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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 202 Session of  
2019

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INTRODUCED BY J. WARD, FOLMER, DiSANTO, HUTCHINSON, AUMENT,  
BARTOLOTTA, BROOKS, LANGERHOLC, MARTIN, PHILLIPS-HILL,  
STEFANO, VOGEL, K. WARD, WHITE AND BROWNE, FEBRUARY 4, 2019

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REFERRED TO FINANCE, FEBRUARY 4, 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 personal income tax, further providing for  
11 classes of income.

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

14 Section 1. Section 303(a)(2) 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 303. Classes of Income.--(a) The classes of income  
18 referred to above are as follows:

19 \* \* \*

20 (2) Net profits or net loss. The net income from the  
21 operation of a business, profession, or other activity, after  
22 provision for all costs and expenses incurred in the conduct

1 thereof, determined either on a cash or accrual basis in  
2 accordance with accepted accounting principles and practices but  
3 without deduction of taxes based on income. For purposes of  
4 calculating net income under this paragraph, to the extent a  
5 taxpayer properly deducts an amount under section 195(b)(1)(A)  
6 of the Internal Revenue Code of 1986 (26 U.S.C. § 195(b)(1)(A)),  
7 as amended, and the regulations promulgated under section 195(b)  
8 (1)(A) of the Internal Revenue Code of 1986, the taxpayer shall  
9 be permitted a deduction in equal amount in the same taxable  
10 year. There shall be permitted a deduction from other classes of  
11 income equal to the net loss for the tax year.

12 \* \* \*

13 Section 2. The amendment of section 303(a)(2) of the act  
14 shall apply to the tax years beginning after December 31, 2018.

15 Section 3. This act shall take effect immediately.