

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1324 Session of 2011

INTRODUCED BY YAW, NOVEMBER 10, 2011

SENATOR M. WHITE, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED, FEBRUARY 7, 2012

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, providing for actions to quiet title involving
4 subsurface rights.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 8320.1. Actions to quiet title involving subsurface rights.

10 (a) Rebuttable presumption.--In an action to quiet title
11 involving subsurface rights to real property, failure by any
12 person claiming to hold the subsurface rights, other than the
13 surface owner of the real property, to exercise the subsurface
14 rights for a period in excess of 50 years shall create a
15 rebuttable presumption that the subsurface rights have been
16 abandoned by such person in favor of the surface owner.

17 ~~(b) Definition. As used in this section, "subsurface~~
18 ~~rights" means mineral, oil or gas rights, or any combination of~~
19 ~~those rights.~~





1 (B) NONAPPLICABILITY.--THE REBUTTABLE PRESUMPTION  
2 ESTABLISHED IN THIS SECTION SHALL NOT APPLY TO FEE INTERESTS,  
3 INCLUDING, WITHOUT LIMITATION, DEEDS AND LONG-TERM LEASES FOR  
4 COAL AND OTHER MINERALS AND OIL AND GAS, INCLUDING ALL  
5 APPURTENANT RIGHTS, WHICH HAVE BEEN RESERVED OR ACQUIRED BY A  
6 DULY RECORDED CONVEYANCE.

7 (C) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED  
8 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
9 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

10 "EXERCISE OF SUBSURFACE RIGHTS." THE TERM INCLUDES, BUT IS  
11 NOT LIMITED TO, ANY OF THE FOLLOWING:

12 (1) THE PRODUCTION OF ANY OIL AND GAS AND THE PRODUCTION  
13 OF COAL OR OTHER MINERALS UNDER SUBSURFACE RIGHTS.

14 (2) OPERATIONS BEING CONDUCTED UNDER SUBSURFACE RIGHTS  
15 FOR INJECTION, WITHDRAWAL, STORAGE OR DISPOSAL OF WATER, OIL,  
16 GAS OR OTHER FLUID SUBSTANCES.

17 (3) A MORTGAGE, ASSIGNMENT, CONVEYANCE OR ORDER OR  
18 AGREEMENT TO POOL OR UNITIZE SUBSURFACE RIGHTS RECORDED IN  
19 THE RECORDER'S OFFICE IN THE COUNTY IN WHICH THE RIGHT OR  
20 INTEREST IS LOCATED.

21 (4) PAYMENT OF TAXES OR FEES ON SUBSURFACE RIGHTS BY THE  
22 OWNER OR OWNER'S AGENT.

23 (5) A VALID PERMIT OF ANY GOVERNMENT AGENCY PERTAINING  
24 TO THE USE OF SUBSURFACE RIGHTS HAS BEEN ISSUED.

25 (6) A STATEMENT DESCRIBING SUBSURFACE RIGHTS AND  
26 CLAIMING OWNERSHIP OF THE RIGHT AND THE INTENTION TO PRESERVE  
27 SUBSURFACE RIGHTS IS FILED WITH THE COURT AND RECORDED IN THE  
28 COUNTY WHERE THE SUBSURFACE RIGHTS ARE LOCATED PRIOR TO ENTRY  
29 OF A FINAL JUDGMENT.

30 (7) USE OF THE SURFACE, THE STRATA BETWEEN THE SURFACE

1 AND THE SITUS OF THE MINERAL AND THE STRATA WHERE THE MINERAL  
2 IS SITUATED FOR, WITHOUT LIMITATION, EXPLORATION, EVALUATION,  
3 SURVEYING, DIGGING, EXTRACTION, PRODUCTION, DRAINING,  
4 VENTILATION, CLEANING, STORING, BLENDING AND TRANSPORTATION  
5 FOR AND OF THE MINERAL.

6 "SUBSURFACE RIGHTS." MINERAL, OIL OR GAS RIGHTS OR  
7 INTERESTS, OR ANY COMBINATION OF THOSE RIGHTS OR INTERESTS.

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