

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2909 Session of
1996

INTRODUCED BY ZUG, FARGO, CLARK, LYNCH, MICOZZIE AND SCHULER,
OCTOBER 1, 1996

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, OCTOBER 1, 1996

AN ACT

1 Amending the act of May 25, 1945 (P.L.1050, No.394), entitled
2 "An act relating to the collection of taxes levied by
3 counties, county institution districts, cities of the third
4 class, boroughs, towns, townships, certain school districts
5 and vocational school districts; conferring powers and
6 imposing duties on tax collectors, courts and various
7 officers of said political subdivisions; and prescribing
8 penalties," further providing for collection costs for
9 certain tax withholding requirements.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 20 of the act of May 25, 1945 (P.L.1050,
13 No.394), known as the Local Tax Collection Law, amended October
14 4, 1978 (P.L.928, No.176), is amended to read:

15 Section 20. Collection of Per Capita, Poll and Occupation
16 Taxes from Employers, etc.--The tax collector shall demand,
17 receive and collect from all corporations, political
18 subdivisions, associations, companies, firms or individuals,
19 employing persons owing per capita, poll or occupation taxes, or
20 having in possession unpaid commissions or earnings belonging to
21 any person or persons owing per capita, poll or occupation

1 taxes, upon the presentation of a written notice and demand
2 containing the name of the taxable and the amount of tax due.
3 Upon the presentation of such written notice and demand, it
4 shall be the duty of any such corporation, political
5 subdivision, association, company, firm or individual to deduct
6 from the wages, commissions or earnings of such individual
7 employes, then owing or that shall within sixty days thereafter
8 become due, or from any unpaid commissions or earnings of any
9 such taxable in its or his possession, or that shall within
10 sixty days thereafter come into its or his possession, a sum
11 sufficient to pay the respective amount of the per capita, poll
12 or occupation taxes, and costs, shown upon the written notice or
13 demand, and to pay the same to the tax collector of the taxing
14 district in which such delinquent tax was levied within sixty
15 days after such notice shall have been given; such corporation,
16 political subdivision, association, firm or individual shall be
17 entitled to deduct from the moneys collected from each employe
18 the costs incurred from the extra bookkeeping necessary to
19 record such transactions, not exceeding two per centum of the
20 amount of money so collected and paid over to the tax collector
21 or five dollars, whichever is greater. Upon the failure of any
22 such corporation, political subdivision, association, company,
23 firm or individual to deduct the amount of such taxes or to pay
24 the same over to the tax collector, less the cost of bookkeeping
25 involved in such transaction, as herein provided, within the
26 time hereby required, such corporation, political subdivision,
27 association, company, firm or individual shall forfeit and pay
28 the amount of such tax for each such taxable whose taxes are not
29 withheld and paid over, or that are withheld and not paid over
30 together with a penalty of ten per centum added thereto, to be

1 recovered by an action of assumpsit in a suit to be instituted
2 by the tax collector, or by the proper authorities of the taxing
3 district, as debts of like amount are now by law recoverable,
4 except that such persons shall not have the benefit of any stay
5 of execution or exemption law. The tax collector shall not
6 proceed against a spouse or his employer until he has pursued
7 collection remedies against the delinquent taxpayer and his
8 employer under this section.

9 Section 2. This act shall take effect January 1, 1997.