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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 976 Session of  
2021

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INTRODUCED BY HEFFLEY, MILLARD, N. NELSON, R. BROWN, WHEELAND  
AND CIRESI, MARCH 19, 2021

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REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,  
MARCH 19, 2021

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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  
18 context clearly indicates otherwise:

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

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

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

16 (1) a hotel or hotel corporation that facilitates the  
17 booking of lodging reservations solely for the hotel or the  
18 hotel corporation's owned or managed hotels and franchisees;  
19 or

20 (2) a licensee licensed under the act of February 19,  
21 1980 (P.L.15, No.9), known as the Real Estate Licensing and  
22 Registration Act.

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

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

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

30 "Residential unit." A single-family residence or an

1 individual residential unit within a larger building, including  
2 an apartment, condominium, townhouse or duplex.

3 "Transient lodging." A period not exceeding 30 consecutive  
4 days.

5 § 1402. Registration.

6 (a) Registration.--A hosting platform shall register with  
7 the department.

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

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

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

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

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

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

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

28 (1) A penalty of \$1,000 per listing for a failure to  
29 register within 60 days of the effective date of this section  
30 or the initial supply of booking services to hosts or hotels

1 in this Commonwealth.

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

6 § 1403. Record sharing.

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

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

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

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

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

22 § 1404. Open records.

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

28 (b) Addresses.--The addresses required to be listed under  
29 section 1402(c) (2) and (3), or shared with county treasurers  
30 under section 1403, may not be considered a public record under

1 the Right-to-Know Law.

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