

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 952 Session of 2009

INTRODUCED BY TOMLINSON, ORIE, ALLOWAY, WARD, FONTANA, RAFFERTY,
WASHINGTON, M. WHITE, WOZNIAK, WAUGH, FOLMER, BOSCOLA,
KITCHEN AND EARLL, JUNE 11, 2009

REFERRED TO FINANCE, JUNE 11, 2009

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," further providing for additions to tax.

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

13 Section 1. Section 352(d)(2) of the act of March 4, 1971
14 (P.L.6, No.2), known as the Tax Reform Code of 1971, amended
15 July 7, 2005 (P.L.149, No.40), is amended to read:

16 Section 352. Additions, Penalties and Fees.--* * *

17 (d) * * *

18 (2) No addition to tax shall be imposed if the total amount
19 of all payments of estimated tax made on or before the last date
20 prescribed for the payment of such installment equals or exceeds
21 the lesser of:

1 (A) The amount which would have been required to be paid on
2 or before such date if the estimated tax were an amount equal to
3 the tax computed, at the rates applicable to the taxable year,
4 but otherwise on the basis of the facts shown on his return for,
5 and the law applicable to, the preceding taxable year; [or]

6 (B) An amount equal to ninety per cent of the tax computed,
7 at the rates applicable to the taxable year, on the basis of the
8 actual income for the months in the taxable year ending before
9 the month in which the installment is required to be paid, or,
10 in the case of a trust or estate, an amount equal to ninety per
11 cent of the applicable percentage of the tax for the taxable
12 year as determined pursuant to section 6654(d)(2)(C)(ii) of the
13 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
14 6654), as amended, at rates applicable to the taxable year,
15 computed on an annualized basis in accordance with United States
16 Treasury regulations, based upon the actual income for the
17 months of the taxable year ending with the last day of the
18 second preceding month prior to the month in which the
19 installment is required to be paid[.]; or

20 (C) An amount equal to the tax liability for the preceding
21 taxable year.

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