

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 269 Session of
1993

INTRODUCED BY NICKOL, OLASZ, FARGO, TRELLO, PERZEL, SCHULER,
PLATTS, CLARK, BELFANTI AND ARMSTRONG, FEBRUARY 8, 1993

REFERRED TO COMMITTEE ON FINANCE, FEBRUARY 8, 1993

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," providing exceptions to assessments and
11 collection.

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

14 Section 1. Section 258 of the act of March 4, 1971 (P.L.6,
15 No.2), known as the Tax Reform Code of 1971, amended September
16 9, 1971 (P.L.437, No.105), is amended to read:

17 Section 258. Limitation on Assessment and Collection.--(a)
18 The amount of the tax imposed by this act shall be assessed
19 within three years after the date when the return provided for
20 by subsection (a) or (c) of section 217 is filed or the end of
21 the year in which the tax liability arises whichever shall last
22 occur. Any such assessment may be made at any time during such

1 period notwithstanding that the department may have made one or
2 more previous assessments against the taxpayer for the year in
3 question, or for any part of such year. In any such case, no
4 credit shall be given for any penalty previously assessed or
5 paid.

6 (b) When a decision is made which reverses department policy
7 in determining tax liability, or is contrary to prior Board of
8 Finance and Revenue decisions, and tax is imposed upon products
9 or transactions not previously taxed, the department shall not
10 make an assessment against any taxpayer for a greater amount of
11 tax due resulting from the decision for any transaction made
12 prior to the date of the decision.

13 Section 2. This act shall take effect in 60 days.