

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1292 Session of
2011

INTRODUCED BY PERRY, AUMENT, BAKER, BEAR, BENNINGHOFF, BLOOM,
BOYD, D. COSTA, COX, CREIGHTON, CUTLER, DONATUCCI, EVERETT,
GABLER, GEIST, GILLEN, GILLESPIE, GINGRICH, GOODMAN, HARHART,
HARRIS, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, M. K. KELLER,
KILLION, MAJOR, MARSHALL, MARSICO, METCALFE, METZGAR,
MILLARD, MILLER, MURT, MUSTIO, PETRARCA, PICKETT, PYLE, RAPP,
READSHAW, REESE, REICHLEY, ROAE, ROCK, SONNEY, STERN,
STEVENSON, SWANGER, TOEPEL, VULAKOVICH, YOUNGBLOOD AND MOUL,
APRIL 6, 2011

REFERRED TO COMMITTEE ON FINANCE, APRIL 6, 2011

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 inheritance tax, providing for expiration and
11 further providing for imposition of tax, for inheritance tax
12 rates and for estate tax.

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

15 Section 1. The act of March 4, 1971 (P.L.6, No.2), known as
16 the Tax Reform Code of 1971, is amended by adding a section to
17 read:

18 Section 2104. Expiration.--The provisions of this article
19 shall not apply to the estates of decedents dying on or after

1 January 1, 2016.

2 Section 2. Section 2106 of the act, added August 4, 1991
3 (P.L.97, No.22), is amended to read:

4 Section 2106. Imposition of Tax.--(a) An inheritance tax
5 for the use of the Commonwealth is imposed upon every transfer
6 subject to tax under this article at the rates specified in
7 section 2116.

8 (b) This section shall not apply to the estates of decedents
9 dying on or after January 1, 2017.

10 Section 3. Section 2116(a) of the act, amended May 24, 2000
11 (P.L.106, No.23), is amended to read:

12 Section 2116. Inheritance Tax.--(a) (1) Inheritance tax
13 upon the transfer of property passing to or for the use of [any
14 of the following shall be at the rate of four and one-half per
15 cent:

16 (i) grandfather, grandmother, father, mother, except
17 transfers under subclause (1.2), and lineal descendants; or

18 (ii) wife or widow and husband or widower of a child.] a
19 grandfather, grandmother, father, mother, except transfers under
20 subclause (1.2), lineal descendants, wife or widow and husband
21 or widower of a child shall be at the rate provided in the
22 following schedule:

23 (i) Four and one-half per cent for the estate of a decedent
24 dying before or during calendar year 2012.

25 (ii) Two per cent for the estate of a decedent dying during
26 calendar year 2013.

27 (iii) Zero per cent for the estate of a decedent dying
28 during or after calendar year 2014.

29 (1.1) Inheritance tax upon the transfer of property passing
30 to or for the use of a husband or wife shall be:

(i) At the rate of three per cent for estates of decedents dying on or after July 1, 1994, and before January 1, 1995.

(ii) At a rate of zero per cent for estates of decedents dying on or after January 1, 1995.

(1.2) Inheritance tax upon the transfer of property from a child twenty-one years of age or younger to or for the use of a natural parent, an adoptive parent or a stepparent of the child shall be at the rate of zero per cent.

(1.3) Inheritance tax upon the transfer of property passing to or for the use of a sibling shall be at the rate [of twelve per cent.] provided in the following schedule:

(i) Twelve per cent for the estate of a decedent dying before or during calendar year 2012.

(ii) Nine per cent for the estate of a decedent dying during calendar year 2013.

(iii) Six per cent for the estate of a decedent dying during or after calendar year 2014.

(iv) Four and one-half per cent for the estate of a decedent dying during calendar year 2015.

(v) Two per cent for the estate of a decedent dying during calendar year 2016.

(vi) Zero per cent for the estate of a decedent dying during or after calendar year 2017.

(1.4) Inheritance tax upon the transfer of property that is jointly held between a child and a natural parent, an adoptive parent or a stepparent of the child to the natural parent, adoptive parent or the stepparent shall be at the rate of zero per cent.

(2) Inheritance tax upon the transfer of property passing to or for the use of all persons other than those designated in

subclause (1), (1.1), (1.2) or (1.3) or exempt under section 2111(m) shall be at the rate [of fifteen per cent.] provided in the following schedule:

(i) Fifteen per cent for the estate of a decedent dying before or during calendar year 2012.

(ii) Ten per cent for the estate of a decedent dying during calendar year 2013.

(iii) Seven per cent for the estate of a decedent dying during or after calendar year 2014.

(iv) Four and one-half per cent for the estate of a decedent dying during calendar year 2015.

(v) Two per cent for the estate of a decedent dying during calendar year 2016.

(vi) Zero per cent for the estate of a decedent dying during or after calendar year 2017.

(3) When property passes to or for the use of a husband and wife with right of survivorship, one of whom is taxable at a rate lower than the other, the lower rate of tax shall be applied to the entire interest.

* * *

Section 4. Section 2117 of the act is amended by adding a subsection to read:

Section 2117. Estate Tax.--* * *

(d) This section shall not apply to the estates of decedents dying on or after January 1, 2017.

Section 5. This act shall take effect July 1, 2011, or immediately, whichever is later.