
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 994 Session of
2017

INTRODUCED BY GROVE, GREINER, WARD, A. HARRIS AND RYAN,
MARCH 28, 2017

REFERRED TO COMMITTEE ON FINANCE, MARCH 28, 2017

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 gross receipts tax, further providing for
11 imposition of tax.

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

14 Section 1. Section 1101(a)(3) of the act of March 4, 1971
15 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended
16 to read:

17 Section 1101. Imposition of Tax.--(a) General Rule.--Every
18 pipeline company, conduit company, steamboat company, canal
19 company, slack water navigation company, transportation company,
20 and every other company, association, joint-stock association,
21 or limited partnership, now or hereafter incorporated or
22 organized by or under any law of this Commonwealth, or now or

1 hereafter organized or incorporated by any other state or by the
2 United States or any foreign government, and doing business in
3 this Commonwealth, and every copartnership, person or persons
4 owing, operating or leasing to or from another corporation,
5 company, association, joint-stock association, limited
6 partnership, copartnership, person or persons, any pipeline,
7 conduit, steamboat, canal, slack water navigation, or other
8 device for the transportation of freight, passengers, baggage,
9 or oil, except motor vehicles and railroads, and every limited
10 partnership, association, joint-stock association, corporation
11 or company engaged in, or hereinafter engaged in, the
12 transportation of freight or oil within this State, and every
13 telephone company, telegraph company or provider of mobile
14 telecommunications services now or hereafter incorporated or
15 organized by or under any law of this Commonwealth, or now or
16 hereafter organized or incorporated by any other state or by the
17 United States or any foreign government and doing business in
18 this Commonwealth, and every limited partnership, association,
19 joint-stock association, copartnership, person or persons,
20 engaged in telephone or telegraph business or providing mobile
21 telecommunications services in this Commonwealth, shall pay to
22 the State Treasurer, through the Department of Revenue, a tax of
23 forty-five mills with a surtax equal to five mills upon each
24 dollar of the gross receipts of the corporation, company or
25 association, limited partnership, joint-stock association,
26 copartnership, person or persons received from:

27 * * *

28 (3) mobile telecommunications services [messages] , as
29 defined in section 201(aaa), sourced to this Commonwealth based
30 on the place of primary use standard set forth in the Mobile

1 Telecommunications Sourcing Act (4 U.S.C. § 117), except gross
2 receipts derived from:

3 (i) the sales of access to the Internet, as set forth in
4 Article II, made to the ultimate consumer; and

5 (ii) the sales for resale to persons, partnerships,
6 associations, corporations or political subdivisions subject to
7 the tax imposed by this article upon gross receipts derived from
8 such resale of mobile telecommunications services, including
9 sales of mobile telecommunications services to interconnect with
10 providers of telecommunications services.

11 * * *

12 Section 2. This act shall apply retroactively to gross
13 receipts from transactions occurring on or after January 1,
14 2004, except no claim for refund or credit for a tax paid prior
15 to the effective date of the amendment of section 1101(a)(3) of
16 the act shall be based on this act.

17 Section 3. This act shall take effect immediately.