

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1389 Session of 2009

INTRODUCED BY BARRAR, ADOLPH, DENLINGER, FLECK, GINGRICH,
HENNESSEY, HESS, ROCK AND SCAVELLO, APRIL 29, 2009

REFERRED TO COMMITTEE ON FINANCE, APRIL 29, 2009

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," further providing for imposition of the sales and
11 use tax.

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

14 Section 1. Section 202(a) and (b) of the act of March 4,
15 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971,
16 amended September 9, 1971 (P.L.437, No.105), are amended and the
17 section is amended by adding a subsection to read:

18 Section 202. Imposition of Tax.--(a) [There] Except as
19 provided in subsection (h), there is hereby imposed upon each
20 separate sale at retail of tangible personal property or
21 services, as defined herein, within this Commonwealth a tax of
22 six per cent of the purchase price, which tax shall be collected

1 by the vendor from the purchaser, and shall be paid over to the
2 Commonwealth as herein provided.

3 (b) [There] Except as provided in subsection (h), there is
4 hereby imposed upon the use, on and after the effective date of
5 this article, within this Commonwealth of tangible personal
6 property purchased at retail on or after the effective date of
7 this article, and on those services described herein purchased
8 at retail on and after the effective date of this article, a tax
9 of six per cent of the purchase price, which tax shall be paid
10 to the Commonwealth by the person who makes such use as herein
11 provided, except that such tax shall not be paid to the
12 Commonwealth by such person where he has paid the tax imposed by
13 subsection (a) of this section or has paid the tax imposed by
14 this subsection (b) to the vendor with respect to such use. The
15 tax at the rate of six per cent imposed by this subsection shall
16 not be deemed applicable where the tax has been incurred under
17 the provisions of the "Tax Act of 1963 for Education."

18 * * *

19 (h) There is hereby imposed upon each separate sale at
20 retail or use of a passenger motor vehicle within this
21 Commonwealth a tax of four per cent of the purchase price, which
22 tax shall be collected by the vendor from the purchaser, and
23 shall be paid over to the Commonwealth as herein provided. This
24 subsection shall expire December 31, 2010.

25 Section 2. This act shall take effect January 1, 2010.