

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 399 Session of  
2005

INTRODUCED BY BUXTON, CAPPELLI, BOYD, BUNT, CALTAGIRONE,  
CRAHALLA, FICHTER, GERGELY, GINGRICH, GRELL, KOTIK, LEDERER,  
MUNDY, PAYNE, READSHAW, B. SMITH, STABACK, TIGUE, VITALI,  
SATHER, PALLONE, THOMAS, SHANER, FABRIZIO AND STURLA,  
FEBRUARY 9, 2005

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, FEBRUARY 15, 2005

## AN ACT

1 Amending Title 54 (Names) of the Pennsylvania Consolidated  
2 Statutes, further providing for DIVORCING AND DIVORCED PERSON <—  
3 AND surviving spouse to resume prior name.

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

6 ~~Section 1. Section 704.1 of Title 54 of the Pennsylvania~~ <—  
7 ~~Consolidated Statutes, added November 19, 2004 (P.L. 842,~~  
8 ~~No. 105), is amended to read:~~

9 SECTION 1. SECTION 704 OF TITLE 54 OF THE PENNSYLVANIA <—  
10 CONSOLIDATED STATUTES IS AMENDED TO READ:

11 § 704. DIVORCING AND DIVORCED PERSON MAY RESUME PRIOR NAME.

12 (A) GENERAL RULE.--ANY PERSON WHO IS A PARTY IN A DIVORCE  
13 ACTION MAY, AT ANY TIME PRIOR TO OR SUBSEQUENT TO THE ENTRY OF  
14 THE DIVORCE DECREE, RESUME ANY PRIOR SURNAME USED BY HIM OR HER  
15 BY FILING A WRITTEN NOTICE TO SUCH EFFECT IN THE OFFICE OF THE  
16 [CLERK OF THE COURT] PROTHONOTARY OF THE COUNTY IN WHICH THE

1 DIVORCE ACTION WAS FILED OR THE DECREE OF DIVORCE WAS ENTERED,  
2 SHOWING THE CAPTION AND DOCKET NUMBER OF THE PROCEEDING IN  
3 DIVORCE.

4 (B) FOREIGN DECREES.--WHERE A DIVORCED PERSON HAS BEEN THE  
5 SUBJECT OF A DECREE OF DIVORCE GRANTED IN A FOREIGN  
6 JURISDICTION, A CERTIFIED COPY OF SUCH FOREIGN DIVORCE DECREE  
7 MAY BE FILED WITH THE [CLERK OF THE COURT OF COMMON PLEAS]  
8 PROTHONOTARY OF THE COUNTY WHERE THE PERSON RESIDES AND,  
9 THEREAFTER, THE NOTICE SPECIFIED IN SUBSECTION (A) MAY BE FILED  
10 WITH REFERENCE TO SUCH DECREE.

11 SECTION 2. SECTION 704.1 OF TITLE 54, ADDED NOVEMBER 19,  
12 2004 (P.L.842, NO.105), IS AMENDED TO READ:

13 § 704.1. Surviving spouse may resume prior name.

14 A surviving spouse may, at any time, resume any prior surname  
15 used by him or her by filing a written notice to such effect in  
16 the office of the [clerk of courts of common pleas] prothonotary  
17 of the county where the surviving spouse resides, accompanied by  
18 a certificate of death for the decedent. In counties where there  
19 is no prothonotary, the notice shall be filed in the office that  
20 performs the functions of the office of prothonotary as provided  
21 for in the act of August 9, 1955 (P.L.323, No.130), known as The  
22 County Code.

23 Section ~~2~~ 3. This act shall take effect in 60 days.

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