

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2116 Session of 2012

INTRODUCED BY TALLMAN, CREIGHTON, HEFFLEY, MILLER, TRUITT AND CALTAGIRONE, JANUARY 10, 2012

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 1, 2012

AN ACT

1 Amending the act of May 25, 1945 (P.L.1050, No.394), entitled
2 "An act relating to the collection of taxes levied by
3 counties, county institution districts, cities of the third
4 class, boroughs, towns, townships, certain school districts
5 and vocational school districts; conferring powers and
6 imposing duties on tax collectors, courts and various
7 officers of said political subdivisions; and prescribing
8 penalties," providing for a transition from township
9 treasurers to tax collectors in first class townships; and
10 making editorial changes.

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

13 Section 1. The definition of "tax collector" or "elected tax
14 collector" in section 2 of the act of May 25, 1945 (P.L.1050,
15 No.394), known as the Local Tax Collection Law, amended March
16 22, 2002 (P.L.200, No.14) DECEMBER 22, 2011 (P.L.550, NO.115),
17 is amended to read:

18 Section 2. Definitions.--The words--

19 \* \* \*

20 "Tax Collector" or "Elected Tax Collector" shall include
21 every person duly elected or appointed to collect all taxes,



1 levied by any political subdivision included in the provisions  
2 of this act, including the treasurers of cities of the third  
3 class [and of townships of the first class in their capacity as  
4 treasurers], elected collectors of taxes in townships of the  
5 first class and county collectors of taxes in counties of the  
6 third, fourth, fifth, sixth, seventh and eighth class who have  
7 been designated to collect county and institution district taxes  
8 in cities of the third class and county treasurers in counties  
9 of the fourth, fifth, sixth, seventh and eighth class who have  
10 been designated to collect county taxes in municipalities  
11 existing or organized under 53 Pa.C.S. Pt. III Subpt. E  
12 (relating to home rule and optional plan government) that have  
13 eliminated the elective office of tax collector AND COUNTY ←  
14 TREASURERS IN COUNTIES OF THE THIRD, FOURTH, FIFTH, SIXTH,  
15 SEVENTH AND EIGHTH CLASS WHO HAVE BEEN DESIGNATED TO COLLECT  
16 TAXES UNDER SECTION 4.4 OF THIS ACT. The term includes a person  
17 authorized to collect taxes under section 4.2 of this act.

18 \* \* \*

19 Section 2. Section 4(a), (b), (c), (d), (e) and (f) of the  
20 act, amended June 5, 1947 (P.L.453, No.205), May 9, 1949  
21 (P.L.973, No.277), May 22, 1953 (P.L.213, No.24) and December 1,  
22 1977 (P.L.247, No.82), are amended to read:

23 Section 4. Bonds of Tax Collectors.--(a) In cities of the  
24 third class [and in townships of the first class] the treasurer,  
25 as tax collector for the various taxing districts, shall give  
26 bond secured and conditioned as provided by the laws relating to  
27 such cities. [and townships. The board of commissioners of any  
28 county by resolution adopted no later than November 1 of the  
29 prior year may authorize and require for the following year the  
30 joint bidding by the board of commissioners of bonds for all tax

1 collectors for the county and for townships of the first class.]  
2 Cities of the third class may join in joint bidding with other  
3 municipalities for bonds of tax collectors. The joint bidding of  
4 the bonds shall be subject to all provisions of this act not  
5 inconsistent with the requirement of joint bidding.

6 (b) In boroughs, towns and townships of the first or second  
7 class, the elected tax collector shall be the collector of  
8 borough, town or township taxes, as the case may be, and of  
9 county, county institution district, school district and  
10 vocational school district taxes. He shall, before he enters  
11 upon the duties of his office, take and subscribe an oath of  
12 office and file the same in the office of the clerk of the court  
13 of common pleas of the county. He shall enter into one surety  
14 bond to the Commonwealth for all taxes to be collected by him,  
15 in an amount to be fixed by the court of common pleas of the  
16 county, which amount shall never exceed the estimated amount of  
17 taxes charged in the duplicates to be delivered to him in one  
18 year. Such bond may, at the option of the tax collector, be an  
19 annual bond or may cover the full term of office for which the  
20 tax collector shall have been elected. Such bond shall have  
21 thereon at least one bonding company, and the sufficiency of the  
22 sureties on the bond shall be approved by the court of common  
23 pleas at any time prior to the delivery of a tax duplicate to  
24 the tax collector. The bond shall be filed in the office of the  
25 clerk of the court of common pleas on or before the fifteenth  
26 day of March of the year in which the tax collector qualifies  
27 for office and annually thereafter, except where the first bond  
28 given by the tax collector covers the full term of office for  
29 which he was elected. Should any of the taxing districts be of  
30 the opinion, at any time, that the bond given by the tax

1 collector is not sufficient in amount, or as to the surety  
2 thereon, the said taxing district may apply to the court by  
3 petition to have the tax collector furnish additional bond in  
4 the manner provided by this section. Thereupon the tax collector  
5 shall furnish such additional bond, if any, as the court of  
6 common pleas may prescribe, but not exceeding the limitation as  
7 to the amount hereinbefore prescribed: Provided, That where  
8 taxes for borough purposes are collected by an appointee of  
9 council the bond shall be as may be prescribed by council. The  
10 board of commissioners of any county by resolution adopted no  
11 later than November 1 of the prior year may authorize and  
12 require for the following year the joint bidding by the board of  
13 commissioners of bonds for all tax collectors for the county and  
14 for boroughs, incorporated towns and townships of the first or  
15 second class, and school districts and vocational school  
16 districts within the county. The joint bidding of the bonds  
17 shall be subject to all provisions of this act not inconsistent  
18 with the requirement of joint bidding.

19 \* \* \*

20 (c) In boroughs, towns and townships of the first or second  
21 class, the condition of the bond shall be that the collector as  
22 tax collector for the borough, town or township, as the case may  
23 be, and for the county, the county institution district, school  
24 district and vocational school district shall account for and  
25 pay over all taxes, penalties and interest received and  
26 collected by him to the taxing districts entitled thereto.

27 (d) The tax collector of boroughs, towns and townships of  
28 the first or second class and his sureties shall be discharged  
29 from further liability on his bond for the taxes charged in a  
30 duplicate delivered to him as soon as all tax items contained in

1 the said duplicate are either--(1) collected and paid over to  
2 the proper taxing district; or (2) certified to the taxing  
3 authority for entry as liens in the office of the prothonotary;  
4 or (3) returned to the county commissioners for sale of the real  
5 estate by the county treasurer; or (4) in the case of  
6 occupation, poll and per capita and personal property taxes  
7 accounted for by the payment over, or by exoneration, which  
8 shall be granted by the taxing district upon oath or affirmation  
9 by the tax collector that he has complied with section twenty of  
10 this act: Provided, however, That the tax collector and his  
11 sureties shall not be discharged of their liability under the  
12 provisions of this subsection if the tax collector has in fact  
13 collected such taxes but has failed to pay the same over to the  
14 proper taxing district.

15 (e) The bond given by a borough, town or first or second  
16 class township tax collector shall be for the use of the  
17 borough, town or first or second class township, as the case may  
18 be, and for the county, the county institution district, school  
19 district and vocational school district.

20 (f) In case where a tax collector shall be appointed in a  
21 borough, town or township of the first or second class to fill a  
22 vacancy in said office, or where the elected tax collector shall  
23 have failed to qualify, or to furnish bond, or where a tax  
24 collector shall have failed to settle a duplicate, as provided  
25 in section thirty-one of this act, the person appointed in  
26 accordance with existing laws, including an individual,  
27 corporation or the county treasurer to collect such taxes, shall  
28 give bond secured and conditioned as above provided; where a  
29 township of the first or second class or a school district shall  
30 in such cases exercise its power to appoint a separate tax

1 collector to collect its taxes, such appointee shall give bond  
2 secured and conditioned as above provided.

3 \* \* \*

4 Section 3. Section 4.1(h) of the act, amended June 22, 2001  
5 (P.L.377, No.25), is amended to read:

6 Section 4.1. Basic and Continuing Education Programs for Tax  
7 Collectors.--\* \* \*

8 (h) The following words and phrases when used in this  
9 section shall have the meanings given to them in this subsection  
10 unless the context clearly indicates otherwise:

11 "Department" shall mean the Department of Community and  
12 Economic Development of the Commonwealth.

13 "Qualified tax collector" shall mean a person who holds a  
14 current valid certificate of qualification issued by the  
15 Department of Community and Economic Development.

16 "Tax collector" shall mean a person duly elected or appointed  
17 to collect real property taxes levied by a political  
18 subdivision, other than a county, including the following:

19 (1) A tax collector in a borough, incorporated town or  
20 township of the first or second class.

21 (2) A treasurer of a city of the third class [or a township  
22 of the first class] in that person's capacity as tax collector.

23 (3) An employe or official who has been designated to  
24 collect real property taxes in a municipality, other than a  
25 county, existing or organized under 53 Pa.C.S. Pt. III Subpt. E  
26 (relating to home rule and optional plan government), which  
27 municipality has eliminated the elective office of tax  
28 collector.

29 Section 4. Section 34 of the act, amended December 22, 1965  
30 (P.L.1145, No.443), is amended to read:

1 Section 34. Compensation of Tax Collector in First Class  
2 Townships.--(a) The township [treasurer] tax collector shall  
3 receive for his duties as [treasurer and] tax collector for the  
4 township, a sum equal to five per centum of all township taxes  
5 received or collected [by him, and in addition thereto, a sum  
6 equal to one per centum on all other moneys received or  
7 collected by him for the township,] from the township unless a  
8 different rate or annual compensation shall be fixed by  
9 ordinance of the township commissioners: Provided, That in no  
10 case shall the total compensation [of the treasurer, as  
11 treasurer and tax collector for the township,] from the township  
12 exceed the sum of ten thousand dollars. The township [treasurer  
13 as collector of township taxes] tax collector shall be allowed  
14 such actual printing and postage expenses as shall be incurred  
15 in performing the duties prescribed in this act. [Such amounts  
16 shall be adjusted by the township auditor or controller, as the  
17 case may be, at the time of auditing the treasurer's account.

18 The compensation of the township treasurer as collector]

19 (b) The following shall apply:

20 (1) For the collection of county and institution district  
21 taxes, compensation shall be fixed by the county commissioners,  
22 and shall not exceed five per centum of the amount collected.

23 [The commission or compensation of the township treasurer, as  
24 collector]

25 (2) For the collection of school district taxes,  
26 compensation shall be fixed by the board of school directors,  
27 and shall not exceed five per centum of the amount collected.  
28 The total cost of such collection shall be reported annually to  
29 the Superintendent of Public Instruction and shall be published  
30 in his report.

1       (3) For the collection of county, institution district and  
2 school taxes, the tax collector shall be allowed by the  
3 respective taxing authorities actual and needful expenditures  
4 for printing, postage, books, blanks and forms.

5       Section 5. The following provisions shall apply to a tax  
6 collector in a first class township upon expiration of the term  
7 of the township treasurer whom the tax collector was elected to  
8 succeed, and to all tax collectors elected subsequently in that  
9 township:

10           (1) The amendment of the definition of "tax collector"  
11 or "elected tax collector" in section 2 of the act.

12           (2) The amendment of section 4(a), (b), (c), (d), (e) and  
13 (f) of the act.

14           (3) The amendment of the definition of "tax collector"  
15 in section 4.1 of the act.

16           (4) The amendment of section 34 of the act.

17       Section 6. The provisions of section 36.1 of the act shall  
18 not apply to the initial term of office of a tax collector  
19 elected to replace a township treasurer in a first class  
20 township but shall apply to all other terms of office and all  
21 township tax collectors elected thereafter in that township.

22       Section 7. Prior to February 15, ~~2014~~ 2013, each taxing       ←  
23 district to be served by the elected tax collector shall, by  
24 ordinance or resolution, fix the compensation or salary for the  
25 office for the first term for which the tax collector is  
26 elected.

27       Section 8. If an act of the General Assembly creating  
28 separate offices of elected tax collector and treasurer in  
29 townships of the first class is enacted, the Secretary of the  
30 Commonwealth shall, within three days of the date of the



1 enactment, transmit notice of the enactment to the Legislative  
2 Reference Bureau for publication in the Pennsylvania Bulletin.

3 Section 9. This act shall take effect as follows:

4 (1) Section 5 of this act shall take effect January ~~12-~~ ←  
5 6, 2014. ←

6 (2) Section 8 of this act and this section shall take  
7 effect immediately.

8 (3) The remainder of this act shall take effect upon  
9 publication of the notice in the Pennsylvania Bulletin under  
10 section 8 of this act.