

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2118 Session of 2026

INTRODUCED BY HILL-EVANS, BRENNAN, HOWARD, SANCHEZ, GUZMAN, D. WILLIAMS, BELLMON, M. BROWN AND KENYATTA, JANUARY 7, 2026

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 15, 2026

AN ACT

1 Providing for museum unclaimed loaned property.

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

3 Section 1. Short title.

4 This act shall be known and may be cited as the Museum
5 Unclaimed Loaned Property Act.

6 Section 2. Legislative findings.

7 The General Assembly finds and declares the following:

8 (1) The residents of this Commonwealth have an interest
9 in the growth and maintenance of museum collections and in
10 the preservation and protection of unclaimed loaned property
11 of artistic, historic, cultural or scientific value left in
12 the custody of museums within this Commonwealth.

13 (2) Loans of property of artistic, historic, cultural or
14 scientific value are made to museums to further educational
15 purposes.

16 (3) When lenders of property for museums fail to stay in
17 contact, museums must routinely store and care for the loaned
18 property long after the loan periods have expired or should
19 reasonably be deemed expired.

20 (4) Nevertheless, museums have limited rights to the use
21 and treatment of unclaimed loaned property, all the while
22 bearing substantial costs related to the storage,
23 recordkeeping, climate control, security, periodic
24 inspection, insurance, general overhead and conservation
25 associated with the unclaimed loaned property.

26 (5) It is in the public's interest to:

27 (i) Encourage museums and the lenders of property
28 for museums to use due diligence in monitoring the loaned
29 property.

30 (ii) Allocate fair responsibilities between museums

1 and the lenders of property for museums.

2 (iii) Resolve expeditiously the issue of title of
3 unclaimed loaned property left in the custody of museums.

4 Section 3. Purpose of act.

5 The purpose of this act is to establish uniform rules to
6 govern the disposition of museum unclaimed loaned property.

7 Section 4. Definitions.

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

11 "Claimant." An individual, corporation, partnership, trust,
12 estate or similar organization that files notice of intent to
13 preserve an interest in loaned property in the custody of a
14 museum as provided in section 9(b).

15 "Lender." An individual, corporation, partnership, trust,
16 estate or similar organization whose name appears on the records
17 of a museum as the person legally entitled to control loaned
18 property in the custody of the museum. The term includes a
19 successor of an original lender.

20 "Loan." A transaction between a lender and a museum
21 regarding property of the lender in which the museum maintains
22 custody of the property.

23 "Loaned property." Property that is in the possession of a
24 museum, accompanied by evidence that the lender of the property
25 intended to retain title to the property and return to take
26 physical possession of the property in the future.

27 "Museum." As follows:

28 (1) A public or private nonprofit agency or institution
29 that:

30 (i) is located in this Commonwealth;

1 (ii) is organized on a permanent basis for
2 educational or aesthetic purposes; and
3 (iii) owns or utilizes tangible objects, cares for
4 tangible objects and exhibits tangible objects to the
5 public on a regular basis.

6 (2) The term includes a historical society, park,
7 historic site, historic monument, archive or library.

8 "Museum records." Documents that are created or held by a
9 museum in the regular course of business of the museum.

10 "Property." A tangible or digital object that is in the
11 custody of a museum and that has intrinsic historical, artistic,
12 scientific or cultural value.

13 "Restricted certified mail." Certified mail that carries on
14 its face, in a conspicuous place where it will not be
15 obliterated, the endorsement "deliver to addressee only" and for
16 which the post office provides the mailer with a return receipt
17 showing the date of delivery, the place of delivery and the
18 person to whom delivered.

19 "Unclaimed loaned property." Property:

20 (1) that is on loan to a museum; and

21 (2) whose original lender, or any person acting
22 legitimately on behalf of the lender, has not contacted the
23 museum for at least 20 years from the beginning date of the
24 loan of the property, if the loan of the property was for an
25 indefinite or undetermined period or for at least five years
26 after the date upon which the loan of the property for the
27 definite period expired.

28 Section 5. Museum obligations to lenders.

29 (a) Recordkeeping for new loaned property.--For property
30 loaned to a museum on or after the effective date of this

1 subsection, the museum shall do all of the following at the time
2 of the loan:

3 (1) Make and retain a written record containing at least
4 all of the following:

5 (i) The name, address and telephone number of the
6 lender. THE LENDER MAY INCLUDE THE NAME, ADDRESS AND <--
7 TELEPHONE NUMBER OF UP TO TWO OF THE LENDER'S DESIGNATED
8 AGENTS WITH WHOM CONTACT MAY BE MADE ON BEHALF OF THE
9 LENDER.

10 (ii) A description of the loaned property in
11 sufficient detail for ready identification.

12 (iii) The beginning date of the loan.

13 (iv) The expiration date of the loan.

14 (2) Provide the lender with a signed receipt or loan
15 agreement containing at least the record specified in
16 paragraph (1).

17 (3) Inform the lender of the existence of this act and
18 provide the lender with a copy of this act upon request of
19 the lender.

20 (b) Recordkeeping for existing loaned property.--Regardless
21 of the date of the loan of property to a museum, the museum
22 shall do all of the following:

23 (1) Update the records of the museum if:

24 (i) a lender informs the museum of a change ~~of~~ IN <--
25 THE LENDER'S address ~~or~~, A change in ownership of the <--
26 loaned property OR A CHANGE IN THE IDENTITY OR ADDRESS OF <--
27 THE LENDER'S DESIGNATED AGENT; or

28 (ii) the lender and museum negotiate a change in the
29 duration of the loan.

30 (2) Inform the lender of the existence of this act when

1 renewing or updating the records of an existing loan and
2 provide the lender with a copy of this act upon request of
3 the lender.

4 Section 6. Lender obligations to museums.

5 (a) Required notices.--Notwithstanding the date of the loan
6 of property in the custody of a museum, a lender shall promptly
7 notify the museum in writing of the following:

8 (1) A change of the address or telephone number of the
9 lender.

10 (2) The name, address and telephone number of the
11 successor of the lender.

12 (3) The name, address and telephone number of the
13 designated agent of the owner of the loaned property.

14 (4) A change of the address or telephone number of the
15 designated agent of the owner of the loaned property.

16 (5) A change in ownership of the loaned property and the
17 name, address and telephone number of the new owner of the
18 loaned property.

19 (b) Documentation establishing ownership.--A successor of a
20 lender shall document passage of rights of control to the loaned
21 property in the custody of the museum.

22 Section 7. Liability.

23 (a) Prejudice.--Unless there is evidence of bad faith or
24 gross negligence, a museum shall not be prejudiced by reason of
25 any failure to deal with the true owner of loaned property.

26 (b) Surrender of loaned property.--In a case of disputed
27 ownership of loaned property, a museum shall not be held liable
28 for its refusal to surrender loaned property in its possession
29 except in reliance upon a court order or judgment.

30 Section 8. Termination of loans for unclaimed loaned property.

1 (a) Authorization.--A museum may terminate a loan for
2 unclaimed loaned property in the museum's possession in
3 accordance with this section.

4 (b) Search.--A museum shall make a good faith and reasonable
5 search for the identity and last known address of the lender OR <--
6 THE LENDER'S DESIGNATED AGENT from the museum records and other
7 records reasonably available to the museum staff.

8 (c) Notice.--

9 (1) Following a search under subsection (b):

10 (i) If the museum identifies the lender OR THE <--
11 LENDER'S DESIGNATED AGENT and the ~~lender's~~ last known <--
12 address OF THE LENDER OR THE LENDER'S DESIGNATED AGENT, <--
13 the museum shall give actual notice to the lender AND THE <--
14 LENDER'S DESIGNATED AGENT that the loan is terminated in
15 accordance with paragraph (2).

16 (ii) If the identity or the last known address of
17 the lender OR THE LENDER'S DESIGNATED AGENT remains <--
18 unknown, the museum shall give notice by publication in
19 accordance with paragraph (3).

20 (2) Actual notice of termination by a museum of a loan
21 for unclaimed loaned property shall be provided by a letter
22 to the lender OR THE LENDER'S DESIGNATED AGENT, which shall <--
23 be sent by restricted certified mail to the last known
24 address of the lender OR THE LENDER'S DESIGNATED AGENT and <--
25 which shall include the following information:

26 (i) The date of notice of termination.

27 (ii) The name of the lender.

28 (iii) A description of the loaned property in
29 sufficient detail for ready identification.

30 (iv) The approximate initiating date of the loan and

1 termination date, if applicable and known.

2 (v) The name and address of the designated museum
3 official to be contacted regarding the loan.

4 (vi) A statement that within 90 days of the date of
5 the notice of termination, the lender OR THE LENDER'S <--
6 DESIGNATED AGENT is required to remove the loaned
7 property from the museum or contact the designated museum
8 official to preserve the lender's interests in the loaned
9 property and that failure to do so will result in the
10 loss of all rights in the loaned property in accordance
11 with section 10.

12 (3) Notice by publication of termination by a museum of
13 a loan for unclaimed loaned property shall be provided as
14 follows:

15 (i) This paragraph only applies if:

16 (A) a search under subsection (b) is
17 unsuccessful and the museum is unable to send actual
18 notice in accordance with paragraph (2); or

19 (B) a signed return receipt of a notice sent by
20 restricted certified mail under paragraph (2) is not
21 received by the museum within 30 days after the
22 notice was mailed.

23 (ii) The museum shall publish the notice of
24 termination, which includes all the information that is
25 specified under paragraph (2) and available to the
26 museum, in a publication of general circulation in the
27 county of the last known address of the lender, if known,
28 and the county in which the museum is located. The
29 following apply:

30 (A) The notice shall be published at least twice

1 and at least 60 days apart.

2 (B) If the loan of property was made to a branch
3 of the museum, the museum shall be deemed to be
4 located in the county in which the branch is located.

5 Section 9. Return or disposition of unclaimed loaned property.

6 (a) Written claim by lender.--If a museum receives a written
7 claim of ownership for loaned property for which notice was
8 provided under section 8(c)(2) or (3), the museum shall return
9 the loaned property to the lender OR THE LENDER'S DESIGNATED <--
10 AGENT or carry out the disposition of the loaned property as the
11 lender OR THE LENDER'S DESIGNATED AGENT requests, not later than <--
12 90 days after receipt of the written claim of ownership. The
13 following apply:

14 (1) The lender OR THE LENDER'S DESIGNATED AGENT shall <--
15 advise the museum in writing as to the disposition of the
16 loaned property or how the loaned property is to be returned
17 to the lender OR THE LENDER'S DESIGNATED AGENT. <--

18 (2) Any costs incurred as a result of returning the
19 loaned property or the disposition of the loaned property
20 shall be the responsibility of the lender OR THE LENDER'S <--
21 DESIGNATED AGENT, unless the lender and the museum have
22 mutually agreed to alternate arrangements.

23 (b) Written claim by others.--If a museum receives a written
24 claim of ownership for loaned property for which notice was
25 provided under section 8(c)(2) or (3) from a person other than
26 the lender or ~~lender's agent~~ THE LENDER'S DESIGNATED AGENT on <--
27 record with the museum, the museum shall determine if the
28 ownership claim is valid not later than 90 days after receipt of
29 the written claim of ownership. The following apply:

30 (1) A claimant shall submit proof of ownership to the

1 museum with the written claim of ownership.

2 (2) If more than one person submits a written claim of
3 ownership, the museum may delay its determination of
4 ownership until the competing claims are resolved by
5 agreement or legal action.

6 (3) If the museum determines that the written claim of
7 ownership is valid or if the competing claims are resolved by
8 agreement or legal action, the museum shall return the loaned
9 property to the claimant submitting the valid claim of
10 ownership or dispose of the loaned property as the valid
11 claimant requests.

12 (4) Any costs incurred as a result of returning the
13 loaned property or the disposition of the loaned property
14 shall be the responsibility of the valid claimant, unless the
15 valid claimant and the museum have mutually agreed to
16 alternate arrangements.

17 Section 10. Title to unclaimed loaned property.

18 (a) Conditions.--As of the effective date of this
19 subsection, a museum acquires title to unclaimed loaned property
20 under any of the following circumstances:

21 (1) For loaned property for which a museum provides
22 actual notice to a lender OR THE LENDER'S DESIGNATED AGENT in <--
23 accordance with section 8(c)(2) and a signed receipt is
24 received, if a lender OR THE LENDER'S DESIGNATED AGENT of <--
25 that loaned property does not contact the museum within 90
26 days after the date notice was received.

27 (2) For loaned property for which notice by publication
28 is made in accordance with section 8(c)(3), if a lender, THE <--
29 LENDER'S DESIGNATED AGENT or any person claiming a legal
30 interest in that loaned property does not contact the museum

1 within 90 days after the date of the second publication of
2 the notice.

3 (b) Effect of act.--Nothing in this act shall preclude a
4 museum from availing itself of any other means of establishing
5 or perfecting title to property in the possession of the museum.

6 Section 11. Contractual obligations.

7 Notwithstanding the other provisions of this act, a lender
8 and museum may bind themselves to different loan provisions by
9 written contract.

10 Section 12. Effect on other rights.

11 (a) Escheat.--Property on loan to a museum shall not escheat
12 to the Commonwealth under Article XIII.1 of the act of April 9,
13 1929 (P.L.343, No.176), known as The Fiscal Code, or any other
14 law of this Commonwealth, but shall pass to the museum in
15 accordance with section 10.

16 (b) Federal law.--This act shall not apply to property in
17 the possession of a museum under 25 U.S.C. Ch. 32 (relating to
18 Native American Graves Protection and Repatriation).

19 (c) Stolen property.--This act shall not apply to property
20 that is reported as stolen to a law enforcement agency, insurer
21 or the art loss register, or a successor organization having
22 similar purposes, no later than three years following the theft
23 or discovery of the theft, or was created before 1945 and
24 changed hands due to theft, seizure, confiscation, forced sale
25 or other involuntary means in Europe during the Nazi era between
26 1933 and 1945.

27 (d) Other property interests.--Property interests other than
28 those specifically addressed in this act are not altered by this
29 act.

30 Section 13. Title to property acquired from museum.

1 A museum that acquires title to unclaimed loaned property
2 under this act passes good title to another person when
3 transferring that property with the intent to pass title.

4 Section 14. Expenses and conservation or protective measures.

5 (a) Lien authorized.--As of the effective date of this
6 subsection, a museum shall have a lien for expenses for the
7 reasonable care of unclaimed loaned property after the
8 expiration date of the loan.

9 (b) Conditions required to apply conservation or protective
10 measures.--Unless the written loan agreement for the property
11 provides otherwise, a museum may apply conservation or
12 protective measures to loaned property without the permission of
13 the lender or formal notice to the lender OR THE LENDER'S <--
14 DESIGNATED AGENT if:

15 (1) Action is required to:

16 (i) protect the loaned property or other property in
17 the possession of the museum; or

18 (ii) protect the health and safety of the public or
19 museum staff because the loaned property is a hazard.

20 (2) Any of the following applies:

21 (i) The museum is unable to contact the lender OR <--
22 THE LENDER'S DESIGNATED AGENT at the address on record
23 for the lender OR THE LENDER'S DESIGNATED AGENT within <--
24 five business days before the time in which the museum
25 determines that action is necessary.

26 (ii) The lender OR THE LENDER'S DESIGNATED AGENT <--
27 does not:

28 (A) respond or agree to the conservation or
29 protective measures recommended by the museum; and

30 (B) terminate the loan and take possession of

1 the loaned property on or before the fifth business
2 day after the museum contacts the lender OR THE <--
3 LENDER'S DESIGNATED AGENT.

4 (c) Amount of lien.--If a museum applies conservation or
5 protective measures to loaned property under this act, or with
6 the agreement of the lender, ~~unless the written loan agreement~~ <--
7 ~~for the loaned property provides otherwise~~ OR THE LENDER'S <--
8 DESIGNATED AGENT, the museum shall acquire a lien on the loaned
9 property in an amount equal to the costs incurred by the museum
10 for the conservation or protective measures taken.

11 (d) Liability.--A museum shall not be liable for injury to
12 or loss of loaned property for which conservation or protective
13 measures were taken under this act, if all of the following
14 apply:

15 (1) The museum had a reasonable belief at the time that
16 the conservation or protective measures were taken that:

17 (i) the measures were necessary to protect the
18 loaned property or other property in the possession of
19 the museum; or

20 (ii) the loaned property was a hazard to the health
21 and safety of the public or museum staff.

22 (2) The museum exercised reasonable care in the choice
23 and application of the conservation or protective measures.

24 Section 15. Effective date.

25 This act shall take effect in 60 days.