

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2239 Session of 2012

INTRODUCED BY MILLER, DePASQUALE, GILLESPIE, GROVE, SAYLOR AND
TALLMAN, MARCH 12, 2012

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,
MARCH 12, 2012

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled,
2 as amended, "An act relating to counties of the first, third,
3 fourth, fifth, sixth, seventh and eighth classes; amending,
4 revising, consolidating and changing the laws relating
5 thereto; relating to imposition of excise taxes by counties,
6 including authorizing imposition of an excise tax on the
7 rental of motor vehicles by counties of the first class; and
8 providing for regional renaissance initiatives," in fiscal
9 affairs, further providing for authorization of excise tax;
10 and providing for hotel room rental tax in certain third
11 class counties.

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

14 Section 1. Section 1770.2(f) of the act of August 9, 1955
15 (P.L.323, No.130), known as The County Code, amended December
16 22, 2000 (P.L.1019, No.142), is amended to read:

17 Section 1770.2. Authorization of Excise Tax.--* * *

18 (f) As used in this section, the following words and phrases
19 shall have the meanings given to them in this subsection:

20 "Consideration." Receipts, fees, charges, rentals, leases,
21 cash, credits, property of any kind or nature, or other payment
22 received by operators in exchange for or in consideration of the

1 use or occupancy by a transient of a room or rooms in a hotel
2 for any temporary period.

3 "County." Any county which is on the effective date of this
4 act [a county of the third class having a population under the
5 1990 Federal Decennial Census in excess of 337,000 residents,
6 but less than 341,000 residents, or] a county of the third class
7 having a population under the 1990 Federal Decennial Census in
8 excess of 374,000 residents, but less than 380,000 residents, or
9 a county of the third class having a population under the 1990
10 Federal Decennial Census in excess of 415,000 residents, but
11 less than 500,000 residents, or a county of the fourth class
12 having a population under the 1990 Federal Decennial Census in
13 excess of 159,000 residents, but less than 175,000 residents, or
14 a county of the fifth class having a population under the 1990
15 Federal Decennial Census in excess of 123,000 residents, or a
16 county of the fifth class having a population under the 1990
17 Federal Decennial Census in excess of 117,000 residents, but
18 less than 121,050 residents, or a county of the sixth class
19 having a population under the 1990 Federal Decennial Census in
20 excess of 87,000 residents.

21 "Hotel." A hotel, motel, inn, guest house or other structure
22 which holds itself out by any means, including advertising,
23 license, registration with an innkeepers' group, convention
24 listing association, travel publication or similar association
25 or with a government agency, as being available to provide
26 overnight lodging or use of facility space for consideration to
27 persons seeking temporary accommodation; any place which
28 advertises to the public at large or any segment thereof that it
29 will provide beds, sanitary facilities or other space for a
30 temporary period to members of the public at large; or any place

1 recognized as a hostelry. The term does not include any portion
2 of a facility that is devoted to persons who have an established
3 permanent residence or a college or university student residence
4 hall or any private campground, or any cabins, public
5 campgrounds or other facilities located on State land.

6 "Occupancy." The use or possession or the right to the use
7 or possession by any person other than a permanent resident of
8 any room in a hotel for any purpose or the right to the use or
9 possession of the furnishings or to the services accompanying
10 the use and possession of the room.

11 "Operator." An individual, partnership, nonprofit or profit-
12 making association or corporation or other person or group of
13 persons who maintain, operate, manage, own, have custody of or
14 otherwise possess the right to rent or lease overnight
15 accommodations in a hotel to the public for consideration.

16 "Patron." A person who pays the consideration for the
17 occupancy of a room or rooms in a hotel.

18 "Permanent resident." A person who has occupied or has the
19 right to occupancy of a room or rooms in a hotel as a patron or
20 otherwise for a period exceeding thirty consecutive days.

21 "Recognized tourist promotion agency." The nonprofit
22 corporation, organization, association or agency which is
23 engaged in planning and promoting programs designed to stimulate
24 and increase the volume of tourist, visitor and vacation
25 business within counties served by the agency as that term is
26 defined in the act of April 28, 1961 (P.L.111, No.50), known as
27 the "Tourist Promotion Law."

28 "Room." A space in a hotel set aside for use and occupancy
29 by patrons, or otherwise, for consideration, having at least one
30 bed or other sleeping accommodation in a room or group of rooms.

1 "Transaction." The activity involving the obtaining by a
2 transient or patron of the use or occupancy of a hotel room from
3 which consideration is payable to the operator under an express
4 or an implied contract.

5 "Transient." An individual who obtains accommodation in a
6 hotel by means of registering at the facility for the temporary
7 occupancy of a room for the personal use of the individual by
8 paying a fee to the operator.

9 Section 2. The act is amended by adding a section to read:

10 Section 1770.10. Hotel Room Rental Tax in Certain Third
11 Class Counties.--(a) A county may, by ordinance, impose a tax
12 which shall be known as the hotel room rental tax on the
13 consideration received by each operator of a hotel within the
14 county from each transaction of renting a room or rooms to
15 accommodate transients. The tax shall be collected by the
16 operator from the patron of the room and paid over to the county
17 where the hotel is located as provided under this section.

18 (b) The rate of the tax imposed under this section shall not
19 exceed five per centum.

20 (c) The treasurer of each county electing to impose the tax
21 authorized under this section shall collect the tax and deposit
22 the revenues received from the tax in a special fund established
23 for that purpose. Subsequent to the deduction for administrative
24 costs established in subsection (f), the county shall distribute
25 to the recognized tourist promotion agency all revenues received
26 from the tax not later than sixty days after receipt of the tax
27 revenues. The revenues from the special fund shall be used by
28 the recognized tourist promotion agency for any or all of the
29 following purposes:

30 (1) Convention promotion.

1 (2) Marketing the area served by the agency as a leisure
2 travel destination.

3 (3) Marketing the area served by the agency as a business
4 travel destination.

5 (4) Using all appropriate marketing tools to accomplish
6 these purposes, including, but not limited to, advertising,
7 publicity, publications, direct marketing, direct sales and
8 participation in industry trade shows.

9 (5) Projects or programs that are directly and substantially
10 related to tourism within the county, augment and do not unduly
11 compete with private sector tourism efforts and improve and
12 expand the county as a destination market.

13 (6) Any other tourism marketing or promotion program deemed
14 necessary by the recognized tourist promotion agency.

15 (d) Each tax year for any tax imposed hereunder shall run
16 concurrently with the county's fiscal year.

17 (e) An audited report on the income and expenditures
18 incurred by a recognized tourist promotion agency receiving any
19 revenues from the tax authorized under this section shall be
20 submitted annually by the recognized tourist promotion agency to
21 the county commissioners.

22 (f) For the purposes of defraying costs associated with the
23 collection of the tax imposed hereunder and otherwise performing
24 its obligations under this section, the county is hereby
25 authorized to deduct and retain an administrative fee from the
26 taxes collected hereunder. Such administrative fee shall be
27 established by the county but shall not exceed in any tax year
28 the lesser of:

29 (1) two per centum of all taxes collected hereunder; or

30 (2) fifty thousand dollars (\$50,000), which amount shall be

1 adjusted annually, beginning one year after the date of
2 enactment, by the the percentage growth in the Consumer Price
3 Index for All Urban Consumers as determined by the United States
4 Department of Labor.

5 (g) As used in this section, the following words and phrases
6 shall have the meanings given to them in this subsection unless
7 the context clearly indicates otherwise:

8 "Consideration." Receipts, fees, charges, rentals, leases,
9 cash, credits, property of any kind or nature or other payment
10 received by operators in exchange for or in consideration of the
11 use or occupancy by a transient of a room or rooms in a hotel
12 for a temporary period.

13 "County." Any county of the third class having a population
14 under the 2010 Federal Decennial Census in excess of 430,000
15 residents but less than 440,000 residents.

16 "Hotel." A hotel, motel, inn, guesthouse or other structure
17 which holds itself out by any means, including advertising,
18 license, registration with an innkeepers' group, convention
19 listing association, travel publication or similar association
20 or with a government agency, as being available to provide
21 overnight lodging for consideration to persons seeking temporary
22 accommodation; any place which advertises to the public at large
23 or any segment thereof that it will provide beds, sanitary
24 facilities or other space for a temporary period to members of
25 the public at large; or any place recognized as a hostelry. The
26 term does not include any portion of a facility that is devoted
27 to persons who have an established permanent residence or a
28 college or university student residence hall or any private
29 campground or any cabins, public campgrounds or other facilities
30 located on State land.

1 "Operator." Any individual, partnership, nonprofit or
2 profit-making association or corporation or other person or
3 group of persons who maintain, operate, manage, own, have
4 custody of or otherwise possess the right to rent or lease
5 overnight accommodations in a building to the public for
6 consideration.

7 "Patron." Any person who pays the consideration for the
8 occupancy of a room or rooms in a hotel.

9 "Permanent resident." Any person who has occupied or has the
10 right to occupy a room or rooms in a hotel as a patron or
11 otherwise for a period exceeding thirty consecutive days.

12 "Recognized tourist promotion agency." The nonprofit
13 corporation, organization, association or agency which is
14 engaged in planning and promoting programs designed to stimulate
15 and increase the volume of tourist, visitor and vacation
16 business within counties served by the agency as that term is
17 defined in the act of July 4, 2008 (P.L.621, No.50), known as
18 the "Tourism Promotion Act."

19 "Room." A space in a building set aside for use and
20 occupancy by patrons, or otherwise, for consideration, having at
21 least one bed or other sleeping accommodations provided.

22 "Temporary resident." Any person who has occupied or has the
23 right to occupy a room or rooms in a hotel as a patron or
24 otherwise for a period of time not exceeding thirty consecutive
25 days.

26 "Transaction." The activity involving the obtaining by a
27 transient or patron of the use or occupancy of a hotel room from
28 which consideration emanates to the operator under an expressed
29 or implied contract.

30 "Transient." Any person who obtains an accommodation in any

1 hotel for himself by means of registering at the facility for
2 the temporary occupancy of a room for the personal use of that
3 individual by paying to the operator of the facility a fee in
4 consideration therefor.

5 Section 3. This act shall take effect in 60 days.