

No. 2003-36

AN ACT

HB 786

Amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for general provisions relating to powers of attorney.

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

Section 1. Section 5601(e.1) of Title 20 of the Pennsylvania Consolidated Statutes is amended to read:

§ 5601. General provisions.

* * *

(e.1) Limitation on applicability in commercial transaction.—

(1) Subsections (c), (d) and (e) do not apply to a power or a power of attorney contained in an instrument used in a commercial transaction which simply authorizes an agency relationship. This paragraph includes the following:

(i) A power given to or for the benefit of a creditor in connection with a loan or other credit transaction.

(ii) A power exclusively granted to facilitate transfer of stock, bonds and other assets.

(iii) A power contained in the governing document for a corporation, partnership or limited liability company or other legal entity by which a director, partner or member authorizes others to do other things on behalf of the entity.

(iv) A warrant of attorney conferring authority to confess judgment.

(v) *A power given to a dealer as defined by the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, when using the power in conjunction with a sale, purchase or transfer of a vehicle as authorized by 75 Pa.C.S. § 1119 (relating to application for certificate of title by agent).*

(2) Powers and powers of attorney exempted by this subsection need not be dated.

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

APPROVED—The 25th day of November, A.D. 2003.

EDWARD G. RENDELL