

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1634

 Session of 2007

INTRODUCED BY ROSS, CALTAGIRONE, CLYMER, CREIGHTON, DALLY, FABRIZIO, GEIST, GEORGE, GINGRICH, GRELL, HARRIS, HENNESSEY, HERSHEY, M. KELLER, KENNEY, KIRKLAND, R. MILLER, MILNE, MOUL, McILVAINE SMITH, THOMAS, YOUNGBLOOD, SIPTROTH, GIBBONS, KILLION AND VEREB, JUNE 26, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 18, 2008

AN ACT

1 ~~Prohibiting municipal corporations from requiring municipal~~ <—
2 ~~registration of deeds prior to recordation by recorders of~~
3 ~~deeds; providing for the transfer and transmission of copies~~
4 ~~of deeds for registration; and making related repeals.~~
5 PROVIDING FOR UNIFORM METHODS TO SATISFY REQUIRED MUNICIPAL <—
6 REGISTRATION OF DEEDS AND CONVEYANCES; PERMITTING ACCESS OF
7 INFORMATION IN LIEU OF REGISTRATION; PROHIBITING
8 MUNICIPALITIES FROM REQUIRING MUNICIPAL REGISTRATION OF DEEDS
9 PRIOR TO RECORDATION BY RECORDERS OF DEEDS; AND MAKING
10 INCONSISTENT REPEALS.

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

13 ~~Section 1. Definition.~~ <—

14 ~~The following words and phrases when used in this act shall~~
15 ~~have the meanings given to them in this section unless the~~
16 ~~context clearly indicates otherwise:~~

17 ~~"Municipal corporation." Any city, borough, incorporated~~
18 ~~town, township of the first class, township of the second class~~
19 ~~or home rule municipality formerly classified as a city,~~
20 ~~borough, incorporated town or township. The term does not~~

1 ~~include a city of the first class.~~

2 ~~Section 2. Registration of deeds.~~

3 ~~In all cases in which a municipal corporation requires by~~
4 ~~ordinance or resolution that a deed or conveyance be registered~~
5 ~~with that municipal corporation, the following shall apply:~~

6 ~~(1) The required registration shall be made within two~~
7 ~~business days after recording the deed, either by sending a~~
8 ~~copy of the deed by registered or certified mail, return~~
9 ~~receipt requested, or, if agreeable to both the sender and~~
10 ~~the municipal corporation, by electronically sending an image~~
11 ~~of the deed. The municipal corporation may impose a fee for~~
12 ~~such registration, not to exceed \$10, which shall accompany~~
13 ~~the copy if it is mailed or, if the copy is sent~~
14 ~~electronically, which shall be mailed to the municipal~~
15 ~~corporation, first class prepaid, within seven business days~~
16 ~~after the copy of the deed is sent.~~

17 ~~(2) The municipal corporation shall not require that the~~
18 ~~registration be made prior to recordation of the original~~
19 ~~deed or conveyance with the recorder of deeds or the county~~
20 ~~official responsible for the recordation of conveyances in~~
21 ~~counties without recorders of deeds.~~

22 ~~(3) No municipal corporation may require by its~~
23 ~~ordinance or resolution that the recorder of deeds effect the~~
24 ~~above required registration.~~

25 ~~Section 3. Inconsistent ordinance or resolution.~~

26 ~~Any ordinance or resolution, or part thereof, inconsistent~~
27 ~~with the provisions of this act is hereby declared to be void~~
28 ~~and of no effect.~~

29 SECTION 1. SHORT TITLE.

30 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE UNIFORM

1 MUNICIPAL DEED REGISTRATION ACT.

2 SECTION 2. DEFINITIONS.

3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
4 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
5 CONTEXT CLEARLY INDICATES OTHERWISE:

6 "MUNICIPALITY." A CITY, BOROUGH, INCORPORATED TOWN, TOWNSHIP
7 OF THE FIRST CLASS, TOWNSHIP OF THE SECOND CLASS OR HOME RULE
8 MUNICIPALITY FORMERLY CLASSIFIED AS A CITY, BOROUGH,
9 INCORPORATED TOWN OR TOWNSHIP. THE TERM DOES NOT INCLUDE A CITY
10 OF THE FIRST CLASS.

11 "OWNER." INCLUDES A GRANTEE, DEVISEE, SUBSEQUENT PURCHASER
12 OR OTHER PERSON ACQUIRING TITLE TO REAL PROPERTY WHO IS REQUIRED
13 TO REGISTER A DEED OR CONVEYANCE WITH A MUNICIPALITY IN
14 ACCORDANCE WITH LAW.

15 "RECORDER OF DEEDS." INCLUDES ANY COUNTY OFFICIAL
16 RESPONSIBLE FOR THE RECORDATION OF CONVEYANCES IN COUNTIES
17 WITHOUT RECORDERS OF DEEDS.

18 SECTION 3. REGISTRATION OF DEEDS GENERALLY.

19 (A) GENERAL RULE.--NOTWITHSTANDING ANY OTHER PROVISION OF
20 LAW OR ORDINANCE OR RESOLUTION TO THE CONTRARY, AFTER THE
21 EFFECTIVE DATE OF THIS ACT, ANY REQUIREMENT THAT A DEED OR
22 CONVEYANCE BE REGISTERED WITH A MUNICIPALITY SHALL BE SATISFIED
23 BY EITHER OF THE FOLLOWING:

24 (1) REGISTRATION BY THE OWNER OR AGENT IN ACCORDANCE
25 WITH SECTION 4.

26 (2) THE OBTAINING OF INFORMATION NECESSARY FOR
27 REGISTRATION OF THE DEED OR CONVEYANCE BY THE MUNICIPALITY,
28 IN LIEU OF REGISTRATION UNDER PARAGRAPH (1), IN ACCORDANCE
29 WITH SECTION 5.

30 (B) PROHIBITION.--A MUNICIPALITY SHALL NOT REQUIRE THAT

1 REGISTRATION OF A DEED BE MADE PRIOR TO THE RECORDATION OF THE
2 ORIGINAL DEED WITH THE RECORDER OF DEEDS.

3 SECTION 4. REGISTRATION BY OWNER OR AGENT.

4 (A) GENERAL RULE.--IN THE ABSENCE OF AN ORDINANCE ENACTED
5 PURSUANT TO SECTION 5, THE OWNER OR AN AGENT ON BEHALF OF THE
6 OWNER SHALL, WITHIN TWO BUSINESS DAYS AFTER RECORDING THE DEED
7 OR CONVEYANCE, REGISTER THE DEED OR CONVEYANCE WITH THE
8 MUNICIPALITY WHICH HAS ENACTED AN ORDINANCE REQUIRING
9 REGISTRATION BY ANY OF THE FOLLOWING METHODS:

10 (1) BY DELIVERING OR SENDING A COPY OF THE DEED AS
11 SUBMITTED FOR RECORDING, BY REGISTERED OR CERTIFIED MAIL,
12 RETURN RECEIPT REQUESTED, TO THE MUNICIPALITY.

13 (2) IF AGREEABLE TO BOTH THE OWNER AND THE MUNICIPALITY,
14 BY ELECTRONICALLY SENDING AN IMAGE OF THE DEED AS SUBMITTED
15 FOR RECORDING TO THE MUNICIPALITY. THE RECORDER OF DEEDS MAY,
16 BUT IS NOT REQUIRED TO, ELECTRONICALLY TRANSMIT THE DEED AS A
17 SERVICE TO THE OWNER, AND MAY CHARGE SUCH FEES AS ARE
18 PROVIDED IN THE ACT OF JULY 18, 1941 (P.L.421, NO.169),
19 ENTITLED "AN ACT REQUIRING RECORDERS OF DEEDS TO ACCEPT AND
20 RECORD DEEDS PRIOR TO REGISTRY, WHERE REGISTRY IS REQUIRED,
21 AND TO HAVE THE SAME REGISTERED, AND FIXING FEES THEREFOR,"
22 IN ADDITION TO THE RECORDING FEE.

23 (B) PROHIBITION.--NO MUNICIPALITY MAY REQUIRE THAT THE
24 RECORDER OF DEEDS EFFECT THE REGISTRATION OF A DEED.

25 SECTION 5. INFORMATION ACCESS IN LIEU OF REGISTRATION.

26 (A) AGREEMENT.--THE MUNICIPALITY AND THE RECORDER OF DEEDS
27 MAY ENTER INTO AN AGREEMENT WHEREBY THE RECORDER OF DEEDS SHALL
28 COMPILE AND ELECTRONICALLY TRANSMIT TO THE MUNICIPALITY OR
29 OTHERWISE PROVIDE THE MUNICIPALITY WITH ELECTRONIC ACCESS TO
30 INFORMATION REGARDING CONVEYANCES OF REAL PROPERTY.

1 (B) DUTY OF MUNICIPALITY.--THE MUNICIPALITY SHALL, AS AN
2 AMENDMENT TO AN EXISTING ORDINANCE ESTABLISHING ITS REAL ESTATE
3 REGISTRY OR OTHERWISE BY THE ENACTMENT OF AN ORDINANCE:

4 (1) REFERENCE THE EXISTENCE OF THE AGREEMENT ENTERED
5 INTO PURSUANT TO SUBSECTION (A).

6 (2) ESTABLISH THAT THE INFORMATION OBTAINED PURSUANT TO
7 THE AGREEMENT SHALL BE UTILIZED TO UPDATE AND MAINTAIN THE
8 MUNICIPALITY'S REGISTRY IN LIEU OF REGISTRATION PURSUANT TO
9 SECTION 4.

10 (3) ESTABLISH THAT, AS TO TRANSFERS MADE AFTER A
11 SPECIFIED DATE, AN OWNER SHALL NOT BE REQUIRED TO REGISTER A
12 DEED OR CONVEYANCE WITH THE MUNICIPALITY.

13 (C) SUFFICIENCY OF INFORMATION.--THE AGREEMENT MAY SPECIFY
14 THAT ANY INFORMATION PERIODICALLY PROVIDED TO THE MUNICIPALITY
15 IN ACCORDANCE WITH THE ACT OF MAY 17, 1945 (P.L.624, NO.264),
16 ENTITLED, AS AMENDED, "AN ACT REQUIRING THE RECORDER OF DEEDS OF
17 EVERY COUNTY, EXCEPT COUNTIES OF THE SECOND CLASS, IN CERTAIN
18 CASES TO REPORT TRANSFERS OF PROPERTY TO THE COMMISSIONERS OF
19 TOWNSHIPS OF THE FIRST CLASS AND TO SUPERVISORS OF TOWNSHIPS OF
20 THE SECOND CLASS," OR ANY OTHER LAW, IS SUFFICIENT FOR THE
21 PURPOSE OF THIS SECTION.

22 SECTION 6. FEE FOR REGISTRATION.

23 FOR THE PURPOSE OF MAINTAINING ITS REGISTRY, A MUNICIPALITY
24 MAY CHARGE A REASONABLE FEE, NOT TO EXCEED \$10 PER DEED. A FEE
25 IMPOSED PURSUANT TO THIS SECTION SHALL BE PAID AS FOLLOWS:

26 (1) THE FEE SHALL ACCOMPANY ANY COPY OF A DEED THAT IS
27 REGISTERED IN ACCORDANCE WITH SECTION 4(A)(1).

28 (2) THE FEE SHALL BE DELIVERED OR MAILED, FIRST CLASS
29 PREPAID, TO THE MUNICIPALITY WITHIN SEVEN BUSINESS DAYS AFTER
30 RECORDATION IN THE CASE OF REGISTRATION IN ACCORDANCE WITH

SECTION 4(A)(2) OR IN THE EVENT THE MUNICIPALITY ENACTS AN
ORDINANCE PROVIDING FOR ACCESS TO INFORMATION IN LIEU OF
REGISTRATION IN ACCORDANCE WITH SECTION 5.

SECTION 7. EXISTING POWERS AND DUTIES PRESERVED.

EXISTING DUTIES OF THE RECORDER OF DEEDS TO PROVIDE
INFORMATION IN ACCORDANCE WITH THE ACT OF MAY 17, 1945 (P.L.624,
NO.264) ENTITLED, AS AMENDED, "AN ACT REQUIRING THE RECORDER OF
DEEDS OF EVERY COUNTY, EXCEPT COUNTIES OF THE SECOND CLASS, IN
CERTAIN CASES TO REPORT TRANSFERS OF PROPERTY TO THE
COMMISSIONERS OF TOWNSHIPS OF THE FIRST CLASS AND TO SUPERVISORS
OF TOWNSHIPS OF THE SECOND CLASS," OR ANY OTHER LAW, OR ANY
POWER OF A MUNICIPALITY TO REQUIRE AN OWNER TO PROVIDE
INFORMATION RELATED TO REAL PROPERTY, TO THE EXTENT THAT THESE
DUTIES AND POWERS ARE NOT INCONSISTENT WITH THE PROVISIONS OF
THIS ACT, ARE HEREBY PRESERVED.

SECTION 8. INCONSISTENT ORDINANCE OR RESOLUTION.

ANY ORDINANCE OR RESOLUTION, OR PART THEREOF, INCONSISTENT
WITH THE PROVISIONS OF THIS ACT IS HEREBY DECLARED TO BE VOID
AND OF NO EFFECT.

Section 4 9. Repeals.

(a) Specific.--The following acts and parts of acts are
repealed insofar as they are inconsistent with this act:

(1) The act of July 17, 1919 (P.L.1001, No.396),
entitled "An act authorizing boroughs and incorporated towns
to establish systems for the registration of deeds and titles
to real estate; imposing certain duties upon sheriffs,
prothonotaries, and recorders of deeds; and providing
penalties."

(2) Subarticle (b) of Article XV of the act of June 23,
1931 (P.L.932, No.317), known as The Third Class City Code.

1 (3) Subarticle (b) of Article XIII of the act of June
2 24, 1931 (P.L.1206, No.331), known as The First Class
3 Township Code.

4 (4) THE ACT OF JULY 18, 1941 (P.L.421, NO.169), ENTITLED <—
5 "AN ACT REQUIRING RECORDERS OF DEEDS TO ACCEPT AND RECORD
6 DEEDS PRIOR TO REGISTRY, WHERE REGISTRY IS REQUIRED, AND TO
7 HAVE THE SAME REGISTERED, AND FIXING FEES THEREFOR."

8 ~~(4)~~ (5) Article XXX of the act of February 1, 1966 (1965 <—
9 P.L.1656, No.581), known as The Borough Code.

10 (b) General.--All other acts and parts of acts are repealed
11 insofar as they are inconsistent with this act.

12 Section ~~5~~ 10. Effective date. <—

13 This act shall take effect in 60 days.