

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 787 Session of 2019

INTRODUCED BY HEFFLEY, MOUL, JAMES, BARRAR, MILLARD, STRUZZI, B. MILLER, MASSER, NEILSON, RADER, GREINER, LONGIETTI, GLEIM, JOZWIAK, CIRESI, WHEELAND, INNAMORATO AND JOHNSON-HARRELL, MARCH 12, 2019

AS REPORTED FROM COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 14, 2019

AN ACT

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

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

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

8 CHAPTER 14

9 HOSTING PLATFORMS

10 Sec.

11 1401. Definitions.

12 1402. Registration.

13 1403. Record sharing.

14 1404. Open records.

15 § 1401. Definitions.

16 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

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

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

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

18 (1) A HOTEL OR HOTEL CORPORATION THAT FACILITATES THE  
19 BOOKING OF lodging reservations solely for the hotel or the  
20 hotel corporation's owned or managed hotels and franchisees; <--  
21 OR

22 (2) A LICENSEE LICENSED UNDER THE ACT OF FEBRUARY 19,  
23 1980 (P.L.15, NO.9), KNOWN AS THE REAL ESTATE LICENSING AND  
24 REGISTRATION ACT.

25 "Hotel." The term shall have the same meaning as provided in  
26 section 209 of the act of March 4, 1971 (P.L.6, No.2), known as  
27 the Tax Reform Code of 1971.

28 "Hotel occupancy tax." The tax imposed under section 210 of  
29 the Tax Reform Code of 1971.

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

1 of a room or rooms in a hotel or residential unit.

2 "Residential unit." A single-family residence or an  
3 individual residential unit within a larger building, including  
4 an apartment, condominium, townhouse or duplex.

5 "Transient lodging." A period not exceeding 30 consecutive  
6 days.

7 § 1402. Registration.

8 (a) Registration.--A hosting platform shall register with  
9 the department.

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

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

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

19 (2) The address of the hotel or the residential unit of  
20 the host.

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

23 (d) Updated list.--A hosting platform shall, on a quarterly  
24 basis, provide the department with the most current update of  
25 the list required under subsection (c) on a date and form  
26 prescribed by the department.

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

30 (1) A penalty of \$1,000 per listing for a failure to

1 register within 60 days of the effective date of this section  
2 or the initial supply of booking services to hosts or hotels  
3 in this Commonwealth.

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

8 § 1403. Record sharing.

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

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

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

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

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

24 § 1404. Open records.

25 (a) Public records.--Notwithstanding the provisions of  
26 subsection (b), information required under sections 1402  
27 (relating to registration) and 1403 (relating to record sharing)  
28 shall be considered a public record under the act of February  
29 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

30 (b) Addresses.--The addresses required to be listed under

1 section 1402(c) (2) and (3), or shared with county treasurers  
2 under section 1403, may not be considered a public record under  
3 the Right-to-Know Law.

4 Section 2. This act shall take effect in 180 days.