
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2753 Session of
2020

INTRODUCED BY MASSER, SCHMITT, PICKETT, JAMES, MURT, ROWE,
BROWN, STEPHENS, BARRAR, SCHLEGEL CULVER, READSHAW, CIRESI
AND HEFFLEY, AUGUST 6, 2020

REFERRED TO COMMITTEE ON FINANCE, AUGUST 6, 2020

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An
2 act relating to tax reform and State taxation by codifying
3 and enumerating certain subjects of taxation and imposing
4 taxes thereon; providing procedures for the payment,
5 collection, administration and enforcement thereof; providing
6 for tax credits in certain cases; conferring powers and
7 imposing duties upon the Department of Revenue, certain
8 employers, fiduciaries, individuals, persons, corporations
9 and other entities; prescribing crimes, offenses and
10 penalties," in sales and use tax, further providing for
11 definitions, for extension of time for filing returns and for
12 tax held in trust for the Commonwealth.

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

15 Section 1. Section 201 of the act of March 4, 1971 (P.L.6,
16 No.2), known as the Tax Reform Code of 1971, is amended by
17 adding a definition to read:

18 Section 201. Definitions.--The following words, terms and
19 phrases when used in this Article II shall have the meaning
20 ascribed to them in this section, except where the context
21 clearly indicates a different meaning:

22 * * *

1 (mmm) "Public eating or drinking place." A place within
2 this Commonwealth where food or drink is served to or provided
3 for the public, with or without charge. The term does not
4 include dining cars operated by a railroad company in interstate
5 commerce or a bed and breakfast homestead or inn.

6 Section 2. Section 218 of the act is amended to read:

7 Section 218. Extension of Time for Filing Returns.--(a) The
8 department may, on written application and for good cause shown,
9 grant a reasonable extension of time for filing any return
10 required under this part. However, the time for making a return
11 shall not be extended for more than three months.

12 (b) Notwithstanding any other law to the contrary, for a
13 sale at retail by a public eating or drinking place during the
14 period beginning July 1, 2020, and ending December 31, 2020, an
15 extension until December 31, 2020, shall be granted to the
16 public eating or drinking place to make a return required under
17 section 217 without an addition of interest or penalty.

18 Section 3. Section 225 of the act, amended June 28, 2019
19 (P.L.50, No.13), is amended to read:

20 Section 225. Tax Held in Trust for the Commonwealth.--(a)
21 All taxes collected by any person from purchasers in accordance
22 with this article and all taxes collected by any person from
23 purchasers under color of this article, including all taxes paid
24 by any person who advertises or holds out or states, directly or
25 indirectly, that such person will pay the tax for the purchaser,
26 which have not been properly refunded by such person to the
27 purchaser shall constitute a trust fund for the Commonwealth,
28 and such trust shall be enforceable against such person, his
29 representatives and any person (other than a purchaser to whom a
30 refund has been made properly) receiving any part of such fund

1 without consideration, or knowing that the taxpayer is
2 committing a breach of trust: Provided, however, That any person
3 receiving payment of a lawful obligation of the taxpayer from
4 such fund shall be presumed to have received the same in good
5 faith and without any knowledge of the breach of trust. Any
6 person, other than a taxpayer, against whom the department makes
7 any claim under this section shall have the same right to
8 petition and appeal as is given taxpayers by any provisions of
9 this part.

10 (b) A public eating or drinking place subject to the
11 provisions of section 218(b) may utilize the tax collected and
12 held in a trust under this section, provided the public eating
13 or drinking place makes payment of the total amount of tax
14 collected prior to December 31, 2020.

15 Section 4. This act shall take effect immediately.