

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1202 Session of
1997

INTRODUCED BY STEIL, B. SMITH, KREBS, CARONE, BELFANTI, GORDNER,
SCHRODER, ARMSTRONG, HANNA, MILLER, STERN, VAN HORNE, TIGUE,
McCALL, STEELMAN, ROSS, TRICH AND SHANER, APRIL 8, 1997

REFERRED TO COMMITTEE ON FINANCE, APRIL 8, 1997

AN ACT

1 Authorizing counties to impose sales and use or personal income
2 taxes or in certain circumstances a combination of both;
3 authorizing municipalities to impose personal income and
4 municipal service taxes; authorizing school districts to
5 impose taxes on personal income; providing for the levying,
6 assessment and collection of such taxes; providing for the
7 powers and duties of the Department of Community and Economic
8 Development or any successor agency, the Department of
9 Revenue and the State Treasurer; and providing for
10 limitations on spending by counties, municipalities and
11 school districts.

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29 The General Assembly of the Commonwealth of Pennsylvania

30 hereby enacts as follows:

1 CHAPTER 1

2 GENERAL PROVISIONS

3 Section 101. Short title.

4 This act shall be known and may be cited as the Optional
5 Local Tax Enabling Act.

6 Section 102. Definitions.

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

10 "Association." As defined in section 301 of the act of March
11 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

12 "Board of county commissioners." Includes the successor in
13 function to the board of county commissioners in a county which
14 has adopted a home rule charter under the act of April 13, 1972
15 (P.L.184, No.62), known as the Home Rule Charter and Optional
16 Plans Law, but does not include the city council of a city of
17 the first class or the board of county commissioners of a county
18 of the second class.

19 "Business." As defined in section 301 of the act of March 4,
20 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

21 "Classes of income." The classes of income set forth in
22 section 303 of the act of March 4, 1971 (P.L.6, No.2), known as
23 the Tax Reform Code of 1971.

24 "Compensation." As defined in section 301 of the act of
25 March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
26 1971.

27 "County." A county-level municipality within this
28 Commonwealth, regardless of classification. The term includes a
29 county which has adopted a home rule charter or optional plan of
30 government under the act of April 13, 1972 (P.L.184, No.62),

1 known as the Home Rule Charter and Optional Plans Law. The term
2 does not include a county of the first class or a county of the
3 second class.

4 "Current year." The calendar year or fiscal year for which
5 the tax is levied.

6 "Department." The Department of Revenue of the Commonwealth.

7 "Domicile." As defined in section 13 of the act of December
8 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling
9 Act.

10 "Employer." As defined in section 301 of the act of March 4,
11 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

12 "Governing body." The board of county commissioners,
13 including the successor in function to the board of county
14 commissioners in a county which has adopted a home rule charter
15 under the act of April 13, 1972 (P.L.184, No.62), known as the
16 Home Rule Charter and Optional Plans Law, city council, borough
17 council, incorporated town council, board of township
18 commissioners, board of township supervisors, a governing
19 council of a home rule municipality or optional plan
20 municipality, a governing council of any similar general purpose
21 unit of government which may hereafter be created by statute, or
22 a board of school directors of a school district. The term does
23 not include the city council of a city of the first class or the
24 board of county commissioners of a county of the second class.

25 "Home rule municipality." A city, borough, incorporated town
26 or township which has adopted a home rule charter under the act
27 of April 13, 1972 (P.L.184, No.62), known as the Home Rule
28 Charter and Optional Plans Law.

29 "Individual." As defined in section 301 of the act of March
30 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

1 "Local Tax Enabling Act." The act of December 31, 1965
2 (P.L.1257, No.511), known as The Local Tax Enabling Act.

3 "Municipal service tax." A tax upon residents and
4 nonresidents employed within a municipality.

5 "Municipality." A city of the second class, city of the
6 second class A, city of the third class, borough, incorporated
7 town, township of the first class, township of the second class,
8 home rule municipality, optional plan municipality, optional
9 form municipality or similar general purpose unit of government
10 which may hereafter be created by statute, except a city of the
11 first class.

12 "Nonresident." An individual domiciled outside the
13 municipality.

14 "Optional form municipality." A city which has adopted an
15 optional form of government under the act of July 15, 1957
16 (P.L.901, No.399), known as the Optional Third Class City
17 Charter Law.

18 "Optional plan municipality." A city, borough, incorporated
19 town or township which has adopted an optional plan of
20 government under the act of April 13, 1972 (P.L.184, No.62),
21 known as the Home Rule Charter and Optional Plans Law.

22 "Ordinance." Includes a resolution.

23 "Personal income." The classes of income enumerated in
24 section 303 of the act of March 4, 1971 (P.L.6, No.2), known as
25 the Tax Reform Code of 1971, and upon which is imposed a
26 personal income tax by the Commonwealth.

27 "Preceding year." The calendar year or fiscal year before
28 the current year.

29 "Register." The register provided for in Chapter 9.

30 "Resident individual." An individual who is domiciled in a

1 municipality or school district.

2 "School district." A school district of the first class A,
3 second class, third class or fourth class, including any
4 independent school district.

5 "Succeeding year." The calendar year or fiscal year
6 following the current year.

7 "Tax officer." The person, public employee or private agency
8 designated by a governing body to collect and administer the
9 municipal service tax imposed under this act.

10 "Tax Reform Code." The act of March 4, 1971 (P.L.6, No.2),
11 known as the Tax Reform Code of 1971.

12 "Taxpayer." An individual required under this act to file a
13 tax return or to pay a tax.

14 Section 103. Scope.

15 (a) General rule.--Except as provided in subsection (b), it
16 is the intent of this act to confer upon each county,
17 municipality and school district the power to levy, assess and
18 collect taxes upon the subjects of taxation set forth in this
19 act.

20 (b) Real estate transfer taxes.--This act does not affect
21 the powers of a municipality or school district to levy, assess
22 and collect a real estate transfer tax.

23 Section 104. Preemption.

24 No act of the General Assembly heretofore or hereinafter
25 enacted shall vacate or preempt any ordinance passed or adopted
26 under the authority of this act, or any other act, providing
27 authority for the imposition of a tax by a county, municipality
28 or school district unless the act of the General Assembly
29 expressly vacates or preempts the authority to pass or adopt
30 such ordinances.

1 Section 105. Rates of taxation in home rule counties.

2 A home rule county shall not have the right or authority to
3 fix the rate of taxation for the subjects of taxation authorized
4 under Chapter 3 in excess of the rates fixed in Chapter 3.

5 CHAPTER 3

6 SUBJECTS OF TAXATION

7 SUBCHAPTER A

8 TAX AUTHORIZATION

9 Section 301. General tax authorization.

10 (a) General rule.--Subject to sections 303 and 304 and
11 except as provided in subsection (b), each county, municipality
12 or school district shall have the power and may by ordinance
13 levy, assess and collect or provide for the levying, assessment
14 and collection of such taxes on the subjects specified in this
15 chapter for general revenue purposes as it shall determine on
16 any or all of the subjects of taxation set forth in this act
17 within the geographical limits of the county, municipality or
18 school district.

19 (b) Exclusions.--No county, municipality or school district
20 which levies a tax authorized by this act shall have any power
21 or authority to levy, assess or collect:

22 (1) A tax based upon a flat rate or on a millage rate on
23 an assessed valuation of a particular trade, occupation or
24 profession, commonly known as an occupation tax.

25 (2) A tax at a set or flat rate upon persons employed
26 within the taxing district, commonly known as an occupational
27 privilege tax.

28 (3) A per capita, poll, residence or similar head tax.

29 (4) The earned income and net profits tax levied under
30 the Local Tax Enabling Act.

1 (5) Any other tax authorized or permitted under the
2 Local Tax Enabling Act.

3 (6) An earned income tax under the act of August 24,
4 1961 (P.L.1135, No.508), referred to as the First Class A
5 School District Earned Income Tax Act, or under the
6 additional authority in section 652.1(a)(2) of the act of
7 March 10, 1949 (P.L.30, No.14), known as the Public School
8 Code of 1949.

9 (7) Any tax under section 652.1(a)(4) of the Public
10 School Code of 1949, except as it pertains to real estate
11 transfer taxes.

12 (8) The intangible personal property tax under the act
13 of June 17, 1913 (P.L.507, No.335), referred to as the
14 Intangible Personal Property Tax Law.

15 Section 302. Continuity of tax.

16 Every tax levied under the provisions of this act shall
17 continue in force on a calendar or fiscal year basis, as the
18 case may be, without annual reenactment unless the rate of tax
19 is increased or the tax is subsequently repealed.

20 Section 303. Election to participate under act.

21 (a) General rule.--

22 (1) Any governing body which desires to participate
23 under the provisions of this act shall make that
24 determination by using either of the procedures set forth in
25 subsection (b) or (c).

26 (2) Any governing body after making an election to
27 participate under this act may, after a period of at least
28 three full calendar years of participation, elect, under the
29 provisions of subsection (c), to cease participation under
30 this act and levy, assess and collect the taxes prohibited by

1 section 301(b) to the extent otherwise provided by law.

2 (b) Adoption of ordinance.--Subject to the requirements of
3 section 316(a) or 325(a), whichever is applicable, a governing
4 body may elect to participate under this act by adopting an
5 ordinance to that effect. The ordinance must set forth the
6 initial rate of the tax to be imposed. Any governing body which
7 uses the procedures under this subsection shall submit all
8 future tax rate increases to public referendum as provided in
9 section 304.

10 (c) Public referendum.--Subject to the notice and public
11 hearing requirements of section 316(a) or 325(a), whichever is
12 applicable, a governing body may elect to participate under this
13 act by obtaining the approval of the electorate of the affected
14 county, municipality or school district in a public referendum
15 at only the November election preceding the calendar year when
16 the taxes will be initially imposed. The referendum question
17 must state the initial rate of the proposed tax. Any governing
18 body which uses the procedures under this section shall not be
19 subject to the provisions of section 304 for any future tax rate
20 increases.

21 Section 304. Public referendum.

22 (a) General rule.--Except as provided in subsection (c), a
23 governing body which elects to participate under this act
24 pursuant to section 303 may not increase the rate of any tax
25 imposed under this act or any other act without first obtaining
26 the approval of the electorate of the affected county,
27 municipality or school district in a public referendum at the
28 November election immediately preceding the calendar year of the
29 proposed tax increase for entities operating on a calendar year
30 fiscal basis and at the primary election for the calendar year

1 of the proposed tax increase for entities operating on a July to
2 June fiscal basis.

3 (b) Disapproval.--Whenever the electorate fails to approve
4 the proposed referendum question increasing the rates of tax,
5 the governing body shall be limited to the tax rate in effect
6 prior to the referendum.

7 (c) Referendum exceptions.--The provisions of subsection (a)
8 shall not apply to any necessary tax increases in the following
9 cases:

10 (1) If an increase in local expenditures is necessary to
11 respond to or recover from an emergency or disaster declared
12 by the Governor.

13 (2) If the political subdivision is required to
14 implement a court decision.

15 (3) To pay interest and principal on any indebtedness
16 incurred under the act of July 12, 1972 (P.L.781, No.185),
17 known as the Local Government Unit Debt Act.

18 (4) To pay increases in pension fund requirements which
19 are in excess of the annual average increase over the
20 immediately preceding five fiscal years.

21 (5) To respond to a municipality declared to be
22 distressed under the act of July 10, 1987 (P.L.246, No.47),
23 known as the Municipalities Financial Recovery Act.

24 (6) To respond to a school district determined to be
25 distressed under sections 691 through 695 of the act of March
26 10, 1949 (P.L.30, No.14), known as the Public School Code of
27 1949.

28 (7) To increase revenues when actual revenues decline
29 from the immediately preceding year but only to the extent of
30 the revenue decline.

1 Section 305. Local tax study commission.

2 (a) First-year implementation.--Before any municipality,
3 school district or county levies, assesses or collects, or
4 provides for the levy, assessment or collection of, any tax
5 under the authority of this act, the governing body may appoint
6 a local tax study commission in accordance with the following
7 provisions:

8 (1) Membership.--The local tax study commission shall
9 consist of five, seven or nine members appointed by the
10 governing body. One member of the local tax study commission
11 may be a member of the governing body, as deemed appropriate
12 by the governing body. No member of the local tax study
13 commission shall be a relative, by blood or marriage, of an
14 official or employee of the municipality, school district or
15 county. All members shall be residents of the municipality,
16 school district or county. Representatives on a local tax
17 study commission must reasonably reflect the socioeconomic,
18 age and occupational diversity of the municipality, school
19 district or county.

20 (2) Staff and expenses.--The governing body shall
21 provide necessary and reasonable staff to support the local
22 tax study commission and shall reimburse the members of the
23 local tax study commission for necessary and reasonable
24 expenses in the discharge of their duties.

25 (3) Contents of study.--The local tax study commission
26 shall study the existing taxes levied, assessed and collected
27 by the municipality, school district or county and determine
28 if and how the tax policies of the municipality, school
29 district or county could be strengthened or made more
30 equitable by adopting for levy, assessment and collection one

1 or a combination of any of the following taxes: personal
2 income tax, real estate tax, realty transfer tax or amusement
3 tax at such levels and in such combinations on permissible
4 subjects of taxation as do not exceed the limitations in this
5 act. This study shall include, but not be limited to,
6 consideration of all of the following:

7 (i) Historic rate and revenue provided by taxes
8 currently levied, assessed and collected by the
9 municipality, school district or county.

10 (ii) The percentage of total revenues provided by
11 taxes currently levied, assessed and collected.

12 (iii) The age, income, employment and property use
13 characteristics of the existing tax base.

14 (iv) The projected revenues of any taxes currently
15 levied, assessed and collected.

16 (v) The projected revenues of any taxes referred to
17 in this paragraph not currently levied, assessed and
18 collected by the municipality, school district or county.

19 (4) Recommendation.--Within 60 days of its appointment,
20 the local tax study commission shall make a nonbinding
21 recommendation to the governing body of the appropriate tax
22 or combination of taxes, identified in paragraph (3), to be
23 levied, assessed and collected commencing the next fiscal
24 year. Upon appointment of the commission and except as
25 provided for in paragraph (5), no tax may be levied, assessed
26 or collected for the next fiscal year until receipt of the
27 recommendation of the local tax study commission. No later
28 than 30 days prior to the commencement of the next fiscal
29 year, the governing body shall accept or reject the
30 recommendation of the local tax study commission or adopt any

1 other appropriate tax or combination of taxes for the
2 municipality, school district or county commencing the next
3 fiscal year as provided by law.

4 (5) Failure to issue recommendation.--If the local tax
5 study commission fails to make a nonbinding recommendation
6 within 60 days of its appointment, the governing body shall
7 discharge the appointed local tax study commission and
8 appoint itself as the local tax study commission. No later
9 than 30 days prior to the commencement of the next fiscal
10 year, the governing body shall adopt the appropriate tax or
11 combination of taxes for the municipality, school district or
12 county commencing the next fiscal year as provided by law.

13 (6) Public distribution of report.--The local tax study
14 commission shall publish or cause to be published, within 30
15 days of making its recommendation, a final report of its
16 activities and recommendations and shall deliver the final
17 report to the secretary or chief clerk of the municipality,
18 school district or county who shall supply copies to any
19 interested persons upon request.

20 (7) Receipts.--Receipts are required for all
21 reimbursable expenses.

22 (8) Materials.--All the records, receipts, tapes,
23 minutes of meetings and written discussions of the local tax
24 study commission shall, upon its discharge, be turned over to
25 the secretary or chief clerk of the municipality, school
26 district or county for permanent safekeeping. The secretary
27 or chief clerk shall make such materials available for public
28 inspection at any time during regular business hours.

29 (9) Discharge.--The local tax study commission shall be
30 discharged upon the filing of its final report.

1 (b) Three-year review.--Any municipality, school district or
2 county that levies, assesses and collects, or provides for the
3 levy, assessment or collection of, any tax, after having
4 received the recommendations of a local tax study commission and
5 acted, shall continue to levy, assess and collect the same tax
6 or combination of taxes for the next three fiscal years.
7 However, nothing herein shall preclude the governing body from
8 changing or altering the rates of any such tax or combination of
9 taxes if it deems necessary. Before the third fiscal year
10 following the municipality, school district or county action on
11 the recommendations of a local tax study commission and every
12 third fiscal year thereafter, the governing body may appoint a
13 local tax study commission in the manner provided in subsection
14 (a). The local tax study commission appointed under this
15 subsection shall be charged with all of the same powers and
16 duties provided for the local tax study commission under
17 subsection (a). In the event the municipality, school district
18 or county does not appoint a local tax study commission under
19 this subsection after having previously acted on the
20 recommendations of a local tax study commission, the
21 municipality, school district or county shall continue to levy,
22 assess and collect the same tax or combination of taxes for the
23 next three fiscal years.

24 SUBCHAPTER B

25 COUNTY SALES AND USE TAX

26 Section 311. Construction.

27 The tax imposed by the governing body of a county under this
28 subchapter shall be in addition to any tax imposed by the
29 Commonwealth under Article II of the Tax Reform Code. Except for
30 the differing situs provisions under section 313, the provisions

1 of Article II of the Tax Reform Code shall apply to the tax.

2 Section 312. Imposition.

3 (a) Sales.--The governing body of a county may levy and
4 assess upon each separate sale at retail of tangible personal
5 property or services, as defined in Article II of the Tax Reform
6 Code, within the boundaries of the county, a tax on the purchase
7 price. The tax shall be collected by the vendor from the
8 purchaser and shall be paid over to the Commonwealth as provided
9 in this subchapter.

10 (b) Use.--In any county within which the tax authorized in
11 subsection (a) is imposed, there shall be levied, assessed and
12 collected upon the use, within the county, of tangible personal
13 property purchased at retail, and on services purchased at
14 retail, as defined in Article II of the Tax Reform Code, a tax
15 on the purchase price. The tax shall be paid over to the
16 Commonwealth by the person who makes the use. The use tax
17 imposed under this subchapter shall not be paid over to the
18 Commonwealth by any person who has paid the tax imposed by
19 subsection (a) or has paid the tax imposed by this subsection to
20 the vendor with respect to the use.

21 (c) Occupancy.--In any county within which a tax authorized
22 by subsection (a) is imposed, there shall be levied, assessed
23 and collected an excise tax on the rent upon every occupancy of
24 a room or rooms in a hotel in the county. The tax shall be
25 collected by the operator or owner from the occupant and paid
26 over to the Commonwealth.

27 (d) Rate and uniformity.--

28 (1) The tax authorized by subsections (a), (b) and (c)
29 shall be imposed at a rate of 1%.

30 (2) The tax imposed by subsections (a), (b) and (c)

1 shall be uniform.

2 (e) Computation.--The tax imposed under this section shall
3 be computed in the manner set forth in section 503(e)(2) of the
4 act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania
5 Intergovernmental Cooperation Authority Act for Cities of the
6 First Class.

7 Section 313. Situs.

8 The situs of sales at retail or uses, including leases, of
9 motor vehicles, aircraft, motorcraft and utility services shall
10 be determined in the manner specified by section 504 of the act
11 of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania
12 Intergovernmental Cooperation Authority Act for Cities of the
13 First Class.

14 Section 314. Licenses.

15 A license for the collection of the tax imposed by this
16 subchapter shall be issued in the same manner as is provided for
17 in section 505 of the act of June 5, 1991 (P.L.9, No.6), known
18 as the Pennsylvania Intergovernmental Cooperation Authority Act
19 for Cities of the First Class. Licensees shall be entitled to
20 the same discount as provided in section 227 of the Tax Reform
21 Code.

22 Section 315. Rules and regulations; collection costs.

23 (a) Regulations.--Rules and regulations shall be applicable
24 to the taxes imposed under section 312 in the same manner as is
25 provided for in section 506(1) and (2) of the act of June 5,
26 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental
27 Cooperation Authority Act for Cities of the First Class.

28 (b) Administrative costs.--The department, to cover its
29 costs of administration, shall be entitled to retain a sum equal
30 to 1% of the revenues collected under this subchapter for its

1 administrative costs. When the annual operating budget for the
2 department is submitted to the General Assembly, the department
3 shall also submit to the chairman and minority chairman of the
4 Appropriations Committee of the Senate and to the chairman and
5 minority chairman of the Appropriations Committee of the House
6 of Representatives the actual sums retained for costs of
7 collection in the preceding fiscal year, together with all
8 supporting details.

9 Section 316. Procedure and administration.

10 (a) Ordinance.--Any county desiring to impose the tax
11 authorized by section 312 shall give at least 60 days' written
12 notice to every municipality and school district located in the
13 county of its intent to impose the tax and shall adopt an
14 ordinance after the expiration of 60 days after the date of such
15 notice. The notice and an ordinance shall state the tax rate and
16 refer to this subchapter. The ordinance shall authorize the
17 imposition of all taxes provided for in section 312. Prior to
18 adopting an ordinance imposing the tax authorized by section
19 312, the governing body of the county shall give public notice
20 of its intent to adopt the ordinance in the manner provided by
21 section 4 of the Local Tax Enabling Act and shall conduct at
22 least one public hearing regarding the proposed adoption of the
23 ordinance.

24 (b) Notification to department.--A certified copy of the
25 county ordinance shall be delivered to the department by
26 September 1 of the year prior to the effective date thereof. The
27 county ordinance shall become effective on the January 1
28 following at least four months after the date of enactment of
29 the county ordinance.

30 (c) Delivery of repeal ordinance.--A certified copy of a

1 repeal ordinance shall be delivered to the department at least
2 30 days prior to the effective date of the repeal.

3 Section 317. County sales and use tax funds.

4 There is hereby created for each county levying the tax under
5 section 312 the (proper name) County Sales and Use Tax Fund. The
6 State Treasurer shall be custodian of the funds which shall be
7 subject to the provisions of law applicable to funds listed in
8 section 302 of the act of April 9, 1929 (P.L.343, No.176), known
9 as The Fiscal Code. Taxes imposed under section 312 shall be
10 received by the department and paid to the State Treasurer and,
11 along with interest and penalties, less any collection costs
12 allowed under this subchapter and any refunds and credits paid,
13 shall be credited to the funds not less frequently than every
14 two weeks. During any period prior to the credit of moneys to
15 the funds, interest earned on moneys received by the department
16 and paid to the State Treasurer under this subchapter shall be
17 deposited into the funds. All moneys in the funds, including,
18 but not limited to, moneys credited to the funds under this
19 section, prior year encumbrances and the interest earned
20 thereon, shall not lapse or be transferred to any other fund,
21 but shall remain in the funds. Pending their disbursement,
22 moneys received on behalf of or deposited into the funds shall
23 be invested or reinvested as are other moneys in the custody of
24 the State Treasurer in the manner provided by law. All earnings
25 received from the investment or reinvestment of the moneys shall
26 be credited to the respective funds.

27 Section 318. Disbursements.

28 (a) General rule.--On or before the tenth day of every
29 month, the State Treasurer shall make the disbursements on
30 behalf of the county imposing the tax out of the moneys which

1 are, as of the last day of the previous month, contained in the
2 respective county sales and use tax fund.

3 (b) Disbursement to counties.--

4 (1) The State Treasurer shall disburse to a county
5 imposing the tax authorized under section 312 an amount of
6 money equal to 50% of the tax collected in that county and
7 remitted to the department and deposited in the respective
8 county sales and use tax fund.

9 (2) An amount of money equal to the remaining 50% of the
10 tax collected in that county shall be allocated to all of the
11 municipalities and school districts within that county as
12 follows:

13 (i) 25% shall be allocated to all municipalities
14 within the county. Each municipality shall be allocated a
15 portion as computed under section 320(a).

16 (ii) 25% shall be allocated to all school districts
17 within the county. Each school district shall be
18 allocated a portion as computed under section 320(a).

19 (3) The State Treasurer shall disburse to a county, in
20 addition to its share under paragraph (1), an amount of money
21 equal to the allocations to nonqualified municipalities and
22 school districts within the county.

23 (4) The county shall deposit the revenue from the
24 respective county sales and use tax fund into the county
25 general fund for disposition as provided under section
26 701(a).

27 (c) Disbursement to municipalities.--The State Treasurer
28 shall, at the same time, disburse to the qualified
29 municipalities an amount of money equal to their allocations
30 under paragraph (2)(i). Each municipality's portion shall be

1 deposited in the municipal general fund for disposition as
2 provided in section 701(b).

3 (d) Disbursement to school districts.--The State Treasurer
4 shall, at the same time, disburse to the qualified school
5 districts an amount of money equal to their allocations under
6 paragraph (2)(ii). Each school district's portion shall be
7 deposited in the school district's general fund for disposition
8 as provided in section 701(b).

9 (e) Penalty.--If disbursements are not made on or before the
10 tenth day of each month, a 5% penalty shall be added thereto
11 plus an additional 1% late charge per month delayed.

12 Section 319. Adoption of municipal ordinances and school
13 district petitions.

14 (a) General rule.--No municipality shall be entitled to a
15 disbursement under section 318(c) and no school district shall
16 be entitled to a disbursement under section 318(d) unless one of
17 the following applies:

18 (1) Prior to enactment of the county ordinance, it
19 adopts a municipal ordinance or a school district petition
20 containing the statement:

21 We strongly urge the county to enact a county sales
22 and use tax and intend to accept disbursements of the
23 sales and use taxes collected.

24 Any municipality which does not enact an ordinance and any
25 school district which does not enact a petition in compliance
26 with this paragraph shall not be entitled to and shall not
27 receive any distribution from funds collected during the
28 first 24 months immediately following the initial date of
29 imposition of such tax.

30 (2) Prior to October 1 of any year after the enactment

1 of the county resolution, it adopts a municipal ordinance or
2 a school district petition containing the statement:

3 We support the enactment by the county of the county
4 sales and use tax and strongly urge its continuation
5 and intend to accept disbursements of the sales and
6 use taxes collected.

7 (b) Delivery.--A certified copy of the municipal ordinance
8 or the school district petition shall be delivered to the county
9 commissioners on or before the enactment of the county
10 resolution or October 15 of any year thereafter, as the case may
11 be.

12 Section 320. Allocations and qualifications.

13 (a) Allocations.--The State Treasurer shall compute
14 allocations to municipalities and school districts in the manner
15 provided in this section. Each municipality shall be allocated a
16 portion of the total allocation to municipalities which is equal
17 to the total allocation to municipalities multiplied by the
18 ratio of weighted tax revenues of the municipality divided by
19 the sum of the weighted tax revenues of all municipalities
20 located in the county. Each school district shall be allocated a
21 portion of the total allocation to school districts which is
22 equal to the total allocation to school districts multiplied by
23 the ratio of average daily membership of the school district
24 divided by the sum of the average daily membership of all school
25 districts in the county. For the purposes of this section,
26 "average daily membership" shall mean "average daily membership"
27 as defined by the act of March 10, 1949 (P.L.30, No.14), known
28 as the Public School Code of 1949.

29 (b) Qualifications.--Municipalities and school districts
30 qualified to receive disbursements under section 318(c) or (d)

1 are municipalities and school districts located within the
2 county, which:

3 (1) adopt in a timely fashion, the ordinance or petition
4 required under section 319; and

5 (2) adopt the necessary ordinances or, in the case of
6 school districts, take the legally necessary action and
7 impose the taxes authorized under this act.

8 (c) Limited definition.--For the purpose of this section,
9 weighted tax revenues are total tax revenues from all sources of
10 a municipality divided by the ratio of its per capita market
11 value to the per capita market value of its county. The per
12 capita market value means the total market value of all real
13 property divided by population as determined by the most recent
14 decennial census. Calculations of weighted tax revenues shall be
15 made by the Department of Community Affairs or any successor
16 agency and certified to the State Treasurer based upon
17 information reported to the Department of Community Affairs or
18 any successor agency, subject to review, verification and
19 approval by the Department of Community Affairs or any successor
20 agency.

21 SUBCHAPTER C

22 PERSONAL INCOME TAX

23 Section 321. Construction.

24 The tax imposed by the governing body of a municipality or
25 school district under this subchapter shall be in addition to
26 any tax imposed by the Commonwealth under Article III of the Tax
27 Reform Code. Except for the differing provisions under sections
28 501, 502 and 503, the provisions of Article III of the Tax
29 Reform Code shall apply to the tax.

30 Section 322. Personal income tax.

1 (a) Municipalities.--A municipality shall have the power to
2 levy, assess and collect a tax on the personal income of
3 resident individuals of the municipality up to a maximum rate of
4 1%, in increments of 0.25 of 1%.

5 (b) School districts.--Each school district shall have the
6 power to levy, assess and collect a tax on personal income of
7 resident individuals of the school district up to a maximum rate
8 of 2%, in increments of 0.25 of 1%.

9 (c) Counties.--In lieu of imposing the tax under section
10 312, each county shall have the power and may levy, assess and
11 collect a tax on the personal income of resident taxpayers of
12 the county up to a maximum rate of 0.5%, in increments of 0.25%.
13 Any county which imposes a tax under this subsection may not
14 impose any tax under section 312.

15 Section 323. Collections.

16 (a) General rule.--The department shall be responsible for
17 the collection of any tax imposed by a county under section
18 322(c).

19 (b) Municipalities and school districts.--Any municipality
20 or school district imposing a tax under section 322(a) or (b)
21 shall have the option and may:

22 (1) enter into an agreement with the department to
23 collect the taxes as provided in this subchapter; or

24 (2) designate the tax officer who is appointed under
25 section 10 of the Local Tax Enabling Act, or otherwise by
26 law, as the collector of the municipality or school district
27 personal income tax. In the performance of the tax collection
28 duties under this subchapter, the designated tax officer
29 shall have all the same powers, rights, responsibilities and
30 duties for the collection of the taxes which may be imposed

1 under the Local Tax Enabling Act or otherwise by law.

2 Section 324. Rules and regulations; collection costs.

3 (a) Regulations.--Rules and regulations shall be applicable
4 to the taxes imposed under section 322 in the same manner as is
5 provided for in Article III of the Tax Reform Code.

6 (b) Administrative costs.--The department, to cover its
7 costs of administration, shall be entitled to retain a sum equal
8 to 1% of the revenues collected under this subchapter for its
9 administrative costs. When the annual operating budget for the
10 department is submitted to the General Assembly, the department
11 shall also submit to the chairman and minority chairman of the
12 Appropriations Committee of the Senate and to the chairman and
13 minority chairman of the Appropriations Committee of the House
14 of Representatives the actual sums retained for costs of
15 collection in the preceding fiscal year, together with all
16 supporting details.

17 Section 325. Procedure and administration.

18 (a) Ordinance.--The governing body of the municipality,
19 school district or county, in order to impose the tax authorized
20 by section 322, shall adopt an ordinance which shall refer to
21 this subchapter. Prior to adopting an ordinance imposing the tax
22 authorized by section 322, the respective governing body shall
23 give public notice of its intent to adopt the ordinance in the
24 manner provided by section 4 of the Local Tax Enabling Act, and
25 shall conduct at least one public hearing regarding the proposed
26 adoption of the ordinance.

27 (b) Delivery.--A certified copy of the ordinance imposing
28 the tax shall be delivered to the department no later than 90
29 days prior to the effective date of the ordinance.

30 (c) Delivery of repeal ordinance.--A certified copy of a

1 repeal ordinance shall be delivered to the department at least
2 30 days prior to the effective date of the repeal.

3 Section 326. Local personal income tax funds.

4 There is hereby created for each municipality, school
5 district and county levying the tax under section 322 the
6 (proper name) Personal Income Tax Fund. The State Treasurer
7 shall be custodian of the funds which shall be subject to the
8 provisions of law applicable to funds listed in section 302 of
9 the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal
10 Code. Taxes imposed under section 322 shall be received by the
11 department and paid to the State Treasurer and, along with
12 interest and penalties, less any collection costs allowed under
13 this subchapter and any refunds and credits paid, shall be
14 credited to the funds not less frequently than every two weeks.
15 During any period prior to the credit of moneys to the funds,
16 interest earned on moneys received by the department and paid to
17 the State Treasurer under this subchapter shall be deposited
18 into the funds. All moneys in the funds, including, but not
19 limited to, moneys credited to the funds under this section,
20 prior year encumbrances and the interest earned thereon, shall
21 not lapse or be transferred to any other fund, but shall remain
22 in the funds. Pending their disbursement, moneys received on
23 behalf of or deposited into the funds shall be invested or
24 reinvested as are other moneys in the custody of the State
25 Treasurer in the manner provided by law. All earnings received
26 from the investment or reinvestment of the moneys shall be
27 credited to the respective funds.

28 Section 327. Disbursements.

29 On or before the April 10, July 10, October 10 and the next
30 succeeding January 10, the State Treasurer shall make the

1 disbursements to each municipality, school district and county
2 imposing the tax out of the moneys which are, as of the last day
3 of the previous month, contained in the respective personal
4 income tax funds. If disbursements are not made on or before the
5 dates listed in this section, a 5% penalty shall be added
6 thereto plus a 1% late charge per month delayed. This section
7 shall only apply to a municipality or school district which
8 elects to have the department collect the taxes as provided in
9 section 323(b)(1) and to a county which imposes a tax under
10 section 322(c).

11 SUBCHAPTER D

12 MUNICIPAL SERVICE TAX

13 Section 331. Municipal service tax.

14 (a) General rule.--Subject to the limitations established in
15 section 332, each municipality in which a taxpayer is employed
16 may levy, assess and collect a municipal service tax.

17 (b) Amount of tax.--A municipal service tax levied by a
18 municipality under an ordinance passed under the authority of
19 this act shall not exceed \$10.

20 (c) Situs for tax.--Subject to the limitations in section
21 332, the situs of a municipal service tax shall be the place of
22 employment.

23 Section 332. Multiple employment locations.

24 (a) Priority of claim.--In the event a person is engaged in
25 more than one occupation or an occupation which requires the
26 person to work in more than one municipality during the calendar
27 year, the priority of claim to collect the municipal service tax
28 shall be in the following order:

29 (1) The municipality in which a person maintains his
30 principal office or is principally employed.

1 (2) The municipality in which the person resides and
2 works if the tax is levied by that municipality.

3 (3) The municipality nearest in miles to the person's
4 home in which the person is employed if the tax is levied by
5 that municipality.

6 (b) Place of employment.--The place of employment shall be
7 determined as of the day the taxpayer first becomes subject to
8 the tax during the calendar year.

9 (c) Liability.--No person shall be required to pay more than
10 \$10 in any calendar year without regard to the number of
11 municipalities within which the person may be employed.

12 Section 333. Collection procedures.

13 (a) Collector.--Any municipality which imposes a tax under
14 section 331 shall designate the tax officer who is appointed
15 under section 10 of the Local Tax Enabling Act, or otherwise by
16 law, as the collector of the municipality municipal services
17 tax. In the performance of the tax collection duties under this
18 subchapter, the designated tax officer shall have all the same
19 powers, rights, responsibilities and duties for the collection
20 of the taxes which may be imposed under the Local Tax Enabling
21 Act, or otherwise by law.

22 (b) Employer withholding.--Any municipality imposing a
23 municipal service tax shall have the power and may by ordinance
24 require employers to withhold the municipal service tax from the
25 compensation of employees. Any municipality which requires
26 employer withholding shall follow the procedures set forth in
27 the Local Tax Enabling Act.

28 SUBCHAPTERS E THROUGH I (Reserved)

29 CHAPTER 5

30 CREDITS, EXEMPTIONS AND DEFERRALS

1 SUBCHAPTER A

2 CREDITS AND EXEMPTIONS

3 Section 501. Credits.

4 The provisions of section 14 of the Local Tax Enabling Act
5 shall be used to determine any credits under the provisions of
6 this act for any taxes imposed under section 322.

7 Section 502. Low-income tax provisions.

8 The provisions of section 304 of the Tax Reform Code shall be
9 applied by any municipality, school district or county which
10 levies a tax under section 322 to any qualified individual under
11 65 years of age.

12 Section 503. Senior citizen tax provisions.

13 Each individual 65 years of age or older shall be entitled to
14 receive the first \$6,300 of any personal income free of any
15 municipal, school district or county tax imposed under section
16 322. Any personal income in excess of \$6,300 per individual
17 shall be subject to any tax levied under section 322.

18 Section 504. Municipal service tax exemption.

19 Each municipality which levies a municipal service tax shall
20 have the power and may, by ordinance, exempt any person whose
21 total compensation is less than \$6,300 from the municipal
22 service tax.

23 Section 505. Regulations.

24 Each county, municipality or school district may adopt
25 regulations for the processing of claims under sections 501,
26 502, 503 and 504.

27 SUBCHAPTER B

28 REAL ESTATE TAX DEFERRAL

29 Section 511. Short title of subchapter.

30 This subchapter shall be known and may be cited as the Real

1 Estate Tax Deferral Program Act.

2 Section 512. Findings and legislative intent.

3 (a) Findings.--The General Assembly finds as follows:

4 (1) Many tax jurisdictions are forced into an increasing
5 reliance on the real property tax.

6 (2) The high level of real property taxes in some taxing
7 jurisdictions makes it difficult for many individuals to keep
8 a home.

9 (3) The high level of real property taxes in many taxing
10 jurisdictions creates a tremendous hardship on many
11 taxpayers, especially those on fixed incomes.

12 (4) When counties conduct countywide reassessments, many
13 taxpayers experience substantial increases in their real
14 property taxes.

15 (b) Intent.--It is the intent of the General Assembly to
16 provide relief to residential property owners from tax increases
17 caused by changes in the millage rate, or assessment rates or
18 method or by a countywide reassessment. It is the further intent
19 of the General Assembly to create a program which will allow
20 counties, municipalities and school districts to defer the
21 increased portion of real property taxes when certain conditions
22 are met.

23 Section 513. Definitions.

24 The following words and phrases when used in this subchapter
25 shall have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Base payment." The amount of property tax paid by an
28 applicant in the base year.

29 "Base year." The tax year preceding the first tax year for
30 which a taxing authority implements the provisions of this

1 subchapter or the tax year immediately preceding an applicant's
2 entry into the tax deferral program.

3 "Claimant." A person who qualifies as a claimant under the
4 provisions of the act of March 11, 1971 (P.L.104, No.3), known
5 as the Senior Citizens Rebate and Assistance Act, whether or not
6 a claim is filed under that act and whose household income does
7 not exceed the limit provided for in section 515.

8 "Homestead." Real property which qualifies as a homestead
9 under the provisions of the act of March 11, 1971 (P.L.104,
10 No.3), known as the Senior Citizens Rebate and Assistance Act,
11 except real property which is rented or leased to a claimant.

12 "Household income." All income as defined in the act of
13 March 11, 1971 (P.L.104, No.3), known as the Senior Citizens
14 Rebate and Assistance Act, received by the claimant and by the
15 claimant's spouse while residing in the homestead during the
16 calendar year for which a tax deferral is claimed.

17 "Increases in property taxes." An increase in the property
18 tax above the base payment, resulting from a millage increase, a
19 change in the assessment ratio or method, or any other reason.

20 "Taxing authority." A county, city, borough, town, township
21 and school district that has elected to participate under this
22 act in accordance with section 303.

23 Section 514. Authority.

24 All taxing authorities shall have the power and authority to
25 grant annual tax deferrals in the manner provided in this
26 subchapter.

27 Section 515. Income eligibility.

28 (a) First year of enactment.--During the first calendar year
29 this subchapter takes effect, a person shall be eligible for a
30 tax deferral if the person has a household income of \$15,000 or

1 less.

2 (b) Subsequent years.--The amount of household income
3 provided for in subsection (a) shall be increased \$500 each
4 calendar year following the calendar year this subchapter takes
5 effect.

6 Section 516. Tax deferral.

7 (a) Amount.--An annual real estate tax deferral granted
8 under this subchapter shall equal the increase in real property
9 taxes in excess of the person's base payment.

10 (b) Prohibition.--No tax deferrals shall be granted if the
11 total amount of deferred taxes, plus the total amount of all
12 other unsatisfied liens on the homestead of the claimant,
13 exceeds 85% of the market value of the homestead or if the
14 outstanding principal on any and all mortgages on the homestead
15 exceeds 70% of the market value of the homestead. Market value
16 shall equal assessed value divided by the common level ratio as
17 most recently determined by the State Tax Equalization Board for
18 the county in which the property is located.

19 Section 517. Application procedure.

20 (a) Initial application.--Any person eligible for a tax
21 deferral under this subchapter may apply annually to the taxing
22 authority. In the initial year of application, the following
23 information shall be provided in the manner required by the
24 taxing authority:

25 (1) A statement of request for the tax deferral.

26 (2) A certification that the applicant or the applicant
27 and his or her spouse jointly are the owners in fee simple
28 and residents of the property upon which the real property
29 taxes are imposed.

30 (3) A certification that the applicant's residence is

adequately insured under a homeowner's policy to the extent of all outstanding liens.

(4) Receipts showing timely payment of the current year's nondeferred real property tax liability.

(5) Proof of income eligibility under section 515.

(b) Subsequent years.--After the initial entry into the program, a claimant shall remain eligible for tax deferral in subsequent years so long as the claimant continues to meet the eligibility requirements of this subchapter.

Section 518. Contents of application.

Any application for a tax deferral distributed to persons shall contain the following:

(1) A statement that the tax deferral granted under this subchapter is provided in exchange for a lien against the homestead of the applicant.

(2) An explanation of the manner in which the deferred taxes shall become due, payable and delinquent and include, at a minimum, the consequences of noncompliance with the provisions of this subchapter.

Section 519. Attachment and satisfaction of liens.

(a) Nature of lien.--All taxes deferred under this subchapter shall constitute a prior lien on the homestead of the claimant in favor of the taxing authority and shall attach as of the date and in the same manner as other liens for taxes. The deferred taxes shall be collected as other liens for taxes, but the deferred taxes shall be due, payable and delinquent only as provided in subsection (b), and no interest shall be collected on the lien.

(b) Payment.--

(1) All or part of the deferred taxes may at any time be

1 paid to the taxing authority.

2 (2) In the event that the deferred taxes are not paid by
3 the claimant or the claimant's spouse during his or her
4 lifetime or during their continued ownership of the property,
5 the deferred taxes shall be paid either:

6 (i) prior to the conveyance of the property to any
7 third party; or

8 (ii) prior to the passing of the legal or equitable
9 title, either by will or by statute, to the heirs of the
10 claimant or the claimant's spouse.

11 (3) The surviving spouse of a claimant shall not be
12 required to pay the deferred taxes by reason of his or her
13 acquisition of the property due to death of the claimant as
14 long as the surviving spouse maintains his or her residence
15 in the property. The surviving spouse may continue to
16 participate in the tax deferral program in subsequent years
17 provided he or she is eligible under the provisions of this
18 subchapter.

19 CHAPTER 7

20 DISPOSITION OF TAX REVENUES

21 Section 701. Sales tax revenues.

22 (a) Counties.--One hundred percent of any additional
23 revenues from the sales and use tax shall be used to offset the
24 lost revenues from the prohibition on intangible personal
25 property tax and then to reduce or eliminate the following taxes
26 in the order set forth. The taxes to be reduced or eliminated
27 are as follows:

28 (1) The county per capita tax.

29 (2) The county occupational assessment tax, whether
30 based on a flat rate or a millage rate.

1 (3) The county real property tax reduced by means of the
2 universal exemption or by means of a uniform reduction in the
3 millage rate or any combination thereof.

4 (b) Municipalities and school districts under Chapter 3.--
5 All sales and use tax revenues received by any municipality or
6 school district which has elected to proceed under the
7 provisions of this act shall be used to reduce the municipal
8 real property tax or the school district real property tax,
9 respectively, by means of the universal exemption or a uniform
10 reduction in the millage rate or any combination thereof.

11 Section 702. Personal income tax revenues.

12 (a) Municipalities.--One hundred percent of any additional
13 revenues from the personal income tax shall be used to offset
14 the lost revenues from the taxes prohibited under section 301(b)
15 and then to reduce the municipal real property tax by means of
16 the universal exemption or a uniform reduction in the millage
17 rate or any combination thereof.

18 (b) School districts.--One hundred percent of any additional
19 revenues from the personal income tax shall be used to offset
20 the lost revenues from the taxes prohibited under section 301(b)
21 and then to reduce the school district real property tax by
22 means of the universal exemption or a uniform reduction in the
23 millage rate or any combination thereof.

24 (c) Counties.--One hundred percent of any additional
25 revenues from the personal income tax shall be used to offset
26 the lost revenues from the taxes prohibited under section 301(b)
27 and then to reduce the county real property tax by means of the
28 universal exemption or a uniform reduction in the millage rate
29 or any combination thereof.

30 Section 703. Revenue limitation exceptions.

1 The limitations relating to the reduction or elimination of
2 taxes in sections 701 and 702 may be waived, but only to the
3 degree necessary, in the following cases:

4 (1) If an increase in local expenditures is necessary to
5 respond to or recover from an emergency or disaster declared
6 by the Governor.

7 (2) If the political subdivision is required to
8 implement a court decision.

9 (3) To pay interest and principal on any indebtedness
10 incurred under the act of July 12, 1972 (P.L.781, No.185),
11 known as the Local Government Unit Debt Act or 53 Pa.C.S.
12 Part VII (relating to taxation and fiscal affairs).

13 (4) To pay increases in pension fund requirements which
14 are in excess of the annual average increase over the
15 immediately preceding five fiscal years.

16 (5) To respond to a municipality declared to be
17 distressed under the act of July 10, 1987 (P.L.246, No.47),
18 known as the Municipalities Financial Recovery Act.

19 (6) To respond to a school district determined to be
20 distressed under sections 691 through 695 of the act of March
21 10, 1949 (P.L.30, No.14), known as the Public School Code of
22 1949.

23 (7) To increase revenues when actual revenues decline
24 from the immediately preceding year but only to the extent of
25 the revenue decline.

26 (8) To increase school district revenues unless the
27 revenue generated per student reflects an actual increase
28 from the revenue generated per student in the immediately
29 preceding year.

30 (9) If the increase does not exceed the limitations on

1 millage rates for real property under the act of June 23,
2 1931 (P.L.932, No.317), known as The Third Class City Code,
3 the act of June 24, 1931 (P.L.1206, No.331), known as The
4 First Class Township Code, the act of May 1, 1933 (P.L.103,
5 No.69), known as The Second Class Township Code, and the act
6 of February 1, 1966 (1965 P.L.1656, No.581), known as The
7 Borough Code.

8 CHAPTER 9

9 REGISTER FOR CERTAIN TAXES

10 Section 901. Definitions.

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

14 "Department." The Department of Community and Economic
15 Development of the Commonwealth or any successor agency.

16 Section 902. Register for taxes under this act.

17 (a) General rule.--It shall be the duty of the department to
18 have available an official continuing register supplemented
19 annually of all sales and use, personal income and municipal
20 service taxes levied under this act.

21 (b) Contents of register.--The register and its supplements
22 shall list:

23 (1) The counties, municipalities or school districts
24 levying personal income tax, municipal service tax or sales
25 and use tax.

26 (2) The rate of tax as stated in the ordinance levying
27 the tax.

28 (3) The rate on taxpayers.

29 (4) The name and address of the tax officer responsible
30 for administering the collection of the tax and from whom

1 information, forms for reporting and copies of rules and
2 regulations are available.

3 Section 903. Information for register.

4 Information for the register shall be furnished by the chief
5 clerk or secretary of each county, municipality or school
6 district to the department in such manner and on such forms as
7 the department may prescribe. The information must be received
8 by the department by certified mail no later than May 31 of each
9 year to show new tax enactments, repeals and changes. Failure to
10 comply with this date for filing may result in the omission of
11 the tax levy from the register for that year. Failure of the
12 department to receive information of taxes continued without
13 change may be construed by the department to mean that the
14 information contained in the previous register remains in force.

15 Section 904. Availability and effective period of register.

16 The department shall have the register, with such annual
17 supplements as may be required by new tax enactments, repeals or
18 changes, available upon request no later than July 1 of each
19 year. The effective period for each register shall be from July
20 1 of the year in which it is issued to June 30 of the following
21 year.

22 Section 905. Effect of nonfiling.

23 Employers shall not be required by any ordinance to withhold
24 from the compensation of their employees any personal income tax
25 or municipal service tax imposed under the provisions of this
26 act which is not listed in the register or to make reports of
27 compensation in connection with taxes not so listed. If the
28 register is not available by July 1, the register of the
29 previous year shall continue temporarily in effect for an
30 additional period of not more than one year.

1 Section 906. Effect of chapter on liability of taxpayer.

2 The provisions of this chapter shall not affect the liability
3 of any taxpayer for taxes lawfully imposed under this act.

4 CHAPTER 21

5 MISCELLANEOUS PROVISIONS

6 Section 2101. Effective date.

7 This act shall take effect January 1, 1999.