

No. 2000-28

AN ACT

SB 497

Providing for a hotel room rental tax in certain third class counties.

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

Section 1. Short title.

This act shall be known and may be cited as the Hotel Room Rental Tax Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“County.” Any county which is, on the effective date of this act, a county of the third class having a population under the 1990 Federal Decennial Census in excess of 290,000 residents but less than 295,000 residents or a county of the third class having a population under the 1990 Federal Decennial Census in excess of 245,000 residents but less than 250,000 residents.

“Consideration.” Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for a temporary period.

“Hotel.” A hotel, motel, inn, guest house or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers’ group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; or any place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall or any private campground or any cabins, public campgrounds or other facilities located on State land.

“Joint planning commissions.” A commission established by ordinance or membership of two or more municipalities to encourage planning for future development and to coordinate planning with neighboring municipalities, counties and other government agencies in accordance with Article XI of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code.

“Operator.” Any individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a building to the public for consideration.

“Patron.” Any person who pays the consideration for the occupancy of a room or rooms in a hotel.

“Permanent resident.” Any person who has occupied or has the right to occupy a room or rooms in a hotel as a patron or otherwise for a period exceeding 30 consecutive days.

“Room.” A space in a building set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodations provided.

“Temporary resident.” Any person who has occupied or has the right to occupy a room or rooms in a hotel as a patron or otherwise for a period of time not exceeding 30 consecutive days.

“Transaction.” The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration emanates to the operator under an expressed or implied contract.

“Transient.” Any person who obtains an accommodation in any hotel for himself by means of registering at the facility for the temporary occupancy of a room for the personal use of that individual by paying to the operator of the facility a fee in consideration therefor.

Section 3. Tax.

(a) Imposition of tax.—A county may, by ordinance, impose a tax which shall be known as the hotel room rental tax on the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to accommodate temporary residents. The tax shall be collected by the operator from the patron of the room and paid over to the county where the hotel is located as provided under this section.

(b) Rate.—The tax imposed under subsection (a) shall be equal to 3.5% of the consideration received from each transaction of renting a room or rooms to accommodate temporary, not permanent, residents.

(c) Collection and payment.—The tax shall be collected by the operator from the patron and paid over to the county where the hotel is located. The county executive of each county is hereby authorized to establish rules and regulations governing the collection of the tax which collection shall not occur more often than monthly and not less than quarterly.

(d) Distribution.—Money received under subsection (c) and interest accrued shall be distributed by the fiscal officer of each county as follows:

(1) Each county shall within ten days of receipt transmit 78.5% of the money collected in that county to the regional tourist promotion agency, which serves more than one county and which is designated by the governing body of the county to be eligible for grants from the Department of Community and Economic Development pursuant to the

act of April 28, 1961 (P.L.111, No.50), known as the Tourist Promotion Law.

(2) Each county shall retain 21.5% of the money collected in that county for the further development of tourism facilities and for community development initiatives within that county that enhance regional tourism.

Section 4. Effective date.

This act shall take effect immediately.

APPROVED—The 22nd day of June, A.D. 2000.

THOMAS J. RIDGE