

# VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

## CHAPTER 828

*An Act to amend and reenact § 58.1-3823 of the Code of Virginia, relating to transient occupancy tax.*

[S 652]

Approved April 14, 2004

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

**1. That § 58.1-3823 of the Code of Virginia is amended and reenacted as follows:**

§ 58.1-3823. Additional transient occupancy tax for certain counties.

A. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, any county having a population of at least 63,300 but not more than 65,000 or at least 200,000 but not more than 210,000 or any county having the county manager form of government may impose:

1. An additional transient occupancy tax not to exceed four percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for ~~thirty~~ 30 or more days. The revenues collected from the additional tax shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the Richmond metropolitan area; and

2. An additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for ~~thirty~~ 30 or more days. The revenues collected from the additional tax shall be designated and spent for expanding the Richmond Centre, a convention and exhibition facility in the City of Richmond.

B. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, any county with the county manager plan of government may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied, provided the county's governing body approves the construction of a county conference center. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for ~~thirty~~ 30 or more days. The revenues collected from the additional tax shall be designated and spent for the design, construction, debt payment, and operation of such conference center.

C. 1. *In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, the Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night for the occupancy of any overnight guest room. The revenues collected from the additional tax shall be designated and expended solely for advertising the Historic Triangle area, which includes all of the City of Williamsburg and the Counties of James City and York, as an overnight tourism destination by the members of the Williamsburg Area Destination Marketing Committee of the Williamsburg Area Convention and Visitors Bureau. The tax imposed by this subsection shall not apply to travel campground sites or to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The provisions of this subsection shall expire January 1, 2008; provided, however, such provisions shall expire August 1, 2004, if any one of the governing bodies of the City of Williamsburg and the Counties of James City and York fails to adopt an ordinance, by such date, imposing the additional tax in accordance with the provisions of this subsection.*

2. *The Williamsburg Area Destination Marketing Committee shall consist of 10 members. The governing bodies of the City of Williamsburg, the County of James City, and the County of York shall each designate one of their members to serve as members of the Williamsburg Area Destination Marketing Committee. These three members of the Committee shall have two votes apiece.*

*Further, one member of the Committee shall be selected by the Board of Directors of the Williamsburg Hotel and Motel Association; one member of the Committee shall be from The Colonial Williamsburg Foundation and shall be selected by the Foundation; one member of the Committee shall be an employee of Busch Gardens Williamsburg/Water Country and shall be selected by Busch Gardens Williamsburg/Water Country; one member of the Committee shall be from the Jamestown-Yorktown Foundation and shall be selected by the Foundation; and one member of the Committee shall be the Executive Director of the Virginia Tourism Corporation who shall serve ex officio. Each of these five members of the Committee shall have one vote apiece.*

3. *The Executive Directors of the Williamsburg Area Convention and Visitors Bureau and the Williamsburg Hotel and Motel Association each shall serve ex officio with nonvoting privileges.*

4. *The provisions in subdivisions 2 and 3 relating to the composition and voting powers of the*

*Williamsburg Area Destination Marketing Committee shall be a condition of the authority to impose the tax provided herein.*

*For purposes of this subsection, "advertising the Historic Triangle area" as an overnight tourism destination means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay of at least one night.*

*D. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.*