

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 11, 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24 ~~repealed:~~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 SECTION 1770.2 OF THE ACT IS REPEALED: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 "CABIN." A PERMANENT STRUCTURE WITH BEDS AND RUNNING WATER <--
16 THAT IS LOCATED ON A CAMPGROUND ON STATE LAND OR PRIVATE
17 PROPERTY AND IS AVAILABLE TO PROVIDE OVERNIGHT LODGING FOR
18 CONSIDERATION TO PERSONS SEEKING TEMPORARY ACCOMMODATIONS. THE
19 TERM DOES NOT INCLUDE A YURT OR WALLED TENT.

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

1 OCCUPATION OR OTHER GROUP WHICH INCLUDES A BOARD MEMBER,
2 DIRECTOR, OFFICER OR EMPLOYEE, A MEMBER OF HIS OR HER IMMEDIATE
3 FAMILY OR BUSINESS WITH WHICH HE OR SHE OR A MEMBER OF HIS OR
4 HER IMMEDIATE FAMILY IS ASSOCIATED.

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

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

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

1 ~~that is not a cabin OR ANY PRIVATE CAMPGROUND OR ANY CABINS,~~ <--
2 ~~PUBLIC CAMPGROUNDS OR OTHER FACILITIES LOCATED ON STATE LAND.~~
3 ANY OF THE FOLLOWING: <--
4 (1) A CHARITABLE INSTITUTION.
5 (2) A PORTION OF A FACILITY THAT IS DEVOTED TO PERSONS
6 WHO HAVE AN ESTABLISHED PERMANENT RESIDENCE.
7 (3) A COLLEGE OR UNIVERSITY STUDENT RESIDENCE HALL
8 CURRENTLY OCCUPIED BY STUDENTS ENROLLED IN A DEGREE PROGRAM.
9 (4) AN EDUCATIONAL OR RELIGIOUS INSTITUTION CAMP FOR
10 CHILDREN, INCLUDING A CAMP REGISTERED UNDER THE ACT OF
11 NOVEMBER 10, 1959 (P.L.1400, NO.497), ENTITLED "AN ACT
12 PROVIDING FOR THE ANNUAL REGISTRATION OF ORGANIZED CAMPS FOR
13 CHILDREN, YOUTH AND ADULTS; DEFINING THE DUTIES OF THE
14 DEPARTMENT OF HEALTH OF THE COMMONWEALTH OF PENNSYLVANIA; AND
15 PRESCRIBING PENALTIES."
16 (5) A HOSPITAL.
17 (6) A NURSING HOME.
18 (7) PART OF A CAMPGROUND THAT IS NOT A CABIN.
19 "IMMEDIATE FAMILY." A SPOUSE, PARENT, BROTHER, SISTER OR <--
20 CHILD.
21 "Marketing." An action by a recognized tourism promotion
22 agency that includes, but is not limited to, promoting and
23 encouraging visitors to visit a specific county, counties or
24 geographic region.
25 "Occupancy." The use or possession or the right to the use
26 or possession by any person other than a permanent resident of
27 any room in a hotel for any purpose or the right to the use or
28 possession of the furnishings or to the services accompanying
29 the use and possession of the room.
30 "Operator." Any individual, partnership, nonprofit or

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

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

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

11 "Recognized tourist promotion agency." The nonprofit
12 corporation, organization, association or agency which is
13 engaged in planning and promoting programs designed to stimulate
14 and increase the volume of tourist, visitor and vacation
15 business within a county and certified by the county as of the
16 effective date of this subsection or under section 1770.11.

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

20 "Transaction." The activity involving the obtaining by a
21 transient or patron of the use or occupancy of a hotel room from
22 which consideration emanates to the operator under an expressed
23 or implied contract.

24 "Transient." An individual who obtains accommodation in a
25 hotel by means of registering at the facility for the temporary
26 occupancy of a room for the personal use of the individual by
27 paying a fee to the operator.

28 Section 1770.11. Certification of Recognized Tourist
29 Promotion Agencies.--(a) A county may certify a nonprofit
30 corporation, organization, association or agency to serve as the

1 county's recognized tourist promotion agency. The county may not
2 have more than one recognized tourist promotion agency.

3 (b) (1) A county must certify a recognized tourist
4 promotion agency under subsection (a) by proper resolution of
5 the governing body of the county, concurred in by resolution of
6 the governing bodies of cities, boroughs, towns or townships
7 within the county which have an aggregate of more than fifty per
8 centum of the total population of the county as determined by
9 the most recently completed Federal decennial census.

10 (2) A recognized tourist promotion agency shall operate
11 until that agency has dissolved as an entity, withdrawn its
12 certification or has been decertified by the county under
13 subsection (c).

14 (c) (1) Notwithstanding any other provision of law, a
15 county may decertify a recognized tourist promotion agency by
16 proper resolution of the governing body of a county, concurred
17 in by resolution of the governing bodies of cities, boroughs,
18 towns or townships within the county which have an aggregate of
19 more than sixty-five per centum of the total population of the
20 county as determined by the most recently completed Federal
21 decennial census.

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

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

30 SECTION 1770.12. HOTEL ROOM RENTAL IN SECOND CLASS AND

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1 SECOND CLASS A COUNTIES.--

2 (A) (1) THE COUNTY COMMISSIONERS IN EACH COUNTY OF THE
3 SECOND CLASS ARE AUTHORIZED TO IMPOSE AN EXCISE TAX AT FIVE PER
4 CENTUM ON THE CONSIDERATION RECEIVED BY EACH OPERATOR OF A HOTEL
5 WITHIN THE COUNTY FROM EACH TRANSACTION OF RENTING A ROOM OR
6 ROOMS TO ACCOMMODATE TRANSIENTS.

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

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

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

20 (1) EXCEPT AS SET FORTH IN CLAUSE (4), TWO-FIFTHS OF THE
21 REVENUE RECEIVED BY THE COUNTY FROM THE EXCISE TAX SHALL BE
22 DISTRIBUTED TO A TOURIST PROMOTION AGENCY PURSUANT TO SECTION
23 2199.14 OF THE ACT OF JULY 28, 1953 (P.L.723, NO.230), KNOWN AS
24 THE "SECOND CLASS COUNTY CODE."

25 (2) EXCEPT AS SET FORTH IN CLAUSE (4), ONE-THIRD OF THE TAX
26 COLLECTED BY HOTELS WITHIN A MUNICIPALITY WHERE A CONVENTION
27 CENTER OR EXHIBITION HALL IS LOCATED, LESS THE COST OF
28 COLLECTING THE TAX, SHALL, AT THE REQUEST OF THAT MUNICIPALITY,
29 BE RETURNED TO THAT MUNICIPALITY FOR DEPOSIT IN THAT
30 MUNICIPALITY'S SPECIAL FUND ESTABLISHED SOLELY FOR PURPOSES OF

1 PAYING FOR PROMOTIONAL PROGRAMS IMPLEMENTED BY A NONPROFIT
2 ORGANIZATION WHICH ARE DESIGNED TO STIMULATE AND INCREASE THE
3 VOLUME OF CONVENTIONS AND VISITORS WITHIN THE MUNICIPALITY OR AS
4 PROVIDED IN CLAUSE (5), SUBJECT TO THE FOLLOWING REQUIREMENTS:

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

8 (II) THE MEMBERS OF THE BOARD OF DIRECTORS OR OTHER
9 GOVERNING BODY OF THE NONPROFIT ORGANIZATION UTILIZED BY THE
10 MUNICIPALITY TO PROVIDE THE PROMOTIONAL PROGRAMS SHALL BE
11 APPOINTED BY THE GOVERNING BODY OF THE MUNICIPALITY.

12 (2.1) EXCEPT AS SET FORTH IN CLAUSE (4), A FIVE PER CENTUM
13 FEE SHALL BE PAID TO THE COUNTY FOR COLLECTING THE TAX.

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

20 (4) SUBJECT TO CLAUSE (4.1), IF BONDS ARE ISSUED BY THE
21 PUBLIC AUTHORITY TO PROVIDE PERMANENT FINANCING OR REFINANCING
22 OF THE EXPANSION OF AND CAPITAL IMPROVEMENTS TO THE CONVENTION
23 CENTER OR EXHIBITION HALL, THE REVENUE RECEIVED FROM THE TAX AND
24 DEPOSITED IN THE SPECIAL FUND SHALL NOT BE DISTRIBUTED AS SET
25 FORTH IN CLAUSES (1) THROUGH (3) BUT SHALL BE DISTRIBUTED BY THE
26 COUNTY COMMISSIONERS IN THE ORDER OF PRIORITY AS FOLLOWS:

27 (I) FIRST, TO THE PAYMENT OF ALL AMOUNTS SET FORTH IN CLAUSE
28 (2).

29 (II) SECOND:

30 (A) TO THE TRUSTEE FOR THE BONDS IN ACCORDANCE WITH THE

1 PROVISIONS OF THE INDENTURE PURSUANT TO WHICH THE BONDS ARE
2 ISSUED, TO BE USED FOR THE PAYMENT OF DEBT SERVICE ON THE BONDS;
3 AND

4 (B) TO THE PAYMENT OF ALL AMOUNTS SET FORTH IN CLAUSE (2.1):
5 (I) IN FULL; OR
6 (II) IF THE REVENUES ARE INSUFFICIENT TO MAKE THE PAYMENT IN
7 FULL, PRO RATA.

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

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

11 (4.1) CLAUSE (4) SHALL NOT APPLY TO BONDS ISSUED SUBSEQUENT
12 TO THE PERMANENT FINANCING FOR PURPOSES OF COMPLETION OR
13 SUBSEQUENT EXPANSIONS OR CAPITAL IMPROVEMENTS.

14 (5) IF A CONVENTION CENTER OR EXHIBITION HALL DISCONTINUES
15 OPERATION IN A MUNICIPALITY IN WHICH A CONVENTION CENTER OR
16 EXHIBITION HALL IS LOCATED, THE MUNICIPALITY SHALL CONTINUE TO
17 COLLECT AND RECEIVE THE TAX, WHICH SHALL BE DEPOSITED BY THE
18 MUNICIPALITY AND USED FOR THE PURPOSES AS PROVIDED IN CLAUSE
19 (2).

20 (C) THE TREASURER OF EACH COUNTY OF THE SECOND CLASS A
21 ELECTING TO IMPOSE THE TAX AUTHORIZED UNDER THIS SECTION IS
22 DIRECTED TO COLLECT THE TAX AND TO DEPOSIT THE REVENUE IN A
23 SPECIAL FUND ESTABLISHED SOLELY FOR PURPOSES OF TRAVEL AND
24 TOURISM PROMOTION AND ADVERTISING RELATED TO TRAVEL AND TOURISM
25 PROMOTION. THE TREASURER IS AUTHORIZED TO ESTABLISH RULES AND
26 REGULATIONS CONCERNING THE COLLECTION OF THE TAX.

27 (D) (1) IN COUNTIES OF THE SECOND CLASS, EXPENDITURES FROM
28 THE FUND ESTABLISHED UNDER SUBSECTION (B) SHALL BE USED FOR ALL
29 PURPOSES WHICH A PUBLIC AUTHORITY MAY DETERMINE TO BE REASONABLY
30 NECESSARY TO THE SUPPORT, OPERATION AND MAINTENANCE OF A

1 CONVENTION CENTER OR EXHIBITION HALL, INCLUDING THE FOLLOWING:

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

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

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

10 (IV) PRECOMPLETION ADVERTISING AND PUBLICIZING OF ANY
11 CONVENTION CENTER OR EXHIBITION HALL.

12 (V) PROMOTING AND ATTRACTING CONVENTIONS, EXHIBITIONS AND
13 OTHER FUNCTIONS TO UTILIZE THE CONVENTION CENTER OR EXHIBITION
14 HALL.

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

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

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

20 (2) IT IS THE INTENTION OF THIS SUBSECTION THAT THE RECEIPTS
21 FROM ANY TAX IMPOSED UNDER THIS SECTION AFTER PAYMENT OF THE
22 DISTRIBUTIONS UNDER SUBSECTION (B) (1), (2), (2.1), (3) AND (4)
23 BE USED IN THE COUNTY TO OFFSET THE ENTIRE OPERATING DEFICIT, IF
24 ANY, OF ANY CONVENTION CENTER OR EXHIBITION HALL INCLUDING
25 EQUALLY, SHARES OF ANY COOPERATING POLITICAL SUBDIVISION OR
26 AGENCY OF GOVERNMENT INCURRED PURSUANT TO ANY AGREEMENT. THE
27 OPERATING DEFICIT SHALL BE DETERMINED BY THE PUBLIC AUTHORITY
28 WHICH IS THE DESIGNATED OPERATING AGENCY OF THE CONVENTION
29 CENTER OR EXHIBITION HALL.

30 (E) (1) IN COUNTIES OF THE SECOND CLASS A, EXPENDITURES FROM

1 THE FUND ESTABLISHED UNDER SUBSECTION (C) SHALL BE ANNUALLY
2 APPROPRIATED BY THE COUNTY COMMISSIONERS FOR TOURIST PROMOTION
3 ACTIVITIES, TO BE EXECUTED BY THE RECOGNIZED TOURIST PROMOTION
4 AGENCY FOR THE FOLLOWING:

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

7 (II) MARKETING THE AREA SERVED BY THE RECOGNIZED TOURIST
8 PROMOTION AGENCY AS A CONVENTION, BUSINESS OR MEETING TRAVEL
9 DESTINATION.

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

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

18 (V) PROGRAMS, EXPENDITURES OR GRANTS THAT DIRECTLY AND
19 SUBSTANTIALLY RELATE TO TOURISM OR A BUSINESS, CONVENTION OR
20 MEETING TRAVEL DESTINATION WITHIN A COUNTY OF THE SECOND CLASS
21 A, THAT AUGMENT AND DO NOT COMPETE WITH PRIVATE SECTOR TOURISM
22 OR TRAVEL EFFORTS AND THAT IMPROVE AND EXPAND A COUNTY OF THE
23 SECOND CLASS A AS A DESTINATION MARKET AS DEEMED NECESSARY BY
24 THE RECOGNIZED TOURIST PROMOTION AGENCY. THE FOLLOWING SHALL
25 APPLY TO GRANTS AWARDED UNDER THIS SUBCLAUSE:

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

28 (B) GRANTS MAY NOT BE USED FOR SIGNAGE THAT PROMOTES A
29 SPECIFIC PRIVATE ENTITY ON THE SITUS OF THE ENTITY, EXCEPT WHERE
30 THE SIGNAGE CARRIES THE LOGO OF A RECOGNIZED TOURIST PROMOTION

1 AGENCY.

2 (VI) ANY OTHER TOURISM OR TRAVEL MARKETING OR PROMOTION
3 PROGRAM, EXPENDITURE OR PROJECT THAT DOES NOT COMPETE WITH
4 PRIVATE SECTOR TOURISM OR TRAVEL EFFORTS AS DEEMED NECESSARY BY <--
5 THE RECOGNIZED TOURIST PROMOTION AGENCY.

6 (2) FOR THE PURPOSES OF DEFRAYING THE COSTS ASSOCIATED WITH
7 THE COLLECTION OF THE TAX IMPOSED UNDER THIS SECTION AND
8 OTHERWISE PERFORMING THEIR OBLIGATIONS UNDER THIS SECTION, THE
9 COUNTY COMMISSIONERS OF A COUNTY OF THE SECOND CLASS A MAY
10 DEDUCT AND RETAIN AN ADMINISTRATIVE FEE FROM THE TAXES COLLECTED
11 UNDER THIS SECTION. THE ADMINISTRATIVE FEE SHALL BE ESTABLISHED
12 BY THE COUNTY OF THE SECOND CLASS A AND SHALL NOT EXCEED FOUR
13 PER CENTUM OF THE TAXES COLLECTED IN ANY TAXABLE YEAR.

14 (3) AS DETERMINED BY A COUNTY OF THE SECOND CLASS A IN
15 CONSULTATION WITH THE RECOGNIZED TOURIST PROMOTION AGENCY, AN
16 AUDITED REPORT OR FINANCIAL STATEMENT OF THE INCOME AND
17 EXPENDITURES INCURRED BY A RECOGNIZED TOURIST PROMOTION AGENCY
18 RECEIVING REVENUE FROM THE TAX AUTHORIZED UNDER THIS SECTION
19 SHALL BE SUBMITTED ANNUALLY BY THE RECOGNIZED TOURIST PROMOTION
20 AGENCY TO THE COUNTY COMMISSIONERS.

21 (4) A PENALTY OF ONE AND ONE-HALF PER CENTUM PER MONTH SHALL
22 BE IMPOSED UPON THE OPERATOR OF A HOTEL IN A COUNTY OF THE
23 SECOND CLASS A FOR FAILURE TO TIMELY COLLECT AND REMIT THE TAX
24 AUTHORIZED BY THIS SECTION. IN ADDITION TO OTHER REMEDIES
25 AVAILABLE FOR COLLECTION OF DEBTS, A COUNTY OF THE SECOND CLASS
26 A MAY FILE A LIEN UPON THE HOTEL IN THE NAME OF THE COUNTY AND
27 FOR THE USE OF THE COUNTY AS PROVIDED BY LAW.

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

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

6 (II) AT THE DISCRETION OF THE COOPERATING POLITICAL
7 SUBDIVISIONS AND THE PUBLIC AUTHORITY, ANY REVENUE MAY BE USED
8 TO:

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

15 (B) EFFECT NECESSARY EXPANSION OR FURTHER CAPITAL
16 IMPROVEMENTS.

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

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

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

27 "CABIN." A PERMANENT STRUCTURE WITH BEDS AND RUNNING WATER <--
28 THAT IS LOCATED ON A CAMPGROUND ON STATE LAND OR PRIVATE
29 PROPERTY AND IS AVAILABLE TO PROVIDE OVERNIGHT LODGING FOR
30 CONSIDERATION TO PERSONS SEEKING TEMPORARY ACCOMMODATIONS. THE

1 TERM DOES NOT INCLUDE A YURT OR WALLED TENT.

2 "CONSIDERATION." RECEIPTS, FEES, CHARGES, RENTALS, LEASES,
3 CASH, CREDITS, PROPERTY OR OTHER PAYMENT RECEIVED BY OPERATORS
4 IN EXCHANGE FOR OR IN CONSIDERATION OF THE USE OR OCCUPANCY BY A
5 TRANSIENT OF A ROOM IN A HOTEL FOR A TEMPORARY PERIOD.

6 "CONVENTION CENTER OR EXHIBITION HALL." A BUILDING OR SERIES
7 OF BUILDINGS:

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

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

12 (3) A MAJOR FUNCTION OF WHICH IS TO HOUSE MEETINGS,
13 EXHIBITIONS, SHOWS, CONVENTIONS, ASSEMBLIES, CONVOCATIONS AND
14 SIMILAR GATHERINGS. THE TERM INCLUDES LAND APPURTENANT TO THE
15 BUILDING OR BUILDINGS.

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

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

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

22 "HOTEL." A HOTEL, MOTEL, INN, GUESTHOUSE, ROOMING HOUSE, BED
23 AND BREAKFAST, HOMESTEAD OR OTHER STRUCTURE WHICH HOLDS ITSELF
24 OUT BY ANY MEANS, INCLUDING ADVERTISING, LICENSE, REGISTRATION
25 WITH AN INNKEEPERS' GROUP, CONVENTION LISTING ASSOCIATION,
26 TRAVEL PUBLICATION OR SIMILAR ASSOCIATION OR WITH A GOVERNMENT
27 AGENCY, AS BEING AVAILABLE TO PROVIDE OVERNIGHT LODGING FOR
28 CONSIDERATION TO PERSONS SEEKING TEMPORARY ACCOMMODATION; ANY
29 PLACE WHICH ADVERTISES TO THE PUBLIC AT LARGE OR ANY SEGMENT
30 THEREOF THAT IT WILL PROVIDE BEDS, SANITARY FACILITIES OR OTHER

1 SPACE FOR A TEMPORARY PERIOD TO MEMBERS OF THE PUBLIC AT LARGE;
2 ANY PLACE RECOGNIZED AS A HOSTELRY; OR ANY CABIN. THE TERM DOES <--
3 NOT INCLUDE ANY CHARITABLE INSTITUTION, OR PORTION OF A FACILITY <--
4 THAT IS DEVOTED TO PERSONS WHO HAVE AN ESTABLISHED PERMANENT
5 RESIDENCE OR A COLLEGE OR UNIVERSITY STUDENT RESIDENCE HALL
6 CURRENTLY OCCUPIED BY STUDENTS ENROLLED IN A DEGREE PROGRAM, AN
7 EDUCATIONAL OR RELIGIOUS INSTITUTION CAMP FOR CHILDREN, HOSPITAL
8 OR, NURSING HOME OR ANY PRIVATE CAMPGROUND OR ANY CABINS, PUBLIC <--
9 CAMPGROUNDS OR OTHER FACILITIES LOCATED ON STATE LAND. ANY OF <--
10 THE FOLLOWING:

11 (1) A CHARITABLE INSTITUTION.

12 (2) A PORTION OF A FACILITY THAT IS DEVOTED TO PERSONS
13 WHO HAVE AN ESTABLISHED PERMANENT RESIDENCE.

14 (3) A COLLEGE OR UNIVERSITY STUDENT RESIDENCE HALL
15 CURRENTLY OCCUPIED BY STUDENTS ENROLLED IN A DEGREE PROGRAM.

16 (4) AN EDUCATIONAL OR RELIGIOUS INSTITUTION CAMP FOR
17 CHILDREN, INCLUDING A CAMP REGISTERED UNDER THE ACT OF
18 NOVEMBER 10, 1959 (P.L.1400, NO.497), ENTITLED "AN ACT
19 PROVIDING FOR THE ANNUAL REGISTRATION OF ORGANIZED CAMPS FOR
20 CHILDREN, YOUTH AND ADULTS; DEFINING THE DUTIES OF THE
21 DEPARTMENT OF HEALTH OF THE COMMONWEALTH OF PENNSYLVANIA; AND
22 PRESCRIBING PENALTIES."

23 (5) A HOSPITAL.

24 (6) A NURSING HOME.

25 (7) PART OF A CAMPGROUND THAT IS NOT A CABIN.

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

29 "OCCUPANCY." THE USE OR POSSESSION OR THE RIGHT TO THE USE
30 OR POSSESSION BY ANY PERSON OTHER THAN A PERMANENT RESIDENT OF A

1 ROOM IN A HOTEL FOR ANY PURPOSE OR THE RIGHT TO THE USE OR
2 POSSESSION OF THE FURNISHINGS OR TO THE SERVICES ACCOMPANYING
3 THE USE AND POSSESSION OF THE ROOM.

4 "OPERATING DEFICIT." THE EXCESS OF EXPENSES OVER RECEIPTS
5 FROM THE OPERATION AND MANAGEMENT OF A CONVENTION CENTER OR
6 EXHIBITION HALL.

7 "OPERATOR." ANY INDIVIDUAL, PARTNERSHIP, NONPROFIT OR
8 PROFIT-MAKING ASSOCIATION OR CORPORATION OR OTHER PERSON OR
9 GROUP OF PERSONS THAT MAINTAIN, OPERATE, MANAGE, OWN, HAVE
10 CUSTODY OF OR OTHERWISE POSSESS THE RIGHT TO RENT OR LEASE
11 OVERNIGHT ACCOMMODATIONS IN A HOTEL TO THE PUBLIC FOR
12 CONSIDERATION.

13 "PATRON." A PERSON THAT PAYS THE CONSIDERATION FOR THE
14 OCCUPANCY OF A ROOM IN A HOTEL.

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

18 "RECOGNIZED TOURIST PROMOTION AGENCY." THE NONPROFIT
19 CORPORATION, ORGANIZATION, ASSOCIATION OR AGENCY WHICH IS
20 ENGAGED IN PLANNING AND PROMOTING PROGRAMS DESIGNED TO STIMULATE
21 AND INCREASE THE VOLUME OF TOURIST, VISITOR AND VACATION
22 BUSINESS WITHIN A COUNTY AND CERTIFIED BY THE COUNTY PURSUANT TO
23 THE ACT OF JULY 4, 2008 (P.L.621, NO.50), KNOWN AS THE "TOURISM
24 PROMOTION ACT."

25 "REGIONAL TOURIST PROMOTION ACTIVITIES." SERVICES,
26 ACTIVITIES, FACILITIES AND EVENTS, WHICH RESULT IN A SIGNIFICANT
27 NUMBER OF NONRESIDENTS VISITING A COUNTY OF THE SECOND CLASS FOR
28 RECREATIONAL, CULTURAL OR EDUCATIONAL PURPOSES.

29 "ROOM." A SPACE IN A HOTEL SET ASIDE FOR USE AND OCCUPANCY
30 BY PATRONS, OR OTHERWISE, FOR CONSIDERATION, HAVING AT LEAST ONE

1 BED OR OTHER SLEEPING ACCOMMODATION.

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

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

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

10 "TEMPORARY." A PERIOD OF TIME NOT EXCEEDING THIRTY
11 CONSECUTIVE DAYS.

12 "TRANSACTION." THE ACTIVITY INVOLVING THE OBTAINING BY A
13 TRANSIENT OR PATRON OF THE USE OR OCCUPANCY OF A HOTEL ROOM FROM
14 WHICH CONSIDERATION EMANATES TO THE OPERATOR UNDER AN EXPRESS OR
15 AN IMPLIED CONTRACT.

16 "TRANSIENT." AN INDIVIDUAL WHO OBTAINS ACCOMMODATION IN ANY
17 HOTEL FOR HIMSELF BY MEANS OF REGISTERING AT THE FACILITY FOR
18 THE TEMPORARY OCCUPANCY OF ANY ROOM FOR THE PERSONAL USE OF THAT
19 INDIVIDUAL BY PAYING TO THE OPERATOR OF THE FACILITY A FEE IN
20 CONSIDERATION FOR THE ACCOMMODATION.

21 Section 3 4. Nothing in this act shall be construed to <--
22 require a county that has imposed a tax under the former section
23 1770.2 or 1770.6 of the act to enact a new ordinance to impose
24 the tax under section 1770.10 of the act if all of the following
25 apply:

26 (1) The tax rate in the ordinance imposing the tax under
27 the former section 1770.2 or 1770.6 of the act has not
28 changed.

29 (2) The ordinance imposing the tax under the former
30 section 1770.2 or 1770.6 of the act is otherwise consistent

1 with section 1770.10 of the act.

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

3 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
4 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF
5 SECTION 1770.12 OF THE ACT.

6 (2) SECTION 8721 OF TITLE 53 OF THE PENNSYLVANIA
7 CONSOLIDATED STATUTES IS REPEALED.

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

10 SECTION 6. THE ADDITION OF SECTION 1770.12 OF THE ACT IS A
11 CONTINUATION OF 53 PA.C.S. § 8721. EXCEPT AS OTHERWISE PROVIDED
12 IN SECTION 1770.12 OF THE ACT, ALL ACTIVITIES INITIATED UNDER 53
13 PA.C.S. § 8721 SHALL CONTINUE AND REMAIN IN FULL FORCE AND
14 EFFECT AND MAY BE COMPLETED UNDER SECTION 1770.12 OF THE ACT.
15 ORDERS, REGULATIONS, RULES AND DECISIONS WHICH WERE MADE UNDER
16 53 PA.C.S. § 8721 AND WHICH ARE IN EFFECT ON THE EFFECTIVE DATE
17 OF SECTION 1770.12 OF THE ACT SHALL REMAIN IN FULL FORCE AND
18 EFFECT UNTIL REVOKED, VACATED OR MODIFIED UNDER SECTION 1770.12
19 OF THE ACT. CONTRACTS, OBLIGATIONS AND COLLECTIVE BARGAINING
20 AGREEMENTS ENTERED INTO UNDER 53 PA.C.S. § 8721 ARE NOT AFFECTED
21 BY THE REPEAL OF 53 PA.C.S. § 8721.

22 Section ~~4~~ 7. This act shall take effect immediately. <--