

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1190 Session of 2015

INTRODUCED BY FARNESE, FONTANA, COSTA, SCHWANK, STEFANO AND HUGHES, APRIL 20, 2016

REFERRED TO FINANCE, APRIL 20, 2016

AN ACT

1 Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An
 2 act relating to tax reform and State taxation by codifying
 3 and enumerating certain subjects of taxation and imposing
 4 taxes thereon; providing procedures for the payment,
 5 collection, administration and enforcement thereof; providing
 6 for tax credits in certain cases; conferring powers and
 7 imposing duties upon the Department of Revenue, certain
 8 employers, fiduciaries, individuals, persons, corporations
 9 and other entities; prescribing crimes, offenses and
 10 penalties," in hotel occupancy tax, further providing for
 11 definitions and for imposition of tax.

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

14 Section 1. Section 209 of the act of March 4, 1971 (P.L.6,
 15 No.2), known as the Tax Reform Code of 1971, amended May 2, 1974
 16 (P.L.269, No.75), is amended to read:

17 Section 209. Definitions.--(a) For the purposes of this
 18 part V only, the following words, terms and phrases shall have
 19 the meaning ascribed to them in this subsection, except where
 20 the context clearly indicates a different meaning:

21 (1) "Hotel." A building or buildings in which the public
 22 may, for a consideration, obtain sleeping accommodations. The

1 term "hotel" includes a building or dwelling unit that is
2 ordinarily used for household living to the extent it is
3 temporarily rented for occupancy. The term "hotel" shall not
4 include any charitable, educational or religious institution
5 summer camp for children, hospital or nursing home.

6 (1.1) "Booking agent." A person or entity that facilitates
7 reservations or collects payment for hotel accommodations on
8 behalf of or for an operator. The term "booking agent" shall not
9 include a person who merely publishes an advertisement for
10 accommodations.

11 (2) "Occupant." A person (other than a "permanent resident,"
12 as defined herein,) who, for a consideration, uses, possesses or
13 has a right to use or possess any room or rooms in a hotel under
14 any lease, concession, permit, right of access, license or
15 agreement.

16 (3) "Occupancy." The use or possession or the right to the
17 use or possession by any person (other than a "permanent
18 resident,") of any room or rooms in a hotel for any purpose or
19 the right to the use or possession of the furnishings or to the
20 services and accommodations accompanying the use and possession
21 of the room or rooms.

22 (4) "Operator." Any person operating a hotel or a booking
23 agent.

24 (5) "Permanent resident." Any occupant who has occupied or
25 has the right to occupancy of any room or rooms in a hotel for
26 at least thirty consecutive days.

27 (6) "Rent." The consideration received for occupancy valued
28 in money, whether received in money or otherwise, including all
29 receipts, cash, credits and property or services of any kind or
30 nature, and also any amount for which the occupant is liable for

1 the occupancy without any deduction therefrom whatsoever, including any amount charged by a booking agent. The term "rent"
2 shall not include a gratuity.

4 (b) The following words, terms and phrases and words, terms
5 and phrases of similar import, when used in parts IV and VI of
6 this article for the purposes of those parts only, shall, in
7 addition to the meaning ascribed to them by section 201 of this
8 article, have the meaning ascribed to them in this subsection,
9 except where the context clearly indicates a different meaning:

10 (1) "Maintaining a place of business in this Commonwealth,"
11 being the operator of a hotel in this Commonwealth.

12 (2) "Purchase at retail," occupancy.

13 (3) "Purchase price," rent.

14 (4) "Purchaser," occupant.

15 (5) "Sale at retail," the providing of occupancy to an
16 occupant by an operator.

17 (6) "Tangible personal property," occupancy.

18 (7) "Vendor," operator.

19 (8) "Services," occupancy.

20 (9) "Use," occupancy.

21 Section 2. Section 210 of the act is amended to read:

22 Section 210. Imposition of Tax.--There is hereby imposed an
23 excise tax of six per cent of the rent upon every occupancy of a
24 room or rooms in a hotel in this Commonwealth, which tax shall
25 be collected by the operator from the occupant and paid over to
26 the Commonwealth as herein provided. A booking agent, acting for
27 an operator, shall collect and remit the tax.

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