

Article IV — Withholding and Remittance

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Article IV — Withholding and Remittance

§ 80-401 In General.

For taxable years commencing on and after January 1, 2012, or earlier taxable years if specified by a tax collection district, income taxes shall be withheld, remitted and reported as set forth in the remaining sections of this Article IV.

§ 80-402 Registration by Employers.

Every employer having an office, factory, workshop, branch, warehouse, or other place of business within the Tax Collection District which employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation, who has not previously registered, shall, within fifteen days after becoming an employer, register with the tax officer the name and address of the employer and such other information as the officer may require.

§ 80-403 Employee Certificate of Residency.

An employer shall require each new employee to complete a certificate of residency form, which shall be an addendum to the Federal Employee's Withholding Allowance Certificate (Form W-4). An employer shall also require any employee who changes his/her address or domicile to complete a certificate of residency form. Upon request, certificate of residency forms

shall be provided by the department. The certificate of residency form shall provide information to help identify the political subdivision where an employee lives and works.

§ 80-404 Employer Withholding from Employee Compensation.

Every employer having an office, factory, workshop, branch, warehouse or other place of business within a tax collection district that employs one or more persons, other than domestic servants, for a salary, wage, commission or other compensation, shall, at the time of payment, deduct from the compensation due each employee employed at such place of business the greater of the employee's resident tax or the employee's nonresident tax as released in the official register under section 511 of the LTEA, 53 PA. STAT. ANN. § 6924.511.

§ 80-405 Employer Quarterly Returns: In General.

Except as set forth in § 80-406, within 30 days following the end of each calendar quarter, every employer shall file a quarterly return and pay the amount of income taxes deducted during the preceding calendar quarter to the tax officer for the place of employment of each employee. The form shall show the name, address, and Social Security number of each employee, the compensation of the employee during the preceding three-month period, the income tax deducted from the employee, the political subdivision imposing the income tax upon the employee, the total compensation of all employees during the preceding calendar quarter, the total income tax deducted from the employees and paid with the return, and any other information prescribed by the department.

§ 80-406 Employers With Multiple Places of Employment.

Notwithstanding § 80-405, the provisions of this section shall apply if an employer has more than one place of employment in more than one tax collection district. Within 30 days following the last day of each month, the employer may file the return required by § 80-405 and pay the total amount of income taxes deducted from employees in all work locations during the preceding month to the tax officer for either the tax collection district in which the employer's payroll operations are located or as determined by the department. The return and income taxes deducted shall be filed and paid electronically. The employer must file a notice of intention to file combined returns and make combined payments with the tax officer for each place of employment at least one month before filing its first combined return or making its first combined payment. This paragraph shall not be construed to change the location of an employee's place of employment for purposes of nonresident tax liability.

§ 80-407 Monthly Returns and Payments.

Any employer who, for two of the preceding four quarterly periods, has failed to deduct the proper income tax, or any part of the income tax, or has failed to pay over the proper amount of income tax as required by §§ 80-404, 80-405, and/or 80-406 to the tax collection district, may

be required by the tax officer to file returns and pay the income tax monthly. In such cases, payments of income tax shall be made to the tax officer on or before the last day of the month succeeding the month for which the income tax was withheld.

§ 80-408 Final Returns.

On or before February 28 of the succeeding year, every employer shall file with the tax officer where income taxes have been deducted and remitted pursuant to §§ 80-404, 80-405, and/or 80-406:

(a) An annual return showing, for the period beginning January 1 of the current year and ending December 31 of the current year, the total amount of compensation paid, the total amount of income tax deducted, the total amount of income tax paid to the tax officer and any other information prescribed by the department.

(b) An individual withholding statement, which may be integrated with the Federal Wage and Tax Statement (Form W-2), for each employee employed during all or any part of the period beginning January 1 of the current year and ending December 31 of the current year, setting forth the address and Social Security number, the amount of compensation paid to the employee during the period, the amount of income tax deducted, the amount of income tax paid to the tax officer, the numerical code prescribed by the department representing the tax collection district where the payments required by §§ 80-405 and 80-406 were remitted, and any other information required by the department. Every employer shall furnish one copy of the individual withholding statement to the employee for whom it is filed.

§ 80-409 Discontinuance of Business.

Any employer who discontinues business prior to December 31 of the current year shall, within 30 days after the discontinuance of business, file returns and withholding statements required under this section and pay the income tax due.

§ 80-410 Employer Liability for Failure to Withhold.

Except as otherwise provided in section 511 of the LTEA, 53 PA. STAT. ANN. § 6924.511, an employer who willfully or negligently fails or omits to make the deductions required by this Article IV shall be liable for payment of income taxes which the employer was required to withhold to the extent that the income taxes have not been recovered from the employee. The failure or omission of any employer to make the deductions required by this Article IV shall not relieve any employee from the payment of the income tax or from complying with the requirements for filing of declaration and returns.