

## No. 1982-275

## AN ACT

## SB 678

Amending the act of May 25, 1945 (P.L.1050, No.394), entitled "An act relating to the collection of taxes levied by counties, county institution districts, cities of the third class, boroughs, towns, townships, certain school districts and vocational school districts; conferring powers and imposing duties on tax collectors, courts and various officers of said political subdivisions; and prescribing penalties," providing for the collection of taxes in certain home rule municipalities and extending certain provisions relating to discounts and installment payments to cities of the second class A.

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

Section 1. The definitions of "tax collector" and "taxing district" in section 2, act of May 25, 1945 (P.L.1050, No.394), known as the "Local Tax Collection Law," the definition of "tax collector" amended June 27, 1968 (P.L.276, No.132), are amended to read:

Section 2. Definitions.—The words—

"Tax Collector" shall include every person duly elected or appointed to collect all taxes, levied by any political subdivision included in the provisions of this act, including the treasurers of cities of the third class and of townships of the first class in their capacity as treasurers, and county collectors of taxes in counties of the third, fourth, fifth [and], sixth, *seventh and eighth* class who have been designated to collect county and institution district taxes in cities of the third class *and county treasurers in counties of the fourth, fifth, sixth, seventh and eighth class who have been designated to collect county taxes in municipalities existing or organized under the act of April 13, 1972 (P.L.184, No.62), known as the "Home Rule Charter and Optional Plans Law," that have eliminated the elective office of tax collector.*

"Taxing District" shall include counties (except counties of the first or second class), county institution districts (except in counties of the second class), cities of the third class, boroughs, towns, townships and school districts of the second, third and fourth classes, and vocational school districts. *The term "taxing district" shall also include a city of the second class A for the purposes of sections 10 and 11 of this act.*

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Section 2. Subsection (c) of section 3 of the act is amended to read:

Section 3. Application of Act.—\* \* \*

(c) [None] (1) *Except as provided in clause (2), none* of the provisions of this act shall apply to any county of the first or second class, city of the first or second class or second class A, or to any school district of the first class, or school district in a city of the second class A.

*(2) The provisions of sections 10 and 11 of this act shall apply to cities of the second class A.*

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Section 3. Subsection (g) of section 4 of the act, amended June 27, 1968 (P.L.276, No.132), is amended to read:

Section 4. Bonds of Tax Collectors.—\* \* \*

(g) The bond of any county treasurer in counties of the third, fourth, fifth **[and]**, sixth, *seventh and eighth* class shall be fixed by the county commissioners. The premium on any such bond shall be paid by the county. The condition of the bond shall be that the county treasurer, as collector of taxes for the county and county institution district **[in third class cities, he]** *as provided for in section 2*, shall account for and pay over all taxes, penalties and interest received and collected by him to the county and county institution district. The county treasurer in third, fourth, fifth **[and]**, sixth, *seventh and eighth* class counties and his sureties shall be discharged from further liability on his bond for the taxes charged in a duplicate delivered to him as soon as all tax items contained in the said duplicate are either (1) collected and paid over to the county, or (2) certified to the county commissioners for entry as liens in the office of the prothonotary or as claims in the tax claim bureau as the case may be, or (3) returned to the county commissioners for sale of the real estate by the county treasurer, or (4) in the case of occupation, poll and per capita and personal property taxes accounted for by the payment over or by exoneration which shall be granted by the county commissioners, upon oath or affirmation by the county treasurer that he has complied with section twenty of this act: Provided, That the county treasurer in third, fourth, fifth **[and]**, sixth, *seventh and eighth* class counties and his sureties shall not be discharged of their liability under the provisions of this subsection if the county treasurer has in fact collected such taxes but has failed to pay the same over to the county. The bond given by a county treasurer in third, fourth, fifth **[and]**, sixth, *seventh and eighth* class counties shall be for the use of the county and county institution district.

\* \* \*

Section 4. Section 10 of the act, amended July 9, 1976 (P.L.530, No.126), is amended to read:

Section 10. Discounts; Penalties.—The rates of discounts and penalties on taxes shall be established by the taxing district. All taxpayers subject to the payment of taxes, assessed by any taxing district, shall be entitled to a discount of at least two per centum from the amount of such tax upon making payment of the whole amount thereof within two months after the date of the tax notice. All taxpayers, who shall fail to make payment of any such taxes charged against them for four months after the date of the tax notice, shall be charged a penalty of up to ten per centum which penalty shall be added to the taxes by the tax collector and be collected by him. *The provisions of this section shall apply to cities of the second class A.*

Section 5. Section 11 of the act is amended to read:

Section 11. **Installment Payment of Taxes.**—(a) Any taxing district shall have power to provide by ordinance or resolution for the collection and payment of its taxes in not more than four installments. Where payment of taxes is made on the installment basis, no abatement or discount shall be allowed on said taxes.

(b) Any such ordinance or resolution shall set forth the number of installments in which taxes shall be paid and the dates when the respective installments become due and delinquent. To each installment on the date when it becomes delinquent, a penalty of **[five per centum] up to ten per centum** shall be added, which shall be collected by the tax collector. No further penalties, except as hereinafter provided, shall be added to any installment of taxes, unless one or more installments remain unpaid, and the lands upon which such installments are due are returned under existing laws to the county commissioners for nonpayment of taxes, or in case a lien for such unpaid installment or installments is filed under existing laws in the office of the prothonotary, in which case, the additional penalty or interest provided for by such existing return and lien laws shall apply.

(c) The payment of the first installment by a taxpayer before the same becomes delinquent shall conclusively evidence an intention to pay his taxes on the installment plan, as provided by said ordinance or resolution.

(d) Where a taxpayer shall fail to evidence an intention to pay on the installment plan, as hereinbefore provided, his taxes shall become due and payable and be collected as elsewhere provided in this act, subject to the discounts and penalties provided thereby.

(e) *The provisions of this section shall apply to cities of the second class A.*

Section 6. Section 30 and the last paragraph of section 33 of the act, amended June 27, 1968 (P.L.276, No.132), are amended to read:

Section 30. **Collection of Taxes by Legal Representatives of Deceased Collector.**—The executors or administrators of any deceased tax collector, except a treasurer of a city of the third class and except a county treasurer of any county of the third, fourth, fifth **[or]**, sixth, **seventh or eighth** class designated to collect county and institution district taxes in cities of the third class, **and except a county treasurer of any county of the fourth, fifth, sixth, seventh and eighth class designated to collect county taxes in municipalities existing or organized under the act of April 13, 1972 (P.L.184, No.62), known as the "Home Rule Charter and Optional Plans Law," that have eliminated the elective office of tax collector,** shall have the same powers to enforce collection of unpaid taxes as the collector would have if living, and for that purpose, may employ a suitable person to act for them in the execution of the warrants with all the powers possessed by the deceased collector.

Section 33. **Compensation and Expenses of Tax Collector in Cities of the Third Class Shared.**—\* \* \*

Provisions of this section shall not apply with respect to county and county institution district taxes in counties of the third, fourth, fifth **[or]**,

sixth, *seventh or eighth* class having appointed a county treasurer to assume responsibility for the billing and collection of county and county institution district taxes in cities of the third class *nor to county taxes in counties of the fourth, fifth, sixth, seventh and eighth class having appointed a county treasurer to assume responsibility for the billing and collection of county taxes in municipalities existing or organized under the act of April 13, 1972 (P.L.184, No.62), known as the "Home Rule Charter and Optional Plans Law," that have eliminated the elective office of tax collector.*

Section 7. Sections 4 and 5 of the act of April 26, 1935 (P.L.90, No.39), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," are repealed.

Section 8. This act shall take effect immediately.

APPROVED—The 13th day of December, A. D. 1982.

DICK THORNBURGH