

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1885 Session of 2017

INTRODUCED BY RYAN, D. COSTA, DIAMOND, MEHAFFIE, MILLARD, STAATS, WARD, KEEFER AND IRVIN, OCTOBER 25, 2017

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 13, 2018

AN ACT

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

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

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

9 § 3175. Requiring or changing amount of bond.

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

14 (b) By the register.--

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

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

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

7           (4) If the register requires additional security and the  
8 personal representative obtains a waiver from all parties in  
9 interest to the estate, the personal representative may elect  
10 to not post additional security and the register shall be  
11 released and held harmless from any and all liability related  
12 to the personal representative's failure to post the  
13 security. THE WAIVER SHALL BE IN WRITING ON A FORM AS THE <--  
14 REGISTER MAY PRESCRIBE, WHICH MAY REQUIRE AN OATH OR  
15 AFFIRMATION.

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