

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 973 Session of
2013

INTRODUCED BY STACK AND FARNESE, JUNE 11, 2013

REFERRED TO FINANCE, JUNE 11, 2013

AN ACT

1 Authorizing cities of the first class to require the garnishment
2 of wages of delinquent taxpayers.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the First Class
7 City Wage Garnishment Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "City." A city of the first class.

13 "Delinquent taxes." Any tax, fee or other charge imposed by
14 a city or imposed or collected by a city for a school district
15 of the first class that remains unpaid 60 days from the date of
16 the tax notice.

17 "Delinquent taxpayer." A person who owes delinquent taxes.

18 "Employer." A person or entity located in this Commonwealth

1 that makes payment of or is obligated to make payment of wages
2 or salary to a person owing delinquent taxes to a city or school
3 district of the first class.

4 Section 3. Garnishment in cities.

5 (a) General rule.--A city may garnish the wages or salary
6 paid to a delinquent taxpayer, except that a city may not
7 garnish wages or salary paid by the Commonwealth. The city shall
8 present the delinquent taxpayer's employer with a certified
9 notice and demand with the name of the delinquent taxpayer and
10 the amount of delinquent taxes and costs for which garnishment
11 is sought.

12 (b) Duties of employer.--Upon presentation with a notice and
13 demand for garnishment under subsection (a), an employer of a
14 delinquent taxpayer shall deduct an amount sufficient to pay the
15 delinquent taxes and costs from the wages, commissions or
16 earnings of the delinquent taxpayer then owing or that shall
17 within 60 days thereafter become due, or from any unpaid
18 commissions or earnings of the delinquent taxpayer in the
19 employer's possession or that shall within 60 days thereafter
20 come into the employer's possession. The employer shall hold the
21 amount so deducted in trust for the city and shall pay the
22 amount deducted to the city within 60 days of receiving the
23 notice and demand for garnishment, subject to the following:

24 (1) Not more than 10% of the wages, commissions or
25 earnings of the delinquent taxpayer may be deducted at any
26 one time for delinquent taxes and costs.

27 (2) The employer shall be entitled to deduct from the
28 moneys collected from each delinquent taxpayer the
29 administrative costs necessary to record such transactions,
30 not exceeding 2% of the amount of money so collected.

1 (c) Outside Commonwealth.--A city may also garnish the
2 wages or salary paid outside this Commonwealth to any
3 delinquent taxpayer, to the extent and in the manner
4 permitted under the applicable laws of the local
5 jurisdiction.

6 Section 4. Enforcement.

7 An employer that fails to comply with section 3 shall be
8 liable for any amount of delinquent tax otherwise collectible
9 under this act, together with a penalty of 10%, and the employer
10 shall not have the benefit of any stay of execution or exemption
11 law.

12 Section 5. Effective date.

13 This act shall take effect immediately.