Section 2. Section 3102 of Title 20 is amended to read:

26 § 3102. Settlement of small estates on petition.

27 When any person dies domiciled in the Commonwealth owning  
28 property (exclusive of real estate and of property payable under  
29 section 3101 (relating to payments to family and funeral  
30 directors and motor vehicle transfers), but including personal

1 property claimed as the family exemption) of a gross value not  
2 exceeding \$25,000, the orphans' court division of the county  
3 wherein the decedent was domiciled at the time of his death,  
4 upon petition of any party in interest, in its discretion, with  
5 or without appraisement, and with such notice as the court shall  
6 direct, and whether or not letters have been issued or a will  
7 probated, may direct distribution of the property (including  
8 property not paid under section 3101) to the parties entitled  
9 thereto. The authority of the court to award distribution of  
10 personal property under this section shall not be restricted  
11 because of the decedent's ownership of real estate, regardless  
12 of its value. The decree of distribution so made shall  
13 constitute sufficient authority to all transfer agents,  
14 registrars and others dealing with the property of the estate to  
15 recognize the persons named therein as entitled to receive the  
16 property to be distributed without administration, and shall in  
17 all respects have the same effect as a decree of distribution  
18 after an accounting by a personal representative. Within one  
19 year after such a decree of distribution has been made, any  
20 party in interest may file a petition to revoke it because an  
21 improper distribution has been ordered. If the court shall find  
22 that an improper distribution has been ordered, it shall revoke  
23 the decree and shall direct restitution as equity and justice  
24 shall require.

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