

# VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

## CHAPTER 111

*An Act to amend and reenact Chapter 436 of the Acts of Assembly of 1990, as amended by Chapter 896 of the Acts of Assembly of 1994, and carried by reference in the Code of Virginia as § 58.1-3821; and to repeal the second enactment of Chapter 896 of the Acts of Assembly of 1994, relating to the transient occupancy tax on certain rentals.*

[H 779]

Approved March 23, 2006

**Be it enacted by the General Assembly of Virginia:**

**1. That Chapter 436 of the Acts of Assembly of 1990, as amended by Chapter 896 of the Acts of Assembly of 1994, and carried by reference in the Code of Virginia as § 58.1-3821, is amended and reenacted as follows:**

§ 58.1-3821. Transient occupancy tax on certain rentals.

The County of Franklin and ~~any county with a population of at least 12,500 but no more than 12,800~~ *the County of Nelson* may, by ordinance, levy a transient occupancy tax on condominiums, apartments, townhouses, or like buildings when rooms or units in such buildings are rented for occupancy for fewer than thirty days at a time. The tax imposed hereunder shall not apply to rooms or units rented for continuous occupancy by the same individual or group for thirty or more days in condominiums, apartments, townhouses, or like buildings.

Such tax shall be in an amount and on such terms as the governing body, by ordinance, may prescribe; however, *in the County of Franklin* such tax shall not exceed two percent of the amount of charge for the occupancy of any room or space occupied *and in the County of Nelson such tax shall not exceed 5% of the amount of charge for the occupancy of any room or space occupied. Any revenue collected in Nelson County from that portion of the tax which exceeds 2%, shall be designated and spent for promoting tourism, travel, or business that generates tourism or travel in the county.* Any county which imposes the tax authorized in this section may allow the businesses collecting, accounting for, and remitting such consumer tax a commission for such service in the form of a deduction from the tax remitted. The commission amount shall be established by ordinance; however, the maximum commission payable shall not exceed five percent of the amount of tax due and accounted for nor be less than a minimum of three percent of the amount of tax due. No commission shall be allowed if the amount due was delinquent.

**2. That the second enactment of Chapter 896 of the Acts of Assembly of 1994 is repealed.**