
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

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,
OCTOBER 18, 2017

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 seeking temporary
11 accommodation.

12 "Hosting platform." A publicly accessible Internet website
13 or online platform owned by an operator on which, for a fee or
14 other charge, an owner or lessee of a residential unit or hotel
15 may advertise the rental of the residential unit or hotel for
16 the purposes of transient lodging and conduct a transaction by
17 which the owner or lessee rents the residential unit or hotel or
18 a room or space within the residential unit or hotel for the
19 purposes of transient lodging.

20 "Hotel."

21 (1) The term includes:

22 (i) A hotel, motel, inn, guesthouse, rooming house,
23 bed and breakfast, homestead or other structure which is
24 advertised, licensed, registered with an innkeepers'
25 group, convention listing association, travel publication
26 or similar association or with a government agency or
27 similar means, as being available to provide overnight
28 lodging for consideration to persons seeking temporary
29 accommodation.

30 (ii) A place which is advertised to the public at

1 large, or a segment of the public at large, that the
2 place will provide beds, sanitary facilities or other
3 space for a temporary period to members of the public at
4 large.

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

6 (2) The term does not include any of the following:

7 (i) A charitable institution.

8 (ii) A portion of a facility that is devoted to
9 persons who have an established permanent residence.

10 (iii) A college or university student residence hall
11 currently occupied by students enrolled in a degree
12 program.

13 (iv) An educational or religious institution camp
14 for children, including a camp registered under the act
15 of November 10, 1959 (P.L.1400, No.497), entitled "An act
16 providing for the annual registration of organized camps
17 for children, youth and adults; defining the duties of
18 the Department of Health of the Commonwealth of
19 Pennsylvania; and prescribing penalties."

20 (v) A hospital.

21 (vi) A nursing home.

22 (vii) Part of a campground that is not a cabin.

23 "Operator of a hosting platform." A person who owns or
24 operates a hosting platform.

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

27 "Residential unit." A single-family residence or an
28 individual residential unit within a larger building, including
29 an apartment, condominium, townhouse or duplex.

30 "Temporary accommodation." A period not exceeding 30 days.

1 § 1402. Registration.

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

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

12 (c) List of hosts and hotels.--Registration under subsection
13 (a) shall include a list of hosts and hotels doing business with
14 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 beginning 90 days after the hosting platform has initially
23 registered under this chapter and on a form the department shall
24 prescribe, provide the department with the most current update
25 of the list required under subsection (c).

26 (e) Penalties.--The operator of a hosting platform that is
27 required to register and provide an updated list of hosts and
28 hotels under this act is subject to the following civil
29 penalties:

30 (1) A penalty of \$1,000 per listing for the period the

1 hosting platform is not registered for a failure to register
2 within 60 days of the enactment of this chapter or the
3 beginning of providing booking services to hosts or hotels
4 within this Commonwealth.

5 (2) A penalty of \$1,000 per listing for the period the
6 list is not updated for a failure to update a list of hosts
7 and hotels doing business with a hosting platform within 30
8 days of the date required under subsection (d).

9 § 1403. Record sharing.

10 (a) Department records.--The department shall provide the
11 following information under section 1402 (relating to
12 registration) to the treasurer of each county:

13 (1) The hosting platforms registered under this chapter.

14 (2) Each registered hosting platform's list of hosts and
15 hotels located in the county.

16 (3) All updates required under section 1402(d) of hosts
17 and hotels in the county within 30 days of the department's
18 receipt of the information.

19 (b) County records.--The treasurer of each county shall
20 provide requested records under subsection (a) in the
21 treasurer's possession to any political subdivision in the
22 county.

23 § 1404. Open records.

24 (a) Public records.--Notwithstanding the provisions of
25 subsection (b), information required under sections 1402
26 (relating to registration) and 1403 (relating to record sharing)
27 shall be considered a public record under the act of February
28 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

29 (b) Addresses.--The addresses required to be listed under
30 section 1402(c)(2) and (3), or shared with county treasurers

1 under section 1403, may not be considered a public record under
2 the the Right-to-Know Law.

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