

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 68 Session of 2009

INTRODUCED BY PICCOLA, TOMLINSON, ROBBINS, WOZNIAK, GREENLEAF, STOUT, LEACH, EICHELBERGER, VANCE, ERICKSON, GORDNER, MUSTO, FOLMER, ORIE, COSTA, RAFFERTY, BOSCOLA, BROWNE, KASUNIC, O'PAKE, KITCHEN, STACK AND LOGAN, JANUARY 29, 2009

REFERRED TO FINANCE, JANUARY 29, 2009

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 employees 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 providing for an exemption relating to veterans'
 23 organizations.

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

26 Section 1. Section 301.1(f)(1) of the act of December 31,
 27 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act,

1 amended October 15, 2008 (P.L.1615, No.130) is amended to read:

2 Section 301.1. Delegation of Taxing Powers and Restrictions
3 Thereon.--* * *

4 (f) Such local authorities shall not have authority by
5 virtue of this act:

6 (1) To levy, assess and collect or provide for the levying,
7 assessment and collection of any tax on the transfer of real
8 property when the transfer is by will or mortgage or the
9 intestate laws of this Commonwealth or on a transfer by the
10 owner of previously occupied residential premises to a builder
11 of new residential premises when such previously occupied
12 residential premises is taken in trade by such builder as part
13 of the consideration from the purchaser of a new previously
14 unoccupied single family residential premises or on a transfer
15 between corporations operating housing projects pursuant to the
16 housing and redevelopment assistance law and the shareholders
17 thereof, or on a transfer between nonprofit industrial
18 development agencies and industrial corporations purchasing from
19 them, or on transfer to or from nonprofit industrial development
20 agencies, or on a transfer between husband and wife, or on a
21 transfer between persons who were previously husband and wife
22 but who have since been divorced; provided such transfer is made
23 within three months of the date of the granting of the final
24 decree in divorce, or the decree of equitable distribution of
25 marital property, whichever is later, and the property or
26 interest therein, subject to such transfer, was acquired by the
27 husband and wife, or husband or wife, prior to the granting of
28 the final decree in divorce, or on a transfer between parent and
29 child or the spouse of such a child, or between parent and
30 trustee for the benefit of a child or the spouse of such child,

1 or on a transfer between a grandparent and grandchild or the
2 spouse of such grandchild, or on a transfer between brother and
3 sister or brother and brother or sister and sister or the spouse
4 of such brother or sister, or on a transfer to a conservancy
5 which possesses a tax-exempt status pursuant to section 501(c)
6 (3) of the Internal Revenue Code, and which has as its primary
7 purpose the preservation of land for historic, recreational,
8 scenic, agricultural or open space opportunities, by and between
9 a principal and straw party for the purpose of placing a
10 mortgage or ground rent upon the premises, or on a correctional
11 deed without consideration, or on a transfer to the United
12 States, the Commonwealth of Pennsylvania, or to any of their
13 instrumentalities, agencies or political subdivisions, by gift,
14 dedication or deed in lieu of condemnation, or deed of
15 confirmation in connection with condemnation proceedings, or
16 reconveyance by the condemning body of the property condemned to
17 the owner of record at the time of condemnation which
18 reconveyance may include property line adjustments provided said
19 reconveyance is made within one year from the date of
20 condemnation, leases, or on a conveyance to a trustee under a
21 recorded trust agreement for the express purpose of holding
22 title in trust as security for a debt contracted at the time of
23 the conveyance under which the trustee is not the lender and
24 requiring the trustee to make reconveyance to the grantor-
25 borrower upon the repayment of the debt, or a transfer within a
26 family from a sole proprietor family member to a family farm
27 corporation, or in any sheriff sale instituted by a mortgagee in
28 which the purchaser of said sheriff sale is the mortgagee who
29 instituted said sale, or on a privilege, transaction, subject,
30 occupation or personal property which is now or does hereafter

1 become subject to a State tax or license fee, or on a transfer
2 to the home post, camp, unit or chapter of a veterans'
3 organization from the affiliated home association of the post,
4 camp, unit or chapter;

5 * * *

6 Section 2. This act shall take effect in 120 days.