

RELATING TO THE TAX LIABILITY OF INSURANCE COMPANIES

Act of May 22, 1945, P.L. 828, No. 332

Cl. 40

AN ACT

To enable domestic stock and mutual insurance companies to comply with the taxing statutes, and to relieve officers, directors and trustees of domestic stock and mutual insurance companies of personal liability by reason of the payment or determination not to contest payment of any license, excise, privilege, premium, occupation, or other fee, or tax, imposed by any State or political subdivision thereof.

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

Section 1. The provisions of this act shall apply to domestic stock and mutual insurance companies and to the officers, directors and trustees of domestic stock or mutual insurance companies.

Section 2. Every domestic stock and mutual insurer shall have power to comply with any statute, ordinance or other law of any state, territory or political subdivision thereof (including the District of Columbia) imposing any license, excise, privilege, premium, occupation, or other fee, or tax, and to pay such fee or tax, unless prior to such payment such statute, ordinance or other law shall have been expressly held invalid by the State court having final appellate jurisdiction in the premises, or by the Supreme Court of the United States.

Section 3. No officer, director or trustee of any domestic stock or mutual insurance company shall be subject to any personal liability by reason of any payment or determination not to contest payment of any license, excise, privilege, premium, occupation, or other fee, or tax, to any state, territory or political subdivision thereof (including the District of Columbia) deemed by the officers, directors or trustees to be in the corporate interests of such insurer, unless prior to such payment the statute, ordinance or other law imposing such fee or tax, shall have been expressly held invalid by the State court having final appellate jurisdiction in the premises, or by the Supreme Court of the United States.

Section 4. This act shall be applicable to acts done and payments made subsequent to the fifth day of June, one thousand nine hundred forty-four: Provided, however, That nothing contained herein shall be construed as directly or indirectly limiting, minimizing or interpreting the rights and powers of insurers and their officers, directors and trustees, heretofore existing.

Section 5. All acts and parts of acts inconsistent herewith are hereby repealed.

Section 6. The provisions of this act shall become effective immediately upon final enactment.