

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 772

Session of
1983

INTRODUCED BY NOYE, COLAFELLA, B. SMITH, CAWLEY, MADIGAN, GEIST,
LAUGHLIN, KLINGAMAN, MACKOWSKI, GODSHALL, COY, BURD, TELEK
AND E. Z. TAYLOR, APRIL 13, 1983

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 13, 1983

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 employes 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 further providing for the collection of delinquent taxes and
23 for a certain notice.

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

26 Section 1. Section 19 of the act of December 31, 1965
27 (P.L.1257, No.511), known as The Local Tax Enabling Act, amended
28 October 4, 1978 (P.L.930, No.177), is amended to read:

1 Section 19. Collection of Delinquent Per Capita, Occupation,
2 Occupational Privilege and Earned Income Taxes from Employers,
3 etc.--The tax collector shall demand, receive and collect from
4 all corporations, political subdivisions, associations,
5 companies, firms or individuals, employing persons owing
6 delinquent per capita, or occupation, occupational privilege and
7 earned income taxes, or whose spouse owes delinquent per capita,
8 occupation, occupational privilege and earned income taxes, or
9 having in possession unpaid commissions or earnings belonging to
10 any person or persons owing delinquent per capita, occupation,
11 occupational privilege and earned income taxes, or whose spouse
12 owes delinquent per capita, occupation, occupational privilege
13 and earned income taxes, upon the presentation of a written
14 notice and demand certifying that the information contained
15 therein is true and correct and containing the name of the
16 taxable or the spouse thereof and the amount of tax due. Upon
17 the presentation of such written notice and demand, it shall be
18 the duty of any such corporation, political subdivision,
19 association, company, firm or individual to deduct from the
20 wages, commissions or earnings of such individual employes, then
21 owing or that shall within sixty days thereafter become due, or
22 from any unpaid commissions or earnings of any such taxable in
23 its or his possession, or that shall within sixty days
24 thereafter come into its or his possession, a sum sufficient to
25 pay the respective amount of the delinquent per capita,
26 occupation, occupational privilege and earned income taxes and
27 costs, shown upon the written notice or demand, and to pay the
28 same to the tax collector of the taxing district in which such
29 delinquent tax was levied within sixty days after such notice
30 shall have been given. [No more than ten percent of the wages,

1 commissions or earnings of the delinquent taxpayer or spouse
2 thereof may be deducted at any one time for delinquent per
3 capita, occupation, occupational privilege and earned income
4 taxes and costs.] Such corporation, political subdivision,
5 association, firm or individual shall be entitled to deduct from
6 the moneys collected from each employe the costs incurred from
7 the extra bookkeeping necessary to record such transactions, not
8 exceeding two percent of the amount of money so collected and
9 paid over to the tax collector. Upon the failure of any such
10 corporation, political subdivision, association, company, firm
11 or individual to deduct the amount of such taxes or to pay the
12 same over to the tax collector, less the cost of bookkeeping
13 involved in such transaction, as herein provided, within the
14 time hereby required, such corporation, political subdivision,
15 association, company, firm or individual shall forfeit and pay
16 the amount of such tax for each such taxable whose taxes are not
17 withheld and paid over, or that are withheld and not paid over
18 together with a penalty of ten percent added thereto, to be
19 recovered by an action of assumpsit in a suit to be instituted
20 by the tax collector, or by the proper authorities of the taxing
21 district, as debts of like amount are now by law recoverable,
22 except that such person shall not have the benefit of any stay
23 of execution or exemption law. The tax collector shall not
24 proceed against a spouse or his employer until he has pursued
25 collection remedies against the delinquent taxpayer and his
26 employer under this section.

27 Section 2. Section 20.1 of the act, added October 18, 1975
28 (P.L.425, No.118), is amended to read:

29 Section 20.1. Notice.--The tax collector shall, at least
30 fifteen days prior to the presentation of a written notice and

1 demand to the State Treasurer or other fiscal officer of the
2 State, or to any corporation, political subdivision,
3 association, company or individual, notify the taxpayer owing
4 the delinquent tax by [registered or certified] first class mail
5 that a written notice and demand shall be presented to his
6 employer unless such tax is paid. [The return receipt card for
7 certified or registered mail shall be marked delivered to
8 addressee only, and the cost of notification by certified or
9 registered mail shall be added to the costs for collecting
10 taxes.] At the time of mailing the tax collector shall obtain a
11 certificate of mailing from the post office and shall retain
12 this certificate for one year.

13 Section 3. This act shall take effect in 90 days.