

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 2611]

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. Such tax shall not exceed two percent of the
12 amount of charge for the occupancy of any room or space occupied; however, in any county having a
13 population of no less than 40,000 and no greater than 45,000, and in any county which had adopted the
14 county executive form of government, and in any county having a population of no less than 57,000 and
15 no greater than 57,450, and in any county having a population of no less than 12,600 and no greater
16 than 12,800, and in any county having a population of no less than 86,000 and no greater than 86,500,
17 such tax shall not exceed the rate of five percent. The revenues collected from that portion of the tax
18 over two percent shall be designated and spent for promoting tourism, travel or business that generates
19 tourism or travel in the locality. *It is further provided that any county having a population of no less*
20 *than 18,500 and no greater than 20,000; any county having a population of no less than 21,500 and no*
21 *greater than 23,000; any county having a population of no less than 34,500 and no greater than*
22 *36,000; any county having a population of no less than 45,900 and no greater than 47,000; and any*
23 *county having a population of no less than 50,000 and no greater than 55,000 may levy a transient*
24 *occupancy tax not to exceed five percent, and any excess over two percent shall be designated and spent*
25 *solely for tourism, marketing of tourism or initiatives that, as determined in consultation with the local*
26 *tourism industry organizations, attract travelers to the locality and generate tourism revenues in the*
27 *locality. If there are no local tourism industry organizations in the locality, the governing body shall*
28 *hold a public hearing prior to making any determination relating to how to attract travelers to the*
29 *locality and generate tourism revenues in the locality.*

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

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

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

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