

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1555 Session of
1975

INTRODUCED BY KATZ AND PERRI, JUNE 26, 1975

REFERRED TO COMMITTEE ON URBAN AFFAIRS, JUNE 30, 1975

AN ACT

1 Providing for the levying of a transient room occupancy tax by
2 political subdivisions and making a repeal.

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

5 Section 1. In addition to the tax for State purposes imposed
6 by section 210 of the act of March 4, 1971 (P.L.6, No.2) known
7 as the "Tax Reform Code of 1971," each political subdivision in
8 the Commonwealth may levy, assess and collect a flat rate
9 transient room occupancy tax of up to \$1 per day per occupied
10 room on all hotels located within the boundaries of the
11 political subdivision in which residence is of a temporary and
12 transient nature for a period less than ten consecutive days.
13 Such revenue shall be for the exclusive use of the political
14 subdivision levying such tax, except in cities of the first
15 class in which case such revenue shall be transferred to the
16 school district operating within such city to be used
17 exclusively for public education.

18 Section 2. Except as otherwise provided in this section, at

1 any time two coterminous political subdivisions shall impose the
2 above tax on hotel rooms located within both such political
3 subdivisions, during the same fiscal year or part of the same
4 year, the tax levied by each political subdivision under the
5 authority of this act shall, during the time such duplication of
6 the tax exists, be one-half of the allowed rate, and such one-
7 half rate shall become effective by virtue of the requirements
8 of this section from the day such duplication becomes effective
9 without any action on the part of the political subdivision
10 imposing the tax. When the above tax has been levied under the
11 provisions of this act by one political subdivision and a
12 subsequent levy is made either for the first time or is revived
13 after a lapse of time by another political subdivision on hotel
14 rooms at a rate that would make the combined levies exceed the
15 limit allowed by this act, the tax of the second political
16 subdivision shall not become effective until the end of the
17 fiscal year for which the prior tax was levied, unless:

18 (1) notice indicating its intention to make such levy is
19 given to the first taxing body by the second taxing body as
20 follows: (i) when the notice is given to a school district it
21 shall be given at least 45 days prior to the last day fixed by
22 law for the levy of its school taxes; (ii) when given to any
23 other political subdivision it shall be prior to the first day
24 of January immediately preceding, or if a last day for the
25 adoption of the budget is fixed by law, at least 45 days prior
26 to such last day; or

27 (2) unless the first taxing body shall indicate by
28 appropriate resolution its desire to waive notice requirements
29 in which case the levy of the second taxing body shall become
30 effective on such date as may be agreed upon by the two taxing

1 bodies.

2 It is the intent and purpose of this act to limit the amount
3 of tax imposed by this act so that the entire burden of one tax
4 on hotel rooms shall not exceed the limitations prescribed in
5 this act: Provided, however, That any two political subdivisions
6 which impose any one of the above taxes, on hotel rooms during
7 the same year or part of the same year may agree among
8 themselves that, instead of limiting their respective rates to
9 one-half of the maximum rate herein provided, they will impose
10 respectively different rates, the total of which shall not
11 exceed the maximum rate as above permitted.

12 Section 3. Section 3, act of December 31, 1965 (P.L.1257,
13 No.511) known as "The Local Tax Enabling Act," is hereby
14 repealed insofar as it is inconsistent with the provisions of
15 this act.

16 Section 4. This act shall take effect in 60 days.