

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:

Section 203. Exclusions from Tax.—The tax imposed by section 201 shall not be imposed upon—

* * *

(u) The sale at retail or use of food and beverages for human consumption including candy, gum and similar confections, except that this exclusion shall not apply with respect to—

(1) Soft drinks;

(2) Malt and brewed beverages and spirituous and vinous liquors;

(3) Food and beverages (except when purchased at, or from a school, church or hospital in the ordinary course of activities of such organization) when the purchase price of the total transaction is more than [fifty cents (50¢)] ten cents (10¢), when purchased (i) from persons engaged in the business of catering, or (ii) from persons engaged in the business of operating restaurants, cafes, lunch counters, private and social clubs, taverns, dining cars, hotels and other eating places. For the purpose of this subdivision (3), beverages shall not include malt and brewed beverages and spirituous and vinous liquors, but shall include soft drinks, and the price of such soft drinks shall be considered together with the price of other beverages and food in determining whether the purchase price of the total transaction is more than [fifty cents (50¢)] ten cents (10¢).

* * *

Section 2. This act shall take effect immediately.

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

RAYMOND P. SHAFER

No. 416

AN ACT

SB 667

Amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," creating an advisory board of the Pennsylvania Science and Engineering Foundation in the Department of Commerce, defining its purposes, prescribing its methods of operations, and making an appropriation.