

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 794 Session of
2015

INTRODUCED BY GILLESPIE, SCHREIBER, SAYLOR, MOUL, MCNEILL,
A. HARRIS, LONGIETTI, MASSER, MURT, SCHWEYER, PHILLIPS-HILL,
DIAMOND, KLUNK, SCHLOSSBERG, D. COSTA, ROZZI, COHEN, RADER,
GROVE, SONNEY, REGAN, IRVIN, PAYNE, TALLMAN, HARHAI, MAHONEY,
KIRKLAND AND DUSH, MARCH 13, 2015

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 6, 2016

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 <--
9 PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR APPLICABILITY;
10 in fiscal affairs, repealing provisions relating to <--
11 authorization of excise tax and, FURTHER PROVIDING FOR <--
12 AUTHORIZATION OF 5% HOTEL TAX, REPEALING PROVISIONS RELATING
13 TO authorization of hotel tax, and providing for hotel room <--
14 rental tax in third through eighth class counties and, for <--
15 certification of recognized tourist promotion agencies, AND <--
16 FOR HOTEL ROOM RENTAL IN SECOND CLASS AND SECOND CLASS A
17 COUNTIES; AND REPEALING RELATED PROVISIONS OF TITLE 53 OF THE
18 PENNSYLVANIA CONSOLIDATED STATUTES REGARDING HOTEL ROOM
19 RENTAL IN SECOND CLASS A COUNTIES.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 ~~Section 1. Sections 1770.2 and 1770.6 of the act of August~~ <--
23 ~~9, 1955 (P.L.323, No.130), known as The County Code, are~~
24 ~~repealed:~~

1 SECTION 1. SECTION 102(A) OF THE ACT OF AUGUST 9, 1955
2 (P.L.323, NO.130), KNOWN AS THE COUNTY CODE, AMENDED MAY 6, 2013
3 (P.L.22, NO.4), IS AMENDED TO READ:

4 SECTION 102. APPLICABILITY.--(A) EXCEPT INCIDENTALLY, AS IN
5 SECTIONS 108, 201, 210, 211, 401 AND 1401 OR AS PROVIDED IN
6 SECTION 1770.12 AND ARTICLE XXX, THIS ACT DOES NOT APPLY TO
7 COUNTIES OF THE FIRST, SECOND A, OR SECOND CLASSES.

8 * * *

9 SECTION 2. SECTION 1770.2 OF THE ACT IS REPEALED:

10 [Section 1770.2. Authorization of Excise Tax.--(a) The
11 county commissioners of any county which has a recognized
12 tourist promotion agency designated to act within the county may
13 impose an excise tax not to exceed three per centum of the
14 consideration received by each operator of a hotel within the
15 county from each transaction of renting a room or rooms to
16 transients. The tax shall be collected by the operator from the
17 patron of the room or rooms and paid over to the county as
18 herein provided.

19 (b) The county commissioners may by ordinance impose
20 requirements for keeping of records, the filing of tax returns
21 and the time and manner of collection and payment of tax. The
22 county commissioners may also impose by ordinance penalties and
23 interest for failure to comply with recordkeeping, filing,
24 collection and payment requirements.

25 (c) The treasurer of each county electing to impose the tax
26 authorized under this section shall collect the tax and deposit
27 the revenues received from the tax in a special fund established
28 for that purpose. After deducting from the fund any direct or
29 indirect costs attributable to collection of the tax, the county
30 shall distribute to the recognized tourist promotion agency

1 designated to act within the county all revenues received from
2 the tax not later than sixty days after receipt of the tax
3 revenues. The revenues from the special fund shall be used by
4 the recognized tourist promotion agency for any or all of the
5 following purposes:

6 (1) Convention promotion.

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

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

11 (4) Using all appropriate marketing tools to accomplish
12 these purposes, including, but not limited to, advertising,
13 publicity, publications, direct marketing, direct sales and
14 participation in industry trade shows.

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

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

21 (d) The tax year for a tax imposed under this section shall
22 run concurrently with the calendar year.

23 (e) An audited report on the income and expenditures
24 incurred by a recognized tourist promotion agency receiving any
25 revenues from the tax authorized under this section shall be
26 submitted annually by the recognized tourist promotion agency to
27 the county commissioners.

28 (e.1) Notwithstanding any other provision of subsection (b)
29 or any other provision of law to the contrary, in counties of
30 the third class having a population under the 1990 Federal

1 Decennial Census in excess of 415,000 residents but less than
2 500,000 residents, a penalty of one and one-half per centum per
3 month shall be imposed for failure to timely remit the tax
4 authorized by this section. In addition to other remedies
5 available for collection of debts, the county may also file a
6 lien upon the hotel in the name of and for the use of the county
7 as provided by law for municipal claims.

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

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

15 "County." Any county which is on the effective date of this
16 act a county of the third class having a population under the
17 1990 Federal Decennial Census in excess of 337,000 residents,
18 but less than 341,000 residents, or a county of the third class
19 having a population under the 1990 Federal Decennial Census in
20 excess of 374,000 residents, but less than 380,000 residents, or
21 a county of the third class having a population under the 1990
22 Federal Decennial Census in excess of 415,000 residents, but
23 less than 500,000 residents, or a county of the fourth class
24 having a population under the 1990 Federal Decennial Census in
25 excess of 159,000 residents, but less than 175,000 residents, or
26 a county of the fifth class having a population under the 1990
27 Federal Decennial Census in excess of 123,000 residents, or a
28 county of the fifth class having a population under the 1990
29 Federal Decennial Census in excess of 117,000 residents, but
30 less than 121,050 residents, or a county of the sixth class

1 having a population under the 1990 Federal Decennial Census in
2 excess of 87,000 residents.

3 "Hotel." A hotel, motel, inn, guest house or other structure
4 which holds itself out by any means, including advertising,
5 license, registration with an innkeepers' group, convention
6 listing association, travel publication or similar association
7 or with a government agency, as being available to provide
8 overnight lodging or use of facility space for consideration to
9 persons seeking temporary accommodation; any place which
10 advertises to the public at large or any segment thereof that it
11 will provide beds, sanitary facilities or other space for a
12 temporary period to members of the public at large; or any place
13 recognized as a hostelry. The term does not include any portion
14 of a facility that is devoted to persons who have an established
15 permanent residence or a college or university student residence
16 hall or any private campground, or any cabins, public
17 campgrounds or other facilities located on State land.

18 "Occupancy." The use or possession or the right to the use
19 or possession by any person other than a permanent resident of
20 any room in a hotel for any purpose or the right to the use or
21 possession of the furnishings or to the services accompanying
22 the use and possession of the room.

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

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

30 "Permanent resident." A person who has occupied or has the

1 right to occupancy of a room or rooms in a hotel as a patron or
2 otherwise for a period exceeding thirty consecutive days.

3 "Recognized tourist promotion agency." The nonprofit
4 corporation, organization, association or agency which is
5 engaged in planning and promoting programs designed to stimulate
6 and increase the volume of tourist, visitor and vacation
7 business within counties served by the agency as that term is
8 defined in the act of April 28, 1961 (P.L.111, No.50), known as
9 the "Tourist Promotion Law."

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

13 "Transaction." The activity involving the obtaining by a
14 transient or patron of the use or occupancy of a hotel room from
15 which consideration is payable to the operator under an express
16 or an implied contract.

17 "Transient." An individual who obtains accommodation in a
18 hotel by means of registering at the facility for the temporary
19 occupancy of a room for the personal use of the individual by
20 paying a fee to the operator.] <--

21 SECTION 2.1. SECTION 1770.5(C) (3) AND (C.2) OF THE ACT,
22 AMENDED DECEMBER 18, 2007 (P.L.465, NO.72), ARE AMENDED TO READ:

23 SECTION 1770.5. AUTHORIZATION OF FIVE PER CENTUM HOTEL
24 TAX.--* * *

25 (C) THE COUNTY COMMISSIONERS OF EACH COUNTY SHALL DESIGNATE
26 THE ENTITY OR AGENCY RESPONSIBLE TO COLLECT AND TO ENFORCE THE
27 COLLECTION OF THE TAX ON THEIR BEHALF. ALL REVENUES RECEIVED
28 FROM THE TAX SHALL BE DEPOSITED INTO A SPECIAL FUND, WHICH IS TO
29 BE ESTABLISHED BY THE COUNTY'S TREASURER. THE DISPOSITION OF THE
30 REVENUES FROM THE SPECIAL FUND ATTRIBUTABLE TO THE LEVY OF THE

1 FIRST TWO PER CENTUM OF THE TAX SHALL BE AS FOLLOWS:

2 * * *

3 (3) SEVENTY PER CENTUM OF ALL REVENUE RECEIVED PER ANNUM
4 SHALL BE DISTRIBUTED BY THE TREASURER TO QUALIFIED AUTHORITIES
5 LOCATED WITHIN THE COUNTY OF THE THIRD CLASS IMPOSING THE TAX
6 FOR PAYMENT OF THE DEBT SERVICE ON BONDS ISSUED FOR THE
7 CONSTRUCTION OF [THE] A COUNTY REGIONAL SPORTS FACILITY HAVING A
8 SEATING CAPACITY OF [TEN] TWO AND ONE-HALF THOUSAND TO FOURTEEN
9 THOUSAND SEATS, WHICH IS OWNED, IN WHOLE OR IN PART, OR LEASED
10 BY THE APPLICABLE AUTHORITY, AND WHICH IS LOCATED WITHIN THE
11 COUNTY OF THE THIRD CLASS IMPOSING THE TAX. THE FOLLOWING ARE
12 QUALIFIED AUTHORITIES FOR PURPOSES OF THIS CLAUSE:

13 (I) AN AUTHORITY INCORPORATED PURSUANT TO THE FORMER ACT OF
14 MAY 2, 1945 (P.L.382, NO.164), KNOWN AS THE "MUNICIPALITY
15 AUTHORITIES ACT OF 1945";

16 (II) AN INDUSTRIAL OR COMMERCIAL DEVELOPMENT AUTHORITY
17 INCORPORATED PURSUANT TO THE ACT OF AUGUST 23, 1967 (P.L.251,
18 NO.102), KNOWN AS THE "ECONOMIC DEVELOPMENT FINANCING LAW"; AND

19 (III) A REDEVELOPMENT AUTHORITY INCORPORATED PURSUANT TO THE
20 ACT OF MAY 24, 1945 (P.L.991, NO.385), KNOWN AS THE "URBAN
21 REDEVELOPMENT LAW."

22 * * *

23 (C.2) THE DISPOSITION OF THE REVENUES FROM THE SPECIAL FUND
24 ATTRIBUTABLE TO THE LEVY OF THE REMAINING TWO PER CENTUM OF THE
25 TAX SHALL BE DISTRIBUTED BY THE TREASURER AS FOLLOWS:

26 (1) FIFTY PER CENTUM SHALL BE DISTRIBUTED TO THE TPA FOR THE
27 APPROPRIATE AND REASONABLE MARKETING AND PROMOTIONAL EXPENSES
28 FOR PROMOTING TOURISM IN THE COUNTY IMPOSING THE TAX; AND

29 (2) FIFTY PER CENTUM SHALL BE DISTRIBUTED AS FOLLOWS:

30 (I) SEVENTY-FIVE PER CENTUM TO AN AUTHORITY INCORPORATED

1 PURSUANT TO THE FORMER "MUNICIPALITY AUTHORITIES ACT OF 1945"
2 LOCATED WITHIN THE COUNTY OF THE THIRD CLASS CURRENTLY IMPOSING
3 A TAX FOR PAYMENT OF THE DEBT SERVICE ON BONDS ISSUED FOR THE
4 CONSTRUCTION OF [THE] A COUNTY REGIONAL SPORTS FACILITY HAVING A
5 SEATING CAPACITY OF [TEN] TWO AND ONE-HALF THOUSAND TO FOURTEEN
6 THOUSAND SEATS, WHICH IS OWNED, IN WHOLE OR IN PART, OR LEASED
7 BY THE APPLICABLE AUTHORITY, AND WHICH IS LOCATED WITHIN THE
8 COUNTY OF THE THIRD CLASS IMPOSING THE TAX. SUCH AUTHORITY SHALL
9 USE THE TAX DISTRIBUTION IDENTIFIED IN THIS SECTION FOR THE
10 IMPROVEMENT, SUPPORT, REHABILITATION, REVITALIZATION,
11 CONSTRUCTION, FIT-OUT AND RECONSTRUCTION OF ONE OR MORE TOURISM
12 OR TOURISM INFRASTRUCTURE-RELATED FACILITIES, INCLUDING, BUT NOT
13 LIMITED TO, THE PAYMENT OF DEBT SERVICE ON BONDS RELATED
14 THERETO.

15 (II) TWENTY-FIVE PER CENTUM SHALL BE DISTRIBUTED TO THE TPA
16 FOR THE APPROPRIATE AND REASONABLE MARKETING AND PROMOTIONAL
17 EXPENSES OF PROMOTING TOURISM IN A CITY OF THE THIRD CLASS
18 LOCATED WITHIN THE COUNTY OF THE THIRD CLASS IMPOSING THE TAX,
19 AND THE SAME SHALL BE USED IN ACCORDANCE WITH A PLAN APPROVED BY
20 THE TPA.

21 * * *

22 SECTION 2.2. SECTION 1770.6 OF THE ACT IS REPEALED:

23 [Section 1770.6. Authorization of Hotel Tax.--(a) Except as
24 provided for in section 1770.7, the county commissioners of any
25 county may impose an excise tax on the consideration received by
26 each operator of a hotel, as defined by this section, from each
27 transaction of renting a room or rooms to accommodate
28 transients. If levied, the tax shall be collected by the
29 operator from the patron of the room and paid over to the county
30 and shall be known as the hotel room rental tax.

1 (b) The rate of the tax imposed under this section shall not
2 exceed three per centum.

3 (c) The treasurer of each county electing to impose the tax
4 authorized under this section shall collect the tax and deposit
5 the revenues received from the tax in a special fund established
6 for that purpose. Subsequent to the deduction for administrative
7 costs established in subsection (e), the county shall distribute
8 to the recognized tourist promotion agency all revenues received
9 from the tax not later than sixty days after receipt of the tax
10 revenues. The revenues from the special fund shall be used by
11 the recognized tourist promotion agency for any or all of the
12 following purposes:

13 (1) Convention promotion.

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

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

18 (4) Using all appropriate marketing tools to accomplish
19 these purposes, including, but not limited to, advertising,
20 publicity, publications, direct marketing, direct sales and
21 participation in industry trade shows.

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

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

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

30 (d.1) An audited report on the income and expenditures

1 incurred by a recognized tourist promotion agency receiving any
2 revenues from the tax authorized under this section shall be
3 submitted annually by the recognized tourist promotion agency to
4 the county commissioners.

5 (e) For the purposes of defraying the costs associated with
6 the collection of the tax imposed hereunder and otherwise
7 performing its obligations under this section, the county is
8 hereby authorized to deduct and retain an administrative fee
9 from the taxes collected hereunder. Such administrative fee
10 shall be established by the county but shall not exceed in any
11 tax year the lesser of:

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

13 (2) forty thousand dollars (\$40,000), which amount shall be
14 adjusted biannually, beginning two years after the date of
15 enactment, by the percentage growth in the Consumer Price Index
16 for All Urban Consumers as determined by the United States
17 Department of Labor.

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

21 "Bed and breakfast" or "homestead." A public accommodation
22 consisting of a private residence, which contains ten or fewer
23 bedrooms, used for providing overnight accommodations to the
24 public and in which breakfast is the only meal served and is
25 included in the charge for the room.

26 "Consideration." Receipts, fees, charges, rentals, leases,
27 cash, credits, property of any kind or nature or other payment
28 received by operators in exchange for or in consideration of the
29 use or occupancy by a transient of a room or rooms in a hotel
30 for any temporary period.

1 "County." Any county of the third class through the eighth
2 class which on the effective date of this section does not have
3 the authority to levy a hotel occupancy or room rental tax.

4 "Hotel." A hotel, motel, bed and breakfast, homestead, inn,
5 guest house or other structure which holds itself out by any
6 means, including advertising, license, registration with an
7 innkeepers' group, convention listing association, travel
8 publication or similar association or with a government agency,
9 as being available to provide overnight lodging or use of
10 facility space for consideration to persons seeking temporary
11 accommodation; any place which advertises to the public at large
12 or any segment thereof that it will provide beds, sanitary
13 facilities or other space for a temporary period to members of
14 the public at large; or any place recognized as a hostelry. The
15 term does not include any portion of a facility that is devoted
16 to persons who have an established permanent residence or a
17 college or university student residence hall or any private
18 campground or any cabins, public campgrounds or other facilities
19 located on State land.

20 "Occupancy." The use or possession or the right to the use
21 or possession by any person other than a permanent resident of
22 any room in a hotel for any purpose or the right to the use or
23 possession of the furnishings or to the services accompanying
24 the use and possession of the room.

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

30 "Patron." A person who pays the consideration for the

1 occupancy of a room or rooms in a hotel.

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

5 "Recognized tourist promotion agency." The nonprofit
6 corporation, organization, association or agency which is
7 engaged in planning and promoting programs designed to stimulate
8 and increase the volume of tourist, visitor and vacation
9 business within counties served by the agency as that term is
10 defined in the act of April 28, 1961 (P.L.111, No.50), known as
11 the "Tourist Promotion Law."

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

15 "Transaction." The activity involving the obtaining by a
16 transient or patron of the use or occupancy of a hotel room from
17 which consideration is payable to the operator under an express
18 or an implied contract.

19 "Transient." An individual who obtains accommodation in a
20 hotel by means of registering at the facility for the temporary
21 occupancy of a room for the personal use of the individual by
22 paying a fee to the operator.

23 "Treasurer." The elected treasurer of the county or, if
24 there is no elected treasurer of the county, such other official
25 or agent of the county as may be designated by the county to
26 collect and account for the tax authorized by this section.]

27 Section 2 3. The act is amended by adding sections to read: <--

28 Section 1770.10. Hotel Room Rental Tax in Third through
29 Eighth Class Counties.--(a) A county may, by ordinance, impose
30 a tax which shall be known as the hotel room rental tax on the

1 consideration received by each operator of a hotel within the
2 county from each transaction of renting a room or rooms to
3 accommodate transients. The tax shall be collected by the
4 operator from the patron of the room and paid over to the county
5 where the hotel is located as provided under this section.

6 (b) The rate of tax imposed under this section shall not
7 exceed five per centum.

8 (c) The treasurer of each county electing to impose the tax
9 authorized under this section shall collect the tax and deposit
10 the revenues received from the tax in a special fund established
11 for that purpose. Subsequent to the deduction for administrative
12 costs established in subsection ~~(g)~~ (I), the county shall <--
13 distribute to the recognized tourist promotion agency all
14 revenues received from the tax not later than sixty days after
15 receipt of the tax revenues.

16 (d) The revenues from the special fund shall be used by the
17 recognized tourist promotion agency for any of the following
18 purposes:

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

21 (2) Marketing the area served by the agency as a business,
22 convention or meeting travel destination.

23 (3) Using all appropriate marketing tools to accomplish
24 these purposes, including, but not limited to, advertising,
25 publicity, publications, direct marketing, sales, technology and
26 participation in industry trade shows that attract tourists OR <--
27 TRAVELERS to the area served by the agency.

28 (4) Programs, EXPENDITURES or grants that are directly and <--
29 substantially related to tourism OR A BUSINESS, CONVENTION OR <--
30 MEETING TRAVEL DESTINATION within the county, augment and do not

1 compete with private sector tourism OR TRAVEL efforts and <--
2 improve and expand the county as a destination market as deemed
3 necessary by the recognized tourist promotion agency. THE <--
4 FOLLOWING SHALL APPLY TO GRANTS AWARDED UNDER THIS PARAGRAPH:

5 (I) GRANTS REQUIRE A CASH OR IN-KIND LOCAL MATCH OF AT LEAST
6 25%.

7 (II) GRANTS MAY NOT BE USED FOR SIGNAGE THAT PROMOTES A
8 SPECIFIC PRIVATE ENTITY ON THE SITUS OF THAT ENTITY, EXCEPT
9 WHERE THE SIGNAGE ALSO CARRIES THE LOGO OF A RECOGNIZED TOURIST
10 PROMOTION AGENCY.

11 (5) Any other tourism OR TRAVEL marketing or promotion <--
12 program, EXPENDITURE or project that does not compete with <--
13 private sector tourism OR TRAVEL efforts as deemed necessary by <--
14 the recognized tourist promotion agency.

15 (e) Each taxable year for any tax imposed under this section
16 shall run concurrently with the county's fiscal year.

17 (f) An audited report or financial statement, as determined
18 by the county in consultation with the recognized tourist
19 promotion agency, on the income and expenditures incurred by a
20 recognized tourist promotion agency receiving any revenues from
21 the tax authorized under this section shall be submitted
22 annually by the recognized tourist promotion agency to the
23 county commissioners.

24 (G) (1) IF A RECOGNIZED TOURIST PROMOTION AGENCY FAILS TO <--
25 SUBMIT AN ANNUAL AUDIT REPORT OR FINANCIAL STATEMENT REQUIRED
26 UNDER SUBSECTION (F) WITHIN NINETY DAYS OF THE END OF THE
27 RECOGNIZED TOURIST PROMOTION AGENCY'S FISCAL YEAR, THE
28 CORRESPONDING COUNTY MAY WITHHOLD TAX REVENUES COLLECTED AND
29 DEPOSITED IN A SPECIAL FUND UNDER THIS SECTION UNTIL THE
30 REQUIRED ANNUAL AUDIT REPORT OR FINANCIAL STATEMENT IS SUBMITTED

1 TO THE COUNTY.

2 (2) IN THE EVENT THE COUNTY DOES NOT TAKE ACTION UNDER
3 PARAGRAPH (1) WITHIN ONE HUNDRED TWENTY DAYS OF THE END OF THE
4 RECOGNIZED TOURIST PROMOTION AGENCY'S FISCAL YEAR, THE SECRETARY
5 OF COMMUNITY AND ECONOMIC DEVELOPMENT MAY REQUIRE THE COUNTY TO
6 WITHHOLD TAX REVENUES COLLECTED AND DEPOSITED IN A SPECIAL FUND
7 UNDER THIS SECTION UNTIL THE REQUIRED ANNUAL AUDIT REPORT OR
8 FINANCIAL STATEMENT IS SUBMITTED TO THE COUNTY AND THE
9 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

10 (H) ANY BOARD MEMBER, DIRECTOR, OFFICER OR EMPLOYE OF A
11 RECOGNIZED TOURIST PROMOTION AGENCY SHALL DISCLOSE TO THE
12 RECOGNIZED TOURIST PROMOTION AGENCY THE NATURE OF ANY CONFLICT
13 OF INTEREST OR FINANCIAL INTEREST AND RECUSE HIMSELF OR HERSELF
14 FROM ANY ACTION TAKEN ON BEHALF OF THE RECOGNIZED TOURIST
15 PROMOTION AGENCY WHICH MAY RESULT IN A PRIVATE PECUNIARY BENEFIT
16 TO THE INDIVIDUAL, A MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY
17 OR A BUSINESS WITH WHICH THE INDIVIDUAL OR A MEMBER OF THE
18 INDIVIDUAL'S IMMEDIATE FAMILY IS ASSOCIATED.

19 ~~(g)~~ (I) For the purposes of defraying the costs associated <--
20 with the collection of the tax imposed under this section and
21 otherwise performing its obligations under this section, the
22 county may deduct and retain an administrative fee from the
23 taxes collected under this section. The administrative fee shall
24 be established by the county but shall not exceed ~~five~~ FOUR per <--
25 centum OF THE TAXES COLLECTED in any taxable year. <--

26 ~~(h)~~ (J) A penalty of one and one-half per centum per month <--
27 shall be imposed UPON THE OPERATOR OF A HOTEL for failure to <--
28 timely collect and remit the tax authorized by this section. In
29 addition to other remedies available for collection of debts,
30 the county may file a lien upon the hotel in the name of the

1 county and for the use of the county as provided by law.

2 ~~(i)~~ (K) The following words and phrases when used in this <--
3 section shall have the meanings given to them in this subsection
4 unless the context clearly indicates otherwise:

5 "Bed and breakfast" or "homestead." A public accommodation
6 consisting of a private residence, which contains ten or fewer
7 bedrooms, used for providing overnight accommodations to the
8 public and in which breakfast is the only meal served and is
9 included in the charge for the room.

10 ~~"Cabin." A permanent structure with beds located on a~~ <--
11 ~~campground on State land or private property that is available~~
12 ~~to provide overnight lodging for consideration to persons~~
13 ~~seeking temporary accommodations. The term does not include~~
14 ~~yurts or walled tents.~~

15 "CONFLICT OF INTEREST." USE BY A BOARD MEMBER, DIRECTOR, <--
16 OFFICER OR EMPLOYE OF A RECOGNIZED TOURIST PROMOTION AGENCY OF
17 THE AUTHORITY OF HIS OR HER OFFICE OR EMPLOYMENT OR ANY
18 CONFIDENTIAL INFORMATION RECEIVED THROUGH HIS OR HER CAPACITY IN
19 RELATION TO A RECOGNIZED TOURIST PROMOTION AGENCY FOR THE
20 PRIVATE PECUNIARY BENEFIT OF HIMSELF OR HERSELF, A MEMBER OF HIS
21 OR HER IMMEDIATE FAMILY OR A BUSINESS WITH WHICH HE OR SHE OR A
22 MEMBER OF HIS OR HER IMMEDIATE FAMILY IS ASSOCIATED. THE TERM
23 DOES NOT INCLUDE AN ACTION HAVING A DE MINIMIS ECONOMIC IMPACT
24 OR WHICH AFFECTS TO THE SAME DEGREE A CLASS CONSISTING OF THE
25 GENERAL PUBLIC OR A SUBCLASS CONSISTING OF AN INDUSTRY,
26 OCCUPATION OR OTHER GROUP WHICH INCLUDES A BOARD MEMBER,
27 DIRECTOR, OFFICER OR EMPLOYE, A MEMBER OF HIS OR HER IMMEDIATE
28 FAMILY OR BUSINESS WITH WHICH HE OR SHE OR A MEMBER OF HIS OR
29 HER IMMEDIATE FAMILY IS ASSOCIATED.

30 "Consideration." Receipts, fees, charges, rentals, leases,

1 cash, credits, property of any kind or nature or other payment
2 received by operators in exchange for or in consideration of the
3 use or occupancy by a transient of a room or rooms in a hotel
4 for a temporary period.

5 "County." Any county of the third through eighth class that
6 was authorized to levy a hotel occupancy or room rental tax
7 under the former section 1770.2 or 1770.6.

8 "Hotel." A hotel, motel, inn, guesthouse, rooming house, bed
9 and breakfast, homestead or other structure which holds itself
10 out by any means, including advertising, license, registration
11 with an innkeepers' group, convention listing association,
12 travel publication or similar association or with a government
13 agency, as being available to provide overnight lodging for
14 consideration to persons seeking temporary accommodation; any
15 place which advertises to the public at large or any segment
16 thereof that it will provide beds, sanitary facilities or other
17 space for a temporary period to members of the public at large;
18 any place recognized as a hostelry; ~~or any cabins on campgrounds~~ <--
19 located on State land or private property. The term does not
20 include any charitable institution, or portion of a facility
21 that is devoted to persons who have an established permanent
22 residence or a college or university student residence hall
23 currently occupied by students enrolled in a degree program, an
24 educational or religious institution ~~summer~~ camp for children, <--
25 hospital, ~~OR, nursing home or part of a campground that is not a~~ <--
26 ~~cabin~~ OR ANY PRIVATE CAMPGROUND OR ANY CABINS, PUBLIC <--
27 CAMPGROUNDS OR OTHER FACILITIES LOCATED ON STATE LAND.

28 "IMMEDIATE FAMILY." A SPOUSE, PARENT, BROTHER, SISTER OR <--
29 CHILD.

30 "Marketing." An action by a recognized tourism promotion

1 agency that includes, but is not limited to, promoting and
2 encouraging visitors to visit a specific county, counties or
3 geographic region.

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

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

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

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

20 "Recognized tourist promotion agency." The nonprofit
21 corporation, organization, association or agency which is
22 engaged in planning and promoting programs designed to stimulate
23 and increase the volume of tourist, visitor and vacation
24 business within a county and certified by the county as of the
25 effective date of this subsection or under section 1770.11.

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

29 "Transaction." The activity involving the obtaining by a
30 transient or patron of the use or occupancy of a hotel room from

1 which consideration emanates to the operator under an expressed
2 or implied contract.

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

7 Section 1770.11. Certification of Recognized Tourist
8 Promotion Agencies.--(a) A county may certify a nonprofit
9 corporation, organization, association or agency to serve as the
10 county's recognized tourist promotion agency. The county may not
11 have more than one recognized tourist promotion agency.

12 (b) (1) A county must certify a recognized tourist
13 promotion agency under subsection (a) by proper resolution of
14 the governing body of the county, concurred in by resolution of
15 the governing bodies of cities, boroughs, towns or townships
16 within the county which have an aggregate of more than fifty per
17 centum of the total population of the county as determined by
18 the most recently completed Federal decennial census.

19 (2) A recognized tourist promotion agency shall operate
20 until that agency has dissolved as an entity, withdrawn its
21 certification or has been decertified by the county under
22 subsection (c).

23 (c) (1) Notwithstanding any other provision of law, a
24 county may decertify a recognized tourist promotion agency by
25 proper resolution of the governing body of a county, concurred
26 in by resolution of the governing bodies of cities, boroughs,
27 towns or townships within the county which have an aggregate of
28 more than sixty-five per centum of the total population of the
29 county as determined by the most recently completed Federal
30 decennial census.

1 (2) The county shall hold at least one public hearing on
2 decertification no less than seven days before a meeting to
3 adopt a resolution under this subsection.

4 (3) This subsection shall apply to recognized tourist
5 promotion agencies, regardless of the date on which they were
6 recognized under the act of July 4, 2008 (P.L.621, No.50), known
7 as the "Tourism Promotion Act," or certified by the county under
8 this section.

9 SECTION 1770.12. HOTEL ROOM RENTAL IN SECOND CLASS AND <--
10 SECOND CLASS A COUNTIES.--

11 (A) (1) THE COUNTY COMMISSIONERS IN EACH COUNTY OF THE
12 SECOND CLASS ARE AUTHORIZED TO IMPOSE AN EXCISE TAX AT FIVE PER
13 CENTUM ON THE CONSIDERATION RECEIVED BY EACH OPERATOR OF A HOTEL
14 WITHIN THE COUNTY FROM EACH TRANSACTION OF RENTING A ROOM OR
15 ROOMS TO ACCOMMODATE TRANSIENTS.

16 (2) THE COUNTY COMMISSIONERS IN EACH COUNTY OF THE SECOND
17 CLASS A ARE AUTHORIZED TO IMPOSE AN EXCISE TAX NOT TO EXCEED
18 FIVE PER CENTUM ON THE CONSIDERATION RECEIVED BY EACH OPERATOR
19 OF A HOTEL WITHIN THE COUNTY FROM EACH TRANSACTION OF RENTING A
20 ROOM OR ROOMS TO ACCOMMODATE TRANSIENTS.

21 (3) THE TAX SHALL BE COLLECTED BY THE OPERATOR FROM THE
22 PATRON OF THE ROOM AND PAID OVER TO THE COUNTY AS IN PROVIDED IN
23 THIS SECTION.

24 (B) THE TREASURER OF EACH COUNTY OF THE SECOND CLASS
25 ELECTING TO IMPOSE THE TAX AUTHORIZED UNDER THIS SECTION IS
26 DIRECTED TO COLLECT THE TAX AND TO DEPOSIT THE REVENUE RECEIVED
27 FROM THE TAX IN A SPECIAL FUND. THE REVENUES SHALL BE
28 DISTRIBUTED BY THE COUNTY COMMISSIONERS AS FOLLOWS:

29 (1) EXCEPT AS SET FORTH IN CLAUSE (4), TWO-FIFTHS OF THE
30 REVENUE RECEIVED BY THE COUNTY FROM THE EXCISE TAX SHALL BE

1 DISTRIBUTED TO A TOURIST PROMOTION AGENCY PURSUANT TO SECTION
2 2199.14 OF THE ACT OF JULY 28, 1953 (P.L.723, NO.230), KNOWN AS
3 THE "SECOND CLASS COUNTY CODE."

4 (2) EXCEPT AS SET FORTH IN CLAUSE (4), ONE-THIRD OF THE TAX
5 COLLECTED BY HOTELS WITHIN A MUNICIPALITY WHERE A CONVENTION
6 CENTER OR EXHIBITION HALL IS LOCATED, LESS THE COST OF
7 COLLECTING THE TAX, SHALL, AT THE REQUEST OF THAT MUNICIPALITY,
8 BE RETURNED TO THAT MUNICIPALITY FOR DEPOSIT IN THAT
9 MUNICIPALITY'S SPECIAL FUND ESTABLISHED SOLELY FOR PURPOSES OF
10 PAYING FOR PROMOTIONAL PROGRAMS IMPLEMENTED BY A NONPROFIT
11 ORGANIZATION WHICH ARE DESIGNED TO STIMULATE AND INCREASE THE
12 VOLUME OF CONVENTIONS AND VISITORS WITHIN THE MUNICIPALITY OR AS
13 PROVIDED IN CLAUSE (5), SUBJECT TO THE FOLLOWING REQUIREMENTS:

14 (I) AN AUDITED REPORT ON THE INCOME AND EXPENDITURES
15 INCURRED BY THE MUNICIPALITY RECEIVING FUNDS FROM THE EXCISE TAX
16 ON HOTEL ROOM RENTALS SHALL BE MADE ANNUALLY TO COUNTY.

17 (II) THE MEMBERS OF THE BOARD OF DIRECTORS OR OTHER
18 GOVERNING BODY OF THE NONPROFIT ORGANIZATION UTILIZED BY THE
19 MUNICIPALITY TO PROVIDE THE PROMOTIONAL PROGRAMS SHALL BE
20 APPOINTED BY THE GOVERNING BODY OF THE MUNICIPALITY.

21 (2.1) EXCEPT AS SET FORTH IN CLAUSE (4), A FIVE PER CENTUM
22 FEE SHALL BE PAID TO THE COUNTY FOR COLLECTING THE TAX.

23 (3) EXCEPT AS SET FORTH IN CLAUSE (4), ALL REMAINING REVENUE
24 FROM THE TAX RECEIVED BY THE COUNTY, AFTER PAYING THE AMOUNTS
25 SET FORTH IN CLAUSES (1), (2) AND (2.1), SHALL BE USED FOR
26 OPERATIONAL AND MAINTENANCE EXPENDITURES OF THE CONVENTION
27 CENTER OR EXHIBITION HALL AS PROVIDED IN SUBSECTION (D) AND FOR
28 REGIONAL TOURIST PROMOTION ACTIVITIES.

29 (4) SUBJECT TO CLAUSE (4.1), IF BONDS ARE ISSUED BY THE
30 PUBLIC AUTHORITY TO PROVIDE PERMANENT FINANCING OR REFINANCING

1 OF THE EXPANSION OF AND CAPITAL IMPROVEMENTS TO THE CONVENTION
2 CENTER OR EXHIBITION HALL, THE REVENUE RECEIVED FROM THE TAX AND
3 DEPOSITED IN THE SPECIAL FUND SHALL NOT BE DISTRIBUTED AS SET
4 FORTH IN CLAUSES (1) THROUGH (3) BUT SHALL BE DISTRIBUTED BY THE
5 COUNTY COMMISSIONERS IN THE ORDER OF PRIORITY AS FOLLOWS:

6 (I) FIRST, TO THE PAYMENT OF ALL AMOUNTS SET FORTH IN CLAUSE
7 (2).

8 (II) SECOND:

9 (A) TO THE TRUSTEE FOR THE BONDS IN ACCORDANCE WITH THE
10 PROVISIONS OF THE INDENTURE PURSUANT TO WHICH THE BONDS ARE
11 ISSUED, TO BE USED FOR THE PAYMENT OF DEBT SERVICE ON THE BONDS;
12 AND

13 (B) TO THE PAYMENT OF ALL AMOUNTS SET FORTH IN CLAUSE (2.1):

14 (I) IN FULL; OR

15 (II) IF THE REVENUES ARE INSUFFICIENT TO MAKE THE PAYMENT IN
16 FULL, PRO RATA.

17 (III) THIRD, TO THE PAYMENT OF ALL AMOUNTS SET FORTH IN
18 CLAUSE (1).

19 (IV) FOURTH, AS SET FORTH IN CLAUSE (3).

20 (4.1) CLAUSE (4) SHALL NOT APPLY TO BONDS ISSUED SUBSEQUENT
21 TO THE PERMANENT FINANCING FOR PURPOSES OF COMPLETION OR
22 SUBSEQUENT EXPANSIONS OR CAPITAL IMPROVEMENTS.

23 (5) IF A CONVENTION CENTER OR EXHIBITION HALL DISCONTINUES
24 OPERATION IN A MUNICIPALITY IN WHICH A CONVENTION CENTER OR
25 EXHIBITION HALL IS LOCATED, THE MUNICIPALITY SHALL CONTINUE TO
26 COLLECT AND RECEIVE THE TAX, WHICH SHALL BE DEPOSITED BY THE
27 MUNICIPALITY AND USED FOR THE PURPOSES AS PROVIDED IN CLAUSE
28 (2).

29 (C) THE TREASURER OF EACH COUNTY OF THE SECOND CLASS A
30 ELECTING TO IMPOSE THE TAX AUTHORIZED UNDER THIS SECTION IS

1 DIRECTED TO COLLECT THE TAX AND TO DEPOSIT THE REVENUE IN A
2 SPECIAL FUND ESTABLISHED SOLELY FOR PURPOSES OF TRAVEL AND
3 TOURISM PROMOTION AND ADVERTISING RELATED TO TRAVEL AND TOURISM
4 PROMOTION. THE TREASURER IS AUTHORIZED TO ESTABLISH RULES AND
5 REGULATIONS CONCERNING THE COLLECTION OF THE TAX.

6 (D) (1) IN COUNTIES OF THE SECOND CLASS, EXPENDITURES FROM
7 THE FUND ESTABLISHED UNDER SUBSECTION (B) SHALL BE USED FOR ALL
8 PURPOSES WHICH A PUBLIC AUTHORITY MAY DETERMINE TO BE REASONABLY
9 NECESSARY TO THE SUPPORT, OPERATION AND MAINTENANCE OF A
10 CONVENTION CENTER OR EXHIBITION HALL, INCLUDING THE FOLLOWING:

11 (I) ADVERTISING AND PUBLICIZING TOURIST ATTRACTIONS IN THE
12 AREA SERVED BY THE RECOGNIZED TOURIST PROMOTION AGENCY.

13 (II) PROMOTING AND OTHERWISE ENCOURAGING THE USE OF THE
14 FACILITIES IN THE AREA SERVED BY THE RECOGNIZED TOURIST
15 PROMOTION AGENCY BY THE PUBLIC AS A WHOLE.

16 (III) PROMOTING AND ATTRACTING CONVENTIONS, EXHIBITIONS AND
17 OTHER FUNCTIONS TO UTILIZE FACILITIES IN THE AREA SERVED BY THE
18 RECOGNIZED TOURIST PROMOTION AGENCY.

19 (IV) PRECOMPLETION ADVERTISING AND PUBLICIZING OF ANY
20 CONVENTION CENTER OR EXHIBITION HALL.

21 (V) PROMOTING AND ATTRACTING CONVENTIONS, EXHIBITIONS AND
22 OTHER FUNCTIONS TO UTILIZE THE CONVENTION CENTER OR EXHIBITION
23 HALL.

24 (VI) PROMOTING AND OTHERWISE ENCOURAGING THE USE OF THE
25 PREMISES BY THE PUBLIC AS A WHOLE OR ANY SEGMENT OF THE PUBLIC.

26 (VII) OPERATING, FURNISHING AND OTHERWISE MAINTAINING AND
27 EQUIPPING THE PREMISES AND REALTY APPURTENANT TO THE PREMISES.

28 (VIII) FURNISHING AND EQUIPPING THE BUILDING AND GROUNDS.

29 (2) IT IS THE INTENTION OF THIS SUBSECTION THAT THE RECEIPTS
30 FROM ANY TAX IMPOSED UNDER THIS SECTION AFTER PAYMENT OF THE

1 DISTRIBUTIONS UNDER SUBSECTION (B) (1), (2), (2.1), (3) AND (4)
2 BE USED IN THE COUNTY TO OFFSET THE ENTIRE OPERATING DEFICIT, IF
3 ANY, OF ANY CONVENTION CENTER OR EXHIBITION HALL INCLUDING
4 EQUALLY, SHARES OF ANY COOPERATING POLITICAL SUBDIVISION OR
5 AGENCY OF GOVERNMENT INCURRED PURSUANT TO ANY AGREEMENT. THE
6 OPERATING DEFICIT SHALL BE DETERMINED BY THE PUBLIC AUTHORITY
7 WHICH IS THE DESIGNATED OPERATING AGENCY OF THE CONVENTION
8 CENTER OR EXHIBITION HALL.

9 (E) (1) IN COUNTIES OF THE SECOND CLASS A, EXPENDITURES FROM
10 THE FUND ESTABLISHED UNDER SUBSECTION (C) SHALL BE ANNUALLY
11 APPROPRIATED BY THE COUNTY COMMISSIONERS FOR TOURIST PROMOTION
12 ACTIVITIES, TO BE EXECUTED BY THE RECOGNIZED TOURIST PROMOTION
13 AGENCY FOR THE FOLLOWING:

14 (I) MARKETING THE AREA SERVED BY THE RECOGNIZED TOURIST
15 PROMOTION AGENCY AS A LEISURE TRAVEL DESTINATION.

16 (II) MARKETING THE AREA SERVED BY THE RECOGNIZED TOURIST
17 PROMOTION AGENCY AS A CONVENTION, BUSINESS OR MEETING TRAVEL
18 DESTINATION.

19 (III) MARKETING THE AREA SERVED BY THE RECOGNIZED TOURIST
20 PROMOTION AGENCY TO THE PUBLIC AS A WHOLE FOR USE OF ITS TOURIST
21 AND CONVENTION FACILITIES.

22 (IV) USING ALL APPROPRIATE MARKETING TOOLS TO ACCOMPLISH
23 THESE PURPOSES, INCLUDING ADVERTISING, PUBLICITY, PUBLICATIONS,
24 DIRECT MARKETING, SALES, TECHNOLOGY AND PARTICIPATION IN
25 INDUSTRY TRADE SHOWS THAT ATTRACT TOURISTS OR TRAVELERS TO THE
26 AREA SERVED BY THE RECOGNIZED TOURIST PROMOTION AGENCY.

27 (V) PROGRAMS, EXPENDITURES OR GRANTS THAT DIRECTLY AND
28 SUBSTANTIALLY RELATE TO TOURISM OR A BUSINESS, CONVENTION OR
29 MEETING TRAVEL DESTINATION WITHIN A COUNTY OF THE SECOND CLASS
30 A, THAT AUGMENT AND DO NOT COMPETE WITH PRIVATE SECTOR TOURISM

1 OR TRAVEL EFFORTS AND THAT IMPROVE AND EXPAND A COUNTY OF THE
2 SECOND CLASS A AS A DESTINATION MARKET AS DEEMED NECESSARY BY
3 THE RECOGNIZED TOURIST PROMOTION AGENCY. THE FOLLOWING SHALL
4 APPLY TO GRANTS AWARDED UNDER THIS SUBCLAUSE:

5 (A) GRANTS SHALL HAVE A CASH OR IN-KIND LOCAL MATCH OF AT
6 LEAST TWENTY-FIVE PER CENTUM.

7 (B) GRANTS MAY NOT BE USED FOR SIGNAGE THAT PROMOTES A
8 SPECIFIC PRIVATE ENTITY ON THE SITUS OF THE ENTITY, EXCEPT WHERE
9 THE SIGNAGE CARRIES THE LOGO OF A RECOGNIZED TOURIST PROMOTION
10 AGENCY.

11 (VI) ANY OTHER TOURISM OR TRAVEL MARKETING OR PROMOTION
12 PROGRAM, EXPENDITURE OR PROJECT THAT DOES NOT COMPETE WITH
13 PRIVATE SECTOR TOURISM OR EFFORTS AS DEEMED NECESSARY BY THE
14 RECOGNIZED TOURIST PROMOTION AGENCY.

15 (2) FOR THE PURPOSES OF DEFRAYING THE COSTS ASSOCIATED WITH
16 THE COLLECTION OF THE TAX IMPOSED UNDER THIS SECTION AND
17 OTHERWISE PERFORMING THEIR OBLIGATIONS UNDER THIS SECTION, THE
18 COUNTY COMMISSIONERS OF A COUNTY OF THE SECOND CLASS A MAY
19 DEDUCT AND RETAIN AN ADMINISTRATIVE FEE FROM THE TAXES COLLECTED
20 UNDER THIS SECTION. THE ADMINISTRATIVE FEE SHALL BE ESTABLISHED
21 BY THE COUNTY OF THE SECOND CLASS A AND SHALL NOT EXCEED FOUR
22 PER CENTUM OF THE TAXES COLLECTED IN ANY TAXABLE YEAR.

23 (3) AS DETERMINED BY A COUNTY OF THE SECOND CLASS A IN
24 CONSULTATION WITH THE RECOGNIZED TOURIST PROMOTION AGENCY, AN
25 AUDITED REPORT OR FINANCIAL STATEMENT OF THE INCOME AND
26 EXPENDITURES INCURRED BY A RECOGNIZED TOURIST PROMOTION AGENCY
27 RECEIVING REVENUE FROM THE TAX AUTHORIZED UNDER THIS SECTION
28 SHALL BE SUBMITTED ANNUALLY BY THE RECOGNIZED TOURIST PROMOTION
29 AGENCY TO THE COUNTY COMMISSIONERS.

30 (4) A PENALTY OF ONE AND ONE-HALF PER CENTUM PER MONTH SHALL

1 BE IMPOSED UPON THE OPERATOR OF A HOTEL IN A COUNTY OF THE
2 SECOND CLASS A FOR FAILURE TO TIMELY COLLECT AND REMIT THE TAX
3 AUTHORIZED BY THIS SECTION. IN ADDITION TO OTHER REMEDIES
4 AVAILABLE FOR COLLECTION OF DEBTS, A COUNTY OF THE SECOND CLASS
5 A MAY FILE A LIEN UPON THE HOTEL IN THE NAME OF THE COUNTY AND
6 FOR THE USE OF THE COUNTY AS PROVIDED BY LAW.

7 (F) (1) THE PROVISIONS OF THIS SECTION RELATING TO COUNTIES
8 OF THE SECOND CLASS SHALL REMAIN IN FORCE FROM YEAR TO YEAR. THE
9 FOLLOWING APPLY:

10 (I) REVENUE IN EXCESS OF AMOUNTS NEEDED TO PAY THE
11 DISTRIBUTIONS UNDER SUBSECTION (B.1) (1), (2), (2.1), (3) AND (4)
12 AND TO OFFSET OPERATING DEFICITS UNDER SUBSECTIONS (B.1) (3) AND
13 (D) SHALL BE DETERMINED BY THE PUBLIC AUTHORITY AND MAY BE
14 ACCUMULATED.

15 (II) AT THE DISCRETION OF THE COOPERATING POLITICAL
16 SUBDIVISIONS AND THE PUBLIC AUTHORITY, ANY REVENUE MAY BE USED
17 TO:

18 (A) PROVIDE PART OR ALL OF AN ANNUAL PAYMENT TO BE PAID BY A
19 COUNTY OR A POLITICAL SUBDIVISION UNDER AN AGREEMENT WITH A
20 PUBLIC AUTHORITY CREATED UNDER THE ACT OF JULY 29, 1953
21 (P.L.1034, NO.270), KNOWN AS THE "PUBLIC AUDITORIUM AUTHORITIES
22 LAW," WHICH HAS BEEN DESIGNATED AS THE OPERATING AGENCY FOR A
23 CONVENTION CENTER OR EXHIBITION HALL; OR

24 (B) EFFECT NECESSARY EXPANSION OR FURTHER CAPITAL
25 IMPROVEMENTS.

26 (2) THE PROVISIONS OF THIS SECTION RELATING TO COUNTIES OF
27 THE SECOND CLASS A SHALL REMAIN IN FORCE AND EFFECT FOR THREE
28 YEARS FROM FEBRUARY 14, 1986, AND MAY BE CONTINUED THEREAFTER BY
29 ORDINANCE OR RESOLUTION OF THE COUNTY COMMISSIONERS OF THE
30 RESPECTIVE COUNTIES.

1 (G) EACH TAXABLE YEAR FOR A TAX IMPOSED UNDER THIS SECTION
2 SHALL RUN CONCURRENTLY WITH THE CALENDAR YEAR.

3 (H) THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS
4 SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION
5 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

6 "CONSIDERATION." RECEIPTS, FEES, CHARGES, RENTALS, LEASES,
7 CASH, CREDITS, PROPERTY OR OTHER PAYMENT RECEIVED BY OPERATORS
8 IN EXCHANGE FOR OR IN CONSIDERATION OF THE USE OR OCCUPANCY BY A
9 TRANSIENT OF A ROOM IN A HOTEL FOR A TEMPORARY PERIOD.

10 "CONVENTION CENTER OR EXHIBITION HALL." A BUILDING OR SERIES
11 OF BUILDINGS:

12 (1) AT LEAST ONE OF WHICH CONTAINS A MINIMUM OF 75,000 GROSS
13 SQUARE FEET OF EXHIBITION SPACE FOR SHOWS AND CONVENTIONS;

14 (2) WHICH ARE NOT USED FOR THE RETAIL SALE OF MERCHANDISE OR
15 PART OF ANY SHOPPING CENTER, MALL OR OTHER RETAIL CENTER; AND

16 (3) A MAJOR FUNCTION OF WHICH IS TO HOUSE MEETINGS,
17 EXHIBITIONS, SHOWS, CONVENTIONS, ASSEMBLIES, CONVOCATIONS AND
18 SIMILAR GATHERINGS. THE TERM INCLUDES LAND APPURTENANT TO THE
19 BUILDING OR BUILDINGS.

20 "COOPERATING POLITICAL SUBDIVISION OR AGENCY OF GOVERNMENT."
21 A CITY OR PUBLIC AUTHORITY LOCATED IN A COUNTY:

22 (1) WITHIN THE BOUNDARIES OF WHICH A CONVENTION CENTER OR
23 EXHIBITION HALL IS PLANNED OR CONSTRUCTED; AND

24 (2) WHICH SHARES WITH THE COUNTY DUTIES, OBLIGATIONS OR
25 PRIVILEGES WITH RESPECT TO THAT CONVENTION CENTER.

26 "HOTEL." A HOTEL, MOTEL, INN, GUESTHOUSE, ROOMING HOUSE, BED
27 AND BREAKFAST, HOMESTEAD OR OTHER STRUCTURE WHICH HOLDS ITSELF
28 OUT BY ANY MEANS, INCLUDING ADVERTISING, LICENSE, REGISTRATION
29 WITH AN INNKEEPERS' GROUP, CONVENTION LISTING ASSOCIATION,
30 TRAVEL PUBLICATION OR SIMILAR ASSOCIATION OR WITH A GOVERNMENT

1 AGENCY, AS BEING AVAILABLE TO PROVIDE OVERNIGHT LODGING FOR
2 CONSIDERATION TO PERSONS SEEKING TEMPORARY ACCOMMODATION; ANY
3 PLACE WHICH ADVERTISES TO THE PUBLIC AT LARGE OR ANY SEGMENT
4 THEREOF THAT IT WILL PROVIDE BEDS, SANITARY FACILITIES OR OTHER
5 SPACE FOR A TEMPORARY PERIOD TO MEMBERS OF THE PUBLIC AT LARGE;
6 ANY PLACE RECOGNIZED AS A HOSTELRY. THE TERM DOES NOT INCLUDE
7 ANY CHARITABLE INSTITUTION, OR PORTION OF A FACILITY THAT IS
8 DEVOTED TO PERSONS WHO HAVE AN ESTABLISHED PERMANENT RESIDENCE
9 OR A COLLEGE OR UNIVERSITY STUDENT RESIDENCE HALL CURRENTLY
10 OCCUPIED BY STUDENTS ENROLLED IN A DEGREE PROGRAM, AN
11 EDUCATIONAL OR RELIGIOUS INSTITUTION CAMP FOR CHILDREN, HOSPITAL
12 OR, NURSING HOME OR ANY PRIVATE CAMPGROUND OR ANY CABINS, PUBLIC <--
13 CAMPGROUNDS OR OTHER FACILITIES LOCATED ON STATE LAND.

14 "MUNICIPALITY." NOTWITHSTANDING 53 PA.C.S. § 8401 (RELATING
15 TO DEFINITIONS), A TOWNSHIP OR BOROUGH OR A HOME RULE
16 MUNICIPALITY WHICH WAS FORMERLY A TOWNSHIP OR BOROUGH.

17 "OCCUPANCY." THE USE OR POSSESSION OR THE RIGHT TO THE USE
18 OR POSSESSION BY ANY PERSON OTHER THAN A PERMANENT RESIDENT OF A
19 ROOM IN A HOTEL FOR ANY PURPOSE OR THE RIGHT TO THE USE OR
20 POSSESSION OF THE FURNISHINGS OR TO THE SERVICES ACCOMPANYING
21 THE USE AND POSSESSION OF THE ROOM.

22 "OPERATING DEFICIT." THE EXCESS OF EXPENSES OVER RECEIPTS
23 FROM THE OPERATION AND MANAGEMENT OF A CONVENTION CENTER OR
24 EXHIBITION HALL.

25 "OPERATOR." ANY INDIVIDUAL, PARTNERSHIP, NONPROFIT OR
26 PROFIT-MAKING ASSOCIATION OR CORPORATION OR OTHER PERSON OR
27 GROUP OF PERSONS THAT MAINTAIN, OPERATE, MANAGE, OWN, HAVE
28 CUSTODY OF OR OTHERWISE POSSESS THE RIGHT TO RENT OR LEASE
29 OVERNIGHT ACCOMMODATIONS IN A HOTEL TO THE PUBLIC FOR
30 CONSIDERATION.

1 "PATRON." A PERSON THAT PAYS THE CONSIDERATION FOR THE
2 OCCUPANCY OF A ROOM IN A HOTEL.

3 "PERMANENT RESIDENT." AN INDIVIDUAL WHO HAS OCCUPIED OR HAS
4 THE RIGHT TO OCCUPANCY OF A ROOM IN A HOTEL AS A PATRON OR
5 OTHERWISE FOR A PERIOD EXCEEDING THIRTY CONSECUTIVE DAYS.

6 "RECOGNIZED TOURIST PROMOTION AGENCY." THE NONPROFIT
7 CORPORATION, ORGANIZATION, ASSOCIATION OR AGENCY WHICH IS
8 ENGAGED IN PLANNING AND PROMOTING PROGRAMS DESIGNED TO STIMULATE
9 AND INCREASE THE VOLUME OF TOURIST, VISITOR AND VACATION
10 BUSINESS WITHIN A COUNTY AND CERTIFIED BY THE COUNTY PURSUANT TO
11 THE ACT OF JULY 4, 2008 (P.L.621, NO.50), KNOWN AS THE "TOURISM
12 PROMOTION ACT."

13 "REGIONAL TOURIST PROMOTION ACTIVITIES." SERVICES,
14 ACTIVITIES, FACILITIES AND EVENTS, WHICH RESULT IN A SIGNIFICANT
15 NUMBER OF NONRESIDENTS VISITING A COUNTY OF THE SECOND CLASS FOR
16 RECREATIONAL, CULTURAL OR EDUCATIONAL PURPOSES.

17 "ROOM." A SPACE IN A HOTEL SET ASIDE FOR USE AND OCCUPANCY
18 BY PATRONS, OR OTHERWISE, FOR CONSIDERATION, HAVING AT LEAST ONE
19 BED OR OTHER SLEEPING ACCOMMODATION.

20 "SUBSTANTIAL COMPLETION." CONSTRUCTION WHICH IS SUFFICIENTLY
21 COMPLETED IN ACCORDANCE WITH CONTRACT DOCUMENTS AND CERTIFIED BY
22 THE CONVENTION CENTER AUTHORITY'S ARCHITECT OR ENGINEER, AS
23 MODIFIED BY CHANGE ORDERS SO THAT:

24 (1) THE MAIN CONVENTION AREA CAN BE USED, OCCUPIED OR
25 OPERATED FOR ITS INTENDED USE; AND

26 (2) AT LEAST NINETY PER CENTUM OF THE WORK ON THE MAIN
27 CONVENTION OR EXHIBITION AREA IS COMPLETE.

28 "TEMPORARY." A PERIOD OF TIME NOT EXCEEDING THIRTY
29 CONSECUTIVE DAYS.

30 "TRANSACTION." THE ACTIVITY INVOLVING THE OBTAINING BY A

1 TRANSIENT OR PATRON OF THE USE OR OCCUPANCY OF A HOTEL ROOM FROM
2 WHICH CONSIDERATION EMANATES TO THE OPERATOR UNDER AN EXPRESS OR
3 AN IMPLIED CONTRACT.

4 "TRANSIENT." AN INDIVIDUAL WHO OBTAINS ACCOMMODATION IN ANY
5 HOTEL FOR HIMSELF BY MEANS OF REGISTERING AT THE FACILITY FOR
6 THE TEMPORARY OCCUPANCY OF ANY ROOM FOR THE PERSONAL USE OF THAT
7 INDIVIDUAL BY PAYING TO THE OPERATOR OF THE FACILITY A FEE IN
8 CONSIDERATION FOR THE ACCOMMODATION.

9 Section 3 4. Nothing in this act shall be construed to <--
10 require a county that has imposed a tax under the former section
11 1770.2 or 1770.6 of the act to enact a new ordinance to impose
12 the tax under section 1770.10 of the act if all of the following
13 apply:

14 (1) The tax rate in the ordinance imposing the tax under
15 the former section 1770.2 or 1770.6 of the act has not
16 changed.

17 (2) The ordinance imposing the tax under the former
18 section 1770.2 or 1770.6 of the act is otherwise consistent
19 with section 1770.10 of the act.

20 SECTION 5. REPEALS ARE AS FOLLOWS: <--

21 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
22 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF
23 SECTION 1770.12 OF THE ACT.

24 (2) SECTION 8721 OF TITLE 53 OF THE PENNSYLVANIA
25 CONSOLIDATED STATUTES IS REPEALED.

26 (3) ALL ACTS AND PARTS OF ACTS ARE REPEALED INSOFAR AS
27 THEY ARE INCONSISTENT WITH THIS ACT.

28 SECTION 6. THE ADDITION OF SECTION 1770.12 OF THE ACT IS A
29 CONTINUATION OF 53 PA.C.S. § 8721. EXCEPT AS OTHERWISE PROVIDED
30 IN SECTION 1770.12 OF THE ACT, ALL ACTIVITIES INITIATED UNDER 53

1 PA.C.S. § 8721 SHALL CONTINUE AND REMAIN IN FULL FORCE AND
2 EFFECT AND MAY BE COMPLETED UNDER SECTION 1770.12 OF THE ACT.
3 ORDERS, REGULATIONS, RULES AND DECISIONS WHICH WERE MADE UNDER
4 53 PA.C.S. § 8721 AND WHICH ARE IN EFFECT ON THE EFFECTIVE DATE
5 OF SECTION 1770.12 OF THE ACT SHALL REMAIN IN FULL FORCE AND
6 EFFECT UNTIL REVOKED, VACATED OR MODIFIED UNDER SECTION 1770.12
7 OF THE ACT. CONTRACTS, OBLIGATIONS AND COLLECTIVE BARGAINING
8 AGREEMENTS ENTERED INTO UNDER 53 PA.C.S. § 8721 ARE NOT AFFECTED
9 BY THE REPEAL OF 53 PA.C.S. § 8721.

10 Section 4 7. This act shall take effect immediately.

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