

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 74 Session of 2023

INTRODUCED BY KERWIN, FLICK, JAMES, JOZWIAK, MOUL, ROWE, SMITH
AND ZIMMERMAN, MARCH 7, 2023

REFERRED TO COMMITTEE ON FINANCE, MARCH 7, 2023

AN ACT

1 Repealing the act of July 13, 1953 (P.L.377, No.85), entitled
2 "An act to provide revenue by imposing a tax on the use and
3 storage of tangible personal property within the
4 Commonwealth; providing for the assessment, collection and
5 lien of the tax; imposing duties on prothonotaries; requiring
6 sellers maintaining a place of business in this Commonwealth
7 to register, make returns and collect the tax; prescribing
8 penalties; and providing for the use of the proceeds of such
9 tax for public school purposes."

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

12 Section 1. The act of July 13, 1953 (P.L.377, No.85), known
13 as the Use and Storage Tax Act, is repealed:

14 [ARTICLE I

15 SHORT TITLE AND DEFINITIONS

16 Section 101. Short Title.--This act shall be known and may
17 be cited as the "Use and Storage Tax Act."

18 Section 102. Definitions.--The following words, terms and
19 phrases when used in this act shall have the meaning ascribed to
20 them in this section, except where the context clearly indicates
21 a different meaning:

1 (1) "Department." The Department of Revenue of this
2 Commonwealth.

3 (2) "Person." Any natural person, firm, partnership,
4 association, corporation, fiduciary, or other entity. Whenever
5 used in any provision of this act which prescribes or imposes
6 fine or imprisonment or both, the term "person," as applied to a
7 firm, partnership or association, shall include the members
8 thereof, and, as applied to a corporation, the officers thereof:
9 Provided, That a firm, partnership, association or a corporation
10 may be subjected as an entity to the payment of a fine.

11 (3) "Storage." Any keeping or retention in this
12 Commonwealth for use or other consumption in this Commonwealth
13 for any purpose, excepting as hereinafter provided.

14 (4) "Use." The exercise of any right or power incidental to
15 the ownership of tangible personal property.

16 The term "storage, use or other consumption" does not apply
17 to:

18 (a) Any tangible personal property used for the purpose of
19 resale in its original form.

20 (b) Any tangible personal property acquired through an
21 isolated sale from one not a seller.

22 (c) Any tangible personal property acquired through an
23 isolated purchase from one who, though a seller, is not such a
24 seller with respect to the article purchased, but a use shall be
25 presumed in the case of all purchases from sellers.

26 (d) Cigarettes.

27 (e) Gasoline and other motor fuels.

28 (f) Utility services, the gross receipts from which are
29 taxed by the Commonwealth.

30 (g) Any tangible personal property acquired by the

1 Commonwealth or any of its agencies or political subdivisions or
2 by authorities created by or pursuant to law.

3 (h) Any tangible personal property acquired by the United
4 States or any of its agencies.

5 (i) Any tangible personal property acquired outside this
6 Commonwealth, the taxing of the storage, use or other
7 consumption of which is prohibited by the Constitution of the
8 United States.

9 (j) Newspapers, magazines and other periodicals.

10 (k) Medicine on prescription, crutches, wheelchairs for the
11 use of cripples and invalids, and when designed to be worn on
12 the person of the purchaser or user, artificial limbs,
13 artificial eyes and artificial hearing devices, false teeth
14 purchased from a dentist and the materials used by a dentist in
15 dental treatment, eyeglasses when especially designed or
16 prescribed by an ophthalmologist, oculist or optometrist for the
17 personal use of the owner or purchaser, and artificial braces
18 and supports designed solely for the use of crippled persons.

19 (l) Bakery products, milk, groceries and meat as food
20 products for human consumption. For the purposes of this clause,

21 (i) "milk" shall mean raw milk products from domestic animals or
22 such milk when processed or canned; (ii) "groceries" shall mean
23 all food products and all food ingredients for human consumption
24 or for use in the preparation thereof for human consumption,
25 ordinarily sold in grocery stores, except candies, confections,
26 soft drinks, tobacco or tobacco products; (iii) "meat" shall
27 include the flesh of animals, fish, sea food, poultry and game.

28 (m) Clothing and shoes, but not jewelry or any other object
29 not worn primarily to cover the human body against nakedness or
30 cold.

1 (n) Tangible personal property (i) which is to be used in
2 fabricating, compounding or manufacturing tangible personal
3 property or in producing public utility service to be sold
4 ultimately at retail, or (ii) which is to be used in the process
5 of farming, agriculture or horticulture and which, in either
6 event, becomes an ingredient or component part of the
7 fabricated, compounded or manufactured tangible personal
8 property or public utility product or of the product of farming,
9 agriculture or horticulture, or is consumed in the process of
10 fabrication, compounding, manufacturing or producing or in the
11 process of farming, agriculture or horticulture, or (iii) which
12 is to be used in the production or delivery of public utility
13 service.

14 (o) The performance of personal service.

15 (p) Any tangible personal property upon which a tax is
16 imposed under the provisions of the Consumers Sales Tax Act.

17 (q) Tangible personal property intended for incorporation
18 and incorporated into a building, road, street, bridge, or other
19 structure, provided such property is so incorporated pursuant to
20 a contract entered into prior to the effective date of this act,
21 and provided further that the person so incorporating such
22 property submit to the department proof of the facts in such
23 form as the department may require.

24 (5) "Purchase." Acquiring tangible personal property for a
25 consideration, whether the transaction was effected by a
26 transfer of title or of possession or of both, or a license to
27 use or consume, whether such transfer shall have been absolute
28 or conditional and by whatsoever means the same shall have been
29 effected and whether such consideration be a price or rental in
30 money or by way of exchange or barter. "Purchase" shall include

1 production even though the article produced is used, stored or
2 consumed by the producer thereof.

3 (6) "Seller." The person from whom a purchase is made and
4 every person engaged in this Commonwealth or elsewhere in the
5 business of selling tangible personal property for storage, use
6 or other consumption in this Commonwealth. When, in the opinion
7 of the department, it is necessary for the efficient
8 administration of this act to regard any salesman,
9 representative, peddler or canvasser as the agent of a dealer,
10 distributor, supervisor or employer under whom he operates or
11 from whom he obtains tangible personal property sold by him for
12 storage, use or other consumption in this Commonwealth,
13 irrespective of whether or not he is making such sales on his
14 own behalf or on behalf of such dealer, distributor, supervisor
15 or employer, the department may so regard him and may regard
16 such dealer, distributor, supervisor or employer as the "seller"
17 for the purpose of this act.

18 (7) "Seller Maintaining a Place of Business in This
19 Commonwealth." Any seller having or maintaining within this
20 Commonwealth, directly or through a subsidiary, an office,
21 distribution house, saleshouse, warehouse, or other place of
22 business, or any agent operating wholly within this Commonwealth
23 under the authority of the seller or its subsidiary,
24 irrespective of whether such place of business or agent is
25 located permanently or temporarily in this Commonwealth or
26 whether such seller or subsidiary is authorized to do business
27 within this Commonwealth.

28 (8) "Consumer." The person who has purchased tangible
29 personal property for storage, use or other consumption in this
30 Commonwealth.

1 (9) "Price." The amount paid in money, credits, property or
2 other consideration for purchases, without deduction on account
3 of the cost of property purchased, amounts paid for interest,
4 discounts, losses or any other expenses or burdens. Credit
5 actually given or refund actually paid for goods returned may be
6 deducted.

7 (10) "Tangible Personal Property." Corporeal personal
8 property including, but not restricted to, goods, wares and
9 merchandise. The term "tangible personal property" does not
10 include money, deposits in banks, shares of stock, bonds, notes,
11 credits, or evidences of an interest in property or evidences of
12 debt.

13 (11) "Tax." Any tax, interest or penalty imposed or levied
14 under the provisions of this act.

15 ARTICLE II

16 IMPOSITION AND COLLECTION OF TAX

17 Section 201. Imposition.--A tax is hereby levied on the
18 storage, use or other consumption in this Commonwealth of
19 tangible personal property purchased for storage, use or other
20 consumption in this Commonwealth.

21 Section 202. Amount of Tax.--(a) The rate of tax shall be
22 one per centum (1%) of the price of each purchase of tangible
23 personal property purchased for storage, use or other
24 consumption in this Commonwealth.

25 (b) As to any tangible personal property purchased for
26 storage, use or other consumption in this Commonwealth, the tax
27 shall be computed as follows:

28 (1) Where its price is ten cents or less, no tax shall be
29 collected.

30 (2) Where its price is from eleven cents to one dollar, both

1 inclusive, the tax shall be one cent.

2 (3) Where its price is in excess of one dollar, the tax on
3 each additional dollar or fraction thereof shall be one cent.

4 (c) If any person who causes tangible personal property to
5 be brought into this Commonwealth has already paid a tax in
6 another state in respect to the sale or use of such property or
7 an occupation tax in respect thereto in an amount less than the
8 tax imposed by this act, the provisions of this act shall apply,
9 but at a rate measured by the difference only between the rate
10 herein fixed and the rate by which the previous tax on the sale
11 or use or occupation tax was computed.

12 Section 203. Payment.--Each consumer storing, using or
13 otherwise consuming in this Commonwealth tangible personal
14 property purchased for such purpose or purposes shall be liable
15 for the tax imposed by this act and such liability shall not be
16 extinguished until the tax has been paid to this Commonwealth.

17 It shall be presumed that tangible personal property
18 purchased on or after the effective date of this act by any
19 person for delivery in this Commonwealth is purchased for
20 storage, use or other consumption in this Commonwealth.

21 Section 204. Collection by Sellers Maintaining Place of
22 Business in Commonwealth.--Every seller maintaining a place of
23 business in this Commonwealth and making sales of tangible
24 personal property for storage, use or other consumption in this
25 Commonwealth, if not otherwise exempted, shall, at the time of
26 making the sales or, if the storage, use or consumption is not
27 then taxable hereunder, at the time the storage, use or other
28 consumption becomes taxable, collect the tax from the consumer.

29 Section 205. Seller's Registration.--Every seller
30 maintaining a place of business in this Commonwealth selling

1 tangible personal property for storage, use or consumption in
2 this Commonwealth shall register with the department and give
3 the name and address of all agents operating in this
4 Commonwealth, the location of all distribution or saleshouses or
5 offices or other places of business in this Commonwealth and
6 such other information as the department may require.

7 ARTICLE III

8 RETURNS AND PAYMENT

9 Section 301. Monthly Returns and Payment.--(a) The taxes
10 imposed by this act shall be due and payable in monthly
11 installments on or before the twentieth day of the calendar
12 month succeeding the month during which the purchase of tangible
13 personal property on the storage, use or other consumption of
14 which the tax is being paid is made.

15 (b) Each taxpayer or seller maintaining a place of business
16 in this Commonwealth shall make out and sign a return for the
17 preceding calendar month. Such return shall be mailed to the
18 department in time so that it will reach the department, in the
19 ordinary course of the mails, on or before the twentieth day of
20 the month succeeding the month during which the purchase of
21 tangible personal property on the storage, use or other
22 consumption of which the tax is being paid is made. The return
23 shall be on a form prescribed by the department.

24 (c) Each such return shall show:

25 (1) The price of each such purchase of tangible personal
26 property by such person during such preceding monthly period,
27 the storage, use or consumption of which is subject to tax;

28 (2) The amount of tax due;

29 (3) Such other information as the department may deem
30 necessary for the proper administration of this act.

1 (d) Any such return may be signed by a duly authorized agent
2 of the taxpayer with the same effect as if signed by the
3 taxpayer himself. Any person making a false return shall be
4 guilty of perjury to the same extent as though the return had
5 been sworn to. A remittance for the amount of the tax shall
6 accompany each return.

7 Section 302. Other Times for Returns and Payment.--The
8 department may, upon written request, authorize a taxpayer whose
9 books and records are not kept on a calendar month basis to file
10 returns at other times than those specified in the preceding
11 section and in lieu of such returns. Except as to the time of
12 filing and the period covered, all the provisions as to monthly
13 returns made by section three hundred one shall be applicable to
14 returns made under this section and a remittance for the tax
15 shall accompany any return made under this section.

16 ARTICLE IV

17 PROCEDURE

18 Section 401. Department of Revenue to Administer.--The
19 Department of Revenue shall administer and enforce this act and
20 collect the tax hereby imposed.

21 Section 402. Examination of Returns; Assessment of Tax
22 Credits.--(a) As soon as practicable after any return is filed,
23 the department shall examine it. If the return shows a greater
24 tax due than the amount of the remittance sent with such return,
25 the department shall forthwith assess the difference. Such
26 difference shall be paid to the department within ten days after
27 notice of its assessment. If so paid, there shall be no interest
28 or penalty; if not so paid, there shall be added to such amount
29 five per centum thereof and, in addition, interest at the rate
30 of one-half of one per centum per month for each month or

1 fraction thereof from the date of such notice to the date of
2 payment. No taxpayer shall have any right of appeal from such an
3 assessment.

4 (b) If the department determines that any return or returns
5 of any taxpayer understates the amount of tax due, the
6 department shall assess the proper amount and shall determine
7 the difference between the amount of tax shown in the return and
8 the amount assessed, such difference being hereafter sometimes
9 referred to as the "deficiency." Such deficiency shall be paid
10 to the department within ten days after a notice of the
11 assessment thereof shall be mailed to the taxpayer by the
12 department. In such case, if such understatement of the tax in
13 the return or returns was made in good faith, there shall be no
14 interest or penalty because of such understatement: Provided,
15 That the deficiency be paid or notice of an intention to file a
16 petition for a reassessment or to appear and be heard, as herein
17 provided, shall be given within ten days after notice of the
18 assessment of such deficiency be mailed to the taxpayer. If such
19 payment is not made within ten days and if no notice of an
20 intention to file a petition for a reassessment or to appear and
21 be heard is given to the department within ten days, as herein
22 provided, there shall be added to the amount of the deficiency
23 five per centum thereof and, in addition, interest at the rate
24 of one-half of one per centum per month for each month or
25 fraction thereof from the date of such notice to the date of
26 payment. If any understatement in any of such returns is false
27 or fraudulent with intent to evade the tax, the deficiency
28 resulting from such understatement shall be doubled and, in
29 addition thereto, an additional one-half of one per centum of
30 such doubled deficiency shall be added for each such month or

1 fraction of a month from the date the tax was originally due to
2 the date of payment.

3 (c) If the amount of the tax as assessed by the department
4 shall be less than the amount already paid by the taxpayer, the
5 department shall so notify the taxpayer and the amount so
6 overpaid may be taken by such taxpayer as a credit on the tax
7 shown as due in any subsequent return or returns filed in
8 accordance with the provisions of this act.

9 Section 403. Estimated Assessment.--(a) If any person
10 believed by the department to be liable for tax under the
11 provisions of this act shall have failed to file a return in
12 accordance with and within the time prescribed by this act, and
13 if the department shall deem it more conducive to the public
14 interest because of the supposed smallness of the tax or for any
15 other reason not to proceed to compel the exhibition of the
16 accounts of such person, it may make an estimated assessment of
17 the probable amount of tax owing by such person; but in every
18 such case the department shall add to such estimated assessment
19 a penalty of fifty per centum (50%) thereof and the department
20 shall proceed to collect such estimated tax and penalty as in
21 other cases if the amount is not paid when due as hereinafter
22 provided.

23 (b) The estimated assessment thus determined, together with
24 the penalty of fifty per centum (50%) specified above and
25 interest at the rate of one-half of one per centum per month or
26 fractional part thereof until paid, shall be due and payable ten
27 days after notice of such settlement shall have been mailed by
28 the department to the person against whom the estimated
29 assessment has been made.

30 Section 404. Limitation of Assessments.--(a) Any additional

1 assessment or estimated assessment shall be made by the
2 department within five years of the date when the return
3 required by section three hundred one or authorized by section
4 three hundred two hereof should have been filed, as prescribed
5 in this act, whether the date originally prescribed or pursuant
6 to any extensions of the time for filing such return duly
7 granted by the department and not after. Any such additional
8 assessment or estimated assessment may be made at any time
9 during such period, notwithstanding that the department may have
10 made one or more previous additional assessments or estimated
11 assessments or both against the taxpayer for the year in
12 question or for any part of such year. In any such case, no
13 credit shall be given for any penalty previously assessed or
14 paid.

15 (b) If the taxpayer shall have died, any taxes, interest and
16 penalties due under this act for years prior to his death or for
17 the year of his death and whether based on original assessments,
18 additional or estimated assessments or otherwise, may be
19 presented by the department at audit of his estate in the
20 orphans' court. Such court shall give full effect to the
21 priorities and equitable interest given to the Commonwealth by
22 this act.

23 Section 405. Reassessment; Review; Appeal; Refund.--(a) Any
24 taxpayer against whom an additional or estimated assessment is
25 made may petition the department for a reassessment. Notice of
26 an intention to file such a petition or to appear and be heard
27 shall be given to the department prior to the time the
28 additional or estimated assessment becomes due and payable. The
29 department shall hold such hearings as may be necessary for the
30 purpose, at such times and places as it may determine, and each

1 taxpayer who has duly notified the department of an intention to
2 file a petition for reassessment or to appear and be heard shall
3 be notified by the department of the time when and the place
4 where such hearing in his case will be held. A petition for
5 reassessment, if filed, shall set forth explicitly and in detail
6 the grounds upon which the taxpayer claims that the additional
7 or estimated assessment is erroneous or unlawful, in whole or in
8 part, and shall be accompanied by an affidavit under oath or
9 affirmation certifying to the facts stated in the petition. If
10 no petition for reassessment has been filed with the department
11 but the taxpayer has given due notice of an intention to appear
12 and be heard, the taxpayer may appear at the hearing and present
13 his petition orally, in which event all statements of fact at
14 the hearing shall be made under oath or affirmation.

15 (b) Within sixty days after the date of mailing of notice by
16 the department of the action taken on any petition for
17 reassessment filed with it, the person against whom such
18 assessment was made may by petition request the Board of Finance
19 and Revenue to review such action. Every petition for review
20 filed hereunder shall state specifically the reasons on which
21 the petitioner relies or shall incorporate by reference the
22 petition for reassessment in which the reasons are stated. The
23 petition shall be supported by affidavit that it is not made for
24 the purpose of delay and that the facts therein set forth are
25 true. The Board of Finance and Revenue shall act finally in
26 disposing of petitions filed with it, within six months after
27 they have been received. In the event of the failure of the
28 board to dispose of any petition within six months, the action
29 taken by the department upon the petition for reassessment shall
30 be sustained. The Board of Finance and Revenue may sustain the

1 action taken on the petition for reassessment or it may reassess
2 the tax due on such basis as it deems according to law and
3 equity. The board shall give notice of its action by mail to the
4 department and to the petitioner.

5 (c) Any person or the Commonwealth aggrieved by the decision
6 of the Board of Finance and Revenue or by the board's failure to
7 act upon a petition for review within six months may, within
8 sixty days, appeal to the Court of Common Pleas of Dauphin
9 County from the decision of the board or from the decision of
10 the department, as the case may be, in the manner now or
11 hereafter provided by law for appeals in the case of tax
12 settlements.

13 (d) Refunds of taxes paid under this act shall be made under
14 the provisions of section five hundred three of the act,
15 approved the ninth day of April, one thousand nine hundred
16 twenty-nine (Pamphlet Laws 343), known as "The Fiscal Code" and
17 its amendments.

18 Section 406. Rules and Regulations; Inquisitorial Powers of
19 the Department.--(a) The department shall have the authority to
20 prescribe, adopt, promulgate and enforce rules and regulations
21 in conformity with this act and relating to any matter or thing
22 pertaining to the administration of the taxes imposed by this
23 act. The department may from time to time alter or amend such
24 rules and regulations in any manner it considers advisable.

25 (b) The department or any of its authorized agents is hereby
26 authorized to examine the books, papers and records of any
27 taxpayer or supposed taxpayer, including his bank accounts or
28 similar items, in order to verify the accuracy and completeness
29 of any return made, or, if no return was made, to ascertain and
30 assess the tax imposed by this act. The department may require

1 the preservation of all such books, papers and records for any
2 period deemed proper by it, not to exceed, however, six years
3 from the end of the calendar year to which the records relate.
4 Every such taxpayer is hereby required to give to the department
5 or its agent the means, facilities and opportunity for such
6 examinations and investigations. The department is further
7 authorized to examine any person under oath concerning the
8 taxable storage, use or other consumption of tangible personal
9 property by any taxpayer or concerning any other matter relating
10 to the enforcement or administration of this act; and to this
11 end may compel the production of books, papers and records and
12 the attendance of all persons, whether as parties or witnesses,
13 whom it believes to have knowledge of such matters. The
14 procedure for such hearings or examinations shall be the same as
15 that provided by the Fiscal Code relating to inquisitorial
16 powers of fiscal officers.

17 (c) Any information gained by the department as a result of
18 any return, investigation, hearing or verification required or
19 authorized by this act shall be confidential except for official
20 purposes and except in accordance with proper judicial order or
21 as otherwise provided by law; and any person unlawfully
22 divulging such information shall be deemed guilty of a
23 misdemeanor and, upon conviction thereof, shall be sentenced to
24 pay a fine not in excess of one thousand dollars (\$1,000) and
25 costs of prosecution, or to undergo imprisonment for not more
26 than one year, or both, in the discretion of the court.

27 Notwithstanding the foregoing provisions of this subsection
28 (c), the department may permit the Commissioner of Internal
29 Revenue of the United States, or the proper officer of any other
30 state now or hereafter imposing a tax upon the storage, use or

1 other consumption of tangible personal property or classes of
2 such property, or the authorized representative of such
3 Commissioner or officer, to inspect any returns or reports of
4 investigations filed or made under the provisions of this act,
5 or may furnish to such Commissioner or officer or his authorized
6 representative an abstract of any such return, or supply him
7 with information concerning any items contained in any such
8 return or report; but such permission shall be granted or such
9 information furnished to such Commissioner or officer only if
10 the statutes of the United States or of such other state, as the
11 case may be, grant equal privileges to the officers of this
12 Commonwealth charged with the administration of this act.

13 Section 407. Records of Non-Residents.--A non-resident
14 person, including a foreign corporation, who is engaged in one
15 or more businesses in this Commonwealth, shall keep adequate
16 records of such business or businesses and of the taxes due with
17 respect thereto, which records shall at all times be retained
18 within this Commonwealth.

19 Any person violating or assisting in the violation of the
20 provisions of this section shall be guilty of a misdemeanor and,
21 upon conviction, shall be sentenced to pay a fine not exceeding
22 one thousand dollars (\$1,000) and costs of prosecution, or to
23 undergo imprisonment not exceeding one (1) year, or both.

24 Section 408. Priority of Tax.--In the distribution,
25 voluntary or compulsory, in receivership, bankruptcy or
26 otherwise, of the property or estate of any person, all taxes
27 imposed by this act which are due and unpaid shall be paid from
28 the first money available for distribution in priority to all
29 other claims and liens, except in so far as the laws of the
30 United States may give a prior claim to the Federal government.

1 Any person charged with the administration or distribution of
2 any such property or estate who shall violate the provisions of
3 this section shall be personally liable for any taxes imposed by
4 this act which are accrued and unpaid and are chargeable against
5 the person whose property or estate is being administered or
6 distributed.

7 Section 409. Lien of Taxes.--All taxes imposed by this act,
8 together with all penalties and interest, shall be considered a
9 public account, after being assessed in the manner provided in
10 this act, and as such shall be a lien upon all real estate
11 within the Commonwealth of any taxpayer, resident or non-
12 resident, but only after the same has been entered and docketed
13 of record by the prothonotary of the county where such real
14 estate is situated, as hereinafter provided.

15 The department may at any time transmit to the prothonotaries
16 of the respective counties certified copies of all liens for
17 taxes imposed by this act and penalties and interest. It shall
18 be the duty of each prothonotary receiving such lien to enter
19 and docket the same of record in his office, which lien shall be
20 indexed as judgments are now indexed. All such liens shall have
21 priority to and be fully paid and satisfied out of the judicial
22 sale of said real estate before any other obligation, judgment,
23 claim, lien or estate with which said real estate may
24 subsequently become charged or for which it may subsequently
25 become liable, subject, however, to mortgage or other liens
26 existing and duly recorded at the time such tax lien is
27 recorded, save and except the costs of sale and of the writ upon
28 which it is made and real estate taxes imposed or assessed upon
29 said property. The lien of said taxes, interest and penalties
30 shall continue for five years from the date of entry and may be

1 revived and continued in the manner now or hereafter provided
2 for renewal of judgments; and it shall be lawful for a writ of
3 scire facias to issue and be prosecuted to judgment in the
4 manner in which such written writs are ordinarily employed.

5 Any wilful failure of any prothonotary to carry out any duty
6 imposed upon him by this section shall be a misdemeanor and,
7 upon conviction, he shall be sentenced to pay a fine not
8 exceeding one thousand dollars (\$1,000) and costs of
9 prosecution, or to undergo imprisonment not exceeding one year,
10 or both, in the discretion of the court.

11 Section 410. Penalties.--Any person who shall wilfully fail,
12 neglect or refuse to make any return or report required by this
13 act, or any taxpayer who shall refuse to pay any tax, penalty or
14 interest imposed or provided for by this act, or who shall
15 wilfully fail to preserve his books, papers and records as
16 directed by the department, in accordance with section four
17 hundred six hereof, or any person who shall refuse to permit the
18 department or any of its authorized agents to examine his books,
19 records or papers, or who shall knowingly make any incomplete,
20 false or fraudulent return or report, or who shall do or attempt
21 to do anything whatever to prevent the full disclosure of the
22 amount or character of the taxable storage, use or other
23 consumption of tangible personal property, by himself or any
24 other person, shall be guilty of a misdemeanor and, upon
25 conviction, shall be sentenced to pay a fine not exceeding one
26 thousand dollars (\$1,000) and costs of prosecution, or undergo
27 imprisonment not exceeding one year, or both, in the discretion
28 of the court. The penalties imposed by this section shall be in
29 addition to any penalties imposed by any provisions of this act.

30

ARTICLE V

1 DISPOSITION OF TAX, PENALTIES, INTEREST

2 Section 501. Disposition of Proceeds.--All taxes collected
3 under the provisions of this act, together with any penalties
4 and interest thereon, shall be used for public school purposes,
5 in so far as permitted by the requirements of the Constitution
6 of Pennsylvania.

7 ARTICLE VI

8 MISCELLANEOUS

9 Section 601. Saving Clause.--Nothing contained in this act
10 shall be construed to repeal any other law of this Commonwealth
11 imposing any tax for any purpose.

12 Section 602. Effective Date.--This act shall become
13 effective on the first day of the second calendar month after
14 the month in which it is finally enacted; and all taxable
15 storage, use or other consumption pursuant to purchases made
16 during that month and for a period of two years thereafter shall
17 be subject to tax hereunder. The expiration of the period during
18 which tax is imposed by this act shall not relieve any person
19 from the filing of returns or from any taxes, penalties or
20 interest, imposed by the provisions of this act, or affect or
21 terminate any petitions, investigations, prosecutions, legal or
22 otherwise, or other proceedings pending under the provisions of
23 this act, or prevent the commencement or further prosecution of
24 any proceedings by the proper authorities of the Commonwealth
25 for violations of such act, or for the assessment, collection or
26 recovery of taxes, penalties or interest due or owing to the
27 Commonwealth under this act.]

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