

No. 1990-134

AN ACT

SB 1324

Amending the act of April 9, 1929 (P.L.343, No.176), entitled, as amended, "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," authorizing the State Treasurer and the Secretary of Revenue to promulgate regulations concerning the method of payment of obligations due the Commonwealth; and further providing for payments.

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

Section 1. The act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is amended by adding a section to read:

Section 9. Method of Payment.—(a) *Notwithstanding any other provisions of this act or any other acts, the State Treasurer and the Secretary of Revenue shall jointly prescribe by regulation the method of payment of obligations due the Commonwealth. Such regulations shall include:*

(1) *Requiring payment by electronic funds transfers (EFT) which includes automated clearinghouse debit, automated clearinghouse credit, wire transfer and any other means that may be available to obtain funds due the Commonwealth in the most expeditious manner. The payor shall select which method of electronic funds transfer he wishes to utilize from among these options.*

(2) *Setting the date on which a payment is deemed to have been received when a method other than mail is required.*

(3) *Establishing procedures to be followed when a method other than mail is required.*

(4) Any other provisions necessary to ensure the prompt deposit of funds legally due the Commonwealth.

(5) An option permitting payment by certified or cashier's check delivered in person or by courier to the Department of Revenue on or before the due date of the obligation, in lieu of payment by electronic funds transfer.

(b) The regulations shall not require:

(1) Any payment to be posted to a Commonwealth account prior to the due date, including grace periods, established by law or regulations.

(2) Changes to the method of payment for those payments made by individuals under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

(3) Changes to the method of payment when the payment is less than twenty thousand dollars (\$20,000).

(4) Automated clearinghouse debit as the sole and exclusive means of complying with this act and the regulations promulgated pursuant to this act.

Section 2. Section 1503 of the act is amended by adding a subsection to read:

Section 1503. Payments.—* * *

(a.1) Upon written request by a taxpayer, the State Treasurer shall remit any tax refund which exceeds twenty thousand dollars (\$20,000) by electronic funds transfers (EFT) which include automated clearinghouse debit, automated clearinghouse credit, wire transfer and any other means that may be available to the Commonwealth. The State Treasurer, Secretary of Revenue and Secretary of the Budget shall jointly select which method of electronic funds transfer shall be utilized from among these options and jointly adopt procedures for making the tax refunds.

* * *

Section 3. This act shall take effect immediately.

APPROVED—The 21st day of November, A. D. 1990.

ROBERT P. CASEY