

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1255 Session of
2021

INTRODUCED BY LEWIS, JAMES, MILLARD, KAUFFMAN, ROWE, SAYLOR,
ZIMMERMAN, SCHEMEL, ROTHMAN, KNOWLES, HAMM, DOWLING, MOUL,
HERSHEY, MENTZER, KEEFER AND BRIGGS, APRIL 21, 2021

SENATOR BAKER, JUDICIARY, IN SENATE, AS AMENDED,
NOVEMBER 9, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in limitation of time,
3 providing for real estate appraisals.

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

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

8 § 5539. Real estate appraisals.

9 ~~Any (A) GENERAL RULE.--EXCEPT AS PROVIDED UNDER SUBSECTION~~ <--

10 (B), AN action to recover damages against a real estate

11 appraiser arising out of the appraiser's real estate appraisal

12 activity shall be brought within one year from a person's <--

13 discovery of the act or omission giving rise to the action, but

14 in no event shall an action to recover damages against a real

15 estate appraiser be brought more than five years after the date

16 the appraisal was conducted.

17 Section 2. This act shall take effect in 60 days. <--

1 (B) EXCEPTION.--AN ACTION TO RECOVER DAMAGES AGAINST A REAL <--
2 ESTATE APPRAISER UNDER SUBSECTION (A) MAY BE FILED MORE THAN
3 FIVE YEARS AFTER THE DATE THE APPRAISAL WAS CONDUCTED IF:

4 (1) THERE IS EVIDENCE OF FRAUD OR INTENTIONAL
5 MISREPRESENTATION ON THE PART OF THE REAL ESTATE APPRAISER;
6 OR

7 (2) THE APPRAISAL WAS PERFORMED FOR A CONSUMER AS PART
8 OF THE PURCHASE OR SALE OF SINGLE-FAMILY RESIDENTIAL REAL
9 PROPERTY NOT INVOLVING A LENDER.

10 SECTION 2. THE FIVE-YEAR PERIOD OF REPOSE UNDER 42 PA.C.S. §
11 5539 SHALL NOT APPLY TO A CAUSE OF ACTION WHICH HAS ACCRUED ON
12 OR BEFORE THE EFFECTIVE DATE OF THIS SECTION.

13 SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

14 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
15 IMMEDIATELY:

16 (I) SECTION 2.

17 (II) THIS SECTION.

18 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
19 DAYS.