
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1987 Session of
1975

INTRODUCED BY MILLIRON, PRATT, DAVIES, BERLIN, GREEN, KUSSE,
WAGNER, DININNI, MANMILLER, LEHR, MOEHLMANN, SCHEAFFER,
W. W. FOSTER, HAMILTON, SALVATORE, REED, MCGINNIS,
DREIBELBIS, ANDERSON, PANCOAST, SCHWEDER, MEBUS, HOPKINS,
D. S. HAYES, BRANDT AND SELTZER, NOVEMBER 25, 1975

REFERRED TO COMMITTEE ON FINANCE, NOVEMBER 26, 1975

AN ACT

1 Providing for the payment of interest on tax overpaid to the
2 Commonwealth of Pennsylvania.

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

5 Section 1. Interest on Overpayment of Tax.--Interest shall
6 be allowed and paid by the Commonwealth upon any overpayment of
7 any tax, including interest, penalties and additions with
8 respect to such tax, paid to the Commonwealth at a rate for the
9 period of the overpayment which is equal to the rate of interest
10 imposed by the Commonwealth on underpayments of the same tax for
11 the same period.

12 Section 2. Period.--Such interest shall be allowed and paid
13 as follows:

14 (1) Credits. In the case of a credit, from the date of the
15 overpayment to (i) the date of notice to the taxpayer of the
16 final determination of the credit or (ii) the date as of which

1 the credit is applied, whichever first occurs.

2 (2) Cash Refunds. In the case of a cash refund, from the
3 date of the overpayment to a date (to be determined by the
4 Secretary of Revenue) preceding the date of the refund check by
5 not more than 30 days, whether or not such refund check is
6 accepted by the taxpayer after tender of such check to the
7 taxpayer. The acceptance of such check shall be without
8 prejudice to any right of the taxpayer to claim any additional
9 overpayment and interest thereon.

10 (3) Cash Refunds of Previously Determined Credits. In the
11 case of a cash refund of previously determined credit, interest
12 shall be allowed and paid on the amount of such credit, and
13 interest thereon as determined under paragraph (1), from a date
14 90 days after the filing of a petition for a cash refund of the
15 credit to a date (to be determined by the Secretary of Revenue)
16 preceding the date of the refund check by not more than 30 days,
17 whether or not such refund check is accepted by the taxpayer
18 after tender of such check to the taxpayer. The acceptance of
19 such check shall be without prejudice to any right of the
20 taxpayer to claim any additional overpayment and interest
21 thereon.

22 Section 3. Advance Payment of Tax, Payment of Estimated Tax,
23 and Credit for Income Tax Withholding.--(a) Except as
24 hereinafter provided, payment of any portion of a tax before the
25 last day prescribed for payment shall be considered made on such
26 last day.

27 (b) Any tax actually deducted and withheld at the source
28 shall be deemed to have been paid on the last day prescribed for
29 filing the return for such taxable year (determined without
30 regard to any extension of time for filing such return).

1 (c) Any amount paid as estimated tax for a taxable year
2 shall be deemed to have been paid on the last day prescribed for
3 filing the final return for such taxable year (determined
4 without regard to any extension of time for filing such return).

5 Section 4. Personal Income Tax Refund within 90 Days After
6 Return is Filed.--If any overpayment of tax imposed by Article
7 III of the Tax Reform Code of 1971 is refunded within 90 days
8 after the last date prescribed for filing the return of such tax
9 (determined without regard to any extension of time for filing
10 the return) or, in case the return is filed after such last
11 date, is refunded within 90 days after the date the return is
12 filed, no interest shall be allowed under section 1 on such
13 overpayment.

14 Section 5. Effective Date.--This act shall take effect in 90
15 days.