

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 176 Session of  
2003

INTRODUCED BY SCAVELLO, LEWIS, DALLY, TIGUE, ARGALL, ARMSTRONG, BARD, BEBKO-JONES, BELARDI, BIRMELIN, CAPPELLI, CLYMER, DeLUCA, EGOLF, FAIRCHILD, FRANKEL, GEIST, GOODMAN, GRUCELA, HARHAI, HARPER, HENNESSEY, HERMAN, HERSHEY, HORSEY, HUTCHINSON, LAUGHLIN, MAHER, MAITLAND, McCALL, McNAUGHTON, R. MILLER, MUNDY, O'NEILL, PALLONE, PAYNE, PICKETT, READSHAW, REED, ROHRER, ROSS, RUBLEY, SAYLOR, SCRIMENTI, SEMMEL, SHANER, B. SMITH, STABACK, R. STEVENSON, STURLA, TANGRETTI, E. Z. TAYLOR, THOMAS, TURZAI, VANCE, WANSACZ, WATSON, WRIGHT, YOUNGBLOOD, YUDICHAK AND REICHLEY, FEBRUARY 18, 2003

AS REPORTED FROM COMMITTEE ON FINANCE, HOUSE OF REPRESENTATIVES,  
AS AMENDED, SEPTEMBER 22, 2003

## 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 for collection of realty transfer tax~~ <—  
11 ~~and for the administration of local real estate transfer tax.~~  
12 PENALTIES," FURTHER PROVIDING FOR STATE REAL ESTATE TRANSFER <—  
13 TAX DETERMINATION AND FOR IMPOSITION OF LOCAL REAL ESTATE  
14 TRANSFER TAX; PROVIDING FOR RULES AND REGULATION, DOCUMENTARY  
15 STAMPS, COLLECTION AGENT, DISBURSEMENTS, PROCEEDS OF JUDICIAL  
16 SALE, FAILURE TO AFFIX STAMPS, DETERMINATION AND NOTICE OF  
17 TAX AND REVIEW, LIEN, REFUNDS AND PENALTIES RELATED TO LOCAL  
18 REAL ESTATE TRANSFER TAX; AND MAKING REPEALS.

19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

21 ~~Section 1. Section 1107 C of the act of March 4, 1971~~ <—

~~(P.L.6, No.2), known as the Tax Reform Code of 1971, added May 5, 1981 (P.L.36, No.14), is amended to read:~~

~~Section 1107 C. Enforcement; Rules and Regulations. (a)~~

~~The department is hereby charged with the enforcement of the~~

~~provisions of this article and is hereby authorized and~~

~~empowered to prescribe, adopt, promulgate and enforce rules and~~

~~regulations relating to:~~

~~(1) The method and means to be used in affixing or~~

~~cancelling of stamps in substitution for or in addition to the~~

~~method and means provided in this article.~~

~~(2) The denominations and sale of stamps.~~

~~(3) Any other matter or thing pertaining to the~~

~~administration and enforcement of the provisions of this~~

~~article.~~

~~(b) The department shall collect any unpaid tax imposed~~

~~pursuant to Article XI D plus any penalties and interest imposed~~

~~under the act of December 31, 1965 (P.L.1257, No.511), known as~~

~~"The Local Tax Enabling Act," at the same time the department~~

~~collects any unpaid tax imposed under this article. The tax,~~

~~penalties and interest collected under this subsection shall be~~

~~remitted to the recorder of deeds in the appropriate county~~

~~along with sufficient information for the recorder of deeds to~~

~~determine which political subdivisions are entitled to such~~

~~collections. The recorder of deeds shall then cause the tax,~~

~~penalty and interest collected to be transferred to the~~

~~appropriate political subdivisions.~~

~~Section 2. Section 1102 D of the act, added July 2, 1986~~

~~(P.L.318, No.77), is amended to read:~~

~~Section 1102 D. Administration. [A] Except as provided in~~

~~section 1107 C(b), a tax imposed under this article shall be~~

1 ~~administered, collected and enforced under the act of December~~  
2 ~~31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling~~  
3 ~~Act."~~

4 ~~Section 3. This act shall take effect in 60 days.~~

5 SECTION 1. SECTIONS 1111-C(A), 1101-D AND 1102-D OF THE ACT <—  
6 OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF  
7 1971, AMENDED OR ADDED JULY 2, 1986 (P.L.318, NO.77), ARE  
8 AMENDED TO READ:

9 SECTION 1111-C. DETERMINATION AND NOTICE OF TAX; REVIEW.--

10 (A) IF ANY PERSON SHALL FAIL TO PAY ANY TAX IMPOSED BY THIS  
11 ARTICLE FOR WHICH HE IS LIABLE, THE DEPARTMENT IS HEREBY  
12 AUTHORIZED AND EMPOWERED TO MAKE A DETERMINATION OF ADDITIONAL  
13 TAX AND INTEREST DUE BY SUCH PERSON BASED UPON ANY INFORMATION  
14 WITHIN ITS POSSESSION OR THAT SHALL COME INTO ITS POSSESSION.  
15 ALL OF SUCH DETERMINATIONS SHALL BE MADE WITHIN THREE YEARS  
16 AFTER THE DATE OF THE RECORDING OF THE DOCUMENT[.], SUBJECT TO  
17 THE FOLLOWING:

18 (1) IF THE TAXPAYER UNDERPAYS THE CORRECT AMOUNT OF THE TAX  
19 BY TWENTY-FIVE PERCENT OR MORE, THE TAX MAY BE ASSESSED AT ANY  
20 TIME WITHIN SIX YEARS AFTER THE DATE OF THE RECORDING OF THE  
21 DOCUMENT.

22 (2) IF ANY PART OF AN UNDERPAYMENT OF TAX IS DUE TO FRAUD OR  
23 AN UNDISCLOSED, INTENTIONAL DISREGARD OF RULES AND REGULATIONS,  
24 THE TAX MAY BE ASSESSED AT ANY TIME.

25 \* \* \*

26 SECTION 1101-D. IMPOSITION.--THE DULY CONSTITUTED  
27 AUTHORITIES OF THE FOLLOWING POLITICAL SUBDIVISIONS--CITIES OF  
28 THE SECOND CLASS, CITIES OF THE SECOND CLASS A, CITIES OF THE  
29 THIRD CLASS, BOROUGHs, INCORPORATED TOWNS, TOWNSHIPS OF THE  
30 FIRST CLASS, TOWNSHIPS OF THE SECOND CLASS, SCHOOL DISTRICTS OF

1 THE FIRST CLASS A, SCHOOL DISTRICTS OF THE SECOND CLASS, SCHOOL  
2 DISTRICTS OF THE THIRD CLASS AND SCHOOL DISTRICTS OF THE FOURTH  
3 CLASS, IN ALL CASES INCLUDING INDEPENDENT SCHOOL DISTRICTS--MAY,  
4 IN THEIR DISCRETION, BY ORDINANCE OR RESOLUTION, FOR GENERAL  
5 REVENUE PURPOSES, LEVY, ASSESS AND COLLECT OR PROVIDE FOR THE  
6 LEVYING, ASSESSMENT AND COLLECTION OF A TAX UPON A TRANSFER OF  
7 REAL PROPERTY OR AN INTEREST IN REAL PROPERTY WITHIN THE LIMITS  
8 OF THE POLITICAL SUBDIVISION, REGARDLESS OF WHERE THE  
9 INSTRUMENTS MAKING THE TRANSFERS ARE MADE, EXECUTED OR DELIVERED  
10 OR WHERE THE ACTUAL SETTLEMENTS ON THE TRANSFER TAKE PLACE, TO  
11 THE EXTENT THAT THE TRANSACTIONS ARE SUBJECT TO THE TAX IMPOSED  
12 BY ARTICLE XI-C. [IN ADDITION, SUCH POLITICAL SUBDIVISION MAY  
13 IMPOSE A LOCAL REAL ESTATE TRANSFER TAX UPON ADDITIONAL CLASSES  
14 OR TYPES OF TRANSACTIONS IF THE TAX WAS IMPOSED BY THE POLITICAL  
15 SUBDIVISION UNDER THE ACT OF DECEMBER 31, 1965 (P.L.1257,  
16 NO.511), KNOWN AS "THE LOCAL TAX ENABLING ACT," PRIOR TO THE  
17 EFFECTIVE DATE OF THIS ARTICLE.] A TAX IMPOSED UNDER THIS  
18 ARTICLE SHALL BE SUBJECT TO RATE LIMITATIONS PROVIDED BY SECTION  
19 5 AND SECTION 17 OF THE ACT OF DECEMBER 31, 1965 (P.L.1257,  
20 NO.511), KNOWN AS "THE LOCAL TAX ENABLING ACT."

21 SECTION 1102-D. ADMINISTRATION.--[A] (A) EXCEPT AS PROVIDED  
22 IN SECTION 1107-C(B), THE TAX IMPOSED UNDER THIS ARTICLE SHALL  
23 BE ADMINISTERED, COLLECTED AND ENFORCED UNDER THE ACT OF  
24 DECEMBER 31, 1965 (P.L.1257, NO.511), KNOWN AS "THE LOCAL TAX  
25 ENABLING ACT[.]\_" PROVIDED, HOWEVER, THAT, IF THE CORRECT AMOUNT  
26 OF THE TAX IS NOT PAID BY THE LAST DATE PRESCRIBED FOR TIMELY  
27 PAYMENT, THE TAX INTEREST AND PENALTY MAY BE COLLECTED AND  
28 ENFORCED BY THE DEPARTMENT OF REVENUE IN THE SAME MANNER AS TAX,  
29 INTEREST AND PENALTY IMPOSED BY ARTICLE XI-C.

30 (B) WHENEVER A DECLARATION IS REQUIRED TO BE FILED UNDER

1 ARTICLE XI-C, A DECLARATION IS ALSO REQUIRED TO BE FILED UNDER  
2 THIS ARTICLE.

3 SECTION 2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

4 SECTION 1103-D. RULES AND REGULATIONS.--(A) THE RULES AND  
5 REGULATIONS PROMULGATED UNDER ARTICLE XI-C SHALL BE APPLICABLE  
6 TO THE TAXES IMPOSED UNDER THIS ARTICLE.

7 (B) THE DEPARTMENT OF REVENUE SHALL ADMINISTER AND ENFORCE  
8 THE PROVISIONS OF THIS ARTICLE AND MAY PROMULGATE AND ENFORCE  
9 RULES AND REGULATIONS NOT INCONSISTENT WITH THE PROVISIONS OF  
10 THIS ARTICLE RELATING TO ANY MATTER OR THING PERTAINING TO THE  
11 ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF THIS  
12 ARTICLE. THE DEPARTMENT MAY PRESCRIBE THE EXTENT TO WHICH ANY OF  
13 SUCH RULES AND REGULATIONS SHALL BE APPLIED WITHOUT RETROACTIVE  
14 EFFECT.

15 (C) THE DEPARTMENT, TO COVER ITS COSTS OF ADMINISTRATION,  
16 MAY RETAIN A SUM EQUAL TO COSTS OF COLLECTION OF THE LOCAL REAL  
17 ESTATE TRANSFER TAX AND SHALL INFORM THE POLITICAL SUBDIVISION  
18 IN WRITING MONTHLY OF THE SUM RETAINED AND THE COSTS OF  
19 COLLECTION REIMBURSED. NOT LATER THAN THE DATE THE GOVERNOR  
20 PRESENTS THE BUDGET TO THE GENERAL ASSEMBLY UNDER SECTION 619 OF  
21 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE  
22 ADMINISTRATIVE CODE OF 1929, THE DEPARTMENT SHALL SUBMIT TO THE  
23 CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE  
24 OF THE SENATE, THE CHAIRMAN AND MINORITY CHAIRMAN OF THE FINANCE  
25 COMMITTEE OF THE SENATE, THE CHAIRMAN AND MINORITY CHAIRMAN OF  
26 THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND  
27 THE CHAIRMAN AND MINORITY CHAIRMAN OF THE FINANCE COMMITTEE OF  
28 THE HOUSE OF REPRESENTATIVES A REPORT PROVIDING ESTIMATES FOR  
29 THE COSTS OF COLLECTION OF THE LOCAL REAL ESTATE TRANSFER TAX  
30 AND THE ACTUAL SUMS RETAINED BY THE DEPARTMENT FOR THAT PURPOSE.

1       SECTION 1104-D. DOCUMENTARY STAMPS.--(A) THE PAYMENT OF THE  
2 TAX IMPOSED BY THIS ARTICLE SHALL BE EVIDENCED BY THE AFFIXING  
3 OF A DOCUMENTARY STAMP OR STAMPS TO EVERY DOCUMENT BY THE PERSON  
4 MAKING, EXECUTING, DELIVERING OR PRESENTING FOR RECORDING SUCH  
5 DOCUMENT. THE STAMPS SHALL BE AFFIXED IN SUCH MANNER THAT THEIR  
6 REMOVAL WILL REQUIRE THE CONTINUED APPLICATION OF STEAM OR  
7 WATER, AND THE PERSON USING OR AFFIXING THE STAMPS SHALL WRITE,  
8 STAMP OR CAUSE TO BE WRITTEN OR STAMPED THEREON THE INITIALS OF  
9 THAT PERSON'S NAME AND THE DATE UPON WHICH THE STAMPS ARE  
10 AFFIXED OR USED SO THAT THE STAMPS MAY NOT AGAIN BE USED;  
11 PROVIDED THAT THE DEPARTMENT OF REVENUE MAY PRESCRIBE SUCH OTHER  
12 METHOD OF CANCELLATION AS IT MAY DEEM EXPEDIENT.

13       (B) THE DEPARTMENT MAY, IN ITS DISCRETION, USE DOCUMENTARY  
14 LICENSE METER IMPRESSIONS OR SIMILAR INDICIA OF PAYMENT IN LIEU  
15 OF STAMPS.

16       SECTION 1105-D. COLLECTION AGENT.--THE RECORDER OF DEEDS  
17 SHALL BE THE COLLECTION AGENT FOR ANY POLITICAL SUBDIVISION  
18 LEVYING A LOCAL REALTY TRANSFER TAX UNDER THIS ARTICLE. THE  
19 RECORDER OF DEEDS SHALL PAY TAX, INTEREST AND PENALTY COLLECTED  
20 UNDER THIS ARTICLE OVER TO THE APPROPRIATE POLITICAL SUBDIVISION  
21 IN ACCORDANCE WITH SECTION 6(C) OF THE ACT OF NOVEMBER 1, 1971  
22 (P.L.495, NO.113), ENTITLED, AS AMENDED, "AN ACT PROVIDING FOR  
23 THE COMPENSATION OF COUNTY OFFICERS IN COUNTIES OF THE SECOND  
24 THROUGH EIGHTH CLASSES, FOR COMPENSATION OF DISTRICT ATTORNEYS  
25 IN CITIES AND COUNTIES OF THE FIRST CLASS, FOR COMPENSATION OF  
26 DISTRICT ELECTION OFFICERS IN ALL COUNTIES, FOR THE DISPOSITION  
27 OF FEES, FOR FILING OF BONDS IN CERTAIN CASES AND FOR DUTIES OF  
28 CERTAIN OFFICERS."

29       SECTION 1106-D. DISBURSEMENTS.--THE TAX, INTEREST AND  
30 PENALTY THAT THE DEPARTMENT OF REVENUE COLLECTS UNDER THIS

1 ARTICLE SHALL BE REMITTED IN THE MANNER PROVIDED BY LAW TO THE  
2 APPROPRIATE RECORDER OF DEEDS ALONG WITH SUFFICIENT INFORMATION  
3 FOR THE RECORDER OF DEEDS TO DETERMINE WHICH POLITICAL  
4 SUBDIVISIONS ARE ENTITLED TO THE COLLECTIONS.

5 SECTION 1107-D. PROCEEDS OF JUDICIAL SALE.--THE TAX IMPOSED  
6 BY THIS ARTICLE SHALL BE FULLY PAID AND HAVE PRIORITY OUT OF THE  
7 PROCEEDS OF ANY JUDICIAL SALE OF REAL ESTATE BEFORE ANY OTHER  
8 OBLIGATION, CLAIM, LIEN, JUDGMENT, ESTATE OR COSTS OF THE SALE  
9 AND OF THE WRIT UPON WHICH THE SALE IS MADE. THE SHERIFF OR  
10 OTHER OFFICER CONDUCTING THE SALE SHALL PAY THE TAX IMPOSED BY  
11 THIS ARTICLE OUT OF THE FIRST MONEYS PAID TO THE SHERIFF OR  
12 OFFICER IN CONNECTION THEREWITH. IF THE PROCEEDS OF THE SALE ARE  
13 INSUFFICIENT TO PAY THE ENTIRE TAX IMPOSED BY THIS ARTICLE, THE  
14 PURCHASER SHALL BE LIABLE FOR THE REMAINING TAX.

15 SECTION 1108-D. FAILURE TO AFFIX STAMPS.--NO DOCUMENT UPON  
16 WHICH TAX IS IMPOSED BY THIS ARTICLE SHALL AT ANY TIME BE MADE  
17 THE BASIS OF ANY ACTION OR OTHER LEGAL PROCEEDING, NOR SHALL  
18 PROOF THEREOF BE OFFERED OR RECEIVED IN EVIDENCE IN ANY COURT OF  
19 THIS COMMONWEALTH OR RECORDED IN THE OFFICE OF ANY RECORDER OF  
20 DEEDS OF ANY COUNTY OF THIS COMMONWEALTH UNLESS A DOCUMENTARY  
21 STAMP OR STAMPS AS PROVIDED IN THIS ARTICLE HAVE BEEN AFFIXED  
22 THERE TO.

23 SECTION 1109-D. DETERMINATION AND NOTICE OF TAX; REVIEW.--  
24 (A) IF ANY PERSON SHALL FAIL TO PAY ANY TAX IMPOSED BY THIS  
25 ARTICLE FOR WHICH THAT PERSON IS LIABLE, A POLITICAL SUBDIVISION  
26 MAY CALL UPON THE DEPARTMENT OF REVENUE TO MAKE A DETERMINATION  
27 OF ADDITIONAL TAX, PENALTY AND INTEREST DUE BY THE PERSON BASED  
28 UPON ANY INFORMATION WITHIN ITS POSSESSION OR THAT SHALL COME  
29 INTO ITS POSSESSION. THE DETERMINATION SHALL BE MADE WITHIN  
30 THREE YEARS AFTER THE DATE OF THE RECORDING OF THE DOCUMENT,

SUBJECT TO THE FOLLOWING:

(1) IF THE TAXPAYER UNDERPAYS THE CORRECT AMOUNT OF THE TAX BY TWENTY-FIVE PERCENT OR MORE, THE TAX MAY BE ASSESSED AT ANY TIME WITHIN SIX YEARS AFTER THE DATE OF THE RECORDING OF THE DOCUMENT.

(2) IF ANY PART OF AN UNDERPAYMENT OF TAX IS DUE TO FRAUD OR AN UNDISCLOSED, INTENTIONAL DISREGARD OF RULES AND REGULATIONS, THE TAX MAY BE ASSESSED AT ANY TIME.

(B) (1) PROMPTLY AFTER THE DATE OF SUCH DETERMINATION, THE DEPARTMENT SHALL SEND BY MAIL A COPY THEREOF TO THE PERSON AGAINST WHOM IT WAS MADE. WITHIN NINETY DAYS AFTER THE DATE UPON WHICH THE COPY OF THE DETERMINATION WAS MAILED, THE PERSON MAY FILE WITH THE DEPARTMENT A PETITION FOR REDETERMINATION OF THE TAXES.

(2) EVERY PETITION FOR REDETERMINATION MUST STATE SPECIFICALLY THE REASONS WHICH THE PETITIONER BELIEVES TO BE ENTITLED TO REDETERMINATION AND SHALL BE SUPPORTED BY AFFIRMATION THAT IT IS NOT MADE FOR THE PURPOSE OF DELAY AND THAT THE FACTS SET FORTH THEREIN ARE TRUE.

(3) THE DEPARTMENT, WITHIN SIX MONTHS AFTER THE DATE OF FILING OF A PETITION FOR REDETERMINATION, SHALL DISPOSE OF THE PETITION. NOTICE OF THE ACTION TAKEN UPON A PETITION FOR REDETERMINATION SHALL BE GIVEN TO THE PETITIONER PROMPTLY AFTER THE DATE OF REDETERMINATION BY THE DEPARTMENT.

(C) A PERSON SHALL HAVE THE RIGHT TO REVIEW BY THE BOARD OF FINANCE AND REVENUE AND APPEAL IN THE SAME MANNER AND WITHIN THE SAME TIME AS PROVIDED BY LAW IN THE CASE OF CAPITAL STOCK AND FRANCHISE TAXES IMPOSED UPON CORPORATIONS.

(D) (1) NOTICE OF THE ACTION OF THE BOARD OF FINANCE AND REVENUE SHALL BE GIVEN BY MAIL TO THE POLITICAL SUBDIVISION. A



1 POLITICAL SUBDIVISION SHALL HAVE THE RIGHT TO APPEAL IN THE SAME  
2 MANNER AND WITHIN THE SAME TIME AS PROVIDED BY LAW FOR THE  
3 COMMONWEALTH IN THE CASE OF CAPITAL STOCK AND FRANCHISE TAXES  
4 IMPOSED UPON CORPORATIONS.

5 (2) THE POLITICAL SUBDIVISION MAY REQUEST IN WRITING THE  
6 OFFICE OF GENERAL COUNSEL TO RENDER SUCH LEGAL ADVICE AND SUCH  
7 REPRESENTATION AS ARE REQUIRED CONCERNING EVERY MATTER AND ISSUE  
8 ARISING IN CONNECTION WITH AN APPEAL FROM A DECISION OF THE  
9 BOARD OF FINANCE AND REVENUE.

10 SECTION 1110-D. LIEN.--(A) ANY TAX THAT THE DEPARTMENT OF  
11 REVENUE DETERMINES TO BE DUE UNDER THIS ARTICLE AND REMAINS  
12 UNPAID AFTER DEMAND FOR THE SAME, AND ALL PENALTIES AND INTEREST  
13 THEREON, SHALL BE A LIEN IN FAVOR OF THE AFFECTED POLITICAL  
14 SUBDIVISION UPON THE PROPERTY, BOTH REAL AND PERSONAL, OF THE  
15 PERSON BUT ONLY AFTER THE LIEN HAS BEEN ENTERED AND DOCKETED OF  
16 RECORD BY THE PROTHONOTARY OF THE COUNTY WHERE SUCH PROPERTY IS  
17 SITUATED.

18 (B) (1) AT ANY TIME AFTER IT MAKES A DETERMINATION OF  
19 ADDITIONAL TAX, PENALTY OR INTEREST, THE DEPARTMENT MAY TRANSMIT  
20 TO THE PROTHONOTARIES OF THE RESPECTIVE COUNTIES CERTIFIED  
21 COPIES OF ALL LIENS FOR THE TAXES, PENALTIES AND INTEREST.

22 (2) A PROTHONOTARY RECEIVING THE LIEN SHALL ENTER AND DOCKET  
23 THE LIEN OF RECORD IN THE PROTHONOTARY'S OFFICE, WHICH LIEN  
24 SHALL BE INDEXED AS JUDGMENTS ARE NOW INDEXED.

25 (3) AFTER THE DEPARTMENT'S DETERMINATION BECOMES FINAL, A  
26 WRIT OF EXECUTION MAY DIRECTLY ISSUE UPON THE LIEN WITHOUT THE  
27 ISSUANCE AND PROSECUTION TO JUDGMENT OF A WRIT OF SCIRE FACIAS;  
28 PROVIDED THAT NOT LESS THAN TEN DAYS BEFORE ISSUANCE OF ANY  
29 EXECUTION ON THE LIEN, NOTICE SHALL BE SENT BY CERTIFIED MAIL TO  
30 THE TAXPAYER AT THE TAXPAYER'S LAST KNOWN POST OFFICE ADDRESS.

1 NO PROTHONOTARY SHALL REQUIRE AS A CONDITION PRECEDENT TO THE  
2 ENTRY OF THE LIENS, THE PAYMENT OF ANY COSTS INCIDENT THERETO.

3 (C) (1) THE LIEN IMPOSED UNDER THIS SECTION SHALL HAVE  
4 PRIORITY FROM THE DATE OF ITS RECORDING AND SHALL BE FULLY PAID  
5 AND SATISFIED OUT OF THE PROCEEDS OF ANY JUDICIAL SALE OF  
6 PROPERTY SUBJECT THERETO BEFORE ANY OTHER OBLIGATION, JUDGMENT,  
7 CLAIM, LIEN OR ESTATE TO WHICH THE PROPERTY MAY SUBSEQUENTLY  
8 BECOME SUBJECT, EXCEPT COSTS OF THE SALE AND OF THE WRIT UPON  
9 WHICH THE SALE WAS MADE, AND REAL ESTATE TAXES AND MUNICIPAL  
10 CLAIMS AGAINST SUCH PROPERTY, BUT SHALL BE SUBORDINATE TO  
11 MORTGAGES AND OTHER LIENS EXISTING AND DULY RECORDED OR ENTERED  
12 OF RECORD PRIOR TO THE RECORDING OF THE TAX LIEN.

13 (2) IN THE CASE OF A JUDICIAL SALE OF PROPERTY SUBJECT TO A  
14 LIEN IMPOSED UNDER THIS SECTION UPON A LIEN OR CLAIM OVER WHICH  
15 THE LIEN HAS PRIORITY, THE SALE SHALL DISCHARGE THE LIEN TO THE  
16 EXTENT ONLY THAT THE PROCEEDS ARE APPLIED TO ITS PAYMENT AND THE  
17 LIEN SHALL CONTINUE IN FULL FORCE AND EFFECT AS TO THE BALANCE  
18 REMAINING UNPAID.

19 (D) A LIEN IMPOSED UNDER THIS ARTICLE SHALL BE EQUAL IN  
20 PRIORITY TO THE LIEN IMPOSED UNDER ARTICLE XI-C.

21 SECTION 1111-D. REFUNDS.--(A) WHENEVER THE AMOUNT DUE UPON  
22 DETERMINATION, REDETERMINATION OR REVIEW IS LESS THAN THE AMOUNT  
23 PAID ON ACCOUNT THEREOF, THE POLITICAL SUBDIVISION SHALL REFUND  
24 THE DIFFERENCE.

25 (B) WHERE THERE HAS BEEN NO DETERMINATION OF UNPAID TAX,  
26 APPLICATION FOR REFUND SHALL BE MADE TO THE POLITICAL  
27 SUBDIVISION IN THE MANNER PRESCRIBED BY THE ACT OF DECEMBER 31,  
28 1965 (P.L.1257, NO.511), KNOWN AS "THE LOCAL TAX ENABLING ACT."

29 SECTION 1112-D. CIVIL PENALTIES.--(A) IF ANY PART OF ANY  
30 UNDERPAYMENT OF TAX IMPOSED BY THIS ARTICLE IS DUE TO FRAUD, AN

1 AMOUNT EQUAL TO FIFTY PER CENT OF THE UNDERPAYMENT SHALL BE  
2 ADDED TO THE TAX.

3 (B) IN THE CASE OF FAILURE TO RECORD A DECLARATION REQUIRED  
4 UNDER THIS ARTICLE ON THE DATE PRESCRIBED THEREFOR, UNLESS IT IS  
5 SHOWN THAT SUCH FAILURE IS DUE TO REASONABLE CAUSE, FIVE PER  
6 CENT OF THE AMOUNT OF SUCH TAX SHALL BE ADDED TO THE TAX IF THE  
7 FAILURE IS FOR NOT MORE THAN ONE MONTH, WITH AN ADDITIONAL FIVE  
8 PER CENT FOR EACH ADDITIONAL MONTH OR FRACTION THEREOF DURING  
9 WHICH THE FAILURE CONTINUES, NOT EXCEEDING FIFTY PER CENT IN THE  
10 AGGREGATE.

11 SECTION 1113-D. UNLAWFUL ACTS AND PENALTY.--(A) IT SHALL BE  
12 UNLAWFUL FOR ANY PERSON TO:

13 (1) ACCEPT OR PRESENT FOR RECORDING OR CAUSE TO BE ACCEPTED  
14 OR PRESENTED FOR RECORDING ANY DOCUMENT WITHOUT THE FULL AMOUNT  
15 OF TAX THEREON BEING DULY PAID;

16 (2) MAKE USE OF ANY DOCUMENTARY STAMP TO DENOTE PAYMENT OF  
17 ANY TAX IMPOSED BY THIS ARTICLE WITHOUT CANCELLING SUCH STAMP AS  
18 REQUIRED BY THIS ARTICLE OR AS PRESCRIBED BY THE DEPARTMENT;

19 (3) FAIL, NEGLECT OR REFUSE TO COMPLY WITH OR VIOLATE THE  
20 RULES AND REGULATIONS PRESCRIBED, ADOPTED AND PROMULGATED BY THE  
21 DEPARTMENT OF REVENUE UNDER THIS ARTICLE;

22 (4) FRAUDULENTLY CUT, TEAR OR REMOVE FROM A DOCUMENT ANY  
23 DOCUMENTARY STAMP;

24 (5) FRAUDULENTLY AFFIX TO ANY DOCUMENT UPON WHICH TAX IS  
25 IMPOSED BY THIS ARTICLE ANY DOCUMENTARY STAMP WHICH HAS BEEN  
26 CUT, TORN OR REMOVED FROM ANY OTHER DOCUMENT UPON WHICH TAX IS  
27 IMPOSED BY THIS ARTICLE, OR ANY DOCUMENTARY STAMP OF  
28 INSUFFICIENT VALUE, OR ANY FORGED OR COUNTERFEITED STAMP, OR ANY  
29 IMPRESSION OF ANY FORGED OR COUNTERFEITED STAMP, DIE, PLATE OR  
30 OTHER ARTICLE;

1     (6) WILFULLY REMOVE OR ALTER THE CANCELLATION MARKS OF ANY  
2     DOCUMENTARY STAMP, OR RESTORE ANY SUCH DOCUMENTARY STAMP, WITH  
3     INTENT TO USE OR CAUSE THE SAME TO BE USED AFTER IT HAS ALREADY  
4     BEEN USED, OR KNOWINGLY BUY, SELL, OFFER FOR SALE, OR GIVE AWAY  
5     SUCH ALTERED OR RESTORED STAMP TO ANY PERSON FOR USE, OR  
6     KNOWINGLY USE THE SAME;

7     (7) KNOWINGLY HAVE IN HIS POSSESSION ANY ALTERED OR RESTORED  
8     DOCUMENTARY STAMP WHICH HAS BEEN REMOVED FROM ANY DOCUMENT UPON  
9     WHICH A TAX IS IMPOSED BY THIS ARTICLE, PROVIDED THAT THE  
10    POSSESSION OF SUCH STAMPS SHALL BE PRIMA FACIE EVIDENCE OF AN  
11    INTENT TO VIOLATE THE PROVISIONS OF THIS CLAUSE; OR

12    (8) KNOWINGLY OR WILFULLY PREPARE, KEEP, SELL, OFFER FOR  
13    SALE, OR HAVE IN HIS POSSESSION ANY FORGED OR COUNTERFEITED  
14    DOCUMENTARY STAMPS.

15    (B) (1) EXCEPT AS OTHERWISE PROVIDED IN CLAUSE (2), A  
16    PERSON WHO VIOLATES SUBSECTION (A) COMMITS A MISDEMEANOR OF THE  
17    SECOND DEGREE.

18    (2) A PERSON WHO VIOLATES SUBSECTION (A) (1), (2) OR (3)  
19    COMMITS A SUMMARY OFFENSE.

20    (C) A PERSON WHO MAKES A FALSE STATEMENT OF VALUE OR  
21    DECLARATION OF ACQUISITION, NOT BELIEVING THE STATEMENT OR  
22    DECLARATION TO BE TRUE, COMMITS A MISDEMEANOR OF THE SECOND  
23    DEGREE.

24    SECTION 3. ANY ORDINANCE OR RESOLUTION PROVIDING FOR THE  
25    LEVYING, ASSESSMENT OR COLLECTION OF A TAX UPON A TRANSFER OF  
26    REAL PROPERTY OR AN INTEREST IN REAL PROPERTY WHICH HAS BEEN  
27    ENACTED BY A POLITICAL SUBDIVISION PRIOR TO THE EFFECTIVE DATE  
28    OF THIS ACT SHALL CONTINUE IN FULL FORCE AND EFFECT, WITHOUT  
29    REENACTMENT, INsofar AS THE TRANSACTIONS UPON WHICH THE TAX IS  
30    LEVIED, ASSESSED OR COLLECTED ARE ALSO SUBJECT TO THE TAX

1 IMPOSED BY ARTICLE XI-C, PROVIDED, HOWEVER, SUCH ORDINANCE OR  
2 RESOLUTION SHALL CONTINUE IN FULL FORCE AND EFFECT WITH RESPECT  
3 TO DOCUMENTS MADE, EXECUTED AND DELIVERED PRIOR TO THE EFFECTIVE  
4 DATE OF THIS ACT.

5 SECTION 4. THE FOLLOWING ACTS AND PARTS OF ACTS ARE REPEALED  
6 INsofar AS THEY ARE INCONSISTENT WITH THIS ACT:

7 (1) SECTION 2(1) OF THE ACT OF DECEMBER 31, 1965  
8 (P.L.1257, NO.511), KNOWN AS THE LOCAL TAX ENABLING ACT.

9 (2) SECTION 652.1 OF THE ACT OF MARCH 10, 1949 (P.L.30,  
10 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949.

11 SECTION 5. THE PROVISIONS OF THIS ACT SHALL APPLY TO ANY  
12 DOCUMENT MADE, EXECUTED, DELIVERED, ACCEPTED OR PRESENTED FOR  
13 RECORDING ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

14 SECTION 6. THIS ACT SHALL TAKE EFFECT ON THE FIRST DAY OF  
15 THE FIRST MONTH BEGINNING MORE THAN 60 DAYS AFTER THE DATE OF  
16 ENACTMENT OF THIS ACT.