

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 910 Session of 2023

INTRODUCED BY SHUSTERMAN, SANCHEZ AND MADDEN, APRIL 17, 2023

REFERRED TO COMMITTEE ON FINANCE, APRIL 17, 2023

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
 11 definitions and for exclusions from tax.

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

14 Section 1. Section 201 of the act of March 4, 1971 (P.L.6,
 15 No.2), known as the Tax Reform Code of 1971, is amended by
 16 adding a definition to read:

17 Section 201. Definitions.--The following words, terms and
 18 phrases when used in this Article II shall have the meaning
 19 ascribed to them in this section, except where the context
 20 clearly indicates a different meaning:

21 * * *

22 (vvv) "Secondhand store." A store that sells used clothing
 23 and other household goods:

1 (1) to raise funds for a charitable institution; or
2 (2) on behalf of the original owners of the clothing and
3 goods who receive a percentage of the selling price.

4 Section 2. Section 204(26) of the act is amended to read:

5 Section 204. Exclusions from Tax.--The tax imposed by
6 section 202 shall not be imposed upon any of the following:

7 * * *

8 (26) The sale at retail or use of all vesture, wearing
9 apparel, raiments, garments, footwear and other articles of
10 clothing, including clothing patterns and items that are to be a
11 component part of clothing, worn or carried on or about the
12 human body [but all]. The sale at retail or use of all
13 accessories, ornamental wear, formal day or evening apparel, and
14 articles made of fur on the hide or pelt or any material
15 imitative of fur and articles of which such fur, real, imitation
16 or synthetic, is the component material of chief value, but only
17 if such value is more than three times the value of the next
18 most valuable component material, and sporting goods and
19 clothing not normally used or worn when not engaged in sports
20 shall not be excluded from the tax[.], unless the sale at retail
21 occurred at a secondhand store or the tangible personal property
22 was originally purchased by the user at a secondhand store.

23 * * *

24 Section 3. The amendment or addition of sections 201(vvv)
25 and 204(26) shall apply to sales at retail or use that occur
26 after the effective date of this section.

27 Section 4. This act shall take effect in 60 days.