

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 626 Session of  
2011

INTRODUCED BY BEAR, AUMENT, BOYD, BROOKS, COHEN, CUTLER, DeLUCA,  
DENLINGER, FLECK, GABLER, GEIST, GILLEN, GINGRICH, GROVE,  
HARRIS, HESS, HICKERNELL, KAUFFMAN, LONGIETTI, MAJOR, MILLER,  
MUNDY, MURT, PICKETT, PYLE, RAPP, REICHLEY, SCHRODER, STERN,  
SWANGER, VULAKOVICH, YOUNGBLOOD, DAVIDSON AND QUINN,  
FEBRUARY 14, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MAY 9, 2012

## 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 the procedure for claiming  
11 special tax provisions and for proof of eligibility.

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

14 Section 1. Sections 336.1 and 336.2 of the act of March 4,  
15 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, added  
16 March 13, 1974 (P.L.179, No.32), are amended to read:

17 Section 336.1. Procedure for Claiming Special Tax  
18 Provisions.--[The] (a) With the exception of the expedited  
19 claim procedure as provided for under subsection (b), the  
20 following procedures shall be employed for claiming the special

1 tax provisions:

2 (1) The claimant may claim the special tax provisions upon  
3 the expiration of his taxable year in connection with his filing  
4 of an annual return under the provisions of this article.

5 Notwithstanding any other provisions of this article to the  
6 contrary, the department shall have the power to promulgate such  
7 rules or regulations as it may deem necessary to fairly and  
8 reasonably implement the provisions of this section.

9 (2) If the claimant receives income as defined in this  
10 article, other than compensation from an employer, he may claim  
11 the special tax provisions in connection with his filing of  
12 estimated tax returns.

13 (b) (1) The claimant may claim the special tax provisions  
14 upon the expiration of the claimant's taxable year by filing a  
15 certification of no tax liability in lieu of filing a tax  
16 return, provided all of the following apply:

17 (i) The poverty income of the claimant, or the joint poverty  
18 income of the claimant and claimant's spouse, for the taxable  
19 year, does not exceed the poverty income limitations prescribed  
20 by section 304(d)(1).

21 (ii) The claimant is entitled to one hundred per cent tax  
22 forgiveness for the taxable year under section 304.

23 (iii) The claimant was not subject to tax withholding  
24 pursuant to this article in the taxable year.

25 (iv) No tax was withheld on account of the claimant pursuant  
26 to this article in the taxable year.

27 (v) The claimant was not subject to the estimated tax  
28 payment requirements under this article in the taxable year.

29 (vi) The claimant made no estimated tax payments in the  
30 taxable year.

1 (vii) The claimant is not entitled to a tax refund for the  
2 taxable year.

3 (viii) The filing status of the claimant has not changed  
4 from the preceding tax year.

5 (ix) The claimant incurred no personal income tax liability  
6 and was entitled to one hundred per cent tax forgiveness for the  
7 preceding tax year under section 304 and claimed such tax  
8 forgiveness by filing the appropriate tax schedule for the tax  
9 year.

10 (2) The furnishing of false information on the certification  
11 by the claimant shall constitute a violation of 18 Pa.C.S. §  
12 4904 (relating to unsworn falsification to authorities). Any  
13 person who wilfully aids or assists in, or procures, counsels or  
14 advises the preparation or presentation of a certification which  
15 THE PERSON KNEW OR SHOULD HAVE KNOWN is fraudulent or is false ←  
16 as to any material matter commits a misdemeanor and shall, upon  
17 conviction, be sentenced to pay a fine not exceeding five  
18 thousand dollars (\$5,000) or to undergo imprisonment not  
19 exceeding two years, or both.

20 (3) The department shall establish the form of the  
21 certification that may be filed in lieu of a tax return under  
22 this subsection. The certification form shall require that the  
23 claimant indicate whether the certification is for an individual  
24 or a joint return and, whether there are any other dependents ←  
25 and if so the number of dependents; AND WHETHER THE CLAIMANT ←  
26 QUALIFIED FOR SENIOR CITIZENS PROPERTY TAX AND RENT REBATE  
27 ASSISTANCE AS PROVIDED IN CHAPTER 13 OF THE ACT OF JUNE 27, 2006  
28 (1ST SP.SESS., P.L.1873, NO.1), KNOWN AS THE "TAXPAYER RELIEF  
29 ACT," OR FOR PHARMACEUTICAL ASSISTANCE FOR THE ELDERLY, AS  
30 PROVIDED IN CHAPTER 5 OF THE ACT OF AUGUST 26, 1971 (P.L.351,

1 NO.91), KNOWN AS THE "STATE LOTTERY LAW," DURING THE PRIOR  
2 TAXABLE YEAR. The department shall develop rules, regulations  
3 and procedures as it deems necessary to fairly and reasonably  
4 implement the provisions of this subsection in a simple and  
5 expeditious fashion. In establishing and developing the  
6 certification form and rules, regulations and procedures, the  
7 department shall not require the submission of any additional  
8 form, return, report or schedule as a prerequisite or condition  
9 to utilization of this expedited procedure for claiming special  
10 tax forgiveness.

11 (4) Nothing in this subsection shall be construed to lessen  
12 or curtail the power of the department to conduct examinations  
13 under section 355 whenever such examinations are deemed  
14 warranted in appropriate circumstances to ensure compliance with  
15 this article.

16 Section 336.2. Proof of Eligibility.--The Department of  
17 Revenue shall establish such rules, regulations, schedules or  
18 other procedures as may be necessary for the submission and  
19 establishment of proof of the eligibility of persons for the  
20 special tax provisions or other matters relating to the  
21 provisions of this act. [Such] Except as limited by the  
22 provisions of section 336.1(b)(3), the procedures may include,  
23 but not be limited to, the submission of requisite information  
24 and certifications upon forms provided by the department,  
25 including such special tax return or report forms as may be  
26 necessary.

27 Section 2. This act shall apply to tax years commencing on  
28 or after January 1, 2011.

29 Section 3. This act shall take effect immediately.