

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2001 Session of  
1986

INTRODUCED BY FARGO, SEVENTY, SAURMAN, CARLSON, MERRY,  
MACKOWSKI, G. M. SNYDER, WOGAN, BROUJOS, GODSHALL, JOHNSON,  
KOSINSKI, BOWSER, BOOK, HALUSKA, MORRIS, NOYE, CORNELL,  
TRELLO, PETRARCA, NAHILL, E. Z. TAYLOR, HERSHEY, DISTLER,  
GEIST, AFFLERBACH, DORR, HERMAN, CIVERA, BLACK, CIMINI,  
FLICK, McVERRY, FOX, SEMMEL AND ITKIN, JANUARY 21, 1986

REFERRED TO COMMITTEE ON FINANCE, JANUARY 21, 1986

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled,  
2 as amended, "An act relating to the finances of the State  
3 government; providing for the settlement, assessment,  
4 collection, and lien of taxes, bonus, and all other accounts  
5 due the Commonwealth, the collection and recovery of fees and  
6 other money or property due or belonging to the Commonwealth,  
7 or any agency thereof, including escheated property and the  
8 proceeds of its sale, the custody and disbursement or other  
9 disposition of funds and securities belonging to or in the  
10 possession of the Commonwealth, and the settlement of claims  
11 against the Commonwealth, the resettlement of accounts and  
12 appeals to the courts, refunds of moneys erroneously paid to  
13 the Commonwealth, auditing the accounts of the Commonwealth  
14 and all agencies thereof, of all public officers collecting  
15 moneys payable to the Commonwealth, or any agency thereof,  
16 and all receipts of appropriations from the Commonwealth,  
17 authorizing the Commonwealth to issue tax anticipation notes  
18 to defray current expenses, implementing the provisions of  
19 section 7(a) of Article VIII of the Constitution of  
20 Pennsylvania authorizing and restricting the incurring of  
21 certain debt and imposing penalties; affecting every  
22 department, board, commission, and officer of the State  
23 government, every political subdivision of the State, and  
24 certain officers of such subdivisions, every person,  
25 association, and corporation required to pay, assess, or  
26 collect taxes, or to make returns or reports under the laws  
27 imposing taxes for State purposes, or to pay license fees or  
28 other moneys to the Commonwealth, or any agency thereof,  
29 every State depository and every debtor or creditor of the  
30 Commonwealth," further providing for the payment of interest

1 on overpaid tax.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Section 806.1(a)(5) of the act of April 9, 1929  
5 (P.L.343, No.176), known as The Fiscal Code, amended December 9,  
6 1982 (P.L.1057, No.248), is amended to read:

7 Section 806.1. Interest on Overpayments.--(a) "Overpayment"  
8 shall mean any payment of tax which is determined in the manner  
9 provided by law not to be legally due. Simple interest shall be  
10 allowed and paid by the Commonwealth upon any overpayment to the  
11 Commonwealth of any tax. The interest shall be allowed and paid  
12 for the period during which the Commonwealth retained the  
13 overpayment, beginning with the date of the overpayment, except  
14 that:

15 \* \* \*

16 (5) If any overpayment of tax is refunded or credited within  
17 [six (6) months] seventy-five (75) days after the last date  
18 prescribed for filing the final return or report of the tax  
19 (determined without regard to any extension of time for filing)  
20 or, in case the final return or report is filed after the last  
21 day, and is refunded or credited within [six (6) months]  
22 seventy-five (75) days after the date the final return or report  
23 is filed, no interest shall be allowed on the overpayment. For  
24 the purpose of this clause (5), a final return or report shall  
25 be deemed to have been filed only if, when it is received by the  
26 Department of Revenue, it has been submitted on a permitted  
27 form, containing (i) the taxpayer's name, address and  
28 identifying number and the required signature; and (ii)  
29 sufficient required information, either on the permitted form or  
30 attachments thereto, to permit the verification of tax liability

1 shown on the return.

2 \* \* \*

3 Section 2. This act shall take effect in 60 days.