

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 478 Session of 2013

INTRODUCED BY KAUFFMAN, KNOWLES, MILLARD, D. COSTA, MAJOR,
MARSHALL, SACCONI, BROOKS, FLECK, HICKERNELL, YOUNGBLOOD,
RAPP, READSHAW, C. HARRIS, SWANGER, GINGRICH, HESS, ROCK,
EVERETT, KORTZ, MICOZZIE, BENNINGHOFF, GROVE AND GILLEN,
FEBRUARY 4, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 4, 2013

AN ACT

1 Amending the act of July 7, 2006 (P.L.608, No.93), entitled "An
2 act providing for the display of the American flag,
3 Commonwealth flag or military flag by residents in a unit
4 owners association, homeowners association or master
5 association," providing for the Honor and Remember Flag.

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

8 Section 1. Section 2 of the act of July 7, 2006 (P.L.608,
9 No.93), known as the American, Commonwealth and Military Flag
10 Act, is amended by adding a definition to read:

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 "Honor and Remember Flag." The Honor and Remember Flag
17 created by Honor and Remember, Inc.

18 * * *

1 Section 2. Section 3 of the act is amended to read:

2 Section 3. Display of [American flag, Commonwealth flag and
3 military flag] flags.

4 (a) [General rule.--Notwithstanding] Associations.--

5 (1) Notwithstanding any provision in the association's
6 declaration, covenants, bylaws, rules, regulations or other
7 instruments or any construction of any of those instruments
8 by an association's executive board, an association may not
9 prohibit the outdoor display of one American flag,
10 Commonwealth flag [and], military flag or Honor and Remember
11 Flag by a unit owner on that unit owner's property or
12 property within the exclusive control of a unit owner or that
13 portion of an exterior wall directly attached to the unit if
14 the American flag is displayed in a manner consistent with 4
15 U.S.C. §§ 4 (relating to pledge of allegiance to the flag;
16 manner of delivery) through 10 (relating to modification of
17 rules and customs by President) and a Commonwealth flag [or], _____
18 military flag or Honor and Remember Flag is displayed in
19 accordance with any rules and regulations adopted by the
20 association.

21 (2) An association may adopt rules and regulations,
22 consistent with 4 U.S.C. §§ 4 through 10, regarding the
23 placement and manner of display of the American flag, and an
24 association may adopt rules and regulations regarding the
25 placement and manner of display of a Commonwealth flag [or], _____
26 military flag or Honor and Remember Flag. An association may
27 adopt rules and regulations regarding the location, size and
28 use of a flagpole but cannot prohibit the use of wall
29 brackets to display the American flag, Commonwealth flag
30 [and], _____ military flag or Honor and Remember Flag. The size of

1 the American flag, Commonwealth flag [and], military flag or
2 Honor and Remember Flag to be flown shall not be larger than
3 five feet by three feet. [In addition, any]

4 (3) Any rules and regulations adopted by the association
5 regarding the display of a military flag or Honor and
6 Remember Flag must permit the flying of such flags, in a
7 respectful way, on President's Day, Iwo Jima Flag Raising
8 Day, Vietnam Veterans Day, V-E Day, Armed Forces Day,
9 Memorial Day, Flag Day, Independence Day, Korean War Veterans
10 Armistice Day, V-J Day, Patriot's Day, POW/MIA Recognition
11 Day, Veterans Day, Pearl Harbor Day and the birthday of each
12 branch of the United States Armed Forces.

13 (b) Cemetery entity.--

14 (1) A cemetery entity may not prohibit the outdoor
15 display of one American flag, Commonwealth flag [and], military flag or Honor and Remember Flag on lots if the
16 American flag is displayed in a manner consistent with 4
17 U.S.C. §§ 4 through 10 and a Commonwealth flag [or], military
18 flag or Honor and Remember Flag is displayed in accordance
19 with any rules and regulations adopted by the cemetery
20 entity.
21

22 (2) A cemetery entity may adopt rules and regulations,
23 consistent with 4 U.S.C. §§ 4 through 10, regarding the
24 placement and manner of display of the American flag, and a
25 cemetery entity may adopt rules and regulations regarding the
26 placement and manner of display of a Commonwealth flag [or], military flag or Honor and Remember Flag. A cemetery entity
27 may adopt rules and regulations regarding the size and
28 location of flags on lots, but such rules or regulations
29 shall not be used as subterfuge to defeat the purposes of
30

1 this act.

2 (3) A cemetery entity must permit the flying of military
3 flags or Honor and Remember Flags, in a respectful way, on
4 President's Day, Iwo Jima Flag Raising Day, Vietnam Veteran's
5 Day, V-E Day, Armed Forces Day, Memorial Day, Flag Day,
6 Independence Day, Korean War Veterans Armistice Day, V-J Day,
7 Patriot's Day, POW/MIA Recognition Day, Veterans Day, Pearl
8 Harbor Day and the birthday of each branch of the United
9 States Armed Forces.

10 (4) Nothing in this act shall be construed to preclude a
11 lot owner or his heirs or assigns from limiting or
12 prohibiting the display of an American flag, Commonwealth
13 flag [or], military flag or Honor and Remember Flag on a lot.
14 Section 3. This act shall take effect in 60 days.