

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 849

Session of  
1979

INTRODUCED BY MADIGAN, BURD, MOWERY, PETERSON AND DeVERTER,  
MARCH 27, 1979

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 27, 1979

AN ACT

1 Amending the act of June 15, 1961 (P.L.373, No.207), entitled  
2 "An act providing for the imposition of certain taxes upon  
3 the transfer of property passing from a decedent who was a  
4 resident of the Commonwealth at the time of his death or  
5 presumed death and of property having its situs in the  
6 Commonwealth of a decedent who was a nonresident of the  
7 Commonwealth at the time of his death or presumed death;  
8 imposing additional taxes to equal Federal Estate Tax  
9 Credits; defining and taxing certain transfers made in  
10 contemplation of death, or to take effect in possession or  
11 enjoyment at or after death; defining as a transfer and  
12 taxing the right of survivorship in certain property as to  
13 which such right exists; defining and exempting from tax,  
14 transfers to certain persons or for certain purposes or of  
15 certain property; providing for the valuation of property and  
16 interests in property, the transfer of which is subject to  
17 tax; defining and allowing deductions from the value of  
18 property, the transfer of which is subject to tax; providing  
19 for the persons ultimately liable for taxes in the absence of  
20 a direction by the decedent to the contrary; providing for  
21 the reporting of transfers and collection of taxes; imposing  
22 penalties upon banks or other financial institutions for  
23 failure to give notice to the Department of Revenue of the  
24 death of a party to a joint or trust deposit therein and upon  
25 persons who fail to file tax returns and documents; providing  
26 for the compromise of taxes in the case of alleged  
27 nonresidents of the Commonwealth; making it unlawful for any  
28 person to make a false return or report; providing for liens  
29 upon real property, the transfer of which is subject to tax,  
30 and release thereof; authorizing the Secretary of Revenue to  
31 bring suits in other jurisdictions for the collection of  
32 taxes, and authorizing officials of other jurisdictions to  
33 bring suits in the Commonwealth for the collection of death  
34 taxes imposed by their jurisdictions; providing for the

1 refund of taxes to which the Commonwealth is not rightfully  
2 or equitably entitled; providing for appeals and protests  
3 from the imposition of taxes; regulating the entry into safe  
4 deposit boxes of a decedent by certain persons, and providing  
5 penalties; dealing with the jurisdiction, powers and  
6 procedure of the orphans' court, Secretary of Revenue,  
7 Department of Revenue, Attorney General, and register of  
8 wills in matters relating to taxes; and citing certain acts  
9 for repeal," further providing for certain property held in  
10 the names of two or more persons.

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

13 Section 1. Section 241, act of June 15, 1961 (P.L.373,  
14 No.207), known as the "Inheritance and Estate Tax Act of 1961,"  
15 is amended to read:

16 Section 241. Joint Tenancy.--When any property is held in  
17 the names of two or more persons, notwithstanding that one owner  
18 retains complete possession and control of such property to the  
19 total exclusion of the other tenant or tenants, or when any  
20 property is deposited in a financial institution in the names of  
21 two or more persons, so that, upon the death of one of them, the  
22 survivor or survivors have a right to the immediate ownership or  
23 possession and enjoyment of the whole property, the accrual of  
24 such right, upon the death of one of them, shall be deemed a  
25 transfer subject to tax under this act, of a fractional portion  
26 of such property to be determined by dividing the value of the  
27 whole property by the number of joint tenants in existence  
28 immediately preceding the death of the deceased joint tenant.

29 This section shall not apply to property and interests in  
30 property passing by right of survivorship to the survivor of  
31 husband and wife. If the co-ownership was created in  
32 contemplation of death, within the meaning of section 222 of  
33 this act, the entire interest so transferred shall be subject to  
34 tax only under section 222, as though a part of the estate of

1 the person who created the co-ownership.

2 Section 2. This act shall take effect immediately.