# THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL No. $2657_{1992}^{Session of}$

## INTRODUCED BY NICKOL, MAY 6, 1992

### REFERRED TO COMMITTEE ON FINANCE, MAY 6, 1992

### 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 distribution of earned income
23	taxes; and imposing a penalty against employers who fail to
24	remit to taxing authorities taxes that have been withheld.
25	The General Assembly of the Commonwealth of Pennsylvania
25	The General Assembly of the commonwealth of Pennsylvania
26	hereby enacts as follows:
27	Section 1. Divisions V and IX of section 13 of the act of
28	December 31, 1965 (P.L.1257, No.511), known as The Local Tax

Enabling Act, are amended by adding subsections to read: 1 Section 13. Earned Income Taxes. -- On and after the effective 2 3 date of this act the remaining provisions of this section shall 4 be included in or construed to be a part of each tax levied and 5 assessed upon earned income by any political subdivision levying 6 and assessing such tax pursuant to this act. The definitions contained in this section shall be exclusive for any tax upon 7 earned income and net profits levied and assessed pursuant to 8 this act, and shall not be altered or changed by any political 9 10 subdivision levying and assessing such tax. \* \* \* 11 12 Powers and Duties of Officer V. 13 \* \* \* 14 (i) The officer shall not charge any fee or commission for 15 the distribution of earned income taxes. 16 \* \* \* IX. Fines and Penalties for Violation 17 18 of Ordinances or Resolutions \* \* \* 19 20 (e) Every employer who deducts and withholds earned income 21 tax from employes pursuant to this act shall be a fiduciary 22 charged with responsibility for the full amount of the tax 23 deducted until paid over to the taxing authority. Any employer, 24 his representative and any other person with responsibility over 25 taxes withheld by the employer commits a misdemeanor of the 26 second degree if he fails to pay over to the taxing authority 27 taxes entrusted to him as a fiduciary. 28 Section 2. Section 20 of the act is amended to read: 29 Section 20. Collection of Delinquent Per Capita, Occupation, 30 Occupational Privilege and Earned Income Taxes from the

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1 Commonwealth. -- [Upon presentation of a written notice and demand under oath or affirmation, to the State Treasurer or any other 2 3 fiscal officer of the State, or its boards, authorities, 4 agencies or commissions, it shall be the duty of the treasurer 5 or officer to deduct from the wages then owing, or that shall within sixty days thereafter become due to any employe, a sum 6 7 sufficient to pay the respective amount of the delinquent per 8 capita, occupation, occupational privilege and earned income taxes and costs shown on the written notice. The same shall be 9 10 paid to the tax collector of the taxing district in which said 11 delinquent tax was levied within sixty days after such notice shall have been given.] Upon written notice, the State Treasurer 12 13 or other fiscal officer of the Commonwealth shall deduct from the compensation then owing or that shall, within sixty days 14 15 thereafter, become due to any employe a sum sufficient to pay 16 the delinquent per capita, occupation, occupational privilege and earned income taxes, interest, penalty and costs: Provided, 17 18 however, That no more than ten percent of the compensation of 19 the delinquent taxpayer may be deducted at any one time. Payment of the funds shall be made within sixty days to the tax officer 20 of the taxing district in which the tax was levied. 21 22 Section 3. This act shall take effect in 60 days.

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