

CHAPTER 42. BROADCASTING

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Source

The provisions of this Chapter 42 adopted May 24, 1974, effective May 25, 1974, 4 Pa.B. 1032, unless otherwise noted.

§ 42.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Broadcasting—The dissemination of radio or television communications intended to be received by the public, directly or by the intermediary of relay stations.

Licensed commercial or educational station—A broadcasting station operating under one of the following Federal Communications Commission licenses is a licensed commercial or educational station:

- (i) Standard broadcasting station.
- (ii) Frequency modulation station.
- (iii) Commercial television station.
- (iv) Noncommercial television or FM radio station. See § 42.5 (relating to nonprofit educational stations).

Source

The provisions of this § 42.1 adopted May 24, 1974, effective May 25, 1974, 4 Pa.B. 1032; amended April 24, 1987, effective April 25, 1987, 17 Pa.B. 1665; amended March 19, 1993, effective March 20, 1993, 23 Pa.B. 1322. Immediately preceding text appears at serial page (176793).

Cross References

This section cited in 61 Pa. Code § 60.9 (relating to premium cable services).

§ 42.2. Exemptions.

(a) The purchase, rental or use of equipment, materials and supplies, or services thereon, by a licensed commercial or educational station is exempt from tax, if the property is predominantly used directly by that station in the broadcasting of radio or television programs.

(b) An exemption is not available for maintenance facilities or for materials or supplies to be used or consumed in construction, reconstruction, remodeling, repair or maintenance of real estate other than machinery, equipment or parts therefor that may be affixed to the real estate.

(c) The purchase of a vehicle required to be registered under 75 Pa.C.S. §§ 101—9821 (relating to the Vehicle Code) as well as supplies and repair parts for the vehicle are subject to tax.

Source

The provisions of this § 42.2 adopted May 24, 1974, effective May 25, 1974, 4 Pa.B. 1032; amended April 24, 1987, effective April 25, 1987, 17 Pa.B. 1665. Immediately preceding text appears at serial page (40355).

Cross References

This section cited in 61 Pa. Code § 42.4 (relating to procedure for claiming the exemption).

§ 42.3. Property.

(a) *Property directly used.* The following are examples of equipment, parts and accessories, and materials and supplies which, when predominantly used directly by a licensed commercial or educational station in the process of broadcasting are exempt from tax. This exemption applies even though the equipment is part of a mobile unit.

- (1) Tower and antenna equipment.
- (2) Transmitter equipment, including technical equipment located at transmitter sites.
- (3) Studio and technical equipment, including technical equipment located at the studio; such as, cameramen's lights, equipment for the processing and developing of film, film editing equipment, video tape, microphones and props.
- (4) Photograph and film processing equipment, including, but not limited to cameras, film, darkroom equipment and film developers.
- (5) Video tape recording equipment.
- (6) Studio production equipment; that is, equipment used for the production of commercials or programs for advertisers.

(b) *Property not directly used.* Property in the following categories is not directly used in the process of broadcasting and the purchase or use of such property is subject to tax:

- (1) Furniture and fixtures, other than studio props.
- (2) Administrative materials, supplies and equipment.
- (3) Mobile units are licensed vehicles and are not considered to be directly used in the process of broadcasting. However, any technical equipment included in subsection (a) would be exempt from tax.

(c) *Mixed use of property.* Where a single unit of property is put to an operating use in two or more activities, the property is exempt from tax if during more than 50% of its operating use it is directly used in the process of broadcasting.

Source

The provisions of this § 42.3 adopted May 24, 1974, effective May 25, 1974, 4 Pa.B. 1032.

Cross References

This section cited in 61 Pa. Code § 42.4 (relating to procedure for claiming the exemption).

§ 42.4. Procedure for claiming the exemption.

(a) A licensed commercial or educational station, other than those which qualify under the provisions of § 42.5 (relating to nonprofit educational stations) may claim an exemption upon its purchase, rental or repair of property set forth under the provisions of § 42.3 (relating to property) together with other items of property which qualify for exemption under the provisions of § 42.2 (relating to exemptions). At the time of making a claim of its exemption, the purchaser shall tender to its supplier a properly executed blanket exemption certificate reflecting the following language on the face thereof: "Purchaser is a licensed commercial or educational station, call letters _____, purchasing exempt property or services for direct use in broadcasting."

(b) A blanket exemption certificate once tendered to a supplier may be used in lieu of the payment of tax on all future exempt purchases. A blanket exemption certificate may not be tendered to a supplier with respect to property which does not qualify for exemption.

Source

The provisions of this § 42.4 adopted May 24, 1974, effective May 25, 1974, 4 Pa.B. 1032.

§ 42.5. Nonprofit educational stations.

Any educational station may apply to the Bureau of Accounts Settlement (Attention: Exemption Unit) for approval as a nonprofit educational institution. Stations approved as nonprofit educational institutions are entitled to the exemptions for such organizations as provided in § 32.21 (relating to charitable, volunteer firemen's and religious organizations and nonprofit educational institutions).

Source

The provisions of this § 42.5 adopted May 24, 1974, effective May 25, 1974, 4 Pa.B. 1032.

Cross References

This section cited in 61 Pa. Code § 42.1 (relating to definitions); and 61 Pa. Code § 42.4 (relating to procedure for claiming the exemption).

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