

AMENDMENTS TO HOUSE BILL NO. 2556

Sponsor: REPRESENTATIVE SANKEY

Printer's No. 3862

1 Amend Bill, page 2, lines 1 through 14, by striking out all
2 of said lines and inserting

3 (ddd) "Financial institution." An institution or licensee
4 as defined by the act of May 15, 1933 (P.L.565, No.111), known
5 as the Department of Banking and Securities Code, or a similar
6 institution or licensee doing business in Pennsylvania subject
7 to supervision by a regulatory authority of the Federal
8 Government, another state or a foreign country.

9 (eee) "Canned software." Computer software that is
10 available for sale to the general public, or a substantial and
11 indefinite class of similarly situated persons, that can be used
12 as-is without the purchase of professional services, including
13 but not limited to programming, systems design, facilities
14 management, information retrieval, data preparation or
15 processing, communication, data or computer processing,
16 accounting, appraisal, legal, engineering, architectural or
17 other services from the vendor that supplies the software.

18 (fff) "Custom software." Computer software that is not
19 canned software, including modifications made to canned software
20 to facilitate its use by a purchaser if there is a separately
21 stated purchase price for the modifications.

22 Amend Bill, page 2, line 21, by inserting after "software,"
23 which is

24 Amend Bill, page 2, line 22, by striking out "incident" and
25 inserting

26 incidental

27 Amend Bill, page 3, lines 2 through 22, by striking out all
28 of said lines and inserting

29 (72) The sale at retail or use of systems, devices and
30 equipment, and their components, installed in a building and
31 utilized by a financial institution for its protection or
32 convenience in conducting financial transactions, provided that
33 both of the following are satisfied:

1 (A) The systems, devices, equipment or components:
2 (i) are installed by a contractor or the contractor's
3 designee; or
4 (ii) after installation are repaired, altered or maintained
5 on-site by a contractor; or
6 (iii) are removed from the installation site by a contractor
7 for repair or maintenance and returned to the installation site
8 by the contractor.
9 (B) The systems, devices, equipment or components are
10 attached or affixed to real estate by means of:
11 (i) a hook, bolt, screw, nail or other similar method; or
12 (ii) insertion through a building wall or floor, or mounting
13 it upon a specially prepared foundation, the removal of which
14 may result in damage to the real estate; or
15 (iii) wire which is integrated into an electrical system.
16 A contractor engaged in the installation, repair or maintenance
17 of systems, devices, equipment or components that is subject to
18 the exclusion under this paragraph shall be deemed to be a
19 construction contractor pursuant to a construction contract
20 engaged in the use of tangible personal property or services
21 under section 201(o)(17) regardless of the method, or
22 permanence, of attachment of the systems, devices, equipment or
23 components, to real property.

24 Amend Bill, page 3, by inserting between lines 27 and 28

25 Section 3. The addition of section 204(72) of the act shall
26 be construed and read in pari materia with 61 Pa. Code § 46.9.

27 Section 4. The addition of section 204(71), (72) and (73)
28 shall apply to transactions that occur on or after the effective
29 date of this act.

30 Amend Bill, page 3, line 28, by striking out "3" and
31 inserting