

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1569 Session of
1999

INTRODUCED BY FARGO, LaGROTTA, ARGALL, BARLEY, BEBKO-JONES,
BUNT, CHADWICK, CIVERA, COY, DeLUCA, DEMPSEY, DERMODY,
GODSHALL, KENNEY, LEH, McCALL, NICKOL, ROBERTS, ROONEY, ROSS,
STABACK, TANGRETTI AND TRELLO, JUNE 3, 1999

REFERRED TO COMMITTEE ON FINANCE, JUNE 3, 1999

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled,
2 as amended, "An act relating to the finances of the State
3 government; providing for the settlement, assessment,
4 collection, and lien of taxes, bonus, and all other accounts
5 due the Commonwealth, the collection and recovery of fees and
6 other money or property due or belonging to the Commonwealth,
7 or any agency thereof, including escheated property and the
8 proceeds of its sale, the custody and disbursement or other
9 disposition of funds and securities belonging to or in the
10 possession of the Commonwealth, and the settlement of claims
11 against the Commonwealth, the resettlement of accounts and
12 appeals to the courts, refunds of moneys erroneously paid to
13 the Commonwealth, auditing the accounts of the Commonwealth
14 and all agencies thereof, of all public officers collecting
15 moneys payable to the Commonwealth, or any agency thereof,
16 and all receipts of appropriations from the Commonwealth,
17 authorizing the Commonwealth to issue tax anticipation notes
18 to defray current expenses, implementing the provisions of
19 section 7(a) of Article VIII of the Constitution of
20 Pennsylvania authorizing and restricting the incurring of
21 certain debt and imposing penalties; affecting every
22 department, board, commission, and officer of the State
23 government, every political subdivision of the State, and
24 certain officers of such subdivisions, every person,
25 association, and corporation required to pay, assess, or
26 collect taxes, or to make returns or reports under the laws
27 imposing taxes for State purposes, or to pay license fees or
28 other moneys to the Commonwealth, or any agency thereof,
29 every State depository and every debtor or creditor of the
30 Commonwealth," further providing for penalties for certain
31 sales or transfers of cigarettes.

32 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 229-A of the act of April 9, 1929
3 (P.L.343, No.176), known as The Fiscal Code, is amended by
4 adding subsections to read:

5 Section 229-A. Violations.--* * *

6 (e) Any stamping agent who affixes any stamp or meter
7 impression to or upon any package of cigarettes or any
8 wholesaler or retailer who sells, gives, transfers or delivers
9 to any person any package of cigarettes:

10 (1) that bears any label or notice prescribed by the United
11 States Department of Treasury to identify cigarettes exempt from
12 tax by the United States pursuant to the Internal Revenue Code
13 (Public Law 105-33, 26 U.S.C. § 5704(b)) (concerning cigarettes
14 intended for shipment to a foreign country, Puerto Rico, the
15 Virgin Islands, or a possession of the United States, or for
16 consumption beyond the jurisdiction of the Internal Revenue laws
17 of the United States), including any notice or label described
18 in 27 CFR § 290.185;

19 (2) that is not labeled in conformity with the provisions of
20 the Federal Cigarette Labeling and Advertising Act (Public Law
21 89-92, 15 U.S.C. § 1331 et seq.), or any other Federal
22 requirement for the placement of labels, warnings and other
23 information, applicable to cigarette packages intended for
24 domestic consumption; or

25 (3) the packaging of which has been modified or altered by a
26 person other than the manufacturer, including by the placement
27 of a sticker to cover information on the package, for purposes
28 of this subsection, a cigarette package shall not be construed
29 to have been modified or altered by a person other than the
30 manufacturer if the most recent modification to, or alteration

1 of, the package was by the manufacturer or by a person
2 authorized by the manufacturer;
3 shall be subject to a civil penalty in the amount of two hundred
4 per cent (200%) of the cost of the dealer according to this law
5 and shall forfeit all of said packages of cigarettes and, upon a
6 second finding of a violation of this subsection, the department
7 shall revoke said license. The licensee, and anyone having an
8 equitable interest in the license, shall have no interest in any
9 license issued pursuant to this act for a period of two years.

10 (f) The department is authorized to obtain and exchange
11 information with the United States Customs Service for the
12 purposes of enforcing this act.

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