

statement of its receipts from sales of liquor and taxes collected during the preceding fiscal month, and such other information as may be necessary to effectuate the provisions of this act, at which time it shall ¹ also be the duty of the board to pay to the department the tax imposed upon such liquor by the provisions of this act: Provided, That the board may, in its discretion, add the tax imposed by this act to the wholesale and retail price at which liquors are sold and eliminate any accounting of such tax separate from sale prices, and in such case, the amount of the tax for any calendar month shall be ascertained by dividing the entire gross receipts derived from sales at Pennsylvania liquor stores during such month by [seven and two-thirds ($7 \frac{2}{3}$)] six and five-ninths ($6 \frac{5}{9}$), and the quotient thus obtained shall be deemed the amount of the tax for such month payable over, under this section.

Section 2. This act shall take effect immediately.

APPROVED—The 1st day of January, A. D. 1968.

RAYMOND P. SHAFER

No. 414

AN ACT

HB 1672

Amending the act of March 6, 1956 (P. L. 1228), entitled, as amended, "An act to provide revenue for purposes of public education by imposing a tax on the sale, use, storage, rental or consumption of personal property and certain services and upon the occupancy of hotel rooms; providing for certain exclusions; providing for licenses, reports and payment of tax, interest and penalties, assessments, collections, liens, reviews and appeals; prescribing crimes and offenses and penalties therefor; providing for the application of general laws in the administration and enforcement of this act; conferring powers and imposing duties upon the Department of Revenue, public officers, manufacturers, wholesalers, retailers, operators, corporations, partnerships, associations and individuals and making an appropriation," increasing the rate of tax and changing the bracket schedule and basis to reflect the rate increase.

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

Section 1. Sections 201, 202, 204 and 402, act of March 6, 1956 (P. L. 1228), known as the "Tax Act of 1963 for Education," amended May 29, 1963 (P. L. 49), are amended to read:

Section 201. Imposition of Tax.—(a) There is hereby imposed upon each separate sale at retail as defined herein within this Commonwealth a tax of [five (5)] six (6) percent of the purchase price, which

¹ "also" not in original.

tax shall be collected by the vendor from the purchaser, and shall be paid over to the Commonwealth as herein provided.

(b) There is hereby imposed upon the use, on and after the effective date of this act, within this Commonwealth of tangible personal property purchased at retail on or after March 7, 1956, and on those services described herein purchased at retail on and after April 15, 1959, a tax of [five (5)] six (6) percent of the purchase price, which

tax shall be paid to the Commonwealth by the person who makes such use as herein provided, except that such tax shall not be paid to the Commonwealth by such person where he has paid the tax imposed by subsection (a) of this section or has paid the tax imposed by this subsection (b) to the vendor with respect to such use. The tax at the rate of [five (5)] six (6) percent imposed by this subsection shall not be deemed applicable where the tax has been incurred at the rate of three percent or three and one-half percent or four percent or five percent under this subsection prior to this amendment.

(c) Notwithstanding any other provisions of this act, the tax with respect to intrastate telephone service and intrastate telegraph service within the meaning of clause (1.1) of section 2 of this act shall, except for telegrams paid for in cash at telegraph offices, be computed at the rate of [five (5)] six (6) percent upon the total amount billed to customers periodically for such services, irrespective of whether such billing is based upon a flat rate or upon a message unit charge.

Section 202. Computation of Tax.—The amount of tax imposed by section 201 of this act shall be computed as follows:

(a) If the purchase price is ten cents (10¢) or less, no tax shall be collected.

(b) If the purchase price is eleven cents (11¢) or more but less than [twenty-one cents (21¢)] eighteen cents (18¢), one cent (1¢) shall be collected.

(c) If the purchase price is [twenty-one cents (21¢)] eighteen cents (18¢) or more but less than [forty-one cents (41¢)] thirty-five cents (35¢), two cents (2¢) shall be collected.

(d) If the purchase price is [forty-one cents (41¢)] thirty-five cents (35¢) or more but less than [sixty-one cents (61¢)] fifty-one cents (51¢), three cents (3¢) shall be collected.

(e) If the purchase price is [sixty-one cents (61¢)] fifty-one cents

(51¢) or more but less than [eighty-one cents (81¢)] sixty-eight cents (68¢), four cents (4¢) shall be collected.

(e.1) If the purchase price is [eighty-one cents (81¢)] sixty-eight cents (68¢) or more but less than [one dollar and one cent (\$1.01)] eighty-five cents (85¢), five cents (5¢) shall be collected.

(e.2) If the purchase price is eighty-five cents (85¢) or more but less than one dollar and one cent (\$1.01), six cents (6¢) shall be collected.

(f) If the purchase price is more than one dollar (\$1.00) [five (5)] six (6) per centum of each dollar of purchase price plus the above bracket charges upon any fractional part of a dollar in excess of even dollars shall be collected.

Section 204. Alternate Imposition of Tax.—(a) If any person brings tangible personal property purchased for use outside the Commonwealth into the Commonwealth for use (other than complete consumption) therein for a period not to exceed six months, such person may, upon notice to the department within ten days of the commencement of use of such property within the Commonwealth, elect to pay a tax upon the use of such property equal to [five (5)] six (6) percent of the fair rental value of such property for the actual period of use if such use does not exceed six months. Should such property be completely consumed within the Commonwealth or remain therein for longer than six months, the taxpayer shall be liable for a tax upon the use of such property according to section 201 (b) of this act but shall be allowed a credit equal to seventy percent (70%) of the tax paid pursuant to the election provided for in this section. Such election may not be made with respect to any tangible personal property purchased or used in a state having a tax similar to that imposed by this act which does not grant, either

(1) A similar election with respect to tangible personal property upon the sale or use of which tax has been paid under the provisions of this act, or

(2) Tax relief substantially similar to that granted by section 205 of this act.

(b) If any person actively and principally engaged in the business of selling new or used motor vehicles, trailers or semi-trailers, and registered with the department in the "dealer's class," acquires a motor vehicle, trailer or semi-trailer for the purpose of resale, and prior to such resale, uses the motor vehicle, trailer or semi-trailer for a taxable use under this act during a period not exceeding one year from the date of acquisition to the date of resale, such person may, upon notice to the department within ten days of the com-

mencement of such use, elect to pay a tax equal to [five percent (5%)] six percent (6%) of the fair rental value of the motor vehicle, trailer or semi-trailer during such use. Should such motor vehicle, trailer or semi-trailer be used for a taxable use after a period of one year, the taxpayer shall be liable for a tax on the fair market value of such motor vehicle, trailer or semi-trailer at the time of acquisition, but shall be allowed a credit equal to the tax paid pursuant to the election provided for in this subsection. This subsection shall not apply to the use of a vehicle as a wrecker, parts truck, delivery truck or courtesy car.

Section 402. Imposition of Tax.—There is hereby imposed an excise tax of [five (5)] six (6) percent of the rent upon every occupancy of a room or rooms in a hotel in this Commonwealth, which tax shall be collected by the operator from the occupant and paid over to the Commonwealth as herein provided.

Section 2. The rate of tax shall continue at six percent (6%) until July 1, 1969, after which the tax shall be at the rate of five percent (5%).

Section 3. This act shall take effect immediately.

APPROVED—The 1st day of January, A. D. 1968.

RAYMOND P. SHAFER

No. 415

AN ACT

HB 1673

Amending the act of March 6, 1956 (P. L. 1228), entitled, as amended, "An act to provide revenue for purposes of public education by imposing a tax on the sale, use, storage, rental or consumption of personal property and certain services and upon the occupancy of hotel rooms; providing for certain exclusions; providing for licenses, reports and payment of tax, interest and penalties, assessments, collections, liens, reviews and appeals; prescribing crimes and offenses and penalties therefor; providing for the application of general laws in the administration and enforcement of this act; conferring powers and imposing duties upon the Department of Revenue, public officers, manufacturers, wholesalers, retailers, operators, corporations, partnerships, associations and individuals and making an appropriation," further regulating exclusions from taxation.

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

Section 1. Clause (u) of section 203, act of March 6, 1956 (P. L. 1228), known as the "Tax Act of 1963 for Education," added May 29, 1963 (P. L. 49), is amended to read: