

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1043 Session of 2013

INTRODUCED BY BROWNE, JUNE 24, 2013

REFERRED TO FINANCE, JUNE 24, 2013

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled,
 2 as amended, "An act relating to the finances of the State
 3 government; providing for the settlement, assessment,
 4 collection, and lien of taxes, bonus, and all other accounts
 5 due the Commonwealth, the collection and recovery of fees and
 6 other money or property due or belonging to the Commonwealth,
 7 or any agency thereof, including escheated property and the
 8 proceeds of its sale, the custody and disbursement or other
 9 disposition of funds and securities belonging to or in the
 10 possession of the Commonwealth, and the settlement of claims
 11 against the Commonwealth, the resettlement of accounts and
 12 appeals to the courts, refunds of moneys erroneously paid to
 13 the Commonwealth, auditing the accounts of the Commonwealth
 14 and all agencies thereof, of all public officers collecting
 15 moneys payable to the Commonwealth, or any agency thereof,
 16 and all receipts of appropriations from the Commonwealth,
 17 authorizing the Commonwealth to issue tax anticipation notes
 18 to defray current expenses, implementing the provisions of
 19 section 7(a) of Article VIII of the Constitution of
 20 Pennsylvania authorizing and restricting the incurring of
 21 certain debt and imposing penalties; affecting every
 22 department, board, commission, and officer of the State
 23 government, every political subdivision of the State, and
 24 certain officers of such subdivisions, every person,
 25 association, and corporation required to pay, assess, or
 26 collect taxes, or to make returns or reports under the laws
 27 imposing taxes for State purposes, or to pay license fees or
 28 other moneys to the Commonwealth, or any agency thereof,
 29 every State depository and every debtor or creditor of the
 30 Commonwealth," in preliminary provisions, further providing
 31 for method of filing; in agents for collection, further
 32 providing for corporate treasurers; in bonus and tax records,
 33 further providing for corporate loans and tax, for municipal
 34 loans and tax and for monthly statements by registers of
 35 wills; and in collections other than by settlement, further

1 providing for driver's license fees and for amounts payable
2 to State institutions.

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

5 Section 1. Section 10 of the act of April 9, 1929 (P.L.343,
6 No.176), known as The Fiscal Code, added October 9, 2009
7 (P.L.537, No.50), is amended to read:

8 Section 10. Method of Filing.--(a) The Department of
9 Revenue may require any return, report or other document
10 required to be filed for a tax administered by the department
11 prepared by a third party who submits [fifty or] more than ten
12 returns, reports or other documents required to be filed per
13 year to be filed by any method prescribed by the department,
14 including by telephonic, electronic or other method. Notice of
15 the method of filing shall be published in the Pennsylvania
16 Bulletin and on the Department of Revenue's Internet website at
17 least sixty days prior to the due date of the return, report or
18 other document required to be filed by telephonic, electronic or
19 other method. The notice shall refer to this section.

20 (b) Failure to file a return, report or other document by
21 the method required under subsection (a) shall subject the tax
22 preparer to a penalty of one percent of the tax due on the
23 return, report or other document up to a maximum of five hundred
24 dollars (\$500), but not less than ten dollars (\$10). This
25 penalty shall be assessed and collected in the manner provided
26 by the act of March 4, 1971 (P.L.6, No.2), known as the "Tax
27 Reform Code of 1971." This penalty shall be in addition to any
28 civil penalty imposed in the applicable article of the "Tax
29 Reform Code of 1971" for failure to file a return, report or
30 other document. The criminal penalty for failure to file a
31 return, report or other document by the method required under

1 subsection (a) shall be the same as the criminal penalty for
2 failure to file a return, report or other document under the
3 applicable article of the "Tax Reform Code of 1971."

4 (c) (1) The Department of Revenue may waive the requirement
5 to file by the method required under subsection (a) when the
6 department determines that any of the following apply:

7 (i) The prescribed filing method causes an undue hardship.

8 (ii) The preparer or taxpayer requests a waiver in writing
9 that clearly states why the filing method causes an undue
10 hardship.

11 (2) In determining whether filing by the method required
12 under subsection (a) causes an undue hardship, the Department of
13 Revenue may consider unusual circumstances that may prevent the
14 person from filing by the prescribed method or any other factor
15 that the department determines is relevant.

16 Section 2. Section 606 of the act is repealed:

17 [Section 606. Treasurers of Private Corporations to Collect
18 Tax from Interest Paid.--The treasurer of every private
19 corporation, except corporations of the first class and
20 cooperative agricultural associations not having capital stock
21 and not conducted for profit, shall continue to be the agent of
22 the Commonwealth, for the purpose of assessing, collecting, and
23 paying into the State Treasury the tax imposed by law upon any
24 scrip, bond, certificate, or evidence of indebtedness, issued or
25 assumed by such corporation, or upon which interest shall be
26 paid and held by residents of this Commonwealth, including
27 interest paid for prior years, but all taxes thus collected
28 shall be paid into the State Treasury, through the Department of
29 Revenue.

30 For his services as such agent, every such treasurer shall be

1 compensated at the rates now provided by law.]

2 Section 3. Section 708 of the act, amended July 13, 1957
3 (P.L.838, No.388), is repealed:

4 [Section 708. Report of Corporate Loans and Payment of
5 Tax.--The treasurer of every private corporation, except
6 corporations of the first class, and cooperative agricultural
7 associations not having capital stock and not conducted for
8 profit, shall report, annually, on or before the fifteenth day
9 of April, to the Department of Revenue, the amount of
10 indebtedness of the corporation, or assumed by it, or upon which
11 it pays interest, owned by residents of this Commonwealth, as
12 nearly as the same can be ascertained, and whenever any such
13 corporation shall make a payment of interest on any scrip,
14 bonds, certificates and evidence of indebtedness, due and
15 payable for prior years, it shall also be the duty of the
16 treasurer of such corporation to report the same forthwith to
17 the Department of Revenue, giving such information about such
18 payment as the Department of Revenue shall require. Every such
19 treasurer, at the time of making every report required by this
20 section, shall compute and pay to the department the tax due the
21 Commonwealth upon such scrip, bonds, certificates and evidences
22 of indebtedness, as required by law.]

23 Section 4. Section 709 of the act, amended February 2, 1937
24 (P.L.3, No.1), is repealed:

25 [Section 709. Report of Municipal Loans and Payment of
26 Tax.--The treasurer of each county, city, borough, school
27 district, and incorporated district, shall, on or before the
28 fifteenth day of March of each year, make a return to the
29 Department of Revenue of the amount of scrip, bonds,
30 certificates, and evidences of indebtedness, outstanding by such

1 county, city, borough, school district, or incorporated
2 district, as the same existed on the first day of January,
3 together with the rates of interest or dividends thereon at each
4 interest or dividend paying date during the preceding year, and
5 whenever any such county, city, borough, school district, or
6 incorporated district, shall make a payment of interest on any
7 scrip, bonds, certificates, and evidences of indebtedness, due
8 and payable for prior years, it shall be the duty of the
9 treasurer thereof to report the same forthwith to the Department
10 of Revenue, giving such information about such payment as the
11 department may require. Every such treasurer, at the time of
12 making every report required by this section, shall compute and
13 pay to the department the tax due the Commonwealth upon such
14 scrip, bonds, certificates and evidences of indebtedness, as
15 required by law.]

16 Section 5. Sections 724 and 1206 of the act are repealed:

17 [Section 724. Monthly Statements by Registers of Wills
18 Reporting Inheritance Tax Appraisers' Returns.--The register of
19 wills of each county shall transmit to the Department of
20 Revenue, on the first day of each month, a statement of all
21 returns made by appraisers during the preceding month upon which
22 transfer inheritance taxes have been paid or remain unpaid.

23 Section 1206. Motor License and Vehicle Operators' License
24 Fees.--The Department of Revenue shall prepare and distribute
25 such forms as may be necessary to enable it to collect all fees
26 for the registration and titling of vehicles, under any existing
27 or future laws of the Commonwealth, and for licensing operators
28 of vehicles. All such fees shall be collected directly by the
29 Department of Revenue, which shall issue the licenses, license
30 tags, learners' permits, certificates of title, and all other

1 certificates, permits, and documents, for which such fees are
2 payable.]

3 Section 6. Section 1209 of the act, amended June 1, 1931
4 (P.L.318, No.143), is repealed:

5 [Section 1209. Collection of Amounts Payable to State
6 Institutions.--The Department of Revenue shall place its agent
7 in every State institution for the purpose of collecting all
8 moneys due to such institutions from patients, pupils, inmates,
9 or the estates of such patients, pupils, or inmates or from any
10 political subdivision of this Commonwealth, including school
11 districts, and poor districts, or from the Federal Government,
12 or from any other person, association, corporation, or public
13 agency whatsoever, for care, treatment, instruction,
14 maintenance, or any other expense, chargeable for or on account
15 of such patients, pupils, or inmates.

16 All bills rendered hereunder shall be in the style,
17 "Commonwealth of Pennsylvania, Department of Revenue, Agent for
18 the Collection of Moneys Owing to (name of institution or its
19 board of trustees)."

20 All such bills shall be due when rendered, and shall bear
21 interest at the rate of six per centum per annum from thirty
22 days after their date.]

23 Section 7. The effective date of the amendment of section
24 10 of the act, under section 8(1) of this act, is not dependent
25 upon rulemaking by the Department of Revenue nor the State
26 Treasurer.

27 Section 8. This act shall take effect as follows:

28 (1) The amendment of section 10 of the act shall take effect
29 January 1, 2014.

30 (2) The remainder of this act shall take effect immediately.