

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2116 Session of 2012

INTRODUCED BY TALLMAN, CREIGHTON, HEFFLEY, MILLER AND TRUITT,
JANUARY 10, 2012

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 10, 2012

AN ACT

1 Amending the act of May 25, 1945 (P.L.1050, No.394), entitled
2 "An act relating to the collection of taxes levied by
3 counties, county institution districts, cities of the third
4 class, boroughs, towns, townships, certain school districts
5 and vocational school districts; conferring powers and
6 imposing duties on tax collectors, courts and various
7 officers of said political subdivisions; and prescribing
8 penalties," providing for a transition from township
9 treasurers to tax collectors in first class townships; and
10 making editorial changes.

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

13 Section 1. The definition of "tax collector" or "elected tax
14 collector" in section 2 of the act of May 25, 1945 (P.L.1050,
15 No.394), known as the Local Tax Collection Law, amended March
16 22, 2002 (P.L.200, No.14), is amended to read:

17 Section 2. Definitions.--The words--

18 * * *

19 "Tax Collector" or "Elected Tax Collector" shall include
20 every person duly elected or appointed to collect all taxes,
21 levied by any political subdivision included in the provisions
22 of this act, including the treasurers of cities of the third

1 class [and of townships of the first class in their capacity as
2 treasurers], elected collectors of taxes in townships of the
3 first class and county collectors of taxes in counties of the
4 third, fourth, fifth, sixth, seventh and eighth class who have
5 been designated to collect county and institution district taxes
6 in cities of the third class and county treasurers in counties
7 of the fourth, fifth, sixth, seventh and eighth class who have
8 been designated to collect county taxes in municipalities
9 existing or organized under 53 Pa.C.S. Pt. III Subpt. E
10 (relating to home rule and optional plan government) that have
11 eliminated the elective office of tax collector. The term
12 includes a person authorized to collect taxes under section 4.2
13 of this act.

14 * * *

15 Section 2. Section 4(a), (b), (c), (d), (e) and (f) of the
16 act, amended June 5, 1947 (P.L.453, No.205), May 9, 1949
17 (P.L.973, No.277), May 22, 1953 (P.L.213, No.24) and December 1,
18 1977 (P.L.247, No.82), are amended to read:

19 Section 4. Bonds of Tax Collectors.--(a) In cities of the
20 third class [and in townships of the first class] the treasurer,
21 as tax collector for the various taxing districts, shall give
22 bond secured and conditioned as provided by the laws relating to
23 such cities. [and townships. The board of commissioners of any
24 county by resolution adopted no later than November 1 of the
25 prior year may authorize and require for the following year the
26 joint bidding by the board of commissioners of bonds for all tax
27 collectors for the county and for townships of the first class.]
28 Cities of the third class may join in joint bidding with other
29 municipalities for bonds of tax collectors. The joint bidding of
30 the bonds shall be subject to all provisions of this act not

1 inconsistent with the requirement of joint bidding.

2 (b) In boroughs, towns and townships of the first or second
3 class, the elected tax collector shall be the collector of
4 borough, town or township taxes, as the case may be, and of
5 county, county institution district, school district and
6 vocational school district taxes. He shall, before he enters
7 upon the duties of his office, take and subscribe an oath of
8 office and file the same in the office of the clerk of the court
9 of common pleas of the county. He shall enter into one surety
10 bond to the Commonwealth for all taxes to be collected by him,
11 in an amount to be fixed by the court of common pleas of the
12 county, which amount shall never exceed the estimated amount of
13 taxes charged in the duplicates to be delivered to him in one
14 year. Such bond may, at the option of the tax collector, be an
15 annual bond or may cover the full term of office for which the
16 tax collector shall have been elected. Such bond shall have
17 thereon at least one bonding company, and the sufficiency of the
18 sureties on the bond shall be approved by the court of common
19 pleas at any time prior to the delivery of a tax duplicate to
20 the tax collector. The bond shall be filed in the office of the
21 clerk of the court of common pleas on or before the fifteenth
22 day of March of the year in which the tax collector qualifies
23 for office and annually thereafter, except where the first bond
24 given by the tax collector covers the full term of office for
25 which he was elected. Should any of the taxing districts be of
26 the opinion, at any time, that the bond given by the tax
27 collector is not sufficient in amount, or as to the surety
28 thereon, the said taxing district may apply to the court by
29 petition to have the tax collector furnish additional bond in
30 the manner provided by this section. Thereupon the tax collector

1 shall furnish such additional bond, if any, as the court of
2 common pleas may prescribe, but not exceeding the limitation as
3 to the amount hereinbefore prescribed: Provided, That where
4 taxes for borough purposes are collected by an appointee of
5 council the bond shall be as may be prescribed by council. The
6 board of commissioners of any county by resolution adopted no
7 later than November 1 of the prior year may authorize and
8 require for the following year the joint bidding by the board of
9 commissioners of bonds for all tax collectors for the county and
10 for boroughs, incorporated towns and townships of the first or
11 second class, and school districts and vocational school
12 districts within the county. The joint bidding of the bonds
13 shall be subject to all provisions of this act not inconsistent
14 with the requirement of joint bidding.

15 * * *

16 (c) In boroughs, towns and townships of the first or second
17 class, the condition of the bond shall be that the collector as
18 tax collector for the borough, town or township, as the case may
19 be, and for the county, the county institution district, school
20 district and vocational school district shall account for and
21 pay over all taxes, penalties and interest received and
22 collected by him to the taxing districts entitled thereto.

23 (d) The tax collector of boroughs, towns and townships of
24 the first or second class and his sureties shall be discharged
25 from further liability on his bond for the taxes charged in a
26 duplicate delivered to him as soon as all tax items contained in
27 the said duplicate are either--(1) collected and paid over to
28 the proper taxing district; or (2) certified to the taxing
29 authority for entry as liens in the office of the prothonotary;
30 or (3) returned to the county commissioners for sale of the real

1 estate by the county treasurer; or (4) in the case of
2 occupation, poll and per capita and personal property taxes
3 accounted for by the payment over, or by exoneration, which
4 shall be granted by the taxing district upon oath or affirmation
5 by the tax collector that he has complied with section twenty of
6 this act: Provided, however, That the tax collector and his
7 sureties shall not be discharged of their liability under the
8 provisions of this subsection if the tax collector has in fact
9 collected such taxes but has failed to pay the same over to the
10 proper taxing district.

11 (e) The bond given by a borough, town or first or second
12 class township tax collector shall be for the use of the
13 borough, town or first or second class township, as the case may
14 be, and for the county, the county institution district, school
15 district and vocational school district.

16 (f) In case where a tax collector shall be appointed in a
17 borough, town or township of the first or second class to fill a
18 vacancy in said office, or where the elected tax collector shall
19 have failed to qualify, or to furnish bond, or where a tax
20 collector shall have failed to settle a duplicate, as provided
21 in section thirty-one of this act, the person appointed in
22 accordance with existing laws, including an individual,
23 corporation or the county treasurer to collect such taxes, shall
24 give bond secured and conditioned as above provided; where a
25 township of the first or second class or a school district shall
26 in such cases exercise its power to appoint a separate tax
27 collector to collect its taxes, such appointee shall give bond
28 secured and conditioned as above provided.

29 * * *

30 Section 3. Section 4.1(h) of the act, amended June 22, 2001

1 (P.L.377, No.25), is amended to read:

2 Section 4.1. Basic and Continuing Education Programs for Tax
3 Collectors.--* * *

4 (h) The following words and phrases when used in this
5 section shall have the meanings given to them in this subsection
6 unless the context clearly indicates otherwise:

7 "Department" shall mean the Department of Community and
8 Economic Development of the Commonwealth.

9 "Qualified tax collector" shall mean a person who holds a
10 current valid certificate of qualification issued by the
11 Department of Community and Economic Development.

12 "Tax collector" shall mean a person duly elected or appointed
13 to collect real property taxes levied by a political
14 subdivision, other than a county, including the following:

15 (1) A tax collector in a borough, incorporated town or
16 township of the first or second class.

17 (2) A treasurer of a city of the third class [or a township
18 of the first class] in that person's capacity as tax collector.

19 (3) An employe or official who has been designated to
20 collect real property taxes in a municipality, other than a
21 county, existing or organized under 53 Pa.C.S. Pt. III Subpt. E
22 (relating to home rule and optional plan government), which
23 municipality has eliminated the elective office of tax
24 collector.

25 Section 4. Section 34 of the act, amended December 22, 1965
26 (P.L.1145, No.443), is amended to read:

27 Section 34. Compensation of Tax Collector in First Class
28 Townships.--(a) The township [treasurer] tax collector shall
29 receive for his duties as [treasurer and] tax collector for the
30 township, a sum equal to five per centum of all township taxes

1 received or collected [by him, and in addition thereto, a sum
2 equal to one per centum on all other moneys received or
3 collected by him for the township,] from the township unless a
4 different rate or annual compensation shall be fixed by
5 ordinance of the township commissioners: Provided, That in no
6 case shall the total compensation [of the treasurer, as
7 treasurer and tax collector for the township,] from the township
8 exceed the sum of ten thousand dollars. The township [treasurer
9 as collector of township taxes] tax collector shall be allowed
10 such actual printing and postage expenses as shall be incurred
11 in performing the duties prescribed in this act. [Such amounts
12 shall be adjusted by the township auditor or controller, as the
13 case may be, at the time of auditing the treasurer's account.

14 The compensation of the township treasurer as collector]

15 (b) The following shall apply:

16 (1) For the collection of county and institution district
17 taxes, compensation shall be fixed by the county commissioners,
18 and shall not exceed five per centum of the amount collected.

19 [The commission or compensation of the township treasurer, as
20 collector]

21 (2) For the collection of school district taxes,
22 compensation shall be fixed by the board of school directors,
23 and shall not exceed five per centum of the amount collected.
24 The total cost of such collection shall be reported annually to
25 the Superintendent of Public Instruction and shall be published
26 in his report.

27 (3) For the collection of county, institution district and
28 school taxes, the tax collector shall be allowed by the
29 respective taxing authorities actual and needful expenditures
30 for printing, postage, books, blanks and forms.

1 Section 5. The following provisions shall apply to a tax
2 collector in a first class township upon expiration of the term
3 of the township treasurer whom the tax collector was elected to
4 succeed, and to all tax collectors elected subsequently in that
5 township:

6 (1) The amendment of the definition of "tax collector"
7 or "elected tax collector" in section 2 of the act.

8 (2) The amendment of section 4(a), (b), (c), (d), (e) and
9 (f) of the act.

10 (3) The amendment of the definition of "tax collector"
11 in section 4.1 of the act.

12 (4) The amendment of section 34 of the act.

13 Section 6. The provisions of section 36.1 of the act shall
14 not apply to the initial term of office of a tax collector
15 elected to replace a township treasurer in a first class
16 township but shall apply to all other terms of office and all
17 township tax collectors elected thereafter in that township.

18 Section 7. Prior to February 15, 2014, each taxing district
19 to be served by the elected tax collector shall, by ordinance or
20 resolution, fix the compensation or salary for the office for
21 the first term for which the tax collector is elected.

22 Section 8. If an act of the General Assembly creating
23 separate offices of elected tax collector and treasurer in
24 townships of the first class is enacted, the Secretary of the
25 Commonwealth shall, within three days of the date of the
26 enactment, transmit notice of the enactment to the Legislative
27 Reference Bureau for publication in the Pennsylvania Bulletin.

28 Section 9. This act shall take effect as follows:

29 (1) Section 5 of this act shall take effect January 12,
30 2014.

1 (2) Section 8 of this act and this section shall take
2 effect immediately.

3 (3) The remainder of this act shall take effect upon
4 publication of the notice in the Pennsylvania Bulletin under
5 section 8 of this act.