

**House Judiciary Committee Voting Meeting**  
**Majority Caucus Room**  
**Room 140 Main Capitol**  
**Harrisburg, PA 17120**  
**February 04, 2026**  
**10:00 AM**

**PLEASE NOTE: TWO AMENDMENTS HAVE BEEN ADDED TO THE AGENDA, AND THE MEETING MATERIALS HAVE BEEN UPLOADED**

**Agenda**

**House Bill 603 (ISAACSON)** An Act amending the act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law, further providing for remedies and for enforcement.

**House Bill 713 (HOWARD)** An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, further providing for declaration of policy, for definitions and for scope of subchapter.

**A02412 (BRIGGS)**

**House Bill 1541 (HOHENSTEIN/MARLA BROWN)** An Act amending the act of July 9, 1970 (P.L.484, No.164), entitled "An act relating to indemnification agreements between architects, engineers or surveyors and owners, contractors, subcontractors or suppliers and indemnification agreements relating to snow removal or ice control services," providing for void and unenforceable provisions or terms in construction contracts and for insurance coverage for additional insureds; and making editorial changes.

**A02408 (LEADBETER)**

**House Bill 2118 (HILL-EVANS)** An Act providing for museum unclaimed loaned property.

**House Bill 2124 (BONNER/BRIGGS)** An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for uniform real property transfer on death.

**And any other business that comes before the Committee**

**Adjournment**

Please advise Maya Fitterer, MFitterer@pahouse.net, with your attendance plans. A friendly reminder - if you would like a physical copy of the materials, please print off your own prior to the meeting. We will have QR codes available at the meeting to access to the materials online. Thank you!

**Attachments:**

- Sunshine Memo
- HB603
- HB603 BA
- HB713
- A02412 to HB713
- HB713 BA
- HB1541
- A02408 to HB1541
- HB1541 BA

- HB2118
- HB2118 BA
- HB2124
- HB2124 BA

TIM BRIGGS, MEMBER  
149TH DISTRICT  
302 MAIN CAPITOL BUILDING  
P.O. BOX 202149  
HARRISBURG, PENNSYLVANIA 17120-2149  
(717) 705-7011  
FAX: (717) 772-9860

554 SHOEMAKER ROAD, SUITE 149  
KING OF PRUSSIA, PENNSYLVANIA 19406-4205  
(610) 768-3135  
FAX: (610) 768-3112

WWW.REPBRIGGS.COM



**House of Representatives**  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

January 30, 2026

TO: House Judiciary Committee Members  
FROM: Tim Briggs, Majority Chairman  
RE: **Voting Meeting**

The House Judiciary Committee will hold a **voting meeting** on **Wednesday, February 4, 2026, at 10:00 a.m.** in **140 Main Capitol Building**. The Committee is scheduled to consider the following:

**House Bill 603 (Isaacson)** An Act amending the act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law, further providing for remedies and for enforcement.

**House Bill 713 (Howard)** Amends Title 42 (Judiciary and Judicial Procedure) in particular rights and immunities, further providing for declaration of policy, for definitions and for scope of subchapter.

**House Bill 1541 (Hohenstein/Marla Brown)** An Act amending the act of July 9, 1970 (P.L.484, No.164), entitled "An act relating to indemnification agreements between architects, engineers or surveyors and owners, contractors, subcontractors or suppliers and indemnification agreements relating to snow removal or ice control services," providing for void and unenforceable provisions or terms in construction contracts and for insurance coverage for additional insureds; and making editorial changes.

**House Bill 2118 (Hill-Evans)** An Act providing for museum unclaimed loaned property.

**House Bill 2124 (Bonner/Briggs)** Amends Title 20 (Decedents, Estates and Fiduciaries), providing for uniform real property transfer on death.

**And any other business that comes before the committee.**

Please advise Maya Fitterer, MFitterer@pahouse.net, with your attendance plans. Thank you!

COMMITTEES

JUDICIARY, CHAIRMAN

CAUCUSES

LIFE SCIENCE, CHAIR  
BRAIN INJURY, CHAIR

PENNSYLVANIA STATE SYSTEM OF HIGHER EDUCATION (PASSHE), BOARD OF GOVERNORS

PENNSYLVANIA COMMISSION ON CRIME & DELINQUENCY (PCCD), COMMISSIONER

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 603Session of  
2025

INTRODUCED BY ISAACSON, BURGOS, CEPEDA-FREYTIZ, CERRATO, DALEY,  
DONAHUE, FREEMAN, GREEN, HILL-EVANS, KHAN, SANCHEZ AND  
STEELE, FEBRUARY 12, 2025

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 12, 2025

## AN ACT

1 Amending the act of December 12, 1986 (P.L.1559, No.169),  
2 entitled "An act providing protection for employees who  
3 report a violation or suspected violation of State, local or  
4 Federal law; providing protection for employees who  
5 participate in hearings, investigations, legislative  
6 inquiries or court actions; and prescribing remedies and  
7 penalties," further providing for remedies and for  
8 enforcement.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Sections 4(a) and 5 of the act of December 12,  
12 1986 (P.L.1559, No.169), known as the Whistleblower Law, are  
13 amended to read:

14 Section 4. Remedies.

15 (a) Civil action.--A person who alleges a violation of this  
16 act may bring a civil action in a court of competent  
17 jurisdiction, with a right of trial by jury, for appropriate  
18 injunctive relief or damages, or both, within [180 days] two  
19 years after the occurrence of the alleged violation.

20 \* \* \*

1 Section 5. Enforcement.

2 (a) Relief that may be ordered.--

3       (1) A court or jury, in rendering a judgment in an  
4 action brought under this act, shall order, as the court or  
5 jury considers appropriate, reinstatement of the employee,  
6 the payment of back wages, full reinstatement of fringe  
7 benefits and seniority rights, actual damages or any  
8 combination of these remedies.

9       (2) A court or jury shall also award the complainant all  
10 or a portion of the costs of litigation, including reasonable  
11 attorney fees and witness fees, if the complainant prevails  
12 in the civil action.

13       (b) Punitive damages.--The complainant may also recover  
14 punitive damages if the complainant demonstrates that the  
15 defendant engaged in an unlawful retaliatory or discriminatory  
16 practice in violation of section 3 with malice or reckless  
17 indifference to the rights of the complainant protected under  
18 this act.

19       Section 2. The amendment of sections 4(a) and 5 of the act  
20 shall not be construed to affect an action or proceeding  
21 commenced or right accrued before the effective date of this  
22 section.

23       Section 3. This act shall take effect in 90 days.

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

**Bill No:** HB0603 PN0611  
**Committee:** Judiciary  
**Sponsor:** Isaacson, Mary  
**Date:** 2/12/2025

**Prepared By:** David Vitale, Esq.  
(717) 705-7011,6791  
**Executive Director:** David Vitale, Esq.

### **A. Brief Concept**

Amends the Whistleblower Law to provide a complainant with a right to trial by jury; increase the statute of limitations from 180 days to 2 years; and provide for punitive damages.

### **C. Analysis of the Bill**

Amends Act 169 of 1986 (Whistleblower Law):

A person who alleges a violation of the act will have the right to trial by jury.

The complainant will be allowed to bring a civil action for relief within two years (up from 180 days) after the occurrence of the alleged violation.

The complainant will be allowed to recover punitive damages if he demonstrates that the defendant engaged in the violation with malice or reckless indifference to his rights under the act.

### **Effective Date:**

90 Days.

### **G. Relevant Existing Laws**

The Whistleblower Law provides protections for whistleblowers who make a good faith report to an appropriate authority of waste or wrongdoing (or the potential for waste or wrongdoing) by a public body.

A whistleblower is defined as a person who witnesses or has evidence of wrongdoing or waste while employed and who makes a good faith report of the wrongdoing or waste, verbally or in writing, to one of the person's superiors, to an agent of the employer or to an appropriate authority.

A whistleblower is protected from discrimination, retaliation or discharge by their employer, if they:

- Make a good faith report or are about to report waste or wrongdoing by a public body; or
- Are requested by an appropriate authority to participate in an investigation, hearing or inquiry - or in a court action.

An appropriate authority may not disclose the identity of a whistleblower without consent unless disclosure is unavoidable in the investigation of an alleged violation.

A person who alleges a violation of the act can bring a civil action for injunctive relief and/or damages within 180 days after the occurrence of the violation. If the court rules in favor of the complainant, the court can order reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, and/or actual damages. If the complainant wins, the court must also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees and witness fees.

**E. Prior Session (Previous Bill Numbers & House/Senate Votes)**

HB 368 of 2023.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 713

Session of  
2025INTRODUCED BY HOWARD, GUENST, T. DAVIS, MADDEN, WAXMAN, MAYES,  
CERRATO, SANCHEZ AND MALAGARI, FEBRUARY 24, 2025

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 24, 2025

## AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in particular rights and  
3 immunities, further providing for declaration of policy, for  
4 definitions and for scope of subchapter.

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

7 Section 1. Section 8340.12(2) of Title 42 of the  
8 Pennsylvania Consolidated Statutes, added July 17, 2024  
9 (P.L.836, No.72), is amended to read:

10 § 8340.12. Declaration of policy.

11 The General Assembly finds and declares as follows:

12 \* \* \*

13 (2) It is in the public interest to encourage continued  
14 participation in matters of public significance, including  
15 disclosure of sexual offenses. This participation should not  
16 be chilled through abuse of the judicial process.

17 \* \* \*

18 Section 2. The definition of "protected public expression"  
19 in section 8340.13 of Title 42, added July 17, 2024 (P.L.836,

1 No.72), is amended to read:

2 § 8340.13. Definitions.

3 The following words and phrases when used in this subchapter  
4 shall have the meanings given to them in this section unless the  
5 context clearly indicates otherwise:

6 \* \* \*

7 "Protected public expression." A person's:

8 (1) communication in a legislative, executive, judicial  
9 or administrative proceeding;

10 (2) communication on an issue under consideration or  
11 review in a legislative, executive, judicial or  
12 administrative proceeding; [or]

13 (3) exercise, on a matter of public concern, of the  
14 rights of freedom of speech or of the press, the right to  
15 assemble or petition or the right of association, guaranteed  
16 by:

17 (i) the First Amendment to the Constitution of the  
18 United States; or

19 (ii) section 7 or 20 of Article I of the  
20 Constitution of Pennsylvania[.]; or

21 (4) communication of an allegation of abuse, as defined  
22 under 23 Pa.C.S. § 6102 (relating to definitions), or  
23 allegation of sexual violence, as defined under section 62A03  
24 (relating to definitions), provided the communication is not  
25 malicious.

26 \* \* \*

27 Section 3. Section 8340.14(b) (5) of Title 42, added July 17,  
28 2024 (P.L.836, No.72), is amended to read:

29 § 8340.14. Scope of subchapter.

30 \* \* \*

1       (b) Exclusions.--This subchapter does not apply to any of  
2 the following claims asserted in a civil action:

3           \* \* \*

4       (5) Arising under [any of the following:

5           (i) 23 Pa.C.S. Ch. 61 (relating to protection from  
6 abuse).

7           (ii) Chapter 62A (relating to protection of victims  
8 of sexual violence or intimidation).

9           (iii) The] the act of May 17, 1921 (P.L.682,  
10 No.284), known as The Insurance Company Law of 1921.

11           \* \* \*

12 Section 4. This act shall take effect in 90 days.

**LEGISLATIVE REFERENCE BUREAU**

AMENDMENTS TO HOUSE BILL NO. 713

Sponsor: **Briggs**

Printer's No. 732

1 Amend Bill, page 1, lines 3 and 4, by striking out  
2 "declaration of policy, for definitions and for"  
3 Amend Bill, page 1, lines 7 through 19; page 2, lines 1  
4 through 28; by striking out all of said lines on said pages and  
5 inserting  
6 Section 1. Section 8340.14(b)(5) of Title 42 of the  
7 Pennsylvania Consolidated Statutes is amended to read:  
8 Amend Bill, page 3, line 12, by striking out "4" and  
9 inserting  
10 2

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

**Bill No:** HB0713 PN0732  
**Committee:** Judiciary  
**Sponsor:** Howard, Kristine  
**Date:** 3/7/2025

**Prepared By:** David Vitale, Esq.  
(717) 705-7011,6791  
**Executive Director:** David Vitale, Esq.

### **A. Brief Concept**

Protects victims of sexual offenses from frivolous lawsuits filed by others to silence their right to public expression.

### **C. Analysis of the Bill**

Strategic Lawsuits Against Public Participation (SLAPPs), are lawsuits filed against a person or organization for statements made or positions taken in connection with a matter of public interest or regulation. Some of the legal theories often used in SLAPPs are defamation, invasion of privacy, nuisance, malicious prosecution or abuse of process, conspiracy, intentional infliction of emotional distress and interference with contract or economic advantage.

Despite the legal theories supporting the suit, the true purpose of a SLAPP is to deter or silence critics by burdening them with the costs of a legal defense. Defendants and others are deterred from engaging in open debate about public issues for fear that they could face one of these suits and end up paying attorney's fees and expending significant time and resources to defend against a meritless claim.

This bill makes it clear that victims of sexual abuse or offenses are protected from frivolous lawsuits designed to silence their right to public expression as long as the communication is not malicious.

Specifically, the bill adds communication of an allegation of abuse, as defined under 23 Pa.C.S. § 6102 (relating to definitions), or allegation of sexual violence, as defined under section 62A03 (relating to definitions), provided the communication is not malicious to the definition of Protected public expression. And the bill eliminates the exclusion for 23 Pa.C.S. Ch. 61 (relating to protection from abuse) and Chapter 62A (relating to protection of victims of sexual violence or intimidation). This change will allow victims of these crimes to speak publicly and not risk being sued civilly.

Under current law "Protected public expression" includes the following:

1. communication in a legislative, executive, judicial or administrative proceeding;
2. communication on an issue under consideration or review in a legislative, executive, judicial or administrative proceeding; or
3. exercise, on a matter of public concern, of the rights of freedom of speech or of the press, the right to assemble or petition or the right of association, guaranteed by: (i) the First Amendment to the Constitution of the United States; or (ii) section 7 or 20 of Article I of the Constitution of Pennsylvania.

### **Effective Date:**

90 Days.

### **G. Relevant Existing Laws**

**Act 72 of 2024**

§ 8340.12. Declaration of policy.

The General Assembly finds and declares as follows:

- (1) There has been a disturbing increase in lawsuits brought primarily to chill the valid exercise of protected public expression.
- (2) It is in the public interest to encourage continued participation in matters of public significance. This participation should not be chilled through abuse of the judicial process.
- (3) This subchapter:
  - (i) grants immunity to those groups or parties exercising the rights to protected public expression;

and

- (ii) awards attorney fees to parties that are forced to defend against meritless claims arising from the exercise of the rights to protected public expression.

- (4) Broad construction of this subchapter will implement the goals under paragraphs (2) and (3).

"Protected public expression." A person's:

- (1) communication in a legislative, executive, judicial or administrative proceeding;
- (2) communication on an issue under consideration or review in a legislative, executive, judicial or administrative proceeding; or
- (3) exercise, on a matter of public concern, of the rights of freedom of speech or of the press, the right to assemble or petition or the right of association, guaranteed by:
  - (i) the First Amendment to the Constitution of the United States; or
  - (ii) section 7 or 20 of Article I of the Constitution of Pennsylvania.

"Protected public expression immunity." Immunity under section 8340.15 (relating to grant of immunity).

(b) Exclusions.--This subchapter does not apply to any of the following claims asserted in a civil action:

- (1) Against a government unit or an employee or agent of a government unit acting in an official capacity.
- (2) By a government unit or an employee or agent of a government unit acting in an official capacity to enforce a law, regulation or ordinance.
- (3) Against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication related to the person's sale or lease of the goods or services.

(4) Seeking damages for bodily injury or death unless the claim:

- (i) is for:
  - (A) defamation;
  - (B) publication of private facts;
  - (C) false light invasion of privacy;
  - (D) misappropriation of likeness; or
  - (E) intentional or negligent infliction of emotional distress; or
- (ii) arises solely from a communication on a matter of public concern.

(5) Arising under any of the following:

- (i) 23 Pa.C.S. Ch. 61 (relating to protection from abuse).
- (ii) Chapter 62A (relating to protection of victims of sexual violence or intimidation).
- (iii) The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.
- (6) Arising under an insurance contract.
- (7) Asserting misappropriation of trade secrets or corporate opportunities against the person that allegedly misappropriated the trade secret or corporate opportunity.
- (8) Enforcing a non disparagement agreement or a covenant not to compete against a party to the agreement or covenant.
- (9) Arising out of the internal affairs, governance, dissolution, liquidation, rights or obligations between or among stockholders or partners. This paragraph includes the interpretation of the rights or obligations under the governing organic law, articles of incorporation, bylaws and agreements.
- (10) Liability or indemnity of managers of business corporations, partnerships, limited partnerships, limited liability partnerships, professional associations, business trusts, joint ventures or other business enterprises. This paragraph includes the interpretation of the rights or obligations under the governing organic law, articles of incorporation, bylaws or agreements.

**E. Prior Session (Previous Bill Numbers & House/Senate Votes)**

Act 72 of 2024 (HB 1466), unanimously passed the House and Senate before being signed by the Governor.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1541 Session of  
2025

INTRODUCED BY HOHENSTEIN, M. BROWN, HILL-EVANS, SANCHEZ,  
WEBSTER, OLSOMMER, GALLAGHER, GUENST, KOZAK, WARREN AND  
OTTEN, JUNE 3, 2025

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 3, 2025

## AN ACT

1 Amending the act of July 9, 1970 (P.L.484, No.164), entitled "An  
2 act relating to indemnification agreements between  
3 architects, engineers or surveyors and owners, contractors,  
4 subcontractors or suppliers and indemnification agreements  
5 relating to snow removal or ice control services," providing  
6 for void and unenforceable provisions or terms in  
7 construction contracts and for insurance coverage for  
8 additional insureds; and making editorial changes.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. The title of the act of July 9, 1970 (P.L.484,  
12 No.164), entitled "An act relating to indemnification agreements  
13 between architects, engineers or surveyors and owners,  
14 contractors, subcontractors or suppliers and indemnification  
15 agreements relating to snow removal or ice control services," is  
16 amended to read:

17 AN ACT

18 Relating to indemnification agreements between architects,  
19 engineers or surveyors and owners, contractors,  
20 subcontractors or suppliers [and] indemnification agreements

1 relating to snow removal or ice control services[.] and  
2 indemnification agreements relating to construction  
3 contracts.

4 Section 2. The act is amended by adding sections to read:

5 Section 1.2. The following apply to provisions or terms in a  
6 construction contract which are void and unenforceable:

7 (1) A provision or term in a construction contract in which  
8 a party shall be indemnified, held harmless or insured for  
9 damages, claims, losses or expenses arising out of bodily injury  
10 to persons, damage to property or economic damage caused by or  
11 resulting from the party's negligence, in whole or in part,  
12 shall be void as against public policy and unenforceable.

13 (2) As used in this section:

14 (i) The term "construction contract" means a covenant,  
15 agreement or understanding in, or in connection with, a contract  
16 or agreement made and entered into by a party relative to the  
17 design, construction, reconstruction, alteration, repair,  
18 maintenance, demolition, servicing or security of a building,  
19 structure, highway, railroad, appurtenance, land development or  
20 appliance.

21 (ii) The term "party" means an owner, contractor,  
22 subcontractor, supplier, architect, engineer or land surveyor,  
23 or an agent or employee of an owner, contractor, subcontractor,  
24 supplier, architect, engineer or land surveyor.

25 Section 1.3. The following apply to insurance coverage for  
26 an additional insured:

27 (1) If a construction contract requires insurance coverage  
28 to be provided to an additional insured and the additional  
29 insured is added to the relevant general liability insurance  
30 policy prior to any loss involving the additional insured, the

1 insurance coverage afforded to the additional insured shall not  
2 be broader than that which is required by the construction  
3 contract to provide for the additional insured.

4 (2) The insurance coverage afforded to an additional insured  
5 in a construction contract shall only apply to the extent  
6 permitted by law.

7 (3) As used in this section:

8 (i) The term "additional insured" means an individual or  
9 entity that is added to a general liability insurance policy to  
10 extend coverage beyond the named insured to the individual or  
11 entity.

12 (ii) The term "construction contract" means as defined in  
13 section 1.2(2)(i).

14 Section 3. This act shall take effect in 60 days.

**LEGISLATIVE REFERENCE BUREAU**

## AMENDMENTS TO HOUSE BILL NO. 1541

Sponsor: Leadbeter

Printer's No. 1812

1 Amend Bill, page 1, lines 7 and 8, by striking out "and for  
2 insurance coverage for additional insureds"

3 Amend Bill, page 2, line 4, by striking out "sections" and  
4 inserting

5 a section

6 Amend Bill, page 2, line 8, by striking out "a party" and  
7 inserting

8 an indemnitee

9 Amend Bill, page 2, line 11, by striking out "party's" and  
10 inserting

11 indemnitee's

12 Amend Bill, page 2, lines 14 through 30; page 3, lines 1  
13 through 13; by striking out all of said lines on said pages and  
14 inserting

15 (i) The term "construction contract" means a covenant,  
16 promise, agreement or understanding in, or in connection with or  
17 collateral to, a contract, agreement or purchase order, relative  
18 to the construction, alteration, repair, maintenance, servicing  
19 or security of a building, structure, highway, railroad,  
20 appurtenance or appliance, including moving, demolition,  
21 excavating, grading, clearing, site preparation or development  
22 of real property connected therewith, purporting to indemnify or  
23 hold harmless the indemnitee against liability for damages  
24 arising out of bodily injury to persons or damage to property  
25 caused by or resulting from the negligence, in whole or in part,  
26 of the indemnitee.

27 (ii) The term "indemnitee" means an owner, general  
28 contractor or agent or employe of an owner or general contractor  
29 that presents a provision or term in a construction contract for

1 indemnification.

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

---

<b>Bill No:</b>	HB1541 PN1812	<b>Prepared By:</b>	Michelle Batt, Esq.
<b>Committee:</b>	Judiciary		(717) 705-1880,6792
<b>Sponsor:</b>	Hohenstein, Joe and Brown, Marla	<b>Executive Director:</b>	David Vitale, Esq.
<b>Date:</b>	8/6/2025		

---

### **A. Brief Concept**

Protects Pennsylvania construction contractors from being held liable for the negligence of others.

### **C. Analysis of the Bill**

This bill will void any provision in new construction contracts in which a party is indemnified, or excused from being held liable, for damages resulting from that party's negligence. This legislation will help protect Pennsylvania construction contractors from being forced to accept liability for someone else's negligence.

Specifically, this bill amends the act of July 9, 1970, entitled "An act relating to indemnification agreements between architects, engineers or surveyors and owners, contractors, subcontractors or suppliers and indemnification agreements relating to snow removal or ice control services," by modifying the title to add "and indemnification agreements relating to construction contracts" and adding Sections 1.2 and 1.3.

**Section 1.2** renders any indemnification clause in any construction contract void and unenforceable.

"Construction contract" means a covenant, agreement or understanding in, or in connection with, a contract or agreement made and entered into by a party relative to the design, construction, reconstruction, alteration, repair, maintenance, demolition, servicing or security of a building, structure, highway, railroad, appurtenance, land development or appliance.

"Party" means an owner, contractor, subcontractor, supplier, architect, engineer or land surveyor, or an agent or employee of an owner, contractor, subcontractor, supplier, architect, engineer or land surveyor.

**Section 1.3** relates to insurance coverage for an individual or entity that is added to a general liability insurance policy pursuant to the terms of a construction contract, limiting the additional coverage to that which is required by the construction contract.

"Additional insured" means an individual or entity that is added to a general liability insurance policy to extend coverage beyond the named insured to the individual or entity.

#### **Effective Date:**

60 Days.

### **G. Relevant Existing Laws**

**Act of Jul. 9, 1970, (P.L. 484, No. 164) - AN ACT** Relating to indemnification agreements between architects, engineers or surveyors and owners, contractors, subcontractors or suppliers and indemnification agreements relating to snow removal or ice control services.

Section 1. Every covenant, agreement or understanding in, or in connection with any contract or agreement made and entered into by owners, contractors, subcontractors or suppliers whereby an architect, engineer, surveyor or his agents, servants or employees shall be indemnified or held harmless for damages, claims, losses or expenses including attorneys' fees arising out of: (1) the preparation or approval by an architect, engineer, surveyor or his agents, servants, employees or invitees of maps, drawings, opinions, reports, surveys, change orders, designs or specifications, or (2) the giving of or the failure to give directions or instructions by the architect, engineer, surveyor or his agents, servants or employees provided such giving or failure to give is the primary cause of the damage, claim, loss or expense, shall be void as against public policy and wholly unenforceable.

Section 1.1. The following apply to snow removal or ice control services:

- (1) In a snow removal or ice control services contract between a provider and a receiver, any provision in the contract which provides that the receiver shall be indemnified, held harmless or insured by the provider from damages, claims, losses or expenses arising out of bodily injury to persons, damage to property or economic damage caused by or resulting from the receiver's negligences, in whole or in part, shall be void if the provider has been affirmatively directed not to perform the snow removal or ice control services by the receiver.
- (2) As used in this section, the term "snow removal or ice control services contract" means a contract or agreement for the performance of, or incidental to, any plowing of snow, relocation of snow or other removal of snow or mixed precipitation from a surface or deicing services. The term includes moving snow removal or deicing equipment or materials.
- (3) For the purposes of this section, a provider of snow removal or ice control services shall include agents and employees of the provider.

**E. Prior Session (Previous Bill Numbers & House/Senate Votes)**

None.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

# HOUSE BILL

No. 2118 Session of  
2026

---

INTRODUCED BY HILL-EVANS, BRENNAN, HOWARD, SANCHEZ, GUZMAN,  
D. WILLIAMS, BELLMON AND M. BROWN, JANUARY 7, 2026

---

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 8, 2026

---

AN ACT

- 1 Providing for museum unclaimed loaned property.
- 2 TABLE OF CONTENTS
- 3 Section 1. Short title.
- 4 Section 2. Legislative findings.
- 5 Section 3. Purpose of act.
- 6 Section 4. Definitions.
- 7 Section 5. Museum obligations to lenders.
- 8 Section 6. Lender obligations to museums.
- 9 Section 7. Liability.
- 10 Section 8. Termination of loans for unclaimed loaned property.
- 11 Section 9. Return or disposition of unclaimed loaned property.
- 12 Section 10. Title to unclaimed loaned property.
- 13 Section 11. Contractual obligations.
- 14 Section 12. Effect on other rights.
- 15 Section 13. Title to property acquired from museum.
- 16 Section 14. Expenses and conservation or protective measures.
- 17 Section 15. Effective date.

1       The General Assembly of the Commonwealth of Pennsylvania

2 hereby enacts as follows:

3 Section 1. Short title.

4       This act shall be known and may be cited as the Museum

5 Unclaimed Loaned Property Act.

6 Section 2. Legislative findings.

7       The General Assembly finds and declares the following:

8               (1) The residents of this Commonwealth have an interest  
9       in the growth and maintenance of museum collections and in  
10      the preservation and protection of unclaimed loaned property  
11      of artistic, historic, cultural or scientific value left in  
12      the custody of museums within this Commonwealth.

13              (2) Loans of property of artistic, historic, cultural or  
14       scientific value are made to museums to further educational  
15       purposes.

16              (3) When lenders of property for museums fail to stay in  
17       contact, museums must routinely store and care for the loaned  
18       property long after the loan periods have expired or should  
19       reasonably be deemed expired.

20              (4) Nevertheless, museums have limited rights to the use  
21       and treatment of unclaimed loaned property, all the while  
22       bearing substantial costs related to the storage,  
23       recordkeeping, climate control, security, periodic  
24       inspection, insurance, general overhead and conservation  
25       associated with the unclaimed loaned property.

26              (5) It is in the public's interest to:

27                  (i) Encourage museums and the lenders of property  
28       for museums to use due diligence in monitoring the loaned  
29       property.

30                  (ii) Allocate fair responsibilities between museums

1 and the lenders of property for museums.

2 (iii) Resolve expeditiously the issue of title of  
3 unclaimed loaned property left in the custody of museums.

4 Section 3. Purpose of act.

5 The purpose of this act is to establish uniform rules to  
6 govern the disposition of museum unclaimed loaned property.

7 Section 4. Definitions.

8 The following words and phrases when used in this act shall  
9 have the meanings given to them in this section unless the  
10 context clearly indicates otherwise:

11 "Claimant." An individual, corporation, partnership, trust,  
12 estate or similar organization that files notice of intent to  
13 preserve an interest in loaned property in the custody of a  
14 museum as provided in section 9(b).

15 "Lender." An individual, corporation, partnership, trust,  
16 estate or similar organization whose name appears on the records  
17 of a museum as the person legally entitled to control loaned  
18 property in the custody of the museum. The term includes a  
19 successor of an original lender.

20 "Loan." A transaction between a lender and a museum  
21 regarding property of the lender in which the museum maintains  
22 custody of the property.

23 "Loaned property." Property that is in the possession of a  
24 museum, accompanied by evidence that the lender of the property  
25 intended to retain title to the property and return to take  
26 physical possession of the property in the future.

27 "Museum." As follows:

28 (1) A public or private nonprofit agency or institution  
29 that:

30 (i) is located in this Commonwealth;

- (ii) is organized on a permanent basis for educational or aesthetic purposes; and
- (iii) owns or utilizes tangible objects, cares for tangible objects and exhibits tangible objects to the public on a regular basis.

(2) The term includes a historical society, park, historic site, historic monument, archive or library.

"Museum records." Documents that are created or held by a museum in the regular course of business of the museum.

"Property." A tangible or digital object that is in the custody of a museum and that has intrinsic historical, artistic, scientific or cultural value.

"Restricted certified mail." Certified mail that carries on  
the face, in a conspicuous place where it will not be  
obscured, the endorsement "deliver to addressee only" and for  
which the post office provides the mailer with a return receipt  
showing the date of delivery, the place of delivery and the  
person to whom delivered.

"Unclaimed loaned property." Property:

(1) that is on loan to a museum; and

(2) whose original lender, or any person acting legitimately on behalf of the lender, has not contacted the museum for at least 20 years from the beginning date of the loan of the property, if the loan of the property was for an indefinite or undetermined period or for at least five years after the date upon which the loan of the property for the definite period expired.

## Section 5. Museum obligations to lenders.

(a) Recordkeeping for new loaned property.--For property loaned to a museum on or after the effective date of this

1 subsection, the museum shall do all of the following at the time  
2 of the loan:

3 (1) Make and retain a written record containing at least  
4 all of the following:

5 (i) The name, address and telephone number of the  
6 lender.

7 (ii) A description of the loaned property in  
8 sufficient detail for ready identification.

9 (iii) The beginning date of the loan.

10 (iv) The expiration date of the loan.

11 (2) Provide the lender with a signed receipt or loan  
12 agreement containing at least the record specified in  
13 paragraph (1).

14 (3) Inform the lender of the existence of this act and  
15 provide the lender with a copy of this act upon request of  
16 the lender.

17 (b) Recordkeeping for existing loaned property.--Regardless  
18 of the date of the loan of property to a museum, the museum  
19 shall do all of the following:

20 (1) Update the records of the museum if:

21 (i) a lender informs the museum of a change of  
22 address or change in ownership of the loaned property; or

23 (ii) the lender and museum negotiate a change in the  
24 duration of the loan.

25 (2) Inform the lender of the existence of this act when  
26 renewing or updating the records of an existing loan and  
27 provide the lender with a copy of this act upon request of  
28 the lender.

29 Section 6. Lender obligations to museums.

30 (a) Required notices.--Notwithstanding the date of the loan

1 of property in the custody of a museum, a lender shall promptly  
2 notify the museum in writing of the following:

3 (1) A change of the address or telephone number of the  
4 lender.

5 (2) The name, address and telephone number of the  
6 successor of the lender.

7 (3) The name, address and telephone number of the  
8 designated agent of the owner of the loaned property.

9 (4) A change of the address or telephone number of the  
10 designated agent of the owner of the loaned property.

11 (5) A change in ownership of the loaned property and the  
12 name, address and telephone number of the new owner of the  
13 loaned property.

14 (b) Documentation establishing ownership.--A successor of a  
15 lender shall document passage of rights of control to the loaned  
16 property in the custody of the museum.

17 Section 7. Liability.

18 (a) Prejudice.--Unless there is evidence of bad faith or  
19 gross negligence, a museum shall not be prejudiced by reason of  
20 any failure to deal with the true owner of loaned property.

21 (b) Surrender of loaned property.--In a case of disputed  
22 ownership of loaned property, a museum shall not be held liable  
23 for its refusal to surrender loaned property in its possession  
24 except in reliance upon a court order or judgment.

25 Section 8. Termination of loans for unclaimed loaned property.

26 (a) Authorization.--A museum may terminate a loan for  
27 unclaimed loaned property in the museum's possession in  
28 accordance with this section.

29 (b) Search.--A museum shall make a good faith and reasonable  
30 search for the identity and last known address of the lender

1 from the museum records and other records reasonably available  
2 to the museum staff.

3 (c) Notice.--

4 (1) Following a search under subsection (b):

5 (i) If the museum identifies the lender and the  
6 lender's last known address, the museum shall give actual  
7 notice to the lender that the loan is terminated in  
8 accordance with paragraph (2).

9 (ii) If the identity or the last known address of  
10 the lender remains unknown, the museum shall give notice  
11 by publication in accordance with paragraph (3).

12 (2) Actual notice of termination by a museum of a loan  
13 for unclaimed loaned property shall be provided by a letter  
14 to the lender, which shall be sent by restricted certified  
15 mail to the last known address of the lender and which shall  
16 include the following information:

17 (i) The date of notice of termination.

18 (ii) The name of the lender.

19 (iii) A description of the loaned property in  
20 sufficient detail for ready identification.

21 (iv) The approximate initiating date of the loan and  
22 termination date, if applicable and known.

23 (v) The name and address of the designated museum  
24 official to be contacted regarding the loan.

25 (vi) A statement that within 90 days of the date of  
26 the notice of termination, the lender is required to  
27 remove the loaned property from the museum or contact the  
28 designated museum official to preserve the lender's  
29 interests in the loaned property and that failure to do  
30 so will result in the loss of all rights in the loaned

1 property in accordance with section 10.

2 (3) Notice by publication of termination by a museum of  
3 a loan for unclaimed loaned property shall be provided as  
4 follows:

5 (i) This paragraph only applies if:

6 (A) a search under subsection (b) is  
7 unsuccessful and the museum is unable to send actual  
8 notice in accordance with paragraph (2); or

9 (B) a signed return receipt of a notice sent by  
10 restricted certified mail under paragraph (2) is not  
11 received by the museum within 30 days after the  
12 notice was mailed.

13 (ii) The museum shall publish the notice of  
14 termination, which includes all the information that is  
15 specified under paragraph (2) and available to the  
16 museum, in a publication of general circulation in the  
17 county of the last known address of the lender, if known,  
18 and the county in which the museum is located. The  
19 following apply:

20 (A) The notice shall be published at least twice  
21 and at least 60 days apart.

22 (B) If the loan of property was made to a branch  
23 of the museum, the museum shall be deemed to be  
24 located in the county in which the branch is located.

25 Section 9. Return or disposition of unclaimed loaned property.

26 (a) Written claim by lender.--If a museum receives a written  
27 claim of ownership for loaned property for which notice was  
28 provided under section 8(c) (2) or (3), the museum shall return  
29 the loaned property to the lender or carry out the disposition  
30 of the loaned property as the lender requests, not later than 90

1 days after receipt of the written claim of ownership. The  
2 following apply:

3 (1) The lender shall advise the museum in writing as to  
4 the disposition of the loaned property or how the loaned  
5 property is to be returned to the lender.

6 (2) Any costs incurred as a result of returning the  
7 loaned property or the disposition of the loaned property  
8 shall be the responsibility of the lender, unless the lender  
9 and the museum have mutually agreed to alternate  
10 arrangements.

11 (b) Written claim by others.--If a museum receives a written  
12 claim of ownership for loaned property for which notice was  
13 provided under section 8(c)(2) or (3) from a person other than  
14 the lender or lender's agent on record with the museum, the  
15 museum shall determine if the ownership claim is valid not later  
16 than 90 days after receipt of the written claim of ownership.

17 The following apply:

18 (1) A claimant shall submit proof of ownership to the  
19 museum with the written claim of ownership.

20 (2) If more than one person submits a written claim of  
21 ownership, the museum may delay its determination of  
22 ownership until the competing claims are resolved by  
23 agreement or legal action.

24 (3) If the museum determines that the written claim of  
25 ownership is valid or if the competing claims are resolved by  
26 agreement or legal action, the museum shall return the loaned  
27 property to the claimant submitting the valid claim of  
28 ownership or dispose of the loaned property as the valid  
29 claimant requests.

30 (4) Any costs incurred as a result of returning the

1       loaned property or the disposition of the loaned property  
2       shall be the responsibility of the valid claimant, unless the  
3       valid claimant and the museum have mutually agreed to  
4       alternate arrangements.

5       Section 10. Title to unclaimed loaned property.

6       (a) Conditions.--As of the effective date of this  
7       subsection, a museum acquires title to unclaimed loaned property  
8       under any of the following circumstances:

9               (1) For loaned property for which a museum provides  
10          actual notice to a lender in accordance with section 8(c)(2)  
11          and a signed receipt is received, if a lender of that loaned  
12          property does not contact the museum within 90 days after the  
13          date notice was received.

14               (2) For loaned property for which notice by publication  
15          is made in accordance with section 8(c)(3), if a lender or  
16          any person claiming a legal interest in that loaned property  
17          does not contact the museum within 90 days after the date of  
18          the second publication of the notice.

19       (b) Effect of act.--Nothing in this act shall preclude a  
20       museum from availing itself of any other means of establishing  
21       or perfecting title to property in the possession of the museum.

22       Section 11. Contractual obligations.

23       Notwithstanding the other provisions of this act, a lender  
24       and museum may bind themselves to different loan provisions by  
25       written contract.

26       Section 12. Effect on other rights.

27       (a) Escheat.--Property on loan to a museum shall not escheat  
28       to the Commonwealth under Article XIII.1 of the act of April 9,  
29       1929 (P.L.343, No.176), known as The Fiscal Code, or any other  
30       law of this Commonwealth, but shall pass to the museum in

1 accordance with section 10.

2 (b) Federal law.--This act shall not apply to property in  
3 the possession of a museum under 25 U.S.C. Ch. 32 (relating to  
4 Native American Graves Protection and Repatriation).

5 (c) Stolen property.--This act shall not apply to property  
6 that is reported as stolen to a law enforcement agency, insurer  
7 or the art loss register, or a successor organization having  
8 similar purposes, no later than three years following the theft  
9 or discovery of the theft, or was created before 1945 and  
10 changed hands due to theft, seizure, confiscation, forced sale  
11 or other involuntary means in Europe during the Nazi era between  
12 1933 and 1945.

13 (d) Other property interests.--Property interests other than  
14 those specifically addressed in this act are not altered by this  
15 act.

16 Section 13. Title to property acquired from museum.

17 A museum that acquires title to unclaimed loaned property  
18 under this act passes good title to another person when  
19 transferring that property with the intent to pass title.

20 Section 14. Expenses and conservation or protective measures.

21 (a) Lien authorized.--As of the effective date of this  
22 subsection, a museum shall have a lien for expenses for the  
23 reasonable care of unclaimed loaned property after the  
24 expiration date of the loan.

25 (b) Conditions required to apply conservation or protective  
26 measures.--Unless the written loan agreement for the property  
27 provides otherwise, a museum may apply conservation or  
28 protective measures to loaned property without the permission of  
29 the lender or formal notice to the lender if:

30 (1) Action is required to:

(i) protect the loaned property or other property in the possession of the museum; or

(ii) protect the health and safety of the public or museum staff because the loaned property is a hazard.

(2) Any of the following applies:

(i) The museum is unable to contact the lender at the address on record for the lender within five business days before the time in which the museum determines that action is necessary.

(ii) The lender does not:

(A) respond or agree to the conservation or protective measures recommended by the museum; and

(B) terminate the loan and take possession of the loaned property on or before the fifth business day after the museum contacts the lender.

16 (c) Amount of lien.--If a museum applies conservation or  
17 protective measures to loaned property under this act, or with  
18 the agreement of the lender, unless the written loan agreement  
19 for the loaned property provides otherwise, the museum shall  
20 acquire a lien on the loaned property in an amount equal to the  
21 costs incurred by the museum for the conservation or protective  
22 measures taken.

23 (d) Liability.--A museum shall not be liable for injury to  
24 or loss of loaned property for which conservation or protective  
25 measures were taken under this act, if all of the following  
26 apply:

(1) The museum had a reasonable belief at the time that the conservation or protective measures were taken that:

(i) the measures were necessary to protect the loaned property or other property in the possession of

1                   the museum; or

2                   (ii)   the loaned property was a hazard to the health  
3                   and safety of the public or museum staff.

4                   (2)   The museum exercised reasonable care in the choice  
5                   and application of the conservation or protective measures.

6   Section 15.   Effective date.

7                   This act shall take effect in 60 days.

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

**Bill No:** HB2118 PN2739  
**Committee:** Judiciary  
**Sponsor:** Hill-Evans, Carol  
**Date:** 1/23/2026

**Prepared By:** Marissa Itterly  
(717) 705-1880,6312  
**Executive Director:** David Vitale, Esq.

### **A. Brief Concept**

Establishes the Museum Unclaimed Loaned Property Act to institute uniform rules to govern the disposition of museum unclaimed loaned property.

### **C. Analysis of the Bill**

This legislation would establish the Museum Unclaimed Loaned Property Act to institute uniform rules to govern the disposition of museum unclaimed loaned property. This bill will allow Pennsylvania's private and not-for profit museums and historical societies to establish title to property that has been donated or left with them after a loan period has terminated and the lender could not be found.

"Museum" is defined in the bill as:

- A public or private nonprofit agency or institution that is:
  - located in the Commonwealth;
  - organized on a permanent basis for educational or aesthetic purposes; and
  - owns or utilizes tangible objects, cares for tangible objects, and exhibits tangible objects to the public on a regular basis.

The term would include a historical society, park, historic site, historic monument, archive, or library.

### **MUSEUM OBLIGATIONS TO LENDERS**

For property loaned to a museum on or after the effective date of this legislation, the museum would be required to make and retain a written record containing the contact information of the lender and a description of the loaned property in sufficient detail for ready identification, the beginning date and expiration date of the loan and provide the lender a signed receipt or loan agreement. They must also inform the lender of the existence of this act and provide the lender with a copy of this act upon request of the lender.

For existing loaned property, regardless of the date of the loan of property to a museum, the museum is required to update the records of the museum if a lender informs the museum of a change of address or change in ownership of the loaned property; or the lender and museum negotiate a change in the duration of the loan. They must also inform the lender of the enactment of this legislation when renewing or updating the records of an existing loan and provide the lender with a copy of this act upon request of the lender.

### **LENDER OBLIGATIONS TO MUSEUM**

Regardless of the date of the loan of property in the custody of a museum, a lender is required to promptly notify the museum if their contact information changes, the contact information of the successor or designated agent of the lender changes or if there is a change in ownership of the property. If there is a change in ownership, they shall provide the museum the contact information of the new owner. A successor of a lender would be required to document passage of rights of control to the loaned property in the custody of the museum.

### **LIABILITY**

Unless there is evidence of bad faith or gross negligence, a museum will not be held liable for failure to deal with the true owner of the loaned property. In a case of disputed ownership of loaned property, a museum could not be held liable for its refusal to surrender loaned property in its possession except in reliance upon a court order or judgment.

## **TERMINATION OF LOANS FOR UNCLAIMED LOANED PROPERTY**

A museum could terminate a loan for unclaimed loaned property in the museum's possession as long as they make a good faith and reasonable search for the identity and last known address of the lender from the museum records and other records reasonably available to the museum staff.

If the museum identifies the lender, the museum is required to give actual notice to the lender that the loan is terminated as follows:

- Actual notice of termination by a museum of a loan for unclaimed loaned property is required to be provided by a letter to the lender, which must be sent by restricted certified mail to the last known address of the lender, and which must include the following information:
  - The date of notice of termination.
  - The name of the lender.
  - A description of the loaned property in sufficient detail for ready identification.
  - The approximate initiating date of the loan and termination date, if applicable and known.
  - The name and address of the designated museum official to be contacted regarding the loan.
  - A statement that within 90 days of the date of the notice of termination, the lender would be required to remove the loaned property from the museum or contact the designated museum official to preserve the lender's interests in the loaned property and that failure to do so will result in the loss of all rights in the loaned property.

If the identity or the last known address of the lender remains unknown, the museum is required to give notice by publication in accordance with the following:

- Notice by publication of termination by a museum of a loan for unclaimed loaned property would be required to be provided if a search is unsuccessful and the museum is unable to send actual notice, or a signed return receipt of a notice sent by restricted certified mail is not received by the museum within 30 days after the notice was mailed.
- The museum would be required to publish the notice of termination, which includes all the information that is specified and available to the museum, in a publication of general circulation in the county of the last known address of the lender, if known, and the county in which the museum is located. The following apply:
  - The notice would be required to be published at least twice and at least 60 days apart.
  - If the loan of property was made to a branch of the museum, the museum would be deemed to be located in the county in which the branch is located.

## **RETURN OR DISPOSITION OF UNCLAIMED LOANED PROPERTY**

If a museum receives a written claim of ownership for loaned property for which notice was provided, the museum is required to return the loaned property to the lender or carry out the disposition and the following applies:

- The lender is required to advise the museum in writing as to the disposition of the loaned property or how the loaned property is to be returned to the lender.
- Any costs incurred as a result of returning the loaned property or the disposition of the loaned property is the responsibility of the lender unless the lender and the museum have mutually agreed to alternate arrangements.

If a museum receives a written claim of ownership for loaned property for which notice was provided from a person other than the lender or lender's agent on record with the museum, the museum is required to determine if the ownership claim is valid not later than 90 days after receipt of the written claim of ownership and the following applies:

- A claimant would be required to submit written proof of ownership to the museum.
- If more than one person submits a written claim of ownership, the museum could delay its determination of ownership until the competing claims are resolved by agreement or legal action.
- If the museum determines that the written claim of ownership is valid or if the competing claims are resolved by agreement or legal action, the museum is required to return the loaned property to the claimant submitting the valid claim of ownership or dispose of the loaned property as the valid claimant requests.
- Any costs incurred as a result of returning the loaned property as the lender requests is the responsibility of the valid claimant, unless the valid claimant and the museum have mutually agreed to alternate arrangements.

## **TITLE TO UNCLAIMED LOANED PROPERTY**

As of the effective date of this legislation, a museum would acquire title to unclaimed loaned property under any of the following circumstances:

- For loaned property for which a museum provides actual notice to a lender and a signed receipt is received and a lender of that loaned property does not contact the museum within 90 days after the date notice was received.
- For loaned property for which notice by publication is made, if a lender or any person claiming a legal interest in that loaned property does not contact the museum within 90 days after the date of the second publication of the notice.

Nothing would preclude a museum from availing itself of any other means of establishing or perfecting title to property in the possession of the museum.

## **OTHER CONSIDERATIONS**

Property on loan to a museum would not escheat (forfeit) to the state treasury if there are no heirs or named beneficiaries to take the property upon the death of the last known owner but instead pass to the museum.

This legislation does not apply to property in the possession of a museum under the Native American Graves Protection and Repatriation Act.

This legislation does not apply to property that is reported as stolen to a law enforcement agency, insurer or the art loss register, or a successor organization having similar purposes, no later than three years following the theft or discovery of the theft, or was created before 1945 and changed hands due to theft, seizure, confiscation, forced sale or other involuntary means in Europe during the Nazi era between 1933 and 1945.

A museum that acquires title to unclaimed loaned property under this legislation passes good title to another person when transferring that property with the intent to pass title.

As of the effective date of this legislation, a museum would have a lien for expenses for the reasonable care of unclaimed loaned property after the expiration date of the loan.

### **Effective Date:**

60 Days.

### **G. Relevant Existing Laws**

This is freestanding legislation. The History Code in Title 37 (Historical and Museums) provides for the powers and duties of Pennsylvania Historical and Museum Commission.

There is no comprehensive, universally applied statute under Pennsylvania or federal law that governs unclaimed loaned property at museums. Museums generally rely on common law doctrines regarding abandoned or lost property. Under common law, museums must make a reasonable, good-faith effort to locate the lender or owner before claiming ownership or disposing of long-unclaimed items. Failure to do so legally could expose a museum to claims of

conversion or wrongful possession. See Commonwealth v. Wetmore, 447 A.2d 1012 (Pa. Super. 1982) (abandoned property cannot be the subject of larceny); Hamaker v. Blanchard, 35 Am.St.Rep. 664 (Pa. 1879) (a finder of lost or abandoned property generally has rights superior to everyone except the true owner).

**E. Prior Session (Previous Bill Numbers & House/Senate Votes)**

Last session, SB 228 (Phillips-Hill) unanimously passed the Senate on February 7, 2024, and unanimously passed the House State Government Committee on October 1, 2024.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

## HOUSE BILL

No. 2124 Session of  
2026

---

INTRODUCED BY BONNER, BRIGGS, HANBIDGE, VENKAT, HOHENSTEIN,  
SHUSTERMAN, SMITH, RIVERA, GALLAGHER, ZIMMERMAN, SOLOMON,  
BOYD AND SCIALABBA, JANUARY 9, 2026

---

---

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 9, 2026

---

## AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the  
2 Pennsylvania Consolidated Statutes, providing for uniform  
3 real property transfer on death.

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

6 Section 1. Title 20 of the Pennsylvania Consolidated  
7 Statutes is amended by adding chapters to read:

8 CHAPTER 21A

9 (Reserved)

10 CHAPTER 21B

11 UNIFORM REAL PROPERTY TRANSFER ON DEATH

12 Sec.

13 21B01. Short title of chapter.

14 21B02. Definitions.

15 21B03. Applicability.

16 21B04. Nonexclusivity.

17 21B05. Transfer on death deed authorized.

18 21B06. Transfer on death deed revocable.

- 1 21B07. Transfer on death deed nontestamentary.
- 2 21B08. Capacity of transferor.
- 3 21B09. Requirements.
- 4 21B10. Notice, delivery, acceptance and consideration not  
5 required.
- 6 21B11. Revocation.
- 7 21B12. Effect of transfer on death deed during transferor's  
8 life.
- 9 21B13. Effect of transfer on death deed on transferor's death  
10 or divorce.
- 11 21B14. Slayer or elder abuser.
- 12 21B15. Disclaimer.
- 13 21B16. Simultaneous death.
- 14 21B17. Elective share.
- 15 21B18. Liability for creditor claims and statutory allowances.
- 16 21B19. Warning.
- 17 21B20. Optional form of deed.
- 18 21B21. Optional form of revocation.
- 19 21B22. Prior deeds.
- 20 § 21B01. Short title of chapter.

21 This chapter shall be known and may be cited as the Uniform  
22 Real Property Transfer on Death Act.

23 § 21B02. Definitions.

24 The following words and phrases when used in this chapter  
25 shall have the meanings given to them in this section unless the  
26 context clearly indicates otherwise:

27 "Beneficiary." A person that receives property under a  
28 transfer on death deed.

29 "Designated alternate beneficiary." A person that receives  
30 property under a transfer on death deed when the designated

1 beneficiary predeceases the transferor.

2       "Designated beneficiary." A person designated to receive  
3 property in a transfer on death deed.

4       "Joint owner." An individual who owns property concurrently  
5 with one or more other individuals with a right of survivorship.  
6 The term includes a joint tenant, owner of property with a right  
7 of survivorship and tenant by the entirety. The term does not  
8 include a tenant in common.

9       "Lapse." When a designated beneficiary predeceases a  
10 transferor and no designated alternate beneficiary is named.

11       "Person." An individual, corporation, business trust,  
12 estate, trust, partnership, limited liability company,  
13 association, joint venture, public corporation, government or  
14 governmental subdivision, agency or instrumentality or any other  
15 legal or commercial entity.

16       "Property." An interest in real property located in this  
17 Commonwealth which is transferable on the death of the owner.

18       "Transfer on death deed." A deed authorized under this  
19 chapter.

20       "Transferor." An individual who makes a transfer on death  
21 deed.

22 § 21B03. Applicability.

23       This chapter applies to a transfer on death deed made before,  
24 on or after the effective date of this section by a transferor  
25 dying on or after the effective date of this section.

26 § 21B04. Nonexclusivity.

27       This chapter does not affect any method of transferring  
28 property otherwise permitted under the law of this Commonwealth.

29 § 21B05. Transfer on death deed authorized.

30       An individual may transfer property to one or more

1 beneficiaries effective at the transferor's death by a transfer  
2 on death deed. The transfer may be made to a custodian under  
3 Chapter 53 (relating to Pennsylvania Uniform Transfers to Minors  
4 Act).

5 § 21B06. Transfer on death deed revocable.

6 A transfer on death deed is revocable even if the deed or  
7 another instrument contains a contrary provision.

8 § 21B07. Transfer on death deed nontestamentary.

9 A transfer on death deed is nontestamentary.

10 § 21B08. Capacity of transferor.

11 The capacity required to make or revoke a transfer on death  
12 deed is the same as the capacity required to make a will.

13 § 21B09. Requirements.

14 A transfer on death deed:

15 (1) except as otherwise provided in paragraph (2), must  
16 contain the essential elements and formalities of a properly  
17 recordable deed;

18 (2) must state that the transfer to the designated  
19 beneficiary is to occur at the transferor's death; and

20 (3) must be recorded before the transferor's death in  
21 the public records in the office of the county recorder of  
22 deeds of the county where the property is located.

23 § 21B10. Notice, delivery, acceptance and consideration not  
24 required.

25 A transfer on death deed is effective without:

26 (1) notice or delivery to or acceptance by the  
27 designated beneficiary during the transferor's life; or  
28 (2) consideration.

29 § 21B11. Revocation.

30 (a) Revocation authorized.--Subject to subsection (b), an

1 instrument is effective to revoke a transfer on death deed  
2 recorded as required by section 21B09(3) (relating to  
3 requirements), or any part of it, only if the instrument:

4 (1) is one of the following:

5 (i) a transfer on death deed that revokes the deed  
6 or part of the deed expressly or by inconsistency;  
7 (ii) an instrument of revocation that expressly  
8 revokes the deed or part of the deed; or  
9 (iii) a deed that revokes the transfer on death deed  
10 or part of the deed expressly or by inconsistency; and  
11 (2) is acknowledged by the transferor after the  
12 acknowledgment of the transfer on death deed being revoked  
13 and recorded before the transferor's death in the office of  
14 the county recorder of deeds of the county where the transfer  
15 on death deed is recorded.

16 (b) More than one transferor.--If a transfer on death deed  
17 is made by more than one transferor, the following apply:

18 (1) revocation by a transferor does not affect the deed  
19 as to the interest of another transferor; and  
20 (2) a transfer on death deed made by joint owners is  
21 revoked only if it is revoked by all the living joint owners.

22 (c) Transfer not limited.--This section does not limit a  
23 transferor's ability to transfer the property during the  
24 transferor's life.

25 § 21B12. Effect of transfer on death deed during transferor's  
26 life.

27 (a) General rule.--During a transferor's life, a transfer on  
28 death deed does not:

29 (1) affect an interest or right of the transferor or any  
30 other owner, including the right to transfer or encumber the

1 property;

2       (2) affect an interest or right of a transferee, even if  
3       the transferee has actual or constructive notice of the deed;

4       (3) affect an interest or right of a secured or  
5       unsecured creditor or future creditor of the transferor, even  
6       if the creditor has actual or constructive notice of the  
7       deed;

8       (4) confer any interest in the property to the  
9       designated beneficiary or affect the designated beneficiary's  
10      eligibility for any public benefit;

11      (5) create a legal or equitable interest in favor of the  
12      designated beneficiary; or

13      (6) subject the property to claims or process of a  
14      creditor of the designated beneficiary.

15    (b) Not an asset transfer.--During a transferor's life, a  
16    transfer on death deed shall not be deemed an asset transfer of  
17    the property for assessing the transferor's eligibility for any  
18    public benefit.

19    § 21B13. Effect of transfer on death deed on transferor's death  
20      or divorce.

21    (a) Death of transferor.--Except as otherwise provided in  
22    the transfer on death deed or this section, on the death of the  
23    transferor, the following rules apply to property that is the  
24    subject of a transfer on death deed and owned by the transferor  
25    at death:

26      (1) Subject to paragraph (2), the interest in the  
27      property is transferred to the designated beneficiary in  
28      accordance with the deed.

29      (2) The interest of a designated beneficiary is  
30      contingent on the designated beneficiary surviving the

1 transferor. The interest of a designated beneficiary that  
2 fails to survive the transferor lapses. If there are multiple  
3 designated beneficiaries, the effect of a lapse under this  
4 paragraph results in the transfer of the interest of the  
5 deceased designated beneficiary to the surviving  
6 beneficiaries. If all designated beneficiaries predecease the  
7 transferor, the beneficiaries' interests terminate and the  
8 property passes with the transferor's estate.

9 (3) If the transferor has identified two or more  
10 designated beneficiaries to receive concurrent interests in  
11 the property, and the share of one or more designated  
12 beneficiaries lapses or fails for any reason, the share or  
13 shares shall be transferred to the remaining designated  
14 beneficiaries in proportion to the interest of each in the  
15 remaining part of the property held concurrently.

16 (4) Subject to paragraph (3), concurrent interests are  
17 transferred to the beneficiaries in equal and undivided  
18 shares with no right of survivorship.

19 (b) Divorce.--If the transferor and designated beneficiary  
20 are married to each other when the transfer on death deed is  
21 made, the following rules apply:

22 (1) If a divorce decree is issued after the transfer on  
23 death deed was made and no deed was recorded subsequent to  
24 the issuance of the decree, section 2507(2) (relating to  
25 modification of circumstances) shall apply to the interest of  
26 the designated beneficiary as if the transfer of the property  
27 was a bequest in the transferor's will.

28 (2) If the transferor dies before the issuance of a  
29 divorce decree, section 2507(2) shall apply to the interest  
30 of the designated beneficiary as if the transfer of the

1       property was a bequest in the transferor's will.

2       (c) Beneficiary subject to interests.--Subject to section 1  
3       of the act of April 24, 1931 (P.L.48, No.40), entitled "An act  
4       requiring the recording of certain written agreements pertaining  
5       to real property, and prescribing the effect thereof as to  
6       subsequent purchasers, mortgagees, and judgment creditors of the  
7       parties thereto," a beneficiary takes the property subject to  
8       all conveyances, encumbrances, assignments, contracts,  
9       mortgages, liens and other interests to which the property is  
10       subject at the transferor's death. For purposes of this  
11       subsection and section 1 of the act of April 24, 1931 (P.L.48,  
12       No.40), the recording of the transfer on death deed is deemed to  
13       have occurred at the transferor's death.

14       (d) Joint owners.--

15       (1) If a transferor is a joint owner who dies and:

16           (i) is survived by one or more other joint owners,  
17           the property that is the subject of a transfer on death  
18           deed belongs to the surviving joint owner or owners with  
19           right of survivorship; or

20           (ii) is the last surviving joint owner, the property  
21           that is the subject of a transfer on death deed belongs  
22           to the designated beneficiary or beneficiaries.

23       (2) If the property that is the subject of a transfer on  
24       death deed is held as tenants by the entireties and becomes  
25       property held by tenants in common under other law of this  
26       Commonwealth as a result of the divorce of the joint owners,  
27       the interest of the designated beneficiary or beneficiaries  
28       lapses.

29       (e) No covenant or warranty of title.--Notwithstanding the  
30       provisions of any other law of this Commonwealth, a transfer on

1 death deed transfers property without covenant or warranty of  
2 title even if the deed contains a contrary provision.

3 (f) Exempt from realty transfer tax.--A transfer of property  
4 pursuant to a transfer on death deed shall be exempt from the  
5 State and local realty transfer tax under Articles XI-C and XI-D  
6 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax  
7 Reform Code of 1971, section 301.1 of the act of December 31,  
8 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act,  
9 and the act of August 5, 1932 (Sp.Sess., P.L.45, No.45),  
10 referred to as the Sterling Act.

11 (g) Due-on-sale provisions.--A lender shall not exercise a  
12 due-on-sale clause upon a transfer on death under this chapter  
13 to the extent prohibited by 12 U.S.C. § 1701j-3(d) (relating to  
14 preemption of due-on-sale prohibitions) or other law.  
15 § 21B14. Slayer or elder abuser.

16 A slayer or elder abuser as defined in section 8801 (relating  
17 to definitions) of a transferor shall be deemed to have  
18 predeceased the transferor as to property which would have  
19 passed to the slayer or elder abuser through a transfer on death  
20 deed.

21 § 21B15. Disclaimer.

22 A beneficiary may disclaim all or part of the beneficiary's  
23 interest in property to be transferred under a transfer on death  
24 deed by recording a disclaimer under Chapter 62 (relating to  
25 disclaimers). An interest that is disclaimed under this section  
26 is deemed to have lapsed.

27 § 21B16. Simultaneous death.

28 If all transferors and designated beneficiaries die  
29 simultaneously, the property to be transferred under a transfer  
30 on death deed shall vest in the estates of the designated

1 beneficiaries.

2 § 21B17. Elective share.

3 Property transferred under a transfer on death deed shall be  
4 considered part of the transferor's probate estate for purposes  
5 of a spouse's right to an elective share under Chapter 22  
6 (relating to elective share of surviving spouse).

7 § 21B18. Liability for creditor claims and statutory  
8 allowances.

9 (a) Enforcement by probate estate.--To the extent a  
10 transferor's probate estate is insufficient to satisfy an  
11 allowed claim against the estate or a statutory allowance to a  
12 surviving spouse, the estate may enforce the liability against  
13 property transferred at the transferor's death by a transfer on  
14 death deed.

15 (b) Apportionment.--If more than one property is transferred  
16 by one or more transfer on death deeds, the liability under  
17 subsection (a) is apportioned among the properties in proportion  
18 to their net values at the transferor's death.

19 (c) Proceeding to enforce.--A proceeding to enforce the  
20 liability under this section must be commenced not later than 18  
21 months after the transferor's death.

22 § 21B19. Warning.

23 (a) Requirement.--A transfer on death deed shall contain the  
24 following warnings:

25 WARNING: The property transferred remains subject to  
26 inheritance taxation in Pennsylvania to the same extent that  
27 it would if the transferor did not execute this transfer on  
28 death deed. Failure to timely pay inheritance taxes is  
29 subject to interest and penalties as provided by law.

30 WARNING: The property transferred remains subject to

claims for Medicaid Estate Recovery reimbursement to the extent necessary to discharge any such claim remaining after application of the assets of the transferor's estate.

WARNING: If your designated beneficiary dies before you, the property will not transfer to them. If your designated beneficiary dies before you, you may wish to redo this deed or consult a lawyer.

(b) Validity.--A transfer on death deed recorded as required by section 21B09(3) (relating to requirements) shall be valid notwithstanding the existence of any defects in the wording of the warnings required by this section or for failure to include any warning.

§ 21B20. Optional form of deed.

The following form may be used to create a transfer on death deed. The other sections of this chapter govern the effect of this or any other instrument used to create a transfer on death deed:

(front of form)

REVOCABLE TRANSFER ON DEATH DEED

NOTICE TO OWNER

You should carefully read all information on the other side of this form. You May Want to Consult a Lawyer Before Using This Form.

This form must be recorded before your death, or it will not be effective.

#### IDENTIFYING INFORMATION

Owner or Owners Making This Deed:

---

Published by  Springer Nature Ltd. 2019

Printed name Mailing address

Legal description of the property:

DESIGNATED BENEFICIARY

I designate the following beneficiary if the beneficiary survives me.

Printed name Mailing address

#### Relationship to owner or owners - Optional

DESIGNATED ALTERNATE BENEFICIARY - Optional

If my primary beneficiary does not survive me, I designate  
the following alternate beneficiary if that beneficiary survives me:

Printed name Mailing address

#### Relationship to owner or owners - Optional

TRANSFER ON DEATH

At my death, I transfer my interest in the described property  
the beneficiaries as designated above.

Before my death, I have the right to revoke this deed.

SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED

( SEAL )

Signature \_\_\_\_\_ Date \_\_\_\_\_

SEAL)

Signature \_\_\_\_\_ Date \_\_\_\_\_

26        WARNING: The property transferred remains subject to  
27        inheritance taxation in Pennsylvania to the same extent that it  
28        would if the transferor did not execute this transfer on death  
29        deed. Failure to timely pay inheritance taxes is subject to  
30        interest and penalties as provided by law.

1        WARNING: The property transferred remains subject to claims  
2        for Medicaid Estate Recovery reimbursement to the extent  
3        necessary to discharge any such claim remaining after  
4        application of the assets of the transferor's estate.

5        WARNING: If your designated beneficiary dies before you, the  
6        property will not transfer to them. If your designated  
7        beneficiary dies before you, you may wish to redo this deed or  
8        consult a lawyer.

9        ACKNOWLEDGMENT

10        (insert acknowledgment for deed here)

11        (back of form)

12        COMMON QUESTIONS ABOUT THE USE OF THIS FORM

13        What does the Transfer on Death (TOD) deed do? When you die,  
14        this deed transfers the described property, subject to any liens  
15        or mortgages (or other encumbrances) on the property at your  
16        death. Probate is not required. The TOD deed has no effect until  
17        you die. You can revoke it at any time. You are also free to  
18        transfer the property to someone else during your lifetime. If  
19        you do not own any interest in the property when you die, this  
20        deed will have no effect.

21        How do I make a TOD deed? Complete this form or draft a  
22        transfer on death deed on your own or with legal assistance.  
23        Have it acknowledged (notarized) before a notary public. Record  
24        the form in each county where any part of the property is  
25        located. The form has no effect unless it is acknowledged  
26        (notarized) and recorded before your death.

27        Is the "legal description" of the property necessary? Yes.

28        How do I find the "legal description" of the property? This  
29        information may be on the deed you received when you became an  
30        owner of the property. This information is also available in the

1 office of the county recorder of deeds for the county where the  
2 property is located. It is very important to obtain the proper  
3 "legal description" of the property. If you are not absolutely  
4 sure, consult a lawyer.

5 Can I change my mind before I record the TOD deed? Yes. If  
6 you have not yet recorded the deed and want to change your mind,  
7 simply tear up or otherwise destroy the deed.

8 How do I "record" the TOD deed? Take the completed and  
9 acknowledged form to the office of the county recorder of deeds  
10 of the county where the property is located. Follow the  
11 instructions given by the county recorder to make the form part  
12 of the official property records. If the property is in more  
13 than one county, you should record the deed in each county.

14 Does the TOD deed allow my beneficiary to avoid inheritance  
15 taxes, Medicaid Estate Recovery or other debts I may have? No.  
16 Your beneficiary is still responsible for ensuring that your  
17 debts are paid, including inheritance taxes and Medicaid Estate  
18 Recovery.

19 Can I later revoke the TOD deed if I change my mind? Yes.  
20 You can revoke the TOD deed. No one, including the  
21 beneficiaries, can prevent you from revoking the deed.

22 How do I revoke the TOD deed after it is recorded? There are  
23 three ways to revoke a recorded TOD deed:

24 (1) Complete and acknowledge a revocation form and  
25 record it in each county where the property is located.

26 (2) Complete and acknowledge a new TOD deed that  
27 disposes of the same property and record it in each county  
28 where the property is located.

29 (3) Record a deed that transfers the property to someone  
30 else during your lifetime. You may not revoke the TOD deed in

your will.

I am being pressured to complete this form. What should I do?

Do not complete this form under pressure. Seek help from a trusted family member, friend or lawyer. You may be able to get free legal advice from a legal services organization.

Do I need to tell the beneficiaries about the TOD deed? No, it is recommended. Secrecy can cause later complications and might make it easier for others to commit fraud.

I have other questions about this form. What should I do?

This form is designed to fit some but not all situations. If you have other questions, you are encouraged to consult a lawyer.  
You may be able to get free legal advice from a legal services organization.

§ 21B21. Optional form of revocation.

The following form may be used to create an instrument of revocation of a transfer on death deed. The other sections of this chapter govern the effect of this or any other instrument used to revoke a transfer on death deed.

(front of form)

REVOCATION OF TRANSFER ON DEATH DEED

NOTICE TO OWNER

This revocation must be recorded before you die or it will not be effective.

If you are the only owner of this property, this revocation form voids the transfer on death deed(s) you have previously signed and recorded, as long as you properly complete this revocation form and record it before your death.

If you own this property as a "tenant in common" with other people, this revocation form voids only your proportional interest in the transfer on death deed(s) you have previously

1 signed and recorded, as long as you properly complete this  
2 revocation form and record it before your death.  
3 If you own this property as a "joint tenant" or as a "tenant  
4 by the entirety" with another person(s) who is still alive, this  
5 revocation is not valid unless those other living person(s) also  
6 sign the revocation form.

7 IDENTIFYING INFORMATION

8 Owner or Owners of Property Making This Revocation:

9 Printed name Mailing address

10 Printed name Mailing address

11 Legal description of the property:

12 REVOCATION

13 I revoke all my previous transfers of this property by  
14 transfer on death deed.

15 SIGNATURE OF OWNER OR OWNERS MAKING THIS REVOCATION

16 Signature (SEAL)

17 Signature Date

18 (SEAL)

19 Signature Date

20 ACKNOWLEDGMENT

21 (insert acknowledgment here)

22 (back of form)

23 COMMON QUESTIONS ABOUT THE USE OF THIS FORM

24 How do I use this form to revoke a Transfer on Death (TOD)  
25 deed? Complete this form. Have it acknowledged (notarized)  
26 before a notary public or other individual authorized to take  
27 acknowledgments. Record the form in the public records in the

1 office of the county recorder of deeds of each county where the  
2 property is located. The form must be acknowledged (notarized)  
3 and recorded before your death or it has no effect.

4 How do I find the "legal description" of the property? This  
5 information may be on the TOD deed. It may also be available in  
6 the office of the county recorder of deeds for the county where  
7 the property is located. If you are not absolutely sure, consult  
8 a lawyer.

9 How do I "record" the form? Take the completed and  
10 acknowledged (notarized) form to the office of the county  
11 recorder of deeds of the county where the property is located.  
12 Follow the instructions given by the county recorder to make the  
13 form part of the official property records. If the property is  
14 located in more than one county, you should record the form in  
15 each of those counties.

16 I am being pressured to complete this form. What should I do?  
17 Do not complete this form under pressure. Seek help from a  
18 trusted family member, friend or lawyer.

19 I have other questions about this form. What should I do?  
20 This form is designed to fit some but not all situations. If you  
21 have other questions, consult a lawyer.

22 § 21B22. Prior deeds.

23 This chapter does not affect the validity or effect of any  
24 deed made prior to the effective date of this section.

25 Section 2. This act shall take effect in 180 days.

# HOUSE OF REPRESENTATIVES

## DEMOCRATIC COMMITTEE BILL ANALYSIS

---

<b>Bill No:</b>	HB2124 PN2744	<b>Prepared By:</b>	Michelle Batt, Esq.
<b>Committee:</b>	Judiciary		(717) 705-1880,6792
<b>Sponsor:</b>	Bonner, Timothy and Briggs, Tim	<b>Executive Director:</b>	David Vitale, Esq.
<b>Date:</b>	1/16/2026		

---

### **A. Brief Concept**

Enacts the Uniform Real Property Transfer on Death Act in Pennsylvania, enabling owners to pass on real property outside of probate.

### **C. Analysis of the Bill**

Amends Title 20 (Decedents, Estates and Fiduciaries) by adding Chapter 21B (Uniform Real Property Transfer on Death) which provides a nonexclusive process for the transfer of real property after the owner passes.

Under the act, any owner of real property may elect to transfer their property to one or more beneficiaries at the owner's death by a "transfer on death deed" (or TODDs), authorized by this act.

TODDs are always revocable during the life of the owner and are nontestamentary instruments, though to create such a TODD, the owner must have the same capacity as is required to make a will.

To be valid, a TODD must:

- contain the essential elements and formalities of a properly recordable deed;
- must state that the transfer to the designated beneficiary is to occur at the transferor's death; and
- must be recorded before the transferor's death in the public records in the office of the county recorder of deeds of the county where the property is located.

Neither notice, delivery, acceptance nor consideration are required to effectuate a TODD.

To be effective, any instrument purporting to revoke a TODD must be acknowledged by the transferor after the acknowledgment of the TODD being revoked and recorded before the transferor's death in the office of the county recorder of deeds of the county where the TODD is recorded and:

- be another TODD that revokes the deed or part of the deed expressly or by inconsistency;
- be an instrument of revocation that expressly revokes the deed or part of the deed; or
- be a deed that revokes the TODD or part of the deed expressly or by inconsistency; and

If a TODD is made by more than one transferor, revocation by a transferor does not affect the deed as to the interest of another transferor; and a TODD made by joint owners is revoked only if it is revoked by all the living joint owners.

During the owner's life, TODDs do not create any interest in the property for the designated beneficiary or beneficiaries, and a TODD does not limit an owner's ability to transfer the property.

On the owner's death, the property is transferred to the designated beneficiary or beneficiaries in accordance with the TODD and subject to all conveyances, encumbrances, assignments,

contracts, mortgages, liens and other interests to which the property is subject at the time of the owner's death but without covenant or warranty, provided that the designated beneficiary or beneficiaries survive the owner. The interest of any beneficiary who predeceases the owner lapses. If all beneficiaries predecease the owner, the property will pass with the owner's estate.

If the owner and designated beneficiary are married to each other at the time a TODD is made and then subsequently divorce or initiate divorce proceedings and no other deed or other instrument of revocation was recorded at the time of the owner's death, then the TODD shall be treated as a bequest in the owner's will and Title 20 Pa.C.S. Section 2507(2) (relating to modification of circumstances) shall apply.

If an owner is a joint owner who dies and is survived by one or more other joint owners, the property that is the subject of a transfer on death deed belongs to the surviving joint owner or owners with right of survivorship.

Any property transferred via a TODD is exempt from State and local realty transfer tax and no lender shall exercise a due-on-sale clause.

A slayer or elder abuser as defined in section 8801 (relating to definitions) of an owner shall be deemed to have predeceased the transferor as to property which would have passed to the slayer or elder abuser through a TODD.

A beneficiary may disclaim all or part of the beneficiary's interest in property to be transferred under a transfer on death deed by recording a disclaimer under Chapter 62 (relating to disclaimers). An interest that is disclaimed under this section is deemed to have lapsed.

If all owners and designated beneficiaries die simultaneously, the property to be transferred shall vest in the estates of the designated beneficiaries.

Property transferred under a transfer on death deed shall be considered part of the transferor's probate estate for purposes of a spouse's right to an elective share under Chapter 22 (relating to elective share of surviving spouse).

To the extent a transferor's probate estate is insufficient to satisfy an allowed claim against the estate or a statutory allowance to a surviving spouse, the estate may enforce the liability against property transferred at the transferor's death by a transfer on death deed. And if more than one property is transferred by one or more transfer on death deeds, the liability is apportioned among the properties in proportion to their net values at the transferor's death. A proceeding to enforce the liability under this section must be commenced not later than 18 months after the transferor's death.

The bill also provides an optional form of deed for creating a TODD.

**Effective Date:**

180 Days.

**G. Relevant Existing Laws**

Under current law (20 Pa.C.S. §§ 3131 - 3138), real property is required to pass through probate.

**E. Prior Session (Previous Bill Numbers & House/Senate Votes)**

None.

the Pennsylvania House of Representatives and may not be utilized as such.