

AMENDMENTS TO SENATE BILL NO. 653

Sponsor: REPRESENTATIVE PEIFER

Printer's No. 1905

1 Amend Bill, page 1, line 24, by inserting after "committees"
2 , for declaration and payment of income taxes

3 Amend Bill, page 2, lines 1 through 4, by striking out all of
4 said lines and inserting

5 Section 1. Section 313(a) and Chapter 5 of the act of
6 December 31, 1965 (P.L.1257, No.511), known as The Local Tax
7 Enabling Act, are amended to read:

8 Amend Bill, page 2, by inserting after line 30

9 Section 1.1. Sections 502(c)(2) and (3) and (e) and 505(a),
10 (a.1), (b), (c), (j) and (l) of the act, amended May 4, 2018
11 (P.L.102, No.18), are amended to read:

12 Section 502. Declaration and payment of income taxes.

13 * * *

14 (c) Declaration and payment.--Except as provided in
15 subsections (a)(2) and (d), taxpayers shall declare and pay
16 income taxes as follows:

17 * * *

18 (2) (i) Every taxpayer making net profits resulting in
19 a tax liability of \$200 or more shall, by April 15 of the
20 current year, make and file with the resident tax officer
21 a declaration of the taxpayer's estimated net profits
22 during the period beginning January 1 and ending December
23 31 of the current year, and shall pay to the resident tax
24 officer in four equal quarterly installments the tax due
25 on the estimated net profits. The first installment shall
26 be paid at the time of filing the declaration, and the
27 other installments shall be paid on or before July 15 of
28 the current year, October 15 of the current year and
29 January 15 of the succeeding year, respectively. For a
30 declaration of an estimated tax on net profits resulting
31 in a tax liability that is less than \$200, a taxpayer may
32 remit one lump sum payment to the resident tax officer
33 without penalty and shall not be required to file
34 quarterly estimates.

35 (ii) Any taxpayer who first anticipates any net

1 profit resulting in a tax liability of \$200 or more after
2 April 15 of the current year shall make and file the
3 declaration required on or before July 15 of the current
4 year, October 15 of the current year or January 15 of the
5 succeeding year, whichever date next follows the date on
6 which the taxpayer first anticipates such net profit, and
7 shall pay to the resident tax officer in equal
8 installments the tax due on or before the quarterly
9 payment dates that remain after the filing of the
10 declaration.

11 (iii) Every taxpayer shall, on or before April 15 of
12 the succeeding year, make and file with the resident tax
13 officer a final return showing the amount of net profits
14 resulting in a tax liability of \$200 or more that was
15 earned or received based on the method of accounting used
16 by the taxpayer during the period beginning January 1 of
17 the current year, and ending December 31 of the current
18 year, the total amount of tax due on the net profits and
19 the total amount of tax paid. At the time of filing the
20 final return, the taxpayer shall pay to the resident tax
21 officer the balance of tax due or shall make demand for
22 refund or credit in the case of overpayment. Any taxpayer
23 may, in lieu of paying the fourth quarterly installment
24 of the estimated tax, elect to make and file with the
25 resident tax officer on or before January 31 of the
26 succeeding year, the final return.

27 (iv) The department, in consultation with the
28 Department of Revenue, shall provide by regulation for
29 the filing of adjusted declarations of estimated net
30 profits and for the payments of the estimated tax in
31 cases where a taxpayer who has filed the declaration
32 required under this subsection anticipates additional net
33 profits not previously declared or has overestimated
34 anticipated net profits.

35 (v) Every taxpayer who discontinues business prior
36 to December 31 of the current year, shall, within 30 days
37 after the discontinuance of business, file a final return
38 as required under this paragraph and pay the tax due.

39 (3) Every taxpayer who receives any other taxable income
40 not subject to withholding under section 512(3) resulting in
41 a tax liability of \$200 or more shall make and file with the
42 resident tax officer a quarterly return on or before April 15
43 of the current year, July 15 of the current year, October 15
44 of the current year, and January 15 of the succeeding year,
45 setting forth the aggregate amount of taxable income not
46 subject to withholding by the taxpayer during the three-month
47 periods ending March 31 of the current year, June 30 of the
48 current year, September 30 of the current year, and December
49 31 of the current year, respectively, and subject to income
50 tax, together with such other information as the department
51 may require. Every taxpayer [filing] that is required to file

1 a return shall, at the time of filing the return, pay to the
2 resident tax officer the amount of income tax due. The
3 department shall establish criteria under which the tax
4 officer may waive the quarterly return and payment of the
5 income tax and permit a taxpayer to file the receipt of
6 taxable income on the taxpayer's annual return and pay the
7 income tax due on or before April 15 of the succeeding year.

8 * * *

9 (e) Restrictions.--In administering the provisions of this
10 section, no political subdivision, tax collection committee or
11 tax officer may:

12 (1) Prohibit a taxpayer from filing any return or
13 declaration required under this section in person or by first
14 class mail.

15 (2) Prohibit a taxpayer from filing any local income tax
16 return form, estimated tax return form or other form related
17 to any filing required under this section that has been
18 posted by the department on its publicly accessible Internet
19 website.

20 (3) Impose a penalty for failing to timely file a
21 quarterly estimated tax return for which no payment of
22 estimated tax was due, as shown in the taxpayer's annual
23 income tax return.

24 (4) Impose a penalty on a taxpayer unless it has issued
25 a letter that notifies the taxpayer that the taxpayer is
26 required to take corrective action within 30 days and failure
27 to take corrective action will result in a penalty being
28 imposed on the taxpayer.

29 (5) Require a taxpayer to file a local tax return
30 indicating that the taxpayer earned zero income or does not
31 owe any local tax to the local taxing jurisdiction if the
32 taxpayer met the local income tax exemption requirements and
33 was not required to file a local income tax return in the
34 preceding year.