

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1255 Session of  
2021

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

SENATOR BROWNE, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, DECEMBER 14, 2021

## AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, IN FACILITIES AND <--  
3 SUPPLIES, PROVIDING FOR ADDITIONAL SURCHARGE; in limitation  
4 of time, providing for real estate appraisals; AND MAKING A <--  
5 RELATED REPEAL.

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

8 ~~Section 1. Title 42 of the Pennsylvania Consolidated~~ <--  
9 ~~Statutes is amended by adding a section to read:~~

10 SECTION 1. TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED <--  
11 STATUTES IS AMENDED BY ADDING SECTIONS TO READ:

12 § 3733.2. ADDITIONAL SURCHARGE.

13 (A) IMPOSITION.--IN ADDITION TO THE FEES IMPOSED UNDER  
14 SECTIONS 3733(A.1) (RELATING TO DEPOSITS INTO ACCOUNT) AND  
15 3733.1 (RELATING TO SURCHARGE) AND SECTION 1795.1-E OF THE ACT  
16 OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE,  
17 THE FOLLOWING SHALL APPLY:

18 (1) AN ADDITIONAL SURCHARGE OF \$10 SHALL BE CHARGED AND

1 COLLECTED BY A DIVISION OF THE UNIFIED JUDICIAL SYSTEM.

2 (2) A SURCHARGE OF \$11.25 SHALL BE CHARGED AND COLLECTED  
3 BY A DIVISION OF THE UNIFIED JUDICIAL SYSTEM.

4 (3) NOTWITHSTANDING SECTION 1795.1-E(C) (3) (I) OF THE  
5 FISCAL CODE, THE SURCHARGES UNDER THIS SUBSECTION SHALL BE  
6 DEPOSITED INTO THE SEPARATE RESERVE ACCOUNT WITHIN THE  
7 JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT.

8 NOTWITHSTANDING SECTION 3732 (RELATING TO UTILIZATION OF  
9 FUNDS IN ACCOUNT), MONEY DEPOSITED UNDER THIS SUBSECTION IS  
10 APPROPRIATED TO THE SUPREME COURT, UPON COMPLIANCE WITH  
11 ARTICLE XV OF THE FISCAL CODE, FOR THE OPERATION OF THE  
12 JUDICIAL DEPARTMENT.

13 (B) APPLICABILITY.--THE PROVISIONS OF SECTION 3733.1(B)  
14 SHALL APPLY TO SUBSECTION (A) (2).

15 (C) EXPIRATION.--THIS SECTION SHALL EXPIRE JUNE 30, 2022.  
16 § 5539. Real estate appraisals.

17 ~~Any (A) GENERAL RULE.--EXCEPT AS PROVIDED UNDER SUBSECTION~~ <--  
18 ~~(B), AN action to recover damages against a real estate~~  
19 ~~appraiser arising out of the appraiser's real estate appraisal~~  
20 ~~activity shall be brought within one year from a person's~~ <--  
21 ~~discovery of the act or omission giving rise to the action, but~~  
22 ~~in no event shall an action to recover damages against a real~~  
23 ~~estate appraiser be brought more than five years after the date~~  
24 ~~the appraisal was conducted.~~

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

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

29 (1) THERE IS EVIDENCE OF FRAUD OR INTENTIONAL  
30 MISREPRESENTATION ON THE PART OF THE REAL ESTATE APPRAISER;

1 OR

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

5 SECTION 2. THE FIVE-YEAR PERIOD OF REPOSE UNDER 42 PA.C.S. §  
6 5539 SHALL NOT APPLY TO A CAUSE OF ACTION WHICH HAS ACCRUED ON  
7 OR BEFORE THE EFFECTIVE DATE OF THIS SECTION.

8 SECTION 2.1. REPEALS ARE AS FOLLOWS:

9 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER  
10 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF 42  
11 PA.C.S. § 3733.2.

12 (2) SECTION 1795.1-E(B) (1) AND (C) (1) (I) OF THE ACT OF  
13 APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE,  
14 ARE REPEALED.

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

16 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
17 IMMEDIATELY:

18 ~~(I) SECTION 2.~~ <--

19 ~~(II) THIS SECTION.~~

20 (I) SECTION 2.1. <--

21 (II) THIS SECTION.

22 (III) THE ADDITION OF 42 PA.C.S. § 3733.2.

23 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
24 DAYS.