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SENATE BILL NO. 1421

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on January 28, 2009)

(Patron Prior to Substitute—Senator Lucas)

A BILL to amend the Code of Virginia by adding in Chapter 17 of Title 58.1 an article numbered 8, consisting of sections numbered 58.1-1731 through 58.1-1733, relating to fee charged for in-room purchase or rental of digital media.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 17 of Title 58.1 an article numbered 8, consisting of sections numbered 58.1-1731 through 58.1-1733, as follows:

Article 8.

Digital Media Fee.

§ 58.1-1731. Fee for digital media purchase or rental.

There is hereby imposed a fee equal to 10 percent of the price of all in-room purchases or rentals of digital media in hotels, motels, bed and breakfast establishments, inns, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 90 consecutive days. As used in this section, "digital media" means any audio-visual work received through the in-room television for a separate charge, including, but not limited to, any motion picture, television or audio programming, or game, regardless if it is transmitted in an analog or digital format. "Digital media" shall not include Internet access or telephone service.

§ 58.1-1732. Collection.

The fee imposed by this article shall be collected monthly by the Department of Taxation in the same manner as the sales and use tax imposed under Chapter 6 (§ 58.1-600 et seq.), as provided by rules and regulations promulgated by the Tax Commissioner.

§ 58.1-1733. Disposition of proceeds.

After the administrative costs for collecting the fees are recovered by the Department of Taxation, the remaining revenues shall be divided as follows:

1. Fifty percent shall be deposited into the state's general fund; and

2. Fifty percent shall be deposited into the Governor's Motion Picture Opportunity Fund established under § 2.2-2320. All revenues deposited to the Fund shall be used for film incentive programs established by the Virginia Film Office.

SENATE SUBSTITUTE

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