

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1128 Session of
1981

INTRODUCED BY POTT, COCHRAN, BURD, KLINGAMAN, BOWSER, NOYE,
SEVENTY, PETERSON, TELEK AND LASHINGER, APRIL 6, 1981

REFERRED TO COMMITTEE ON FINANCE, APRIL 6, 1981

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An
2 act relating to tax reform and State taxation by codifying
3 and enumerating certain subjects of taxation and imposing
4 taxes thereon; providing procedures for the payment,
5 collection, administration and enforcement thereof; providing
6 for tax credits in certain cases; conferring powers and
7 imposing duties upon the Department of Revenue, certain
8 employers, fiduciaries, individuals, persons, corporations
9 and other entities; prescribing crimes, offenses and
10 penalties," allowing the employer collecting the personal
11 income tax or collection fee of one per cent against the
12 total amount collected.

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

15 Section 1. Section 319, act of March 4, 1971 (P.L.6, No.2),
16 known as the "Tax Reform Code of 1971," added August 31, 1971
17 (P.L.362, No.93), is amended to read:

18 Section 319. Monthly, Semi-monthly and Quarterly Payment of
19 Taxes Withheld.--Every employer withholding tax under this
20 article shall pay over to the department or to a depository
21 designated by it the tax required to be deducted and withheld
22 under this article, less a one per cent discount allowed the

1 employees as a collection fee.

2 (1) Where the aggregate amount required to be deducted and
3 withheld by any employer for each quarterly period can
4 reasonably be expected to be less than three hundred dollars
5 (\$300), such employer shall file a return and pay the tax on or
6 before the last day for filing a quarterly return under section
7 318.

8 (2) Where the aggregate amount required to be deducted and
9 withheld by any employer for each quarterly period can
10 reasonably be expected to be three hundred dollars (\$300) or
11 more but less than one thousand dollars (\$1,000), such employer
12 shall pay the tax monthly, on or before the fifteenth day of the
13 month succeeding the months of January to November, inclusive,
14 and on or before the last day of January following the month of
15 December.

16 (3) Where the aggregate amount required to be deducted and
17 withheld by any employer for each quarterly period can
18 reasonably be expected to be one thousand dollars (\$1,000) or
19 more, such employer shall pay the tax semi-monthly, within three
20 banking days after the close of the semi-monthly period.

21 Notwithstanding anything in this section to the contrary,
22 whenever any employer fails to deduct or truthfully account for
23 or pay over the tax withheld or file returns as prescribed by
24 this article, the department may serve a notice on such employer
25 requiring him to withhold taxes which are required to be
26 deducted under this article and deposit such taxes in a bank
27 approved by the department in a separate account in trust for
28 and payable to the department, and to keep the amount of such
29 tax in such account until payment over to the department. Such
30 notice shall remain in effect until a notice of cancellation is

1 served on the employer by the department.

2 Section 2. This act shall take effect immediately and shall
3 be applicable to taxes withheld on and after January 1, 1982.