

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 191 Session of
1997

INTRODUCED BY LESCOVITZ, VAN HORNE, TIGUE, TRELLO, FLICK, COY,
BELARDI, DALEY AND PRESTON, FEBRUARY 4, 1997

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 4, 1997

AN ACT

1 Amending the act of June 17, 1913 (P.L.507, No.335), entitled
2 "An act to provide revenue for State and county purposes,
3 and, in cities coextensive with counties, for city and county
4 purposes; imposing taxes upon certain classes of personal
5 property; providing for the assessment and collection of the
6 same; providing for the duties and compensation of
7 prothonotaries and recorders in connection therewith; and
8 modifying existing legislation which provided for raising
9 revenue for State purposes," authorizing an alternative tax
10 based on the income earned from personal property; and making
11 editorial changes.

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

14 Section 1. The title of the act of June 17, 1913 (P.L.507,
15 No.335), referred to as the Intangible Personal Property Tax
16 Law, is amended to read:

AN ACT

17
18 To provide revenue for [State and] county purposes, and, in
19 cities coextensive with counties, for city and county
20 purposes; imposing taxes upon the values or income of certain
21 classes of personal property; providing for the assessment
22 and collection of the same; providing for the duties and

1 compensation of prothonotaries and recorders in connection
2 therewith; and modifying existing legislation which provided
3 for raising revenue for State purposes.

4 Section 2. Section 1.1 of the act, added April 18, 1978
5 (P.L.56, No.26), is amended to read:

6 Section 1.1. Notwithstanding any other provision of this law
7 to the contrary, the county commissioners of each county of the
8 second through eighth class, and the city council in cities and
9 counties of the first class, shall have the power to determine
10 whether or not to impose and collect the taxes permitted under
11 the provisions of this law; fix the rate of tax for the tax
12 imposed under section 1 or in lieu of the tax under section 1 to
13 impose and collect the tax under section 1.2.

14 Section 3. The act is amended by adding a section to read:

15 Section 1.2. (a) Each county and each city coextensive with
16 a county shall have the power to levy, assess and collect a tax
17 up to a maximum annual rate of two and one-half per cent on the
18 income of any resident, as defined in section 1, derived as
19 interest, dividends or income from the subjects of taxation set
20 forth in section 1, excluding income derived from the sale of
21 those subjects of taxation. A county or city coextensive with a
22 county may impose either the tax authorized by this section or
23 the tax authorized by section 1; but nothing in this act shall
24 be construed to confer upon each county and each city
25 coextensive with a county the power to levy, assess and collect
26 both of the taxes set forth in this act simultaneously. The
27 rights, duties and powers set forth in this act which relate to
28 levying, assessing, and collecting the tax authorized by section
29 1, including reporting and filing requirements, the imposition
30 of and limits on penalties and interest and rights of appeal

1 shall be applicable to levying, assessing, and collecting the
2 tax authorized by this section; and each county and each city
3 coextensive with a county imposing the tax authorized by this
4 section shall have the power to use and amend, where necessary,
5 the forms and procedures authorized in preceding sections of
6 this act. Any election under this section by a city coextensive
7 with a county shall not affect the power of a city of the first
8 class coterminous with a school district of the first class to
9 authorize the imposition of a tax under the act of August 9,
10 1963 (P.L.640, No.338), entitled "An act empowering cities of
11 the first class, coterminous with school districts of the first
12 class, to authorize the boards of public education of such
13 school districts to impose certain additional taxes for school
14 district purposes, and providing for the levy, assessment and
15 collection of such taxes."

16 (b) No act of the General Assembly heretofore or hereinafter
17 enacted shall vacate or preempt any ordinance passed or adopted
18 under the authority of this section, providing authority for the
19 imposition of a tax by a county, unless the act of the General
20 Assembly expressly vacates or preempts the authority to pass or
21 adopt these ordinances.

22 Section 4. Section 4.1(a) of the act, amended or added July
23 3, 1947 (P.L.1249, No.513) and October 4, 1978 (P.L.994,
24 No.206), is amended to read:

25 Section 4.1. (a) For the purpose of ascertaining the amount
26 of tax payable under this act, every resident liable to pay such
27 tax shall, each year, on or before such date as shall be fixed
28 by the board for the revision of taxes or the county
29 commissioners transmit to the board for the revision of taxes,
30 or the county commissioners, upon a form prescribed, prepared

1 and furnished by the board of revision of taxes, or the county
2 commissioners, a return certified as provided in this act:

3 (1) The aggregate actual value and income of each part of
4 the different classes of property made taxable by this act,
5 held, owned or possessed by such resident as of the date fixed
6 annually, in the manner provided herein, either in his own right
7 or as trustee, agent, attorney-in-fact or in any other capacity
8 for the use, benefit or advantage of any other person,
9 copartnership, unincorporated association, company, limited
10 partnership, joint-stock association or corporation.

11 (2) Such other relevant information as may be required by
12 the board of revision of taxes, or county commissioners,
13 concerning each of the different classes of property enumerated
14 in this act owned, held or in any manner possessed by such
15 resident.

16 * * *

17 Section 5. Section 16.1 of the act is repealed.

18 Section 6. This act shall apply to the tax year beginning
19 January 1, 1997, and each tax year thereafter.

20 Section 7. This act shall take effect in 60 days.