
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2120 Session of
2021

INTRODUCED BY T. DAVIS, McNEILL, HILL-EVANS, A. DAVIS, HANBIDGE,
JONES, FREEMAN, GALLOWAY, SANCHEZ, CIRESI, LEE, WARREN,
SCHWEYER, NEILSON, GILLEN, DAY, BOBACK, HENNESSEY AND OTTEN,
DECEMBER 1, 2021

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 1, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in miscellaneous offenses, providing
3 for the offense of unlawful use of recording devices in
4 residential units used for transient lodging.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 79

10 RECORDING DEVICES IN RESIDENTIAL

11 UNITS USED FOR TRANSIENT LODGING

12 Sec.

13 7901. Definitions.

14 7902. Unlawful use of recording devices in residential units
15 used for transient lodging.

16 § 7901. Definitions.

17 The following words and phrases when used in this chapter

18 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Audio or visual recording device." A device which
3 photographs, videotapes, electronically depicts, films or
4 otherwise records images and or sounds.

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

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

21 § 7902. Unlawful use of recording devices in residential units
22 used for transient lodging.

23 (a) Offense defined.--A person commits the offense of
24 unlawful use of a recording device in a residential unit used
25 for transient lodging if the person audially or visually
26 photographs, videotapes, electronically depicts, films or
27 otherwise records another person using an audio or visual
28 recording device which is not located in plain sight without
29 disclosure and consent by the person under this subsection. The
30 following shall apply:

1 (1) A host shall disclose the use and location of any
2 audio or visual recording device located in a residential
3 unit used for the purpose of transient lodging.

4 (2) Disclosure of audio or visual recording devices
5 shall be provided in the residential unit's listing on the
6 hosting platform and displayed in a visible location within
7 the residential unit.

8 (3) A person shall be considered to provide consent to
9 be recorded at the host's residential unit, by agreeing to
10 terms of occupying the residential unit if disclosure
11 requirements under this section have been fulfilled.

12 (b) Penalty.--A person who violates subsection (a) commits a
13 felony of the third degree.

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