

AN ACT

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

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

6 Section 1. Section 5601(b)(3), (e.1) and (e.2) of Title 20
7 of the Pennsylvania Consolidated Statutes are amended to read:
8 § 5601. General provisions.

9 * * *

10 (b) Execution.--

11 * * *

12 (3) For a power of attorney executed on or after the
13 effective date of this paragraph, the signature or mark of
14 the principal, or the signature or mark of another individual
15 signing a power of attorney on behalf of and at the direction
16 of the principal, shall be:

17 (i) Acknowledged before a notary public or other
18 individual authorized by law to take acknowledgments. The

1 notary public or other individual authorized by law to
2 take acknowledgments shall not be the agent designated in
3 the power of attorney.

4 (ii) Witnessed by two individuals, each of whom is
5 18 years of age or older. A witness shall not be the
6 individual who signed the power of attorney on behalf of
7 and at the direction of the principal, the agent
8 designated in the power of attorney or the notary public
9 or other person authorized by law to take acknowledgments
10 before whom the power of attorney is acknowledged. For
11 acknowledgments by an attorney subject to this
12 subparagraph, the provisions of 57 Pa.C.S. § 316(2.1)
13 (relating to short form certificates) insofar as they
14 relate to an attorney as subscribing witness do not
15 apply.

16 * * *

17 (e.1) Limitation on applicability [in commercial
18 transaction] generally.--

19 (1.1) Subsections [(b) (3) (ii)] (b) (3), (c) and (d) and
20 section 5601.3 (relating to agent's duties) do not apply to:

21 (i) A power contained in an instrument used in a
22 commercial transaction which authorizes an agency
23 relationship.

24 (ii) A power to the extent it is coupled with an
25 interest in the subject of the power, including a power
26 given to or for the benefit of a creditor in connection
27 with a loan or other credit transaction.

28 (iii) A power exclusively granted to facilitate
29 transfer of stock, bonds and other assets.

30 (iv) [A power contained in the governing document

1 for a corporation, partnership or limited liability
2 company or other legal entity by which a director,
3 partner or member authorizes others to do other things on
4 behalf of the entity or a proxy or other delegation to
5 exercise voting rights or management rights with respect
6 to a legal entity.] A power:

7 (A) contained in the governing document for a
8 corporation, partnership or limited liability company
9 or other legal entity;

10 (B) authorized by the law that governs the
11 internal affairs of a legal entity;

12 (C) by which a director, shareholder, partner,
13 member or manager authorizes others to do things on
14 behalf of the entity; or

15 (D) contained in a proxy or other delegation to
16 exercise voting rights or management rights with
17 respect to legal entity.

18 (v) A warrant of attorney conferring authority to
19 confess judgment.

20 (vi) A power given to a dealer as defined by the act
21 of December 22, 1983 (P.L.306, No.84), known as the Board
22 of Vehicles Act, when using the power in conjunction with
23 a sale, purchase or transfer of a vehicle as authorized
24 by 75 Pa.C.S. § 1119 (relating to application for
25 certificate of title by agent).

26 (vii) A power created on a form prescribed by a
27 Commonwealth agency, political subdivision or an
28 authority or instrumentality of the Commonwealth or a
29 political subdivision.

30 (2) Powers and powers of attorney exempted by this

1 subsection need not be dated.

2 (e.2) Limitation on applicability in health care and mental
3 health care powers of attorney.--Subsections (b)(3)(i), (c) and
4 (d) and section 5601.3 [(relating to agent's duties)] do not
5 apply to a power of attorney which exclusively provides for
6 health care decision making or mental health care decision
7 making.

8 * * *

9 Section 2. The amendment of 20 Pa.C.S. § 5601(b)(3), (e.1)
10 and (e.2) shall be retroactive to January 1, 2015.

11 Section 3. This act shall take effect immediately.