
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1086 Session of
2019

INTRODUCED BY GROVE, PEIFER, BERNSTINE, DIAMOND, DUNBAR,
GREINER, HELM, IRVIN, KAUFER, MARSHALL, MILLARD, MOUL, PYLE,
ROTHMAN, RYAN AND STAATS, APRIL 8, 2019

REFERRED TO COMMITTEE ON FINANCE, APRIL 8, 2019

AN ACT

1 Repealing the act of June 5, 1937 (P.L.1656, No.344), entitled
2 "An act imposing an annual license tax for the privilege of
3 operating, maintaining or controlling within this
4 Commonwealth a store or stores, theatre or theatres, as
5 herein defined; prescribing the method and manner of
6 collecting such tax and its disposition, including an
7 appropriation for the purpose of administering this act; and
8 providing penalties."

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

11 Section 1. The act of June 5, 1937 (P.L.1656, No.344), known
12 as the Store and Theatre Tax Act, is repealed:

13 [AN ACT

14 Imposing an annual license tax for the privilege of operating,
15 maintaining or controlling within this Commonwealth a store
16 or stores, theatre or theatres, as herein defined;
17 prescribing the method and manner of collecting such tax and
18 its disposition, including an appropriation for the purpose
19 of administering this act; and providing penalties.

20 Be it enacted, &c., That,

1 Section 1. Short Title.--This act shall be known, and may be
2 cited, as the "Store and Theatre Tax Act."

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

7 "Association." A partnership, limited partnership, or any
8 other form of unincorporated enterprise owned by two or more
9 persons.

10 "Corporation." A corporation or joint-stock association
11 organized under the laws of this Commonwealth, the United
12 States, or any other state, territory, or foreign country, or
13 dependency.

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

15 "Person." Every natural person, association, corporation,
16 receiver or assignee.

17 "Store." Any place of business or any mercantile
18 establishment in which, or from which, tangible personal
19 property of any kind is sold: Provided, however, That the term
20 "store," as and when used in this act, shall not include places
21 of business commonly known as newsstands, and warehouses or
22 establishments at which the sole business conducted is that of
23 selling, storing or distributing commodities in bulk.

24 "Theatre." Any building or place for the production of
25 theatrical entertainment, including opera, drama, comedy,
26 vaudeville, motion pictures or other shows, or a combination
27 thereof.

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

30 Section 3. License.--It shall be unlawful for any person to

1 open, establish, operate, maintain or control any store or
2 theatre in this Commonwealth without first having obtained and
3 having in possession a valid license so to do from the
4 department as hereinafter provided, but each person engaged in
5 the operation, maintenance or control of such a store or
6 theatre, on the effective date of this act, shall have sixty
7 (60) days within which to obtain the first license for each such
8 store or theatre operated, maintained or controlled by him. A
9 separate license shall be procured for each store or theatre.
10 Licenses issued under this act may not be transferred or
11 assigned. Each licensee shall display each license so issued in
12 a conspicuous place in the store or theatre for which such
13 license is issued. The licenses issued under the provisions of
14 this act shall be annual licenses effective from June first of
15 one year until and including May thirty-first of the year
16 following. The first licenses shall be required for the year
17 commencing June first, one thousand nine hundred and thirty-
18 seven.

19 Section 4. Application for License.--Any person desiring to
20 open, establish, operate, maintain or control such a store or
21 theatre in this Commonwealth, shall apply to the department for
22 a license so to do before the first day of June of each year,
23 except as otherwise provided in section three hereof as to the
24 first license. The application for license shall be made on a
25 form prescribed and furnished by the department, and shall set
26 forth the name of the person desiring such license, the name and
27 location of the store or theatre for which the license is
28 desired, and such other information as the department may
29 require. Each such application shall be accompanied by the
30 proper license tax as hereinafter prescribed in this act, and,

1 upon receiving the prescribed fee, the department shall issue
2 said license.

3 Section 5. License Taxes.--Every person opening,
4 establishing, operating, maintaining or controlling one or more
5 stores or theatres within this Commonwealth, under the same
6 general management, supervision or ownership, shall pay an
7 annual license tax for the privilege of opening, establishing,
8 operating, maintaining or controlling such store or stores, or
9 theatre or theatres as follows:

10 (1) Upon one store or theatre, the sum of one dollar
11 (\$1.00).

12 (2) Upon each store or theatre in excess of one, but not to
13 exceed five stores or theatres, the sum of five dollars (\$5.00)
14 for each such additional store or theatre.

15 (3) Upon each store or theatre in excess of five, but not to
16 exceed ten stores or theatres, the sum of ten dollars (\$10.00)
17 for each such additional store or theatre.

18 (4) Upon each store or theatre in excess of ten, but not to
19 exceed fifteen stores or theatres, the sum of twenty dollars
20 (\$20.00) for each such additional store or theatre.

21 (5) Upon each store or theatre in excess of fifteen, but not
22 to exceed twenty stores or theatres, the sum of thirty dollars
23 (\$30.00) for each such additional store or theatre.

24 (6) Upon each store or theatre in excess of twenty, but not
25 to exceed thirty stores or theatres, the sum of fifty dollars
26 (\$50.00) for each such additional store or theatre.

27 (7) Upon each store or theatre in excess of thirty, but not
28 to exceed fifty stores or theatres, the sum of one hundred
29 dollars (\$100.00) for each such additional store or theatre.

30 (8) Upon each store or theatre in excess of fifty, but not

1 to exceed seventy-five stores or theatres, the sum of two
2 hundred dollars (\$200.00) for each such additional store or
3 theatre.

4 (9) Upon each store or theatre in excess of seventy-five,
5 but not to exceed one hundred stores or theatres, the sum of two
6 hundred and fifty dollars (\$250.00) for each such additional
7 store or theatre.

8 (10) Upon each store or theatre in excess of one hundred,
9 but not to exceed two hundred stores or theatres, the sum of
10 three hundred and fifty dollars (\$350.00) for each such
11 additional store or theatre.

12 (11) Upon each store or theatre in excess of two hundred,
13 but not to exceed five hundred stores or theatres, the sum of
14 four hundred and fifty dollars (\$450.00) for each such
15 additional store or theatre.

16 (12) Upon each store or theatre in excess of five hundred
17 stores or theatres, the sum of five hundred dollars (\$500.00)
18 for each such additional store or theatre.

19 Section 6. Ownership.--Two or more stores or theatres shall,
20 for the purpose of this act, be considered under the same
21 general management, supervision or ownership if, directly or
22 indirectly, controlled by a single person or any group of
23 persons having a common interest in such stores or theatres, or
24 if any part of the gross revenues, net revenues or profits from
25 any such stores or theatres, shall, directly or indirectly, be
26 required to be immediately or ultimately made available as
27 rental or in any other manner whatsoever for the beneficial use,
28 or shall, directly or indirectly, inure to the immediate or
29 ultimate benefit of any single person or any group of persons
30 having a common interest therein.

1 Section 7. Penalty.--Any person operating, maintaining or
2 controlling a store or theatre without a license, as herein
3 provided, shall be guilty of a misdemeanor, and, upon conviction
4 thereof, shall be fined not less than fifty dollars (\$50.00) nor
5 more than one hundred dollars (\$100.00), and costs of
6 prosecution. Each and every day that such violation shall
7 continue shall constitute a separate and distinct offense.

8 Section 8. Examination of Records; Penalty.--The department,
9 or any duly authorized agent thereof, shall have the power to
10 examine the books, records, papers, and files, within or outside
11 the Commonwealth, of any person operating, maintaining or
12 controlling a store or theatre within this Commonwealth. It
13 shall have the power to examine witnesses, under oath, to verify
14 the accuracy of any application, or to ascertain whether or not
15 any license tax is due which has not been paid. Any person
16 refusing to allow an examination of his books, records, papers,
17 and files as herein provided, or who refuses to furnish the
18 department with any information requested, shall be deemed
19 guilty of a misdemeanor, and, upon conviction thereof, shall be
20 fined not less than fifty dollars (\$50.00) nor more than one
21 hundred dollars (\$100.00), and costs of prosecution. Each such
22 refusal shall be deemed a separate offense.

23 Section 9. Disposition of Tax and Fines.--All taxes and
24 fines received, collected or recovered under this act, shall be
25 paid into the State Treasury, through the department, and,
26 except as hereinafter otherwise provided, shall be credited to
27 the State School Fund: Provided, however, That out of the
28 revenues derived under the provisions of this act, the
29 Department of Revenue shall, during the fiscal biennium
30 beginning the first day of June, one thousand nine hundred and

1 thirty-seven, pay into the General Fund the sum of one hundred
2 fifty-one thousand five hundred and seventeen dollars
3 (\$151,517.00), and the said sum so paid into the General Fund is
4 hereby appropriated to the Department of Revenue for the purpose
5 of administering this act.

6 Section 10. License Tax in Addition to Existing Taxes.--The
7 license tax imposed by this act shall be in addition to any
8 taxes now imposed or that may subsequently be imposed by law.

9 Section 11. Constitutionality.--If any section, sentence,
10 clause or part of this act is, for any reason, held to be
11 unconstitutional, the decision of the court shall not affect or
12 impair the remaining provisions of this act. It is hereby
13 declared to be the legislative intent that this act would have
14 been adopted had such unconstitutional section, sentence,
15 clause, or part thereof, not been included therein.]

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