

Senate Bill No. 512

(By Senator D. Hall)

[Introduced February 18, 2015; referred to the Committee on Finance.]

**FISCAL
NOTE**

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9 A BILL to amend and reenact §7-18-1 of the Code of West Virginia, 1931, as amended, relating to
10 clarifying that complimentary hotel rooms provided without charge to guests are not subject
11 to hotel occupancy tax.

12 *Be it enacted by the Legislature of West Virginia:*

13 That §7-18-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted
14 to read as follows:

15 **ARTICLE 18. HOTEL OCCUPANCY TAX.**

16 **§7-18-1. Hotel occupancy tax.**

17 (a) *Authority to impose.* -- On and after July 1, 1985, any county or municipality may impose
18 and collect a privilege tax upon the occupancy of hotel rooms located within its taxing jurisdiction.
19 ~~Such~~ The tax shall be imposed and collected as provided in this article.

20 (b) *Municipal tax.* -- A municipal hotel tax shall be imposed by ordinance enacted by the
21 governing body of the municipality, in accordance with the provisions of article eleven, chapter eight
22 of this code. ~~Such~~ The tax shall be imposed uniformly throughout the municipality; and the tax shall

1 apply to all hotels located within the corporate limits of the municipality, including hotels owned by
 2 the state or by any political subdivision of this state.

3 (c) *County tax.* -- A county hotel tax shall be imposed by order of the county commission
 4 duly entered of record. ~~Such~~ The tax shall be imposed uniformly throughout the county: *Provided,*
 5 That no county commission may impose its tax on hotels located within the corporate limits of any
 6 municipality situated, in whole or in part, within the county: *Provided, however,* That the tax
 7 collected by a hotel owned by a municipality but located outside the corporate limits of ~~such~~ the
 8 municipality pursuant to this article shall be remitted to the municipality owning such hotel for
 9 expenditure pursuant to the provisions of section fourteen of this article. The tax shall apply to all
 10 hotels located outside the corporate limits of a municipality, including hotels owned by the state or
 11 any political subdivision of this state.

12 (d) The tax shall be imposed on the consumer and shall be collected by the hotel operator as
 13 part of the consideration paid for the occupancy of a hotel room: *Provided,* That the tax ~~shall~~ may
 14 not be imposed on any consumer occupying a hotel room for thirty or more consecutive days, or on
 15 complementary hotel rooms provided by a hotel operator to guests without charge.

NOTE: The purpose of this bill is to clarify that the hotel occupancy tax is not imposed on complimentary hotel rooms.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.