
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 AND WHEELAND, MARCH 12, 2019

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,
MARCH 12, 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
17 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

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

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

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

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

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

24 "Patron." A person who pays consideration for the occupancy
25 of a room or rooms in a hotel or residential unit.

26 "Residential unit." A single-family residence or an
27 individual residential unit within a larger building, including
28 an apartment, condominium, townhouse or duplex.

29 "Transient lodging." A period not exceeding 30 consecutive
30 days.

1 § 1402. Registration.

2 (a) Registration.--A hosting platform shall register with
3 the department.

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

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

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

13 (2) The address of the hotel or the residential unit of
14 the host.

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

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

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

24 (1) A penalty of \$1,000 per listing for a failure to
25 register within 60 days of the effective date of this section
26 or the initial supply of booking services to hosts or hotels
27 in this Commonwealth.

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

1 (d).

2 § 1403. Record sharing.

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

5 (1) A list of hosting platforms conducting business in
6 the county registered under section 1402(a) (relating to
7 registration).

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

10 (3) All updates required under section 1402(d) for each
11 registered hosting platform conducting business in the county
12 within 30 days of the department's receipt of the
13 information.

14 (b) County records.--The treasurer of each county shall,
15 upon request by a political subdivision, provide requested
16 records under subsection (a) that are in the treasurer's
17 possession.

18 § 1404. Open records.

19 (a) Public records.--Notwithstanding the provisions of
20 subsection (b), information required under sections 1402
21 (relating to registration) and 1403 (relating to record sharing)
22 shall be considered a public record under the act of February
23 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

24 (b) Addresses.--The addresses required to be listed under
25 section 1402(c) (2) and (3), or shared with county treasurers
26 under section 1403, may not be considered a public record under
27 the Right-to-Know Law.

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