

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 869 Session of
1995

INTRODUCED BY CLYMER, GORDNER, BIRMELIN, GEIST, KING, SCHULER,
RUBLEY, FLICK, TRELLO, LAWLESS, HENNESSEY, COWELL, KENNEY,
NYCE, FARGO, ARMSTRONG, TRUE, STEIL, BATTISTO, LEH, SATHER,
HERSHEY, GANNON, BOYES, STISH, E. Z. TAYLOR, BUNT,
D. W. SNYDER, WOZNIAK, SEMMEL, STABACK AND LAUGHLIN,
FEBRUARY 21, 1995

REFERRED TO COMMITTEE ON FINANCE, FEBRUARY 21, 1995

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 for transactions excluded from
11 the real estate transfer tax.

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

14 Section 1. Section 1102-C.3(7), (8) and (9) of the act of
15 March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
16 1971, added July 2, 1986 (P.L.318, No.77), are amended to read:

17 Section 1102-C.3. Excluded Transactions.--The tax imposed by
18 section 1102-C shall not be imposed upon:

19 * * *

20 (7) A transfer for no or nominal actual consideration of

1 property passing by testate or intestate succession from a
2 personal representative or trustee of a decedent to the
3 decedent's devisee or heir.

4 (8) A transfer:

5 (i) for no or nominal actual consideration to a trustee of
6 an [ordinary] irrevocable trust where the transfer of the same
7 property would be exempt if the transfer was made directly from
8 the grantor to all of the possible beneficiaries, whether or not
9 such beneficiaries are contingent or specifically named. No such
10 exemption shall be granted unless the recorder of deeds is
11 presented with a copy of the trust instrument that clearly
12 identifies the grantor and all possible beneficiaries[.]; or

13 (ii) for no or nominal actual consideration to a trustee of
14 a revocable living trust from an individual grantor thereof.

15 (9) A transfer:

16 (i) for no or nominal actual consideration from a trustee to
17 a beneficiary of an [ordinary] irrevocable trust[.]; or

18 (ii) for no or nominal actual consideration from a trustee
19 of a revocable living trust of an individual or husband and
20 wife, where the transfer of the same property would be exempt if
21 the transfer were made directly from the original grantor.

22 * * *

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