

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1882 Session of  
2005

INTRODUCED BY JAMES, BLACKWELL, WILLIAMS, KIRKLAND, CALTAGIRONE,  
COHEN, CURRY, GEORGE, JOSEPHS, MYERS AND WATERS, JULY 6, 2005

REFERRED TO COMMITTEE ON LIQUOR CONTROL, JULY 6, 2005

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, in malt beverage tax, for  
11 imposition.

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

14 Section 1. Section 2003 of the act of March 4, 1971 (P.L.6,  
15 No.2), known as the Tax Reform Code of 1971, added December 22,  
16 1989 (P.L.775, No.110), is amended to read:

17 Section 2003. Imposition of Tax.--(a) (1) Each  
18 manufacturer shall be subject to pay to the Commonwealth the  
19 taxes imposed by this section upon all malt or brewed beverages  
20 manufactured and sold by him in this Commonwealth for use in  
21 this Commonwealth or manufactured by him outside this  
22 Commonwealth and sold to an importing distributor or any person

1 for importation into, and use in, this Commonwealth.

2 (2) Every person who ships or transports malt or brewed  
3 beverages into this Commonwealth for sale, delivery or storage  
4 in this Commonwealth shall pay to the Commonwealth the taxes  
5 imposed in this section.

6 (b) [(1)] Such taxes, payable in the manner prescribed in  
7 subsections (a) and (b) of section 2004 of this article, shall  
8 be at the rate of [two-thirds cent (2/3¢) per half pint of eight  
9 (8) fluid ounces or fraction thereof, and in larger quantities  
10 at the rate of one cent (1¢) per pint of sixteen (16) fluid  
11 ounces or fraction thereof.] two-tenths of one cent (0.002¢) per  
12 fluid ounce or twenty-five cents (25¢) per gallon.

13 [(2) The tax rates per original container or standard  
14 fraction thereof are as follows:

15	Standard	Malt Beverage	
16	Fraction	Tax Rate	Volume
17	1 barrel	\$2.48	31 gal.
18	1/2 barrel	1.24	15 1/2 gal.
19	1/3 barrel	.84	10 1/3 gal.
20	1/4 barrel	.62	7 3/4 gal.
21	1/6 barrel	.42	5 1/6 gal.
22	1/8 barrel	.32	3 7/8 gal.
23	1 gallon	.08	
24	1/2 gallon	.04	
25	1 quart	.02	
26	1 pint	.01	
27	1/2 pint	.0066]	

28 (c) If the tax shall not be paid when due, there shall be  
29 added to the amount of the tax as a penalty a sum equivalent to  
30 ten per cent of the amount of the tax, and in addition thereto

1 interest on the tax and penalty at the rate of one per cent per  
2 month or fraction of a month from the date the tax became due  
3 until paid. Nothing herein contained shall be construed to  
4 relieve any person otherwise liable from liability for payment  
5 of the tax.

6 (d) (1) Notwithstanding any other provision of this  
7 article, a manufacturer or his agent who fails to file the  
8 required monthly return and pay when due the tax imposed under  
9 this article shall be declared delinquent by the Secretary of  
10 Revenue and shall continue to be delinquent until he files the  
11 required monthly return and pays the tax.

12 (2) During a period of delinquency no malt or brewed  
13 beverages in possession or control of a manufacturer may be  
14 removed from his licensed premises for sale in the Commonwealth,  
15 nor shipped in from outside the Commonwealth.

16 (e) In the event that any state, territory or country shall  
17 impose upon malt or brewed beverages, which have been  
18 manufactured in Pennsylvania, a higher tax or fee than is  
19 imposed upon malt or brewed beverages manufactured within such  
20 state, territory or country, every manufacturer whose malt or  
21 brewed beverages manufactured within such state, territory or  
22 country are sold to an importing distributor or any person for  
23 importation into, and use in, this Commonwealth shall, as to  
24 such beverages, pay to this Commonwealth, in addition to the tax  
25 imposed by this section, a tax equal to such excess tax or fee  
26 which is imposed in such state, territory or country on  
27 Pennsylvania manufactured malt or brewed beverages. Such  
28 additional tax shall be levied, assessed and collected in the  
29 same manner as the other taxes imposed by this article.

30 (f) Manufacturers whose malt or brewed beverages are sold in

1 this Commonwealth or are sold to importing distributors or any  
2 person for importation into, and use in, this Commonwealth shall  
3 be liable to the Commonwealth as taxpayers for the payment of  
4 the taxes imposed by this article.

5 Section 2. The amendment of section 2003 of the act shall  
6 apply to sales made after December 31, 2005.

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