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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1671 Session of 2015

INTRODUCED BY GROVE, MILLARD, REGAN, BARRAR, STEPHENS, HELM, GREINER, PICKETT, SACCONE, DIAMOND, JAMES, PHILLIPS-HILL, M. K. KELLER, SAYLOR, IRVIN, METZGAR, KAUFFMAN, A. HARRIS, GODSHALL AND MOUL, OCTOBER 29, 2015

REFERRED TO COMMITTEE ON FINANCE, OCTOBER 29, 2015

AN ACT

Repealing the act of June 22, 1935 (P.L.414, No.182), entitled, as reenacted, "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation."

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

Section 1. The act of June 22, 1935 (P.L.414, No.182), known as the State Personal Property Tax Act, is repealed:

[AN ACT

To provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on

executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation.

Section 1. Short Title.--Be it enacted, &c., That this act shall be known, and may be cited, as the "State Personal Property Tax Act."

Section 2. Definitions.--The following words, terms, and phrases, when used in this act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Department." The Department of Revenue of this Commonwealth.

"Resident." A person, copartnership, or unincorporated association or company, resident, located, or liable to taxation within this Commonwealth, or a joint-stock company or association, limited partnership, bank or corporation, formed, created, or incorporated by, under, or in pursuance of, any law of this Commonwealth or of the United States or of any other state or government, and liable to taxation within this Commonwealth.

The singular shall include the plural, and the masculine shall include the feminine and the neuter.

Section headings shall not be deemed or construed to limit the text of the sections of this act.

Section 3. State Tax on Mortgages, Judgments, Et Cetera; Imposition and Rate of Tax; Exceptions.--All personal property

of the classes hereinafter enumerated, owned, held or possessed by any resident, whether such personal property be owned, held or possessed by such resident in his own right, or as active trustee, agent, attorney-in-fact, or by any resident as trustee, agent or attorney-in-fact, jointly with one or more trustees, agents or attorneys-in-fact domiciled in another state where such personal property is held and managed in this Commonwealth, or in any other capacity, except as executor or administrator of the estate of a nonresident decedent, and except as trustee for a resident or nonresident religious, charitable or educational organization, no part of the net earnings of which inures to the benefit of any private stockholder or individual, for the use, benefit or advantage of any other person, copartnership, unincorporated association, company, joint-stock company or association, limited partnership, bank or corporation, and the equitable interest in any such personal property of the classes hereinafter enumerated, owned, held or possessed by any resident, where the legal title to such personal property is vested in a trustee, agent, or attorney-in-fact domiciled in another state, or where the legal title to such personal property is vested in more than one trustee, agent or attorney-in-fact, one or more of whom are domiciled in another state, and one or more of whom are domiciled within this Commonwealth and such personal property is held and managed in another state, and where such resident is entitled to receive all or any part of the income therefrom, is hereby made taxable, annually, for State purposes, at the rate of four mills on each dollar of the value thereof, as of a date to be fixed annually, in the manner provided in section five of this act, and no failure to assess or return the same shall discharge such owner or holder thereof

from liability therefor; that is to say, --

All mortgages; all moneys owing by solvent debtors, whether by promissory note, or penal or single bill, bond or judgment; all articles of agreement and accounts bearing interest; all public loans whatsoever, except those issued by this Commonwealth or the United States, and those made taxable for State purposes by section seventeen hereof; all loans issued by any corporation, association, company, or limited partnership, created or formed under the laws of this Commonwealth or of the United States, or of any other state or government, including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness, whether the interest be included in the principal of the obligation or payable by the terms thereof, except such loans as are made taxable for State purposes by section seventeen hereof; all shares of stock in any bank, corporation, association, company, or limited partnership, created or formed under the laws of this Commonwealth or of the United States, or of any other state or government, except shares of stock in any bank, bank and trust company, national banking association, savings institution, corporation, or limited partnership, liable to a tax on its shares or the capital stock tax or franchise tax imposed by section twenty-one of the act, approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), and its amendments and supplements, for State purposes under the laws of this Commonwealth; all moneys loaned or invested in other states, territories, the District of Columbia, or foreign countries; all other moneyed capital owing to individual citizens of the State; and the principal value of all annuities: Provided, That this section shall not apply to

bank notes or notes discounted or negotiated by any bank or banking institution, savings institution, or trust company, nor to loans, shares of stock, or other securities held by bankers or brokers solely for trading purposes, nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business, nor to interest-bearing accounts in any bank or banking institution, savings institution, employes thrift or savings association, whether operated by employes or the employer, or trust company, nor to personal property held in the commercial department and owned in its own right by a banking institution, savings institution or trust company in liquidation by a receiver, trustee or other fiduciary, nor to personal property formerly held by a banking institution in its own right, but assigned by it to one or more trustees for liquidation and payment to the creditors and stockholders of such banking institutions: And provided further, That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations, or to savings institutions having no capital stock, and, if at any time, either now or hereafter, any persons, individuals or bodies corporate have agreed or shall hereafter agree to issue his, their, or its securities, bonds or other evidences of indebtedness, clear of and free from the said four mills tax herein provided for, or any part thereof, or have agreed or shall hereafter agree to pay the same, or any part thereof, nothing herein contained shall be so construed as to relieve or exempt him, it, or them from paying the said four mills tax on any of the said securities, bonds, or other evidences of indebtedness, as may be held, owned by, or owing to the said savings institution having no capital stock: And

provided further, That the provisions of this act shall not apply to fire companies, firemen's relief associations, life, casualty or fire insurance corporations having no capital stock, secret and beneficial societies, labor unions and labor union relief associations, and all beneficial organizations paying sick or death benefits, or either or both, from funds received from voluntary contributions or assessments upon members of such associations, societies, or unions: And provided further, That corporations, limited partnerships, and joint-stock associations, liable to a tax on their shares or the aforesaid capital stock or franchise tax for State purposes, shall not be required to make any report or pay any further tax, under this section, on the mortgages, bonds, and other securities owned by them in their own right; but corporations, limited partnerships, and joint-stock associations holding such securities as trustees, executors, administrators, guardians, or in any other manner, except as executor or administrator of the estate of a nonresident decedent, and except as trustee for a resident or nonresident religious, charitable or educational organization, no part of the net earnings of which inures to the benefit of any private stockholder or individual, shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals: And provided further, That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth, except for county purposes, and in cities coextensive with counties for city and county purposes, as now provided by law: And provided further, That the provisions of this section shall not apply to personal property of the class hereinabove enumerated, received from any

person or persons, copartnership, or unincorporated association, or company, nonresident in, or not located within, this Commonwealth, or from any joint-stock company, or association, limited partnership, bank or corporation formed, erected or incorporated by, under, or in pursuance of, any law of the United States, or of any state or government, other than this Commonwealth, by any person or persons, copartnership, unincorporated association, company, joint-stock company, or association, limited partnership, bank, or corporation as active trustee, agent, attorney-in-fact, or in any other capacity for the use, benefit or advantage of any person or persons, copartnership, or unincorporated association, or company, nonresident in, or not located within, this Commonwealth, or for the use, benefit or advantage of any joint-stock company or association, limited partnership, bank or corporation formed, erected or incorporated by, under, or in pursuance of, any law of the United States or of any state or government, other than this Commonwealth. Nor shall the provisions of this section apply to personal property held for the use, benefit, or advantage of any resident who shall have, in each of the ten preceding calendar years, given or contributed all of his net income to any corporation organized or operated exclusively for religious, charitable, scientific, literary or educational purposes.

The value of the equitable interest in any personal property, made subject to tax by this section, shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest, or in case of divided equitable interests in the same personal property, then by ascertaining such part of the value of the whole of such

personal property as represents the equitable interest of such resident therein.

Section 4. Returns and Payment of Tax.--(a) For the purpose of ascertaining the amount of tax, payable under the third section of this act, it shall be the duty of every resident, liable to pay such tax, on or before the fifteenth day of February of each year, to transmit to the department upon a form prescribed, prepared, and furnished by the department, a return in duplicate, the original under oath or affirmation, of:

(1) The aggregate actual value of each part of the different classes of property, made taxable by the third section of this act, held, owned or possessed by such resident, as of the date fixed annually in the manner provided in section five of this act, either in his own right or as trustee, agent, attorney-in-fact, or in any other capacity for the use, benefit or advantage of any other person, copartnership, unincorporated association, company, limited partnership, joint-stock association, or corporation.

(2) The amount of interest, dividends or other income derived from each class of such property at any time during the preceding calendar year; and

(3) Such other information as may be required by the department concerning each of the different classes of property, whether or not taxable, enumerated in the third section of this act, owned, held, or in any manner possessed by such resident.

The duplicate unsworn return shall be forwarded by the Department of Revenue to the county commissioners, board of revision of taxes, or board for the assessment and revision of taxes, as the case may be, of the county from which the return was made for its use and information.

The failure of any taxable resident to receive or procure a return form shall not excuse him from making a return.

(b) The return, so made, shall be sworn or affirmed to by the person making the same, if an individual, and in the case of copartnerships, unincorporated associations, and joint-stock associations, and companies by some member thereof, and in the case of limited partnerships and corporations by the president, chairman or treasurer thereof.

(c) Any agent, duly authorized by the department, is hereby authorized to administer the oath or affirmation to any person of officer making the return prescribed by this section, for the taking of which oath or affirmation no charge shall be made. Any such agent, who shall make any charge for administering such oath or affirmation, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year, either or both, in the discretion of the court.

(d) The tax, imposed by section three hereof, shall be due and payable when such return is required to be filed, and every resident, at the time of making every return, shall compute and pay to the department the tax due the Commonwealth by such resident.

Section 5. Listing Date.--The department shall, on or before the fifteenth day of January, one thousand nine hundred thirty-eight, and annually thereafter, fix a day as of which the property, made taxable by the third section of this act, shall be listed and returned. The day, so fixed, shall be between the first and the fifteenth days of the month of January, both inclusive, and the day so fixed, shall be printed or stamped on

the forms for making returns of all such property. If through inadvertence, mistake, or otherwise the department fails to designate or fix such date, or if such date does not appear on the form for making return of such property, the date, as of which such property shall be listed and assessed, shall be the immediately preceding first day of January.

Section 6. Assessment by the Department; Notice.--If any taxable resident shall fail to file a return or fail to include in any return all of his property made taxable by the third section of this act or shall fail to compute and pay the tax due the Commonwealth as required in this act, the department shall make an assessment of tax against such resident of the amount of tax for which such resident is liable, or for which he is believed by the department to be liable, together with a penalty of ten per centum of such tax. Promptly thereafter, the department shall give, or send by mail, or otherwise, notice thereof to such resident. If such resident is dissatisfied with the assessment so made, he may petition for a reassessment in the manner hereinafter provided.

Section 7. Assessments Made at any Time within Five Years.--An assessment, as heretofore provided, may be made by the department at any time within five (5) years after any property owned, held or possessed, or alleged to have been so owned, held or possessed, by any resident should have been returned by him for taxation, notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed, and notwithstanding the department shall have made previous assessments against such resident. In any such case, no credit shall be given for any penalty formerly assessed and paid.

Section 8. Petition for Reassessment; Appeal.--(a) Any

resident, against whom an assessment is made, may petition the department for a reassessment. Notice of an intention to file such a petition or to appear and be heard shall be given to the department within ninety (90) days after notice of such assessment is given or sent by the department to the taxpayer as provided in this act. The department shall hold such hearings, as may be necessary to hear and determine petitions for reassessment, at such places and at such times as may be determined by rules and regulations of the department, and each petitioner, who has duly notified the department of an intention to file a petition for reassessment or to appear and be heard, shall be notified by the department of the time when, and the place where such hearings shall be held. All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the assessment is erroneous or unlawful, and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein. If no petition for reassessment is filed with the department, the petitioner may, in lieu thereof, appear at the hearing, and present his petition orally, in which event all testimony or statements of facts shall be made under oath or affirmation.

Section 9. Information at Source; Reports.--(a) The executor of every will, and the administrator of every estate, at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate, or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law, shall, in addition thereto, file with such register of wills or clerk of the orphans' court, a statement in duplicate, under oath or affirmation, setting

forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act. The register or clerk, with whom the same is filed, shall forthwith send one copy thereof to the department. It shall be the duty of the department to proceed at once to assess the tax due from such decedent, with interest as heretofore provided in this act, and to present a claim therefor through the Department of Justice to the orphans' court of the proper county, or to proceed by action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof, or to take any or all appropriate steps or procedure necessary for the collection of such tax.

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record, separate and apart from all other records, of every mortgage or article of agreement given to secure the payment of money entered in his office for recording, which record shall set forth the following information, to wit: The date of the mortgage or agreement, the names of the parties thereto, the just sum of money secured, the precise residence of the mortgagee or person to whom interest is payable, a brief description of the real estate upon which such mortgage is secured, and the date or several dates when the said sum or portion of the said sum shall become due and payable, and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money, and also the number of mortgages and agreements, together with the amount of same, and the names of the parties thereto, which shall have been that day satisfied of record. For the purpose of obtaining with accuracy the precise residence of all mortgagees, assignees

and persons to whom interest is payable on articles of agreement, it shall be the duty of the recorder of deeds in each county, whenever a mortgage, assignment, or agreement given to secure the payment of money shall be presented to him for record, to refuse the same unless the mortgage, assignment, or agreement has attached thereto, and made part thereof, a certificate signed by the mortgagee, assignee, or person entitled to interest, or his duly authorized attorney or agent, setting forth the precise residence of such mortgagee, assignee, or person entitled to interest, and such certificate shall be recorded with the mortgage, assignment, or agreement. Every recorder of deeds on the first Monday of each month, shall file the aforesaid daily record, or a copy thereof, with the department.

(c) It shall be the duty of the prothonotary or clerk of the court of common pleas in each and every county in this Commonwealth, forthwith upon the passage of this act, to keep a daily record, separate and apart from all other records, of every single bill, bond, judgment, or other instrument securing a debt, entered of record in his office. Such daily record shall set forth the following information, to wit: The date of the instrument, the names of the plaintiff and defendant, together with the precise residence of the plaintiff or person to whose use such bill, bond, judgment, or other obligation to pay money is marked, whenever such residence can be ascertained, the just sum secured, and the date or several dates when the said sum or portion of the same shall become due and payable, with the further information whether any of said bonds or judgments are accompanied with mortgages, and also the number of every single bill, bond, judgment or other instrument securing a debt,

together with the amount of same, and the names of the plaintiff and defendant thereto, which shall have been that date satisfied. The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record, or a copy thereof, with the department on the first Monday of each month.

Section 10. Compensation of Recorders and Prothonotaries.--The several recorders of deeds, prothonotaries, and court clerks as aforesaid, shall be entitled to receive ten cents for each and every mortgage, judgment, or lien, assignment or satisfaction thereof, reported to the department as heretofore required in this act. Such fees shall be paid by the respective county treasurers, on the presentation of proper vouchers, certified by the department, and shall be applied in like manner as other fees received by such recorders, prothonotaries, or clerks: Provided, That no fee shall be allowed in any case where the residence of any plaintiff, mortgagee, or assignee is omitted in such reports: And provided further, That the amount allowed any prothonotary or clerk or recorder of deeds, under this act, shall not exceed the sum of six hundred dollars ($600.00) per annum.

Section 11. Due Date.--All taxes, imposed by the third section of this act, shall be due and payable on the fifteenth day of February of each year.

Section 12. Interest.--The tax, imposed by the third section of this act, shall bear interest at the rate of six per centum per annum from the date such tax is due and payable until thirty (30) days after the department shall make an assessment, and thereafter at the rate of twelve per centum per annum until paid, except that any tax found due, as the result of an appeal to the court of common pleas or any appellate court, shall bear

interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid.

Any tax imposed by the third section of this act due and payable by any individual for any year during any part of which he served in the armed services of the United States in World War II may be satisfied upon payment prior to January first, one thousand nine hundred forty-nine, of the tax as originally due, without the addition thereto of any interest or other penalty.

Section 13. Lien of Taxes.--(a) All taxes, imposed under the third section of this act, together with all penalties and interest, shall be considered a public account after becoming due and payable in the manner prescribed in this act and as such shall be a lien upon the franchises and real property of the resident against whom the same are assessed, after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated.

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth, to be by them entered of record, certified copies of all liens for taxes, imposed by the third section of this act, and penalties and interest, upon which record, it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed: Provided, That execution shall be stayed until January first, one thousand nine hundred forty-nine, in the case of any lien arising from any such tax imposed by the third section of this act due and payable by any individual for any year during any part of which he served in the armed forces of the United States in World War II.

Section 14. Credits for Overpayment.--The Board of Finance

and Revenue may allow a credit for any taxes, imposed by the third section of this act, and penalties and interest thereon, paid to the Commonwealth, to which the Commonwealth is not rightfully or equitably entitled. Claims for such credits shall be made in accordance with the provisions of "The Fiscal Code" relative to petitions for refunds of taxes. No petition for such credit shall be considered by the board, unless filed with the board within two (2) years of the payment alleged to have been erroneously made.

Upon the allowance of any such petition, the credit so determined, may be applied against any amount due, or subsequently becoming due, by such petitioner on account of taxes imposed by the third section of this act, and penalties and interest thereon, or may be assigned in whole or in part to any other taxable resident, to be applied against any amount due, or subsequently becoming due, by such resident on account of taxes imposed by the third section of this act, and penalties and interest thereon. Upon the allowance of a petition for credit, the board shall issue its certificate under its hand and seal, and no credit claimed, whether assigned or not, shall be allowed unless evidenced by such certificate.

The board shall issue its certificate of credit for any payment made by any individual on account of interest or penalty on any tax imposed by the third section of this act for any year during any part of which such individual served in the armed forces of the United States in World War II.

Section 15. Penalties, Costs.--(a) Every person or officer, who shall wilfully and corruptly make a false and fraudulent return of property, made taxable by the third section of this act, shall be guilty of wilful and corrupt perjury, and, upon

conviction thereof, shall be subject to punishment as provided by law.

(b) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties, imposed upon them by section nine of this act, shall be deemed a misdemeanor, and, upon conviction thereof, the person or persons so failing to comply, shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year, or both, in the discretion of the court.

(c) Every register of wills, who shall fail to send copies of affidavits filed with him by executors or administrators to the department, as required by section nine of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, the register, so failing, shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year, or both, in the discretion of the court.

(d) Every executor or administrator, who wilfully fails to file the affidavit with the register of wills, as required by section nine of this act, shall be subject to a penalty of twenty-five dollars ($25.00) for the first day, and ten dollars ($10.00) for each succeeding day during which such affidavit is not filed, to be collected by the department through the Department of Justice, in the same manner as debts are by law collected.

(e) Whenever any person acting for, or on behalf of, the department shall in good faith institute legal proceedings for any violations of the provisions of this act, and for any reason shall fail to recover costs of record, such costs shall be a charge upon the proper county, as shall such costs in the event

defendant is imprisoned for failure to pay fine or costs, or both, and shall be audited and paid as are costs of like character in said county.

Section 16. Enforcement; Rules and Regulations; Inquisitorial Powers of the Department.--(a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe, adopt, promulgate, and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act, and the collection of taxes, penalties, and interest imposed by this act.

(b) The department or any agent authorized, in writing, by it, is hereby authorized to examine the books, papers, and records of any resident in order to verify the accuracy of any return made, or if no return was made, to ascertain and assess the tax imposed by the third section of this act. Every such resident is hereby directed and required to give to the department, or its duly authorized agent the means, facilities, and opportunity for such examinations and investigations as are hereby provided and authorized. The department is hereby authorized to examine any person under oath concerning any property which was, or should have been, returned for taxation, and to this end may compel the production of books, papers, and records, and the attendance of all persons, whether as parties or witnesses, whom it believes have knowledge of such property. The procedure for such hearing or examination shall be the same as that provided by "The Fiscal Code" relating to inquisitorial powers of fiscal officers.

Any information gained by the department as a result of any returns, investigations, hearings, or verifications required or

authorized by this act, and any information gained by the county commissioners, board of revision of taxes, or board for the assessment and revision of taxes, as the result of duplicate returns received from the department, shall be confidential, except for official purposes, and any person or agent divulging such information shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years, or both, in the discretion of the court.

(c) The powers conferred by this act upon the department, relating to the administration or enforcement of this act, shall be in addition to, but not exclusive of, any other powers heretofore or hereafter conferred upon the department by law.

Section 19. Constitutional Construction.--If any section, sentence, clause or part of this act is for any reason held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence, section, clause, or part thereof, not been included herein.

Section 20. Repealer and Saving Clause.--(a) All acts or parts of acts inconsistent with the provisions of this act are hereby repealed, but the provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments.

(b) Sections seventeen and eighteen of the act, approved the seventeenth day of June, one thousand nine hundred thirteen (Pamphlet Laws, five hundred seven), entitled "An act to provide revenue for State and county purposes, and, in cities

coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," and their amendments, are hereby repealed, but this act shall not be construed to repeal any of the remaining provisions of said act.

(c) Nothing herein contained shall be construed as reviving any act repealed by the act which this act repeals, and the passage of this act shall not be taken or construed to relieve any person, association or corporation from the payment of any taxes, penalties and interest imposed by section seventeen of the said act of June seventeenth, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred seven) or from any taxes, penalties and interest imposed by the provisions of any act, or parts of acts, in force at the time this act becomes effective, or to affect or terminate any petitions, investigations, prosecutions, legal or otherwise, or other proceedings pending under the provisions of any act, or parts of acts, in force at the time this act becomes effective, or repealed by this act, or to prevent the commencement or further prosecution of any legal proceedings by the proper authorities of the Commonwealth for violations of such acts, or for the collection or recovery of taxes, penalties and interest due or owing to the Commonwealth under such acts.

Section 21. Effective Date.--This act shall become effective immediately upon its final enactment, and be in force for the assessment and collection of taxes under section three of this

act, for the calendar years one thousand nine hundred thirty-eight, one thousand nine hundred thirty-nine, one thousand nine hundred forty, one thousand nine hundred forty-one, one thousand nine hundred forty-two, and one thousand nine hundred forty-three and for the collection of taxes under section seventeen of this act for the calendar year one thousand nine hundred thirty-eight, and every year thereafter, on reports filed for the calendar year one thousand nine hundred thirty-eight (or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-eight), and for every year thereafter.]

Section 2. This act shall take effect in 60 days.