
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 81 Session of
2021

INTRODUCED BY CIRESI, ISAACSON, DELLOSO, HILL-EVANS, GALLOWAY,
SNYDER, SCHLOSSBERG, LONGIETTI, DeLUCA, ZABEL, SANCHEZ,
PASHINSKI, HOWARD, PISCIOTTANO, D. WILLIAMS, NEILSON, WEBSTER
AND McCLINTON, JANUARY 11, 2021

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 11, 2021

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, in dispositions
3 independent of letters, family exemption and probate of wills
4 and grant of letters, further providing for payments to
5 family and funeral directors.

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

8 Section 1. Section 3101(e) of Title 20 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 3101. Payments to family and funeral directors.

11 * * *

12 (e) Unclaimed property.--

13 (1) In any case where property or funds owned by an
14 individual who has died a resident of this Commonwealth have
15 been reported to the Commonwealth and are in the custody of
16 the State Treasurer as unclaimed or abandoned property, the
17 State Treasurer, at any time after the death of the
18 individual, shall only be authorized under this section to

1 distribute the property or to pay the amount being held in
2 custody to the first entitled person or class of people under
3 section 2103 (relating to shares of others than surviving
4 spouse) where all of the following conditions are present:

5 (i) The amount of the funds or the value of the
6 property is \$11,000 or less.

7 (ii) The person claiming the property or the funds
8 is the [surviving spouse, child, mother or father, or
9 sister or brother of the decedent, with preference given
10 in that order.] first person or a member of the first
11 class of people entitled to claim property or funds under
12 section 2103.

13 (iii) A personal representative of the decedent has
14 not been appointed or five years have lapsed since the
15 appointment of a personal representative of the decedent.

16 (2) Upon being presented with a claim under paragraph
17 (1) for property owned by a decedent, the State Treasurer
18 shall require the person or class of people claiming the
19 property to provide all of the following prior to
20 distributing the property or paying the amount held in
21 custody:

22 (i) A certified death certificate of the owner.

23 (ii) A sworn affidavit under the penalties of 18
24 Pa.C.S. § 4904 (relating to unsworn falsification to
25 authorities) setting forth the relationship of the
26 claimant to the decedent, the existence or nonexistence
27 of a duly appointed personal representative of the
28 decedent [and], any other persons that may be entitled
29 under this section to make a claim to the decedent's
30 property[.] and a statement that the person is the first

1 person or a member of the first class of people entitled
2 to claim property or funds under section 2103.

3 (iii) Other information determined by the State
4 Treasurer to be necessary in order to distribute property
5 or pay funds under this section to the proper person.

6 (3) If the State Treasurer determines the claimant to be
7 a person entitled to claim property of a decedent owner, the
8 State Treasurer shall pay or distribute such property to the
9 claimant and shall thereby be released to the same extent as
10 if payment or distribution had been made to a duly appointed
11 personal representative of the decedent and shall not be
12 required to oversee the application of the payments made. Any
13 claimant to whom payment is made shall be answerable
14 therefore to anyone prejudiced by an improper distribution or
15 payment.

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