

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 328

Session of  
1979

INTRODUCED BY C. GEORGE, FEE, LIVENGOD, D. R. WRIGHT, DOMBROWSKI,  
KUKOVICH, ZITTERMAN, DeMEDIO, YAHNER, LETTERMAN, GAMBLE,  
MURPHY, KOLTER, PISTELLA, SEVENTY, TRELLO, NOVAK, KNIGHT,  
A. K. HUTCHINSON, PETRARCA, McCALL, SCHWEDER, ZELLER, SWEET,  
MILANOVICH, CAPPABIANCA, DeWEESE, B. D. CLARK, COWELL, KERNICK  
AND GRABOWSKI, FEBRUARY 13, 1979

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 14, 1979

AN ACT

1 Amending the act of December 31, 1965 (P.L.1257, No.511),  
2 entitled "An act empowering cities of the second class,  
3 cities of the second class A, cities of the third class,  
4 boroughs, towns, townships of the first class, townships of  
5 the second class, school districts of the second class,  
6 school districts of the third class and school districts of  
7 the fourth class including independent school districts, to  
8 levy, assess, collect or to provide for the levying,  
9 assessment and collection of certain taxes subject to maximum  
10 limitations for general revenue purposes; authorizing the  
11 establishment of bureaus and the appointment and compensation  
12 of officers, agencies and employes to assess and collect such  
13 taxes; providing for joint collection of certain taxes,  
14 prescribing certain definitions and other provisions for  
15 taxes levied and assessed upon earned income, providing for  
16 annual audits and for collection of delinquent taxes, and  
17 permitting and requiring penalties to be imposed and  
18 enforced, including penalties for disclosure of confidential  
19 information, providing an appeal from the ordinance or  
20 resolution levying such taxes to the court of quarter  
21 sessions and to the Supreme Court and Superior Court,"  
22 prohibiting the levying, assessing or collecting of an  
23 occupation tax or occupational privilege tax in certain  
24 cases.

25 The General Assembly of the Commonwealth of Pennsylvania  
26 hereby enacts as follows:

27 Section 1. The introductory paragraph of section 2, act of

1 December 31, 1965 (P.L.1257, No.511), known as "The Local Tax  
2 Enabling Act," amended July 1, 1978 (No.113), is amended and a  
3 clause is added to read:

4 Section 2. Delegation of Taxing Powers and Restrictions  
5 Thereon.--The duly constituted authorities of the following  
6 political subdivisions, cities of the second class, cities of  
7 the second class A, cities of the third class, boroughs, towns,  
8 townships of the first class, townships of the second class,  
9 school districts of the second class, school districts of the  
10 third class, and school districts of the fourth class, in all  
11 cases including independent school districts, may, in their  
12 discretion, by ordinance or resolution, for general revenue  
13 purposes, levy, assess and collect or provide for the levying,  
14 assessment and collection of such taxes as they shall determine  
15 on persons, transactions, occupations, privileges, subjects and  
16 personal property within the limits of such political  
17 subdivisions, and upon the transfer of real property, or of any  
18 interest in real property, situate within the political  
19 subdivision levying and assessing the tax, regardless of where  
20 the instruments making the transfers are made, executed or  
21 delivered or where the actual settlements on such transfer take  
22 place. The taxing authority may provide that the transferee  
23 shall remain liable for any unpaid realty transfer taxes imposed  
24 by virtue of this act. Each local taxing authority may, by  
25 ordinance or resolution, exempt any person whose total income  
26 from all sources is less than three thousand two hundred dollars  
27 (\$3,200) per annum from the per capita or similar head tax,  
28 [occupation tax and occupational privilege tax,] or earned  
29 income tax, or any portion thereof, and may adopt regulations  
30 for the processing of claims for exemptions. Such local

1 authorities shall not have authority by virtue of this act:

2 \* \* \*

3 (11) To levy, assess or collect any occupation tax or  
4 occupational privilege tax on a person who does not receive  
5 income from an occupation in excess of four thousand five  
6 hundred dollars (\$4,500) per year.

7 Section 2. This act shall take effect January 1, 1980.