

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 122 Session of 2015

INTRODUCED BY DELOZIER, CALTAGIRONE, GABLER, GRELL, A. HARRIS, M. K. KELLER, LAWRENCE, MURT, REGAN AND STEPHENS, JANUARY 21, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 21, 2015

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, IN MINORS, PROVIDING FOR <--
3 TUITION ACCOUNT PROGRAM; AND, in Pennsylvania Uniform
4 Transfers to Minors Act, further providing for court
5 authorization of a transfer.

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

8 Section 1. ~~Section 5306(c)(3) of Title 20 of the~~ <--
9 ~~Pennsylvania Consolidated Statutes is amended to read:~~

10 SECTION 1. TITLE 20 OF THE PENNSYLVANIA CONSOLIDATED <--
11 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

12 § 5104. TUITION ACCOUNT PROGRAM.

13 (A) GENERAL RULE.--WITHOUT THE APPOINTMENT OF A GUARDIAN,
14 ANY AMOUNT IN CASH OF A RESIDENT OR NONRESIDENT MINOR MAY BE
15 ORDERED BY THE COURT TO BE DEPOSITED INTO AN ACCOUNT ESTABLISHED
16 UNDER SECTION 309 OF THE ACT OF APRIL 3, 1992 (P.L.28, NO.11),
17 KNOWN AS THE TUITION ACCOUNT PROGRAMS AND COLLEGE SAVINGS BOND
18 ACT, IN THE NAME OF THE MINOR. AN ORDER SHALL NAME A CUSTODIAN

1 OF THE ACCOUNT, WHICH SHALL BE THE PARENT, PERSON OR INSTITUTION
2 MAINTAINING THE MINOR. THE AMOUNT DEPOSITED SHALL NOT EXCEED THE
3 MAXIMUM ALLOWED FOR ONE INDIVIDUAL IN SUCH AN ACCOUNT. ANY
4 AMOUNT NOT SO DEPOSITED MAY BE HANDLED AS PROVIDED IN SECTION
5 5101 (RELATING TO WHEN GUARDIAN UNNECESSARY), 5102 (POWER OF
6 NATURAL GUARDIAN) OR 5103 (RELATING TO SEQUESTERED DEPOSIT).
7 EVERY ORDER SHALL CONTAIN A PROVISION THAT NO WITHDRAWAL CAN BE
8 MADE FROM ANY SUCH ACCOUNT UNTIL THE MINOR ATTAINS MAJORITY,
9 EXCEPT AS AUTHORIZED BY A PRIOR ORDER OF THE COURT OR WHEN USED
10 BY THE CUSTODIAN TO PAY FOR QUALIFIED HIGHER EDUCATION EXPENSES
11 OF THE MINOR.

12 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM
13 "QUALIFIED HIGHER EDUCATION EXPENSES" SHALL HAVE THE MEANING
14 GIVEN TO IT IN SECTION 302 OF THE TUITION ACCOUNT PROGRAMS AND
15 COLLEGE SAVINGS BOND ACT.

16 SECTION 2. SECTION 5306(C) (3) OF TITLE 20 IS AMENDED TO
17 READ:

18 § 5306. Other transfer by fiduciary.

19 * * *

20 (c) Additional requirements for transfer.--A transfer under
21 subsection (a) or (b) may be made only if:

22 * * *

23 (3) the transfer is authorized by the court if it
24 exceeds [\$25,000] \$50,000 in value.

25 Section ~~2~~ 3. The amendment of 20 Pa.C.S. § 5306(c) (3) shall <--
26 apply to transfers initiated on or after the effective date of
27 this act.

28 Section ~~3~~ 4. This act shall take effect in 60 days. <--