

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 615 Session of 2013

INTRODUCED BY FARNESE, WASHINGTON, BROWNE, FOLMER, FERLO,
HUGHES, RAFFERTY, SOLOBAY, COSTA AND BOSCOLA, MARCH 6, 2013

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 6, 2013

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, in seller disclosures,
3 providing for notice of title insurance, legal representation
4 and liens.

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

7 Section 1. Title 68 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 7304.1. Notice of title insurance, legal representation and
10 liens.

11 (a) General rule.--A form of notice of title insurance,
12 legal representation and liens that satisfies the requirements
13 of this chapter shall be promulgated by the commission. This
14 notice form shall be used in all residential real estate
15 transfers as provided in section 7302(a) (relating to
16 application of chapter).

17 (b) Use of form.--At the time an agreement of transfer is
18 entered by the buyer and seller under this chapter, the buyer

1 shall be provided with a notice of title insurance, legal
2 representation and liens. The notice shall be signed and dated
3 by the buyer and notarized.

4 (c) Contents of notice.--The notice shall include, at a
5 minimum, the following:

6 (1) An explanation in plain language of the risk of
7 purchasing real estate without title insurance or legal
8 representation, including the risks of fraud and assumption
9 of liens, judgments and other debts of prior owners.

10 (2) Information on the availability of legal services.

11 (3) Information on the proper State agency where
12 consumer-related questions concerning title insurance and
13 fraudulent conveyance may be directed.

14 (d) Delivery of form.--Copies of the executed and notarized
15 form shall be delivered to the seller and the buyer or the
16 buyer's agent within five days of execution and prior to final
17 settlement of a residential real estate transfer.

18 (e) Filing form with recorder of deeds.--The original notice
19 of title insurance, legal representation and liens executed by
20 the buyer shall be presented with the deed and any
21 acknowledgment filed with the recorder of deeds, registered and
22 recorded pursuant to applicable law.

23 (f) Notice provided by recorder of deeds.--

24 (1) If, prior to the time of filing a deed, the grantee
25 has not been provided with a notice as otherwise provided
26 under this section to file pursuant to subsection (e), the
27 recorder of deeds shall provide a notice to the grantee that
28 contains the information required by subsection (c). This
29 notice shall be signed and dated by the grantee or the person
30 filing the deed and filed with the recorder of deeds,

1 registered and recorded pursuant to applicable law.

2 (2) Within 30 days of the recording of any deed, the
3 office shall notify, by first class mail, the prior recorded
4 owner of the real estate identified in the deed, and the
5 occupant at the address of the real estate identified in the
6 deed if that address is different from the record owner's
7 address, that the deed has been recorded.

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