

No. 2008-110

AN ACT

HB 1634

Providing for uniform methods to satisfy required municipal registration of deeds and conveyances; permitting access of information in lieu of registration; prohibiting municipalities from requiring municipal registration of deeds prior to recordation by recorders of deeds; and making inconsistent repeals.

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

Section 1. Short title.

This act shall be known and may be cited as the Uniform Municipal Deed Registration Act.

Section 2. Definitions.

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

“Municipality.” A city, borough, incorporated town, township of the first class, township of the second class or home rule municipality formerly classified as a city, borough, incorporated town or township. The term does not include a city of the first class.

“Owner.” Includes a grantee, devisee, subsequent purchaser or other person acquiring title to real property who is required to register a deed or conveyance with a municipality in accordance with law.

“Recorder of deeds.” Includes any county official responsible for the recordation of conveyances in counties without recorders of deeds.

Section 3. Registration of deeds generally.

(a) General rule.—Notwithstanding any other provision of law or ordinance or resolution to the contrary, after the effective date of this act, any requirement that a deed or conveyance be registered with a municipality shall be satisfied by either of the following:

(1) Registration by the owner or agent in accordance with section 4.

(2) The obtaining of information necessary for registration of the deed or conveyance by the municipality, in lieu of registration under paragraph (1), in accordance with section 5.

(b) Prohibition.—A municipality shall not require that registration of a deed be made prior to the recordation of the original deed with the recorder of deeds.

Section 4. Registration by owner or agent.

(a) General rule.—In the absence of an ordinance enacted pursuant to section 5, the owner, or an agent on behalf of the owner, shall, within two business days after recording the deed or conveyance, register the deed or

conveyance with the municipality which has enacted an ordinance requiring registration by any of the following methods:

(1) By delivering or sending a copy of the deed as submitted for recording by registered or certified mail, return receipt requested, to the municipality.

(2) If agreeable to both the owner and the municipality, by electronically sending an image of the deed as submitted for recording to the municipality. The recorder of deeds may, but is not required to, electronically transmit the deed as a service to the owner and may charge such fees as are provided in the act of July 18, 1941 (P.L.421, No.169), entitled "An act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered, and fixing fees therefor," in addition to the recording fee.

(b) Prohibition.—No municipality may require that the recorder of deeds effect the registration of a deed.

Section 5. Information access in lieu of registration.

(a) Agreement.—The municipality and the recorder of deeds may enter into an agreement whereby the recorder of deeds shall compile and electronically transmit to the municipality or otherwise provide the municipality with electronic access to information regarding conveyances of real property.

(b) Duty of municipality.—The municipality shall, as an amendment to an existing ordinance establishing its real estate registry or otherwise by the enactment of an ordinance:

(1) Reference the existence of the agreement entered into pursuant to subsection (a).

(2) Establish that the information obtained pursuant to the agreement shall be utilized to update and maintain the municipality's registry in lieu of registration pursuant to section 4.

(3) Establish that, as to transfers made after a specified date, an owner shall not be required to register a deed or conveyance with the municipality.

(c) Sufficiency of information.—The agreement may specify that any information periodically provided to the municipality in accordance with the act of May 17, 1945 (P.L.624, No.264), entitled, as amended, "An act requiring the recorder of deeds of every county, except counties of the second class, in certain cases to report transfers of property to the commissioners of townships of the first class and to supervisors of townships of the second class," or any other law, is sufficient for the purpose of this section.

Section 6. Fee for registration.

For the purpose of maintaining its registry, a municipality may charge a reasonable fee, not to exceed \$10 per deed. A fee imposed pursuant to this section shall be paid as follows:

(1) The fee shall accompany any copy of a deed that is registered in accordance with section 4(a)(1).

(2) The fee shall be delivered or mailed, first class prepaid, to the municipality within seven business days after recordation in the case of registration in accordance with section 4(a)(2) or in the event the municipality enacts an ordinance providing for access to information in lieu of registration in accordance with section 5.

Section 7. Existing powers and duties preserved.

Existing duties of the recorder of deeds to provide information in accordance with the act of May 17, 1945 (P.L.624, No.264) entitled, as amended, "An act requiring the recorder of deeds of every county, except counties of the second class, in certain cases to report transfers of property to the commissioners of townships of the first class and to supervisors of townships of the second class," or any other law, or any power of a municipality to require an owner to provide information related to real property, to the extent that these duties and powers are not inconsistent with the provisions of this act, are hereby preserved.

Section 8. Inconsistent ordinance or resolution.

Any ordinance or resolution, or part thereof, inconsistent with the provisions of this act is hereby declared to be void and of no effect.

Section 9. Repeals.

(a) Specific.—The following acts and parts of acts are repealed insofar as they are inconsistent with this act:

(1) The act of July 17, 1919 (P.L.1001, No.396), entitled "An act authorizing boroughs and incorporated towns to establish systems for the registration of deeds and titles to real estate; imposing certain duties upon sheriffs, prothonotaries, and recorders of deeds; and providing penalties."

(2) Subarticle (b) of Article XV of the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code.

(3) Subarticle (b) of Article XIII of the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code.

(4) The act of July 18, 1941 (P.L.421, No.169), entitled "An act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered, and fixing fees therefor."

(5) Article XXX of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code.

(b) General.—All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 10. Effective date.

This act shall take effect in 60 days.

APPROVED—The 9th day of October, A.D. 2008.

EDWARD G. RENDELL