
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 258 Session of
2013

INTRODUCED BY YAW, ERICKSON, VULAKOVICH AND VOGEL,
JANUARY 17, 2013

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 17, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, providing for actions to quiet title involving
4 subsurface rights.

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

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

9 § 8320.1. Actions to quiet title involving subsurface rights.

10 (a) Rebuttable presumption.--In an action to quiet title
11 involving subsurface rights to real property, failure by any
12 person claiming to hold the subsurface rights, other than the
13 surface owner of the real property, to exercise the subsurface
14 rights for a period in excess of 50 years shall create a
15 rebuttable presumption that the subsurface rights have been
16 abandoned by such person in favor of the surface owner.

17 (b) Nonapplicability.--The rebuttable presumption
18 established in this section shall not apply to fee interests,
19 including, without limitation, deeds and long-term leases for

1 coal and other minerals and oil and gas, including all
2 appurtenant rights, which have been reserved or acquired by a
3 duly recorded conveyance.

4 (c) Definitions.--The following words and phrases when used
5 in this section shall have the meanings given to them in this
6 subsection unless the context clearly indicates otherwise:

7 "Exercise of subsurface rights." The term includes, but is
8 not limited to, any of the following:

9 (1) The production of any coal or other minerals and the
10 production of any oil and gas under subsurface rights.

11 (2) Operations being conducted under subsurface rights
12 for injection, withdrawal, storage or disposal of water, oil,
13 gas or other fluid substances.

14 (3) A mortgage, assignment, conveyance or order or
15 agreement to pool or unitize subsurface rights recorded in
16 the recorder's office in the county in which the right or
17 interest is located.

18 (4) Payment of taxes or fees on subsurface rights by the
19 owner or owner's agent.

20 (5) A valid permit of any government agency pertaining
21 to the use of subsurface rights has been issued.

22 (6) A statement describing subsurface rights and
23 claiming ownership of the right and the intention to preserve
24 subsurface rights is filed with the court and recorded in the
25 county where the subsurface rights are located prior to entry
26 of a final judgment.

27 (7) Use of the surface, the strata between the surface
28 and the situs of the mineral and the strata where the mineral
29 is situated for, without limitation, exploration, evaluation,
30 surveying, digging, extraction, production, draining,

1 ventilation, cleaning, storing, blending and transportation
2 for and of the mineral.
3 "Subsurface rights." Coal or other mineral, oil or gas
4 rights or interests, or any combination of those rights or
5 interests.

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