

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1911 Session of
1977

INTRODUCED BY KERNICK, SCHMITT, WISE, O'CONNELL, SCIRICA,
E. H. SMITH, WEIDNER, KLINGAMAN, HARPER, GILLETTE, SCHWEDER,
COWELL, ABRAHAM, TRELLO, MISCEVICH, DUFFY, HASAY, LEVI,
FISCHER, HELFRICK, CESSAR AND HASKELL, NOVEMBER 23, 1977

REFERRED TO COMMITTEE ON FINANCE, NOVEMBER 23, 1977

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

1 bring suits in the Commonwealth for the collection of death
2 taxes imposed by their jurisdictions; providing for the
3 refund of taxes to which the Commonwealth is not rightfully
4 or equitably entitled; providing for appeals and protests
5 from the imposition of taxes; regulating the entry into safe
6 deposit boxes of a decedent by certain persons, and providing
7 penalties; dealing with the jurisdiction, powers and
8 procedure of the orphans' court, Secretary of Revenue,
9 Department of Revenue, Attorney General, and register of
10 wills in matters relating to taxes; and citing certain acts
11 for repeal," providing for the exclusion from taxation of
12 certain transfers to a surviving spouse.

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

15 Section 1. Section 311, act of June 15, 1961 (P.L.373,
16 No.207), known as the "Inheritance and Estate Tax Act of 1961,"
17 is amended to read:

18 Section 311. (a) Husband and Wife.--Property owned by
19 husband and wife with right of survivorship is exempt from
20 inheritance tax. If, however, such ownership was created in
21 contemplation of death, within the meaning of section 222 of
22 this act, the entire interest so transferred shall be subject to
23 tax under section 222 as though a part of the estate of the
24 spouse who created the co-ownership, except as provided in
25 subsection (b).

26 (b) The first sixty thousand dollars (\$60,000) of property
27 owned by the decedent transferred to the surviving spouse is
28 exempt from inheritance tax.

29 Section 2. This act shall take effect immediately and shall
30 apply to:

31 (1) The estates of all decedents dying on or after the date
32 six months from the date of final enactment of this amendatory
33 act.

34 (2) Inter vivos transfers made by decedents dying on or
35 after the date six months from the date of final enactment of

1 this amendatory act.