

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 58.1-3819 of the Code of Virginia, relating to transient occupancy tax.*

3 [H 2007]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 58.1-3819 of the Code of Virginia is amended and reenacted as follows:**

7 § 58.1-3819. Transient occupancy tax.

8 A. Any county, by duly adopted ordinance, may levy a transient occupancy tax on hotels, motels,
9 boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous
10 occupancy for fewer than 30 consecutive days. Such tax shall be in such amount and on such terms as
11 the governing body may, by ordinance, prescribe. Such tax shall not exceed two percent of the amount
12 of charge for the occupancy of any room or space occupied; however, in York County, Albemarle
13 County, Nelson County, Mecklenburg County, Gloucester County, Spotsylvania County, Stafford
14 County, Loudoun County, Bedford County, Cumberland County, Floyd County, King George County,
15 and Prince Edward County, such tax shall not exceed the rate of five percent. The revenues collected
16 from that portion of the tax over two percent shall be designated and spent for promoting tourism, travel
17 or business that generates tourism or travel in the locality. It is further provided that Rockbridge County,
18 Caroline County, Dinwiddie County, Page County, Wythe County, James City County, Franklin County,
19 Tazewell County, Augusta County, ~~and~~ Prince William County, *and Carroll County* may levy a transient
20 occupancy tax not to exceed five percent, and any excess over two percent shall be designated and spent
21 solely for tourism, marketing of tourism or initiatives that, as determined in consultation with the local
22 tourism industry organizations, attract travelers to the locality and generate tourism revenues in the
23 locality. If there are no local tourism industry organizations in the locality, the governing body shall
24 hold a public hearing prior to making any determination relating to how to attract travelers to the
25 locality and generate tourism revenues in the locality.

26 B. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied
27 by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding
28 houses, travel campgrounds, and other facilities offering guest rooms. In addition, that portion of any tax
29 imposed hereunder in excess of two percent shall not apply to travel campgrounds in Stafford County.

30 C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town
31 to levy such a transient occupancy tax. The county tax limitations imposed pursuant to § 58.1-3711 shall
32 apply to any tax levied under this section, mutatis mutandis.

33 D. Any county, city or town which requires local hotel and motel businesses, or any class thereof, to
34 collect, account for and remit to such locality a local tax imposed on the consumer, may allow such
35 businesses a commission for such service in the form of a deduction from the tax remitted. Such
36 commission shall be provided for by ordinance, which shall set the rate thereof, no less than three
37 percent, not to exceed five percent of the amount of tax due and accounted for. No commission shall be
38 allowed if the amount due was delinquent.

39 E. All transient occupancy tax collections shall be deemed to be held in trust for the county, city or
40 town imposing the tax.

ENROLLED

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