

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 156 Session of  
2005

INTRODUCED BY GODSHALL, BAKER, BUNT, CAPPELLI, CAUSER, CRAHALLA,  
J. EVANS, FABRIZIO, FRANKEL, GERGELY, HARPER, JAMES, KILLION,  
KOTIK, LEACH, LEDERER, MANN, MELIO, NAILOR, READSHAW,  
REICHLEY, SAINATO, SATHER, T. STEVENSON, THOMAS, WALKO,  
WATSON, WILT AND YOUNGBLOOD, JANUARY 31, 2005

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,  
JANUARY 31, 2005

## 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 definitions and for  
11 exclusions from sales and use tax.

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

14 Section 1. Section 201 of the act of March 4, 1971 (P.L.6,  
15 No.2), known as the Tax Reform Code of 1971, is amended by  
16 adding a clause to read:

17 Section 201. Definitions.--The following words, terms and  
18 phrases when used in this Article II shall have the meaning  
19 ascribed to them in this section, except where the context  
20 clearly indicates a different meaning:

1       \* \* \*

2       (eee) "Commercial production." The production of a  
3 commercial film or video production to include, but not be  
4 limited to, feature films, short films, television shows or  
5 series, advertising messages, documentaries, public service  
6 announcements or industrial films for public entertainment,  
7 educational or informational purposes. The term "commercial  
8 production" shall not include productions containing obscene  
9 material or performances as defined in 18 Pa.C.S. § 5903(b)  
10 (relating to obscene and other sexual materials and  
11 performances).

12       Section 2. Section 204(54) of the act, added May 7, 1997  
13 (P.L.85, No.7), is amended to read:

14       Section 204. Exclusions from Tax.--The tax imposed by  
15 section 202 shall not be imposed upon any of the following:

16       \* \* \*

17       (54) The sale at retail to or use by a producer of a  
18 commercial [motion pictures] production of any tangible personal  
19 property or services directly used in the [production] making of  
20 a [feature-length commercial motion picture distributed to a  
21 national audience] commercial production of any length:

22 Provided, however, That the commercial production [of any motion  
23 picture] for which the property will be used does not violate  
24 any Federal or State law; and Provided further That the  
25 purchaser shall furnish to the vendor a certificate  
26 substantially in the form as the Department of Community and  
27 Economic Development may, by regulation, prescribe, stating that  
28 the sale is exempt from tax pursuant to this clause. For  
29 purposes of this section, eligible direct uses shall include  
30 transportation expenses, catering expenses and expenses incurred

1 for temporary office facilities.

2 \* \* \*

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