

PROBATE, ESTATES AND FIDUCIARIES CODE (20 PA.C.S.) - REQUIRING  
OR CHANGING AMOUNT OF BOND

Act of Oct. 24, 2018, P.L. 722, No. 113

Cl. 20

Session of 2018

No. 2018-113

HB 1885

AN ACT

Amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in personal representative and bond, further providing for requiring or changing amount of bond.

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

Section 1. Section 3175 of Title 20 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3175. Requiring or changing amount of bond.

**(a) By the court.**--The court, upon cause shown and after such notice, if any, as it shall direct, may require a surety bond, or increase or decrease the amount of an existing bond, or require more or less security therefor.

**(b) By the register.**--

(1) If, after examining the inventory or inheritance tax return, the register determines that the register has required insufficient security, the register may direct the personal representative to post additional security.

(2) The personal representative shall post such additional security as the register may reasonably require.

(3) Subject to paragraph (4), in the event the personal representative fails or refuses to post the additional security, the register shall refer the matter to the court for appropriate enforcement.

(4) If the register requires additional security and the personal representative obtains a waiver from all parties in interest to the estate, the personal representative may elect to not post additional security, and the register shall be released and held harmless from any and all liability related to the personal representative's failure to post the security.

(5) A waiver under paragraph (4) must be signed on a form provided by the register subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and contain, at a minimum, all of the following information:

(i) The name and address of the beneficiary.

(ii) The name of the decedent.

(iii) The estate's file number.

(iv) The name and address of each personal representative.

(v) A list of distributions that have been made to beneficiaries to date.

(vi) The amount of additional security requested by the register.

(vii) An estimate by the administrator of the amount of time necessary to complete the administration of the estate from the date of the waiver.

**(c) Construction.**--Nothing in this section may be construed as creating any liability of a register or the register's surety

**to any person for the register's failure to require additional security under this section.**

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

APPROVED--The 24th day of October, A.D. 2018.

TOM WOLF