

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1885 Session of
2017

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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 15, 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 (5) A WAIVER UNDER PARAGRAPH (4) MUST BE SIGNED ON A <--
17 FORM PROVIDED BY THE REGISTER SUBJECT TO 18 PA.C.S. § 4904
18 (RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES) AND
19 CONTAIN, AT A MINIMUM, ALL OF THE FOLLOWING INFORMATION:

20 (I) THE NAME AND ADDRESS OF THE BENEFICIARY.

21 (II) THE NAME OF THE DECEDENT.

22 (III) THE ESTATE'S FILE NUMBER.

23 (IV) THE NAME AND ADDRESS OF EACH PERSONAL
24 REPRESENTATIVE.

25 (V) A LIST OF DISTRIBUTIONS THAT HAVE BEEN MADE TO
26 BENEFICIARIES TO DATE.

27 (VI) THE AMOUNT OF ADDITIONAL SECURITY REQUESTED BY
28 THE REGISTER.

29 (VII) AN ESTIMATE BY THE ADMINISTRATOR OF THE AMOUNT
30 OF TIME NECESSARY TO COMPLETE THE ADMINISTRATION OF THE

1 ESTATE FROM THE DATE OF THE WAIVER.

2 (C) CONSTRUCTION.--NOTHING IN THIS SECTION MAY BE CONSTRUED
3 AS CREATING ANY LIABILITY OF A REGISTER OR THE REGISTER'S SURETY
4 TO ANY PERSON FOR THE REGISTER'S FAILURE TO REQUIRE ADDITIONAL
5 SECURITY UNDER THIS SECTION.

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