
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2014 Session of
2019

INTRODUCED BY KAUFER, MILLARD, OWLETT AND ZIMMERMAN,
NOVEMBER 14, 2019

REFERRED TO COMMITTEE ON FINANCE, NOVEMBER 14, 2019

AN ACT

1 Establishing the Transportation Reinvestment and Improvement
2 Program; and providing for transfers.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the
7 Transportation Reinvestment and Improvement Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Department." The Department of Transportation of the
13 Commonwealth.

14 "Eligible tax." Any of the following taxes:

15 (1) Corporate net income tax, capital stock and
16 franchise tax, bank shares tax, personal income tax paid by
17 shareholders, members or partners of Subchapter S
18 corporations, limited liability companies, partnerships or

1 sole proprietors on income other than passive activity income
2 as defined under section 469 of the Internal Revenue Code of
3 1986 (Public Law 99-516, 26 U.S.C. § 1 et seq.) or business
4 privilege tax.

5 (2) Sales and use tax, only to the extent the tax is
6 related to the activity of a qualified business. The term
7 includes sales and use taxes on material used for
8 construction by the qualified business and business personal
9 property to be used by the qualified business.

10 (3) The hotel occupancy tax imposed under Part V of
11 Article II of the act of March 4, 1971 (P.L.6, No.2), known
12 as the Tax Reform Code of 1971.

13 (4) Personal income tax withheld from its employees by a
14 qualified business for work performed by the qualified
15 business.

16 (5) All taxes paid to the Commonwealth, or an amount
17 equal to all of the taxes paid to the Commonwealth, related
18 to the purchase or sale of liquor, wine or malt or brewed
19 beverages by a licensee who is a qualified business.

20 "Fund." The Transportation Reinvestment Improvement Program
21 Fund established under section 4.

22 "Office." The Office of the Budget.

23 "Program." The Transportation Reinvestment and Improvement
24 Program established under section 3.

25 "Qualified business." An entity that is awarded funding
26 through the program. The term does not include an agent, broker
27 or representative of a business.

28 Section 3. The Transportation Reinvestment and Improvement
29 Program.

30 (a) Establishment.--The Transportation Reinvestment and

1 Improvement Program is established in the department.

2 (b) Certain costs funded by program.--The department shall
3 pay up to 80% of all fees, costs and expenses for a qualified
4 business which are incident to or arise from the qualified
5 business obtaining a highway occupancy permit from the
6 department, including inspection costs and the cost of related
7 highway improvements that increased traffic or surface drainage
8 may necessitate.

9 (c) Application.--The department shall prescribe the form
10 and manner in which a highway occupancy permittee may apply to
11 become a qualified business under the program.

12 Section 4. Transportation Reinvestment Improvement Program
13 Fund.

14 (a) Establishment.--A special fund is established within the
15 State Treasury to be known as the Transportation Reinvestment
16 Improvement Program Fund.

17 (b) Initial transfer.--The department shall make an initial
18 transfer of \$25,000,000 from the Multimodal Transportation Fund
19 established under 74 Pa.C.S. § 2102 (relating to Multimodal
20 Transportation Fund) to the fund on or before July 1 of the
21 fiscal year following the effective date of this act.

22 (c) Use of money in fund.--Money in the fund shall be used
23 only for the purposes of the program established under this act.

24 Section 5. Report.

25 (a) Qualified business report.--No later than June 15 in the
26 year following a qualified business's approval and June 15 of
27 each year thereafter, each qualified business shall file a
28 report with the Department of Revenue in a form or manner
29 required by the Department of Revenue which includes all of the
30 following:

1 (1) Amount of each eligible tax which was paid to the
2 Commonwealth by the qualified business in the prior calendar
3 year.

4 (2) Amount of each eligible tax refund received from the
5 Commonwealth in the prior calendar year by the qualified
6 business.

7 (b) Penalties.--

8 (1) Failure to file a timely and complete report under
9 subsection (a) may result in the imposition of a penalty of
10 the lesser of:

11 (i) 10% of all eligible tax due the taxing authority
12 in the prior calendar year; or

13 (ii) \$1,000.

14 (2) A penalty for a violation of subsection (a) shall be
15 imposed, assessed and collected by the Department of Revenue
16 under the procedures of Article II of the act of March 4,
17 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.
18 Money collected under this paragraph shall be deposited in
19 the fund.

20 Section 6. Certification.

21 By October 15 following the year of approval as a qualified
22 business, and October 15 of each year thereafter, the Department
23 of Revenue shall do the following for each qualified business
24 for the prior calendar year:

25 (1) For a qualified business which files a qualified
26 business report for the prior calendar year, determine an
27 amount by subtracting the amount of eligible tax refunds
28 received from the amount of eligible tax paid.

29 (2) Certify to the office the amount calculated under
30 paragraph (1).

1 Section 7. Transfers.

2 (a) Office.--Within 10 days of receiving the certified
3 amount from the Department of Revenue under section 6, the State
4 Treasurer shall transfer an amount equal to the amount certified
5 under section 6 from the General Fund to the fund in accordance
6 with subsection (b).

7 (b) State Treasurer.--The State Treasurer shall transfer to
8 the fund the amount directed under subsection (a) until the
9 initial funds, along with an additional 10% of the amount of the
10 initial funds, expended by the department for the qualified
11 business under this act are retired.

12 Section 8. Effective date.

13 This act shall take effect in 60 days.