

## 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 [S 594]

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 thirty consecutive days. Such tax shall be in such amount and on such terms  
11 as the governing body may, by ordinance, prescribe; ~~however,~~ Such tax shall not exceed two percent of  
12 the amount of charge for the occupancy of any room or space occupied; *however, in any county having*  
13 *a population of no less than 40,000 and no greater than 45,000, and in any county which had adopted*  
14 *the county executive form of government, and in any county having a population of no less than 57,000*  
15 *and no greater than 57,450, and in any county having a population of no less than 12,600 and no*  
16 *greater than 12,800, and in any county having a population of no less than 86,000 and no greater than*  
17 *86,500, such tax shall not exceed the rate of five percent. The revenues collected from that portion of*  
18 *the tax over two percent shall be designated and spent for promoting tourism, travel or business that*  
19 *generates tourism or travel in the locality.*

20 B. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied  
21 by the same individual or same group of individuals for thirty or more days in hotels, motels, boarding  
22 houses, travel campgrounds, and other facilities offering guest rooms.

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

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

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

ENROLLED

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