

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1810 Session of 2017

INTRODUCED BY HEFFLEY, GREINER, CHARLTON, MILLARD, WHEELAND, PHILLIPS-HILL, READSHAW, B. MILLER, DeLUCA, RADER, SOLOMON, STURLA AND NESBIT, OCTOBER 18, 2017

AS REPORTED FROM COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 24, 2018

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 "Entity." Includes a person, agent, broker, real estate <--  
4 company, rental listing agency or property management company.

5 "Host." A person who, by any means, including listing with a

6 hosting platform, advertising, license, registration with an

7 innkeepers' group, convention listing association, travel

8 publication or similar association or with a government agency,

9 offers a residential unit as being available to provide <--

10 overnight lodging for consideration to persons A PERSON seeking <--

11 temporary accommodation TRANSIENT LODGING. <--

12 "Hosting platform." A publicly accessible Internet website

13 or online platform owned by an operator on which, IN EXCHANGE <--

14 for a fee or other charge, an owner or lessee of a residential

15 unit or hotel OR A ROOM OR SPACE IN A RESIDENTIAL UNIT OR HOTEL <--

16 may advertise AND CONDUCT A TRANSACTION FOR the rental of the <--

17 residential unit or hotel for the purposes of transient lodging

18 and conduct a transaction by which the owner or lessee rents the <--

19 residential unit or hotel or a room or space within the

20 residential unit or hotel for the purposes of transient lodging.

21 THE TERM SHALL NOT INCLUDE A PUBLICLY ACCESSIBLE INTERNET <--

22 WEBSITE OPERATED BY OR ON BEHALF OF A HOTEL OR HOTEL CORPORATION

23 THAT FACILITATES THE BOOKING OF LODGING RESERVATIONS SOLELY FOR

24 THE HOTEL OR THE HOTEL CORPORATION'S OWNED OR MANAGED HOTELS AND

25 FRANCHISEES.

26 "Hotel."

27 (1) The term includes:

28 (i) A hotel, motel, inn, guesthouse, rooming house,

29 bed and breakfast, homestead or other structure which <--

30 THAT is advertised, licensed, OR registered with an <--

1 innkeepers' group, convention listing association, travel  
2 publication or similar association or with a government  
3 agency ~~or similar means~~, as being available to provide <--  
4 overnight lodging IN EXCHANGE for consideration to <--  
5 persons A PERSON seeking temporary accommodation <--  
6 TRANSIENT LODGING. <--

7 (ii) A place ~~which~~ THAT is advertised to the public <--  
8 at large, or a segment of the public at large, that the <--  
9 place will provide, AS HAVING beds, sanitary facilities <--  
10 or other space for a temporary period to members of the  
11 public at large. <--

12 (iii) A place recognized as a hostelry or a cabin.

13 (2) The term ~~does~~ SHALL not include any of the <--  
14 following:

15 (i) A charitable institution.

16 (ii) A portion of a facility that is devoted to  
17 persons who have A PERSON WHO HAS an established <--  
18 permanent residence.

19 (iii) A college or university ~~student~~ residence hall <--  
20 currently occupied by students enrolled in a degree  
21 program.

22 (iv) An educational or religious institution camp  
23 for children, including a camp registered under the act  
24 of November 10, 1959 (P.L.1400, No.497), entitled "An act  
25 providing for the annual registration of organized camps  
26 for children, youth and adults; defining the duties of  
27 the Department of Health of the Commonwealth of  
28 Pennsylvania; and prescribing penalties."

29 (v) A hospital.

30 (vi) A nursing home.

1            (vii) Part A PORTION of a campground that is not a <--  
2            cabin.

3            "Operator of a hosting platform." A person who owns or <--  
4 operates a hosting platform.

5            "HOTEL OCCUPANCY TAX." THE TAX IMPOSED UNDER SECTION 210 OF <--  
6 THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM  
7 CODE OF 1971.

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

10           "Residential unit." A single-family residence or an  
11 individual residential unit within a larger building, including  
12 an apartment, condominium, townhouse or duplex.

13           "Temporary accommodation." "TRANSIENT LODGING." A period not <--  
14 exceeding 30 CONSECUTIVE days. <--  
15 § 1402. Registration.

16           (a) Registration.--A hosting platform shall register with  
17 the department for the collection, reporting and payment of the <--  
18 hotel occupancy tax under sections 209, 210 and 211 of the act  
19 of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of  
20 1971.

21           (b) Not to facilitate booking in this Commonwealth BOOKING <--  
22 PROHIBITED PRIOR TO REGISTRATION.--A hosting platform may not  
23 facilitate the booking of lodging reservations with a host or  
24 hotel located within IN this Commonwealth until the hosting <--  
25 platform is registered with the department.

26           (c) List of hosts and hotels.--Registration under subsection  
27 (a) shall include a list of hosts and hotels doing CONDUCTING <--  
28 business with the hosting platform that are required to collect  
29 the hotel occupancy tax from patrons. The list shall include:

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

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

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

5       (d) Updated list.--A hosting platform shall, on a quarterly  
6 basis beginning 90 days after the hosting platform has initially  
7 registered under this ~~chapter~~ SECTION and on a form the <--  
8 department shall prescribe, provide the department with the most  
9 current update of the list required under subsection (c).

10       (e) Penalties.--~~The operator of a~~ A hosting platform that is <--  
11 required to register and provide an updated list of hosts and  
12 hotels under this ~~act is~~ SECTION SHALL BE subject to the <--  
13 following civil penalties:

14           (1) A penalty of \$1,000 per listing for the period the <--  
15 hosting platform is not registered for a failure to register  
16 within 60 days of the ~~enactment of this chapter~~ EFFECTIVE <--  
17 DATE OF THIS SECTION or the ~~beginning of providing~~ INITIAL <--  
18 SUPPLY OF booking services to hosts or hotels ~~within~~ IN this <--  
19 Commonwealth.

20           (2) A penalty of \$1,000 per listing for the period the <--  
21 list is not updated for a failure to update a THE list of <--  
22 hosts and hotels doing business with a hosting platform UNDER <--  
23 SUBSECTION (D) AND TO CORRECT THE FAILURE within 30 days of  
24 the date required under subsection (d).

25 § 1403. Record sharing.

26       (a) Department records.--The department shall provide the  
27 following information under ~~section 1402 (relating to~~ <--  
28 registration) to the treasurer of each county:

29           (1) ~~The~~ A LIST OF hosting platforms CONDUCTING BUSINESS <--  
30 IN THE COUNTY registered under ~~this chapter~~ SECTION 1402(A) <--

1 (RELATING TO REGISTRATION).

2 (2) ~~Each registered hosting platform's~~ A list of hosts <--  
3 and hotels located in the county CONDUCTING BUSINESS WITH A <--  
4 REGISTERED HOSTING PLATFORM.

5 (3) All updates required under section 1402(d) ~~of hosts~~ <--  
6 ~~and hotels~~ FOR EACH REGISTERED HOSTING PLATFORM CONDUCTING <--  
7 BUSINESS in the county within 30 days of the department's  
8 receipt of the information.

9 (b) County records.--The treasurer of each county shall, <--  
10 UPON REQUEST BY A POLITICAL SUBDIVISION, provide requested  
11 records under subsection (a) THAT ARE in the treasurer's <--  
12 possession to ~~any political subdivision in the county.~~ <--

13 § 1404. Open records.

14 (a) Public records.--Notwithstanding the provisions of  
15 subsection (b), information required under sections 1402  
16 (relating to registration) and 1403 (relating to record sharing)  
17 shall be considered a public record under the act of February  
18 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

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

23 Section 2. This act shall take effect in 60 days.