



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

SENATE BILL NO. 629

PRINTERS NO. 709

PRIME SPONSOR: Reschenthaler

### COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
Commonwealth Funds	\$0	\$0

**SUMMARY:** Amends Titles 12 (Commerce and Trade) and 23 (Domestic Relations) dealing with fraudulent transfers. This legislation would take effect in 60 days.

**ANALYSIS:** This legislation amends the PA Uniform Fraudulent Transfers Act (Chapter 51 of Title 12) to change the name of the act from the Pennsylvania Uniform Fraudulent Transfers Act to the Pennsylvania Uniform Voidable Transfers Act, and to update terminology by changing "fraudulent" to "voidable" throughout the Act.

The legislation clarifies that a creditor making a claim for relief has the burden of proving the claim for relief by a preponderance of the evidence. The legislation further clarifies the burden of proof and standard of proof required.

The legislation also clarifies the location of the debtor. It provides that the law of the state in which the debtor is located will govern causes of action governed by the Act. The debtor's location is determined by the debtor's principal residence; or in the case of a business with several locations, it is the location of the organization's chief executive office.

The legislation also defines and recognizes "series" organizations and "protected series" and provides clear rules for transferring among series.

This legislation also conforms definitions of voidable transfers in Title 23, Section 4352.

**FISCAL IMPACT:** This legislation would have no adverse fiscal impact on Commonwealth funds.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** December 12, 2017

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*