

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1396 Session of
2013

INTRODUCED BY LONGIETTI, COHEN, D. COSTA, PICKETT, SAINATO,
P. DALEY, DAVIDSON, BIZZARRO, SWANGER, BARRAR, KORTZ, TRUITT
AND STEVENSON, MAY 15, 2013

REFERRED TO COMMITTEE ON FINANCE, MAY 15, 2013

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," in time and place for filing returns, further
11 providing for time for filing returns.

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

14 Section 1. Section 217 of the act of March 4, 1971 (P.L.6,
15 No.2), known as the Tax Reform Code of 1971, amended July 2,
16 2012 (P.L.751, No.85), is amended to read:

17 Section 217. Time for Filing Returns.--(a) Quarterly and
18 Monthly Returns:

19 (1) For the year in which this article becomes effective and
20 in each year thereafter a return shall be filed quarterly by
21 every licensee on or before the twentieth day of April, July,
22 October and January for the three months ending the last day of

1 March, June, September and December.

2 (2) For the year in which this article becomes effective,
3 and in each year thereafter, a return shall be filed monthly
4 with respect to each month by every licensee whose actual tax
5 liability for the third calendar quarter of the preceding year
6 equals or exceeds six hundred dollars (\$600) and is less than
7 [twenty-five thousand dollars (\$25,000)] one hundred thousand
8 dollars (\$100,000). Such returns shall be filed on or before the
9 twentieth day of the next succeeding month with respect to which
10 the return is made. Any licensee required to file monthly
11 returns hereunder shall be relieved from filing quarterly
12 returns.

13 (3) [With respect to every licensee whose actual tax
14 liability for the third calendar quarter of the preceding year
15 equals or exceeds twenty-five thousand dollars (\$25,000) and is
16 less than one hundred thousand dollars (\$100,000), the licensee
17 shall, on or before the twentieth day of each month, file a
18 single return consisting of all of the following:

19 (i) Either of the following:

20 (A) An amount equal to fifty per centum of the licensee's
21 actual tax liability for the same month in the preceding
22 calendar year if the licensee was a monthly filer or, if the
23 licensee was a quarterly or semi-annual filer, fifty per centum
24 of the licensee's average actual tax liability for that tax
25 period in the preceding calendar year. The average actual tax
26 liability shall be the actual tax liability for the tax period
27 divided by the number of months in that tax period. For
28 licensees that were not in business during the same month in the
29 preceding calendar year or were in business for only a portion
30 of that month, fifty per centum of the average actual tax

1 liability for each tax period the licensee has been in business.
2 If the licensee is filing a tax liability for the first time
3 with no preceding tax periods, the amount shall be zero.

4 (B) An amount equal to or greater than fifty per centum of
5 the licensee's actual tax liability for the same month.

6 (ii) An amount equal to the taxes due for the preceding
7 month, less any amounts paid in the preceding month as required
8 by subclause (i)] (Reserved).

9 (4) With respect to each month by every licensee whose
10 actual tax liability for the third calendar quarter of the
11 preceding year equals or exceeds one hundred thousand dollars
12 (\$100,000), the licensee shall, on or before the twentieth day
13 of each month, file a single return consisting of [the amounts
14 under clause (3)(i)(A) and (ii).] all of the following:

15 (i) An amount equal to fifty per centum of the licensee's
16 actual tax liability for the same month in the preceding
17 calendar year if the licensee was a monthly filer or, if the
18 licensee was a quarterly filer, fifty per centum of the
19 licensee's average actual tax liability for that tax period in
20 the preceding calendar year. The average actual tax liability
21 shall be the actual tax liability for the tax period divided by
22 the number of months in that tax period. For licensees that were
23 not in business during the same month in the preceding calendar
24 year or were in business for only a portion of that month, fifty
25 per centum of the average actual tax liability for each tax
26 period the licensee has been in business. If the licensee is
27 filing a tax liability for the first time with no preceding tax
28 periods, the amount shall be zero.

29 (ii) An amount equal to the taxes due for the preceding
30 month, less any amounts paid in the preceding month as required

1 by subclause (i).

2 (5) The amount due under clause [(3)(i) or] (4) shall be due
3 the same day as the remainder of the preceding month's tax.

4 (6) The department shall determine whether the amounts
5 reported under clause [(3) or] (4) shall be remitted as one
6 combined payment or as two separate payments.

7 (7) The department may require the filing of the returns and
8 the payments for these types of filers by electronic means
9 approved by the department.

10 (8) Any licensee filing returns under clause [(3) or] (4)
11 shall be relieved of filing quarterly returns.

12 (9) If a licensee required to remit payments under clause
13 [(3) or] (4) fails to make a timely payment or makes a payment
14 which is less than the required amount, the department may, in
15 addition to any applicable penalties, impose an additional
16 penalty equal to five per centum of the amount due under clause
17 [(3) or] (4) which was not timely paid. The penalty under this
18 clause shall be determined when the tax return is filed for the
19 tax period.

20 (b) Annual Returns. For the calendar year 1971, and for each
21 year thereafter, no annual return shall be filed, except as may
22 be required by rules and regulations of the department
23 promulgated and published at least sixty days prior to the end
24 of the year with respect to which the returns are made. Where
25 such annual returns are required licensees shall not be required
26 to file such returns prior to the twentieth day of the year
27 succeeding the year with respect to which the returns are made.

28 (c) Other Returns. Any person, other than a licensee, liable
29 to pay to the department any tax under this article, shall file
30 a return on or before the twentieth day of the month succeeding

1 the month in which such person becomes liable for the tax.

2 (d) Small Taxpayers. The department, by regulation, may
3 waive the requirement for the filing of quarterly return in the
4 case of any licensee whose individual tax collections do not
5 exceed seventy-five dollars (\$75) per calendar quarter and may
6 provide for reporting on a less frequent basis in such cases.

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