

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 766 Session of 2015

INTRODUCED BY DINNIMAN, TEPLITZ, GREENLEAF, COSTA, RAFFERTY, FONTANA, WHITE, VULAKOVICH, BREWSTER, BROOKS, YUDICHAK AND TARTAGLIONE, APRIL 29, 2015

REFERRED TO FINANCE, APRIL 29, 2015

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," in sales and use tax, further providing for  
 11 exclusions from tax.

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

14 Section 1. Section 204(10) of the act of March 4, 1971  
 15 (P.L.6, No.2), known as the Tax Reform Code of 1971, amended  
 16 July 2, 2012 (P.L.751, No.85), is amended and the section is  
 17 amended by adding a clause to read:

18 Section 204. Exclusions from Tax.--The tax imposed by  
 19 section 202 shall not be imposed upon any of the following:

20 \* \* \*

21 (10) [The] Except as otherwise provided in clause (10.1),  
 22 the sale at retail to or use by (i) any charitable organization,

1 volunteer firemen's organization, volunteer firefighters' relief  
2 association as defined in 35 Pa.C.S. § 7412 (relating to  
3 definitions) or nonprofit educational institution, or (ii) a  
4 religious organization for religious purposes of tangible  
5 personal property or services other than pursuant to a  
6 construction contract: Provided, however, That the exclusion of  
7 this clause shall not apply with respect to any tangible  
8 personal property or services used in any unrelated trade or  
9 business carried on by such organization or institution or with  
10 respect to any materials, supplies and equipment used and  
11 transferred to such organization or institution in the  
12 construction, reconstruction, remodeling, renovation, repairs  
13 and maintenance of any real estate structure, other than  
14 building machinery and equipment, except materials and supplies  
15 when purchased by such organizations or institutions for routine  
16 maintenance and repairs. If the department has issued sales  
17 tax-exempt status to a volunteer firefighters' organization or a  
18 volunteer firefighters' relief association, the sales tax-exempt  
19 status may not expire unless the activities of the organization  
20 or association change so that the organization or association  
21 does not qualify as an institution of purely public charity in  
22 which case the organization or association shall immediately  
23 notify the department of the change. If the department  
24 ascertains that an organization or association no longer  
25 qualifies as an institution of purely public charity, the  
26 department may revoke the sales tax-exempt status of the  
27 organization or association.

28 (10.1) The sale at retail or use by a volunteer firemen's  
29 organization of any materials, supplies and equipment in the  
30 construction, reconstruction, remodeling, renovation, repair and

1 maintenance of any real estate structure.

2 \* \* \*

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