

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 115 Session of 2023

INTRODUCED BY CIRESI, HILL-EVANS, MADDEN, McNEILL, ISAACSON, DELLOSO, SANCHEZ, SCHLOSSBERG, GUENST, GALLOWAY, KINKEAD, N. NELSON, CERRATO, D. WILLIAMS, KHAN AND WARREN, MARCH 7, 2023

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 21, 2023

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, in dispositions
3 independent of letters, family exemption, probate of wills
4 and grant of letters, further providing for payments to
5 family and funeral directors.

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

8 Section 1. Section 3101(e) of Title 20 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 3101. Payments to family and funeral directors.

11 * * *

12 (e) Unclaimed property.--

13 (1) In any case where property or funds owned by an
14 individual who has died a resident of this Commonwealth have
15 been reported to the Commonwealth and are in the custody of
16 the State Treasurer as unclaimed or abandoned property, the
17 State Treasurer, at any time after the death of the
18 individual, shall only be authorized under this section to

1 distribute the property or to pay the amount being held in
2 custody where all of the following conditions are present:

3 (i) The amount of the funds or the value of the
4 property is \$11,000 or less.

5 (ii) The person claiming the property or the funds
6 is the surviving spouse[, child, mother or father, or] <--
7 ~~issue, parent, sister or brother or their issue,~~ <--
8 ~~grandparent or uncle or aunt of the decedent]~~ OR A MEMBER <--
9 OF THE CLASS OF PEOPLE AS SPECIFIED IN SECTION 2103(1),
10 (2), (3) OR (4) (RELATING TO SHARES OF OTHERS THAN
11 SURVIVING SPOUSE), with preference given in that order.

12 (iii) A personal representative of the decedent has
13 not been appointed or five years have lapsed since the
14 appointment of a personal representative of the decedent.

15 (2) Upon being presented with a claim under paragraph
16 (1) for property owned by a decedent, the State Treasurer
17 shall require the person claiming the property to provide all
18 of the following prior to distributing the property or paying
19 the amount held in custody:

20 (i) A certified death certificate of the owner.

21 (ii) A sworn affidavit under the penalties of 18
22 Pa.C.S. § 4904 (relating to unsworn falsification to
23 authorities) setting forth the relationship of the
24 claimant to the decedent, the existence or nonexistence
25 of a duly appointed personal representative of the
26 decedent [and], any other persons that may be entitled
27 under this section to make a claim to the decedent's
28 property[.] and a statement that the person is the
29 surviving spouse or the person or a member of the class
30 of people with the strongest claim to the property or

1 funds under paragraph (1)(ii).

2 (iii) Other information determined by the State
3 Treasurer to be necessary in order to distribute property
4 or pay funds under this section to the proper person.

5 (3) If the State Treasurer determines the claimant to be a
6 person entitled to claim property of a decedent owner, the State
7 Treasurer shall pay or distribute such property to the claimant
8 and shall thereby be released to the same extent as if payment
9 or distribution had been made to a duly appointed personal
10 representative of the decedent and shall not be required to
11 oversee the application of the payments made. Any claimant to
12 whom payment is made shall be answerable therefore to anyone
13 prejudiced by an improper distribution or payment.

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