

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1647 Session of 2019

INTRODUCED BY EMRICK, BARRAR, CIRESI, T. DAVIS, DUNBAR, FREEMAN, GILLEN, GREINER, HAHN, HELM, JAMES, KNOWLES, MACKENZIE, MILLARD, MOUL, NEILSON, PICKETT, PYLE, RYAN, SIMMONS, ZIMMERMAN AND ROWE, JUNE 18, 2019

AS REPORTED FROM COMMITTEE ON FINANCE, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 19, 2020

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," further providing for effect of failure to
9 receive tax notice and for collection and payment over of <--
10 taxes.

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

13 Section 1. Sections 7 and 25 of the act of May 25, 1945 <--
14 (P.L.1050, No.394), known as the Local Tax Collection Law, are
15 amended to read:

16 SECTION 1. SECTION 7 OF THE ACT OF MAY 25, 1945 (P.L.1050, <--
17 NO.394), KNOWN AS THE LOCAL TAX COLLECTION LAW, IS AMENDED TO
18 READ:

19 Section 7. Effect of Failure to Receive Tax Notice.--(a)
20 Failure to receive notice shall not relieve any taxpayer from

1 the payment of any taxes imposed by any taxing district, and
2 such taxpayer shall be charged with his taxes as though he had
3 received notice.

4 ~~(b) If any taxpayer fails to receive notice during the first <--~~
5 ~~year of occupancy, such taxpayer may request that the taxing~~
6 ~~district waive any penalties that may be applied according to~~
7 ~~this act. The tax collector of such taxing district shall waive~~
8 ~~all penalties applied under section 10 by such taxing district~~
9 ~~after being provided with a copy of such taxpayer's deed showing~~
10 ~~the date of the property transfer, and such taxpayer shall be~~
11 ~~responsible for all remaining taxes.~~

12 Section 25. ~~Collection and Payment Over of Taxes. (a) The~~
13 ~~tax collector shall keep a correct account of all moneys~~
14 ~~collected by him as taxes under the authority of any duplicate~~
15 ~~or duplicates in his possession. He shall mark "paid" on each~~
16 ~~duplicate, at the name of each taxable, the amount of taxes paid~~
17 ~~and the date on which payment was made.~~

18 ~~(b) The tax collector shall on or before the tenth day of~~
19 ~~each month, or more frequently if required by ordinance or~~
20 ~~resolution of the taxing district, provide a true, verified~~
21 ~~statement, in writing on a form approved by the Department of~~
22 ~~Community and Economic Development, to the secretary or clerk of~~
23 ~~the taxing district or, in the case of cities of the third~~
24 ~~class, to the director of accounts and finance for all taxes~~
25 ~~collected for such taxing district during the previous month or~~
26 ~~period, giving the names of taxables, the amount collected from~~
27 ~~each, along with discounts granted or penalties applied, if any,~~
28 ~~and the total amount of taxes received, discounts granted and~~
29 ~~penalties applied. The tax collector shall include with each~~
30 ~~statement made under this section a reconciled monthly tax~~

1 collector's report for each type of tax collected for each
2 taxing district. The report shall be reconciled from the tax
3 duplicates to the amount of taxes remaining to be collected. A
4 taxing district may require the elected tax collector to provide
5 it with additional information supplementing that set forth on
6 the form approved by the Department of Community and Economic
7 Development.

8 ~~(c) If a tax collector does not provide the statement,~~
9 ~~including the reconciled reports, within the prescribed period,~~
10 ~~the taxing district may impose a late filing fee in accordance~~
11 ~~with this section. Such fee shall not exceed twenty dollars for~~
12 ~~each day or part of a day, excluding Saturdays, Sundays and~~
13 ~~holidays, for the first six days that a statement with~~
14 ~~reconciled reports is overdue, and such fee shall not exceed ten~~
15 ~~dollars for each day or part of a day, excluding Saturdays,~~
16 ~~Sundays and holidays, for each day after such sixth day that a~~
17 ~~statement with reconciled reports is overdue. The maximum fee~~
18 ~~payable with respect to a single statement with reconciled~~
19 ~~reports shall not exceed two hundred fifty dollars. If a taxing~~
20 ~~district determines that there is a reasonable cause for failure~~
21 ~~to timely file the statement with reconciled reports under this~~
22 ~~section, the taxing district may waive the late filing fees. A~~
23 ~~taxing district shall receive an overdue statement with~~
24 ~~reconciled reports even if any late filing fee due has not been~~
25 ~~paid, but the statement with reconciled reports shall not be~~
26 ~~considered filed until all fees have been paid. No further late~~
27 ~~filing fees shall be incurred, notwithstanding the fact that the~~
28 ~~statement with reconciled reports is not considered filed.~~

29 ~~(d) The tax collector shall pay over on or before the tenth~~
30 ~~day of each month, or more often if required by ordinance or~~

1 ~~resolution of the taxing district, to the treasurer of the~~
2 ~~taxing district all moneys collected as taxes during the~~
3 ~~previous month or period and take his receipt for the same.~~

4 ~~(e) The tax collector shall, at any time on demand of any~~
5 ~~taxing district, exhibit any duplicate in his possession showing~~
6 ~~the uncollected taxes as of any date.~~

7 ~~(f) The tax collector as part of his verified statement to~~
8 ~~the taxing district shall include details of any penalties~~
9 ~~forgiven under section 7. The tax collector shall provide to the~~
10 ~~taxing district the amount of penalties forgiven, the name of~~
11 ~~the taxpayers who were granted forgiveness and the date of the~~
12 ~~deed transfers.~~

13 (B) A TAXING DISTRICT SHALL WAIVE A PENALTY CHARGED UNDER <--
14 SECTION 10 FOR REAL ESTATE TAXES IF THE TAXPAYER REQUESTS A
15 WAIVER OF PENALTY WITHIN A YEAR FROM THE DATE OF TRANSFER OF
16 OWNERSHIP TO THE TAXPAYER AND THE TAXPAYER ATTESTS THAT A NOTICE
17 WAS NOT RECEIVED. THE TAXPAYER MUST PROVIDE THE TAXING DISTRICT
18 WITH A COPY OF THE DEED SHOWING THE DATE OF REAL PROPERTY
19 TRANSFER, AND THE TAXPAYER IS RESPONSIBLE FOR THE REMAINING TAX
20 DUE. THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT SHALL
21 DEVELOP AND MAKE AVAILABLE TO EACH TAXING DISTRICT A FORM BY
22 WHICH A TAXPAYER MAY REQUEST A WAIVER OF PENALTY UNDER THIS
23 SECTION.

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