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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1385 Session of  
2019

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INTRODUCED BY LONGIETTI, MILLARD, WARREN, MURT, HILL-EVANS,  
FREEMAN, KORTZ, READSHAW AND MOUL, MAY 2, 2019

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REFERRED TO COMMITTEE ON FINANCE, MAY 2, 2019

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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 sales and use tax, further providing for time  
11 for filing returns.

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

14 Section 1. Section 217(a) 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 217. Time for Filing Returns.--(a) Quarterly and  
18 Monthly Returns:

19 (1) For the year in which this article becomes effective and  
20 in each year thereafter a return shall be filed quarterly by  
21 every licensee on or before the twentieth day of April, July,  
22 October and January for the three months ending the last day of

1 March, June, September and December.

2 (2) For the year in which this article becomes effective,  
3 and in each year thereafter, a return shall be filed monthly  
4 with respect to each month by every licensee whose actual tax  
5 liability for the third calendar quarter of the preceding year  
6 equals or exceeds six hundred dollars (\$600) and is less than  
7 ~~[twenty-five thousand dollars (\$25,000)]~~ one hundred thousand  
8 dollars (\$100,000). Such returns shall be filed on or before the  
9 twentieth day of the next succeeding month with respect to which  
10 the return is made. Any licensee required to file monthly  
11 returns hereunder shall be relieved from filing quarterly  
12 returns.

13 [(3) With respect to every licensee whose actual tax  
14 liability for the third calendar quarter of the preceding year  
15 equals or exceeds twenty-five thousand dollars (\$25,000) and is  
16 less than one hundred thousand dollars (\$100,000), the licensee  
17 shall, on or before the twentieth day of each month, file a  
18 single return consisting of all of the following:

19 (i) Either of the following:

20 (A) An amount equal to fifty per centum of the licensee's  
21 actual tax liability for the same month in the preceding  
22 calendar year if the licensee was a monthly filer or, if the  
23 licensee was a quarterly or semi-annual filer, fifty per centum  
24 of the licensee's average actual tax liability for that tax  
25 period in the preceding calendar year. The average actual tax  
26 liability shall be the actual tax liability for the tax period  
27 divided by the number of months in that tax period. For  
28 licensees that were not in business during the same month in the  
29 preceding calendar year or were in business for only a portion  
30 of that month, fifty per centum of the average actual tax

1 liability for each tax period the licensee has been in business.  
2 If the licensee is filing a tax liability for the first time  
3 with no preceding tax periods, the amount shall be zero.

4 (B) An amount equal to or greater than fifty per centum of  
5 the licensee's actual tax liability for the same month.

6 (ii) An amount equal to the taxes due for the preceding  
7 month, less any amounts paid in the preceding month as required  
8 by subclause (i).]

9 (4) With respect to each month by every licensee whose  
10 actual tax liability for the third calendar quarter of the  
11 preceding year equals or exceeds one hundred thousand dollars  
12 (\$100,000), the licensee shall, on or before the twentieth day  
13 of each month, file a single return consisting of [the amounts  
14 under clause (3) (i) (A) and (ii).] all of the following:

15 (i) An amount equal to fifty per centum of the licensee's  
16 actual tax liability for the same month in the preceding  
17 calendar year if the licensee was a monthly filer or, if the  
18 licensee was a quarterly filer, fifty per centum of the  
19 licensee's average actual tax liability for that tax period in  
20 the preceding calendar year. The average actual tax liability  
21 shall be the actual tax liability for the tax period divided by  
22 the number of months in that tax period. For licensees that were  
23 not in business during the same month in the preceding calendar  
24 year or were in business for only a portion of that month, fifty  
25 per centum of the average actual tax liability for each tax  
26 period the licensee has been in business. If the licensee is  
27 filing a tax liability for the first time with no preceding tax  
28 periods, the amount shall be zero.

29 (ii) An amount equal to the taxes due for the preceding  
30 month, less any amounts paid in the preceding month as required

1 by subclause (i).

2 (5) The amount due under clause [(3)(i) or] (4) shall be due  
3 the same day as the remainder of the preceding month's tax.

4 (6) The department shall determine whether the amounts  
5 reported under clause [(3) or] (4) shall be remitted as one  
6 combined payment or as two separate payments.

7 (7) The department may require the filing of the returns and  
8 the payments for these types of filers by electronic means  
9 approved by the department.

10 (8) Any licensee filing returns under clause [(3) or] (4)  
11 shall be relieved of filing quarterly returns.

12 (9) If a licensee required to remit payments under clause  
13 [(3) or] (4) fails to make a timely payment or makes a payment  
14 which is less than the required amount, the department may, in  
15 addition to any applicable penalties, impose an additional  
16 penalty equal to five per centum of the amount due under clause  
17 [(3) or] (4) which was not timely paid. The penalty under this  
18 clause shall be determined when the tax return is filed for the  
19 tax period.

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