

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 851

Session of  
1979

INTRODUCED BY D. S. HAYES, BOWSER AND GLADECK, MARCH 27, 1979

REFERRED TO COMMITTEE ON FINANCE, MARCH 27, 1979

AN ACT

1 Amending the act of June 15, 1961 (P.L.373, No.207), entitled  
2 "An act providing for the imposition of certain taxes upon  
3 the transfer of property passing from a decedent who was a  
4 resident of the Commonwealth at the time of his death or  
5 presumed death and of property having its situs in the  
6 Commonwealth of a decedent who was a nonresident of the  
7 Commonwealth at the time of his death or presumed death;  
8 imposing additional taxes to equal Federal Estate Tax  
9 Credits; defining and taxing certain transfers made in  
10 contemplation of death, or to take effect in possession or  
11 enjoyment at or after death; defining as a transfer and  
12 taxing the right of survivorship in certain property as to  
13 which such right exists; defining and exempting from tax,  
14 transfers to certain persons or for certain purposes or of  
15 certain property; providing for the valuation of property and  
16 interests in property, the transfer of which is subject to  
17 tax; defining and allowing deductions from the value of  
18 property, the transfer of which is subject to tax; providing  
19 for the persons ultimately liable for taxes in the absence of  
20 a direction by the decedent to the contrary; providing for  
21 the reporting of transfers and collection of taxes; imposing  
22 penalties upon banks or other financial institutions for  
23 failure to give notice to the Department of Revenue of the  
24 death of a party to a joint or trust deposit therein and upon  
25 persons who fail to file tax returns and documents; providing  
26 for the compromise of taxes in the case of alleged  
27 nonresidents of the Commonwealth; making it unlawful for any  
28 person to make a false return or report; providing for liens  
29 upon real property, the transfer of which is subject to tax,  
30 and release thereof; authorizing the Secretary of Revenue to  
31 bring suits in other jurisdictions for the collection of  
32 taxes, and authorizing officials of other jurisdictions to  
33 bring suits in the Commonwealth for the collection of death  
34 taxes imposed by their jurisdictions; providing for the  
35 refund of taxes to which the Commonwealth is not rightfully

1 or equitably entitled; providing for appeals and protests  
2 from the imposition of taxes; regulating the entry into safe  
3 deposit boxes of a decedent by certain persons, and providing  
4 penalties; dealing with the jurisdiction, powers and  
5 procedure of the orphans' court, Secretary of Revenue,  
6 Department of Revenue, Attorney General, and register of  
7 wills in matters relating to taxes; and citing certain acts  
8 for repeal," providing for the exclusion from taxation of  
9 certain transfers to a surviving sibling.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. The act of June 15, 1961 (P.L.373, No.207), known  
13 as the "Inheritance and Estate Tax Act of 1961," is amended by  
14 adding a section to read:

15 Section 317. Siblings.--Transfers to or for use of a sibling  
16 of a homestead are exempt from inheritance tax. Such exemption  
17 shall be available only once during the lifetime of any  
18 transferee. As used in this section "homestead" means real  
19 property containing not more than three (3) residential units  
20 that has been the principal residence of the decedent and the  
21 transferee for at least the five (5) year period immediately  
22 preceding the death of the decedent.

23 Section 2. This act shall take effect immediately and shall  
24 apply to:

25 (1) The estates of all decedents dying on or after the date  
26 60 days from the date of final enactment of this amendatory act.

27 (2) Inter vivos transfers made by decedents dying on or  
28 after the date 60 days from the date of final enactment of this  
29 amendatory act.