
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 203 Session of
2017

INTRODUCED BY LONGIETTI, GODSHALL, SAINATO, CALTAGIRONE,
NEILSON, BIZZARRO, ROZZI, MURT, DRISCOLL, JAMES, CARROLL,
ZIMMERMAN, PHILLIPS-HILL, PICKETT, GERGELY, V. BROWN,
PETRARCA, BULLOCK, McNEILL, GABLER, THOMAS, SOLOMON,
DAVIDSON, D. COSTA, JOZWIAK, KORTZ AND BARBIN,
JANUARY 25, 2017

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED, OCTOBER 3,
2017

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, in dispositions
3 independent of letters, family exemption, probate of wills
4 and grant of letters, further providing for payments to
5 family and funeral directors; AND, IN POWERS OF APPOINTMENT, <--
6 FURTHER PROVIDING FOR EXERCISE OF POWERS OF APPOINTMENT.

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

9 ~~Section 1. Section 3101(a) of Title 20 of the Pennsylvania~~ <--
10 ~~Consolidated Statutes is amended to read:~~

11 SECTION 1. SECTIONS 3101(A) AND 7602(E) (2) OF TITLE 20 OF <--
12 THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

13 § 3101. Payments to family and funeral directors.

14 (a) Wages, salary or employee benefits.--Any employer of a
15 person dying domiciled in this Commonwealth at any time after
16 the death of the employee, whether or not a personal
17 representative has been appointed, may pay wages, salary or any

1 employee benefits due the deceased in an amount not exceeding
2 [\$5,000] \$10,000 to the spouse, any child, the father or mother,
3 or any sister or brother (preference being given in the order
4 named) of the deceased employee. Any employer making such a
5 payment shall be released to the same extent as if payment had
6 been made to a duly appointed personal representative of the
7 decedent and he shall not be required to see to the application
8 thereof. Any person to whom payment is made shall be answerable
9 therefor to anyone prejudiced by an improper distribution.

10 * * *

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

12 § 7602. EXERCISE OF POWERS OF APPOINTMENT. <--

13 * * *

14 (E) TESTAMENTARY POWERS.--

15 * * *

16 (2) A GRANT OF A TESTAMENTARY POWER TO APPOINT TO THE
17 DONEE'S CREDITORS SHALL BE CONSTRUED AS A POWER TO APPOINT TO
18 THE CREDITORS OF THE DONEE'S ESTATE. IN THE ABSENCE OF A
19 SPECIFIC CONTRARY INTENT APPEARING IN THE INSTRUMENT, THE
20 GRANT OF A TESTAMENTARY POWER THAT DENIES THE RIGHT TO
21 APPOINT TO THE DONEE'S CREDITORS SHALL BE CONSTRUED AS ALSO
22 DENYING THE POWER TO APPOINT TO THE CREDITORS OF THE DONEE'S
23 ESTATE.

24 * * *

25 SECTION 2. THE AMENDMENT OF SECTION 7602(E) (2) SHALL APPLY
26 TO ALL POWERS OF APPOINTMENT CREATED BEFORE, ON OR AFTER THE
27 EFFECTIVE DATE OF THIS SECTION.

28 SECTION 3. THIS ACT SHALL TAKE EFFECTS AS FOLLOWS:

29 (1) THE AMENDMENT OF SECTION 3101(A) SHALL TAKE EFFECT
30 IN 60 DAYS.

1 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
2 IMMEDIATELY.