

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1810 Session of 2017

INTRODUCED BY HEFFLEY, GREINER, CHARLTON, MILLARD, WHEELAND, PHILLIPS-HILL, READSHAW, B. MILLER, DeLUCA, RADER, SOLOMON, STURLA, NESBIT AND CORBIN, OCTOBER 18, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 12, 2018

AN ACT

1 Amending Title 48 (Lodging and Housing) of the Pennsylvania
2 Consolidated Statutes, in lodging, providing for hosting
3 platforms.

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

6 Section 1. Title 48 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 14

9 HOSTING PLATFORMS

10 Sec.

11 1401. Definitions.

12 1402. Registration.

13 1403. Record sharing.

14 1404. Open records.

15 § 1401. Definitions.

16 The following words and phrases when used in this chapter
17 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Department." The Department of Revenue of the Commonwealth.

3 "Host." A person who, by any means, including listing with a
4 hosting platform, advertising, license, registration with an
5 innkeepers' group, convention listing association, travel
6 publication or similar association or with a government agency,
7 offers a residential unit to provide overnight lodging for
8 consideration to a person seeking transient lodging.

9 "Hosting platform." A publicly accessible Internet website
10 on which, in exchange for a fee or other charge, an owner or
11 lessee of a residential unit or hotel or a room or space in a
12 residential unit or hotel may advertise and conduct a
13 transaction for the rental of the residential unit or hotel for
14 the purposes of transient lodging. The term shall not include a
15 publicly accessible Internet website operated by or on behalf of
16 a hotel or hotel corporation that facilitates the booking of
17 lodging reservations solely for the hotel or the hotel
18 corporation's owned or managed hotels and franchisees.

19 "Hotel."

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20 ~~(1) The term includes:~~

21 ~~(i) A hotel, motel, inn, guesthouse, rooming house,~~
22 ~~bed and breakfast, homestead or other structure that is~~
23 ~~advertised, licensed or registered with an innkeepers'~~
24 ~~group, convention listing association, travel publication~~
25 ~~or similar association or with a government agency, as~~
26 ~~available to provide overnight lodging in exchange for~~
27 ~~consideration to a person seeking transient lodging.~~

28 ~~(ii) A place that is advertised to the public, or a~~
29 ~~segment of the public, as having beds, sanitary~~
30 ~~facilities or other space for a temporary period to~~

1 ~~members of the public.~~

2 ~~(iii) A place recognized as a hostelry or a cabin.~~

3 ~~(2) The term shall not include :~~

4 ~~(i) A charitable institution.~~

5 ~~(ii) A portion of a facility that is devoted to a~~
6 ~~person who has an established permanent residence.~~

7 ~~(iii) A college or university residence hall~~
8 ~~currently occupied by students enrolled in a degree~~
9 ~~program.~~

10 ~~(iv) An educational or religious institution camp~~
11 ~~for children, including a camp registered under the act~~
12 ~~of November 10, 1959 (P.L.1400, No.497), entitled "An act~~
13 ~~providing for the annual registration of organized camps~~
14 ~~for children, youth and adults; defining the duties of~~
15 ~~the Department of Health of the Commonwealth of~~
16 ~~Pennsylvania; and prescribing penalties."~~

17 ~~(v) A hospital.~~

18 ~~(vi) A nursing home.~~

19 ~~(vii) A portion of a campground that is not a cabin.~~

20 "HOTEL." THE TERM SHALL HAVE THE SAME MEANING AS PROVIDED IN <--
21 SECTION 209 OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS
22 THE TAX REFORM CODE OF 1971.

23 "Hotel occupancy tax." The tax imposed under section 210 of
24 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
25 Code of 1971.

26 "Patron." A person who pays consideration for the occupancy
27 of a room or rooms in a hotel or residential unit.

28 "Residential unit." A single-family residence or an
29 individual residential unit within a larger building, including
30 an apartment, condominium, townhouse or duplex.

1 "Transient lodging." A period not exceeding 30 consecutive
2 days.

3 § 1402. Registration.

4 (a) Registration.--A hosting platform shall register with
5 the department.

6 (b) Booking prohibited prior to registration.--A hosting
7 platform may not facilitate the booking of lodging reservations
8 with a host or hotel located in this Commonwealth until the
9 hosting platform is registered with the department.

10 (c) List of hosts and hotels.--Registration under subsection
11 (a) shall include a list of hosts and hotels conducting business
12 with the hosting platform that are required to collect the hotel
13 occupancy tax from patrons. The list shall include:

14 (1) The proper or fictitious name of each host or hotel.

15 (2) The address of the hotel or the residential unit of
16 the host.

17 (3) The business address of the host, if different from
18 paragraph (2).

19 (d) Updated list.--A hosting platform shall, on a quarterly
20 basis beginning 90 days after the hosting platform has initially ~~<--~~
21 registered under this section and on a form the department shall
22 prescribe, provide the department with the most current update
23 of the list required under subsection (c) ON A DATE AND FORM <--
24 PRESCRIBED BY THE DEPARTMENT.

25 (e) Penalties.--A hosting platform that is required to
26 register and provide an updated list of hosts and hotels under
27 this section shall be subject to the following civil penalties:

28 (1) A penalty of \$1,000 per listing for a failure to
29 register within 60 days of the effective date of this section
30 or the initial supply of booking services to hosts or hotels

1 in this Commonwealth.

2 (2) A penalty of \$1,000 per listing for a failure to
3 update the list under subsection (d) and to correct the
4 failure within 30 days of the date required under subsection
5 (d).

6 § 1403. Record sharing.

7 (a) Department records.--The department shall provide the
8 following information to the treasurer of each county:

9 (1) A list of hosting platforms conducting business in
10 the county registered under section 1402(a) (relating to
11 registration).

12 (2) A list of hosts and hotels located in the county
13 conducting business with a registered hosting platform.

14 (3) All updates required under section 1402(d) for each
15 registered hosting platform conducting business in the county
16 within 30 days of the department's receipt of the
17 information.

18 (b) County records.--The treasurer of each county shall,
19 upon request by a political subdivision, provide requested
20 records under subsection (a) that are in the treasurer's
21 possession.

22 § 1404. Open records.

23 (a) Public records.--Notwithstanding the provisions of
24 subsection (b), information required under sections 1402
25 (relating to registration) and 1403 (relating to record sharing)
26 shall be considered a public record under the act of February
27 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

28 (b) Addresses.--The addresses required to be listed under
29 section 1402(c) (2) and (3), or shared with county treasurers
30 under section 1403, may not be considered a public record under

1 the Right-to-Know Law.

2 Section 2. This act shall take effect in ~~60~~ 180 days.

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