

**H. B. 2893**

(By Delegates Storch, Ferro, Perry and Canterbury)

[Introduced February 24, 2015; referred to the

Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §7-18-1 of the Code of West Virginia, 1931, as amended, relating to clarifying that complimentary hotel rooms provided without charge to guests are not subject to the hotel occupancy tax.

*Be it enacted by the Legislature of West Virginia:*

That §7-18-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 18. HOTEL OCCUPANCY TAX.**

**§7-18-1. Hotel occupancy tax.**

(a) *Authority to impose.* -- On and after July 1, 1985, any county or municipality may impose and collect a privilege tax upon the occupancy of hotel rooms located within its taxing jurisdiction. ~~Such~~ The tax shall be imposed and collected as provided in this article.

(b) *Municipal tax.* -- A municipal hotel tax shall be imposed by ordinance enacted by the governing body of the municipality, in accordance with the provisions of article eleven, chapter eight

1 of this code. ~~Such~~ The tax shall be imposed uniformly throughout the municipality; and the tax shall  
 2 apply to all hotels located within the corporate limits of the municipality, including hotels owned by  
 3 the state or by any political subdivision of this state.

4 (c) *County tax.* -- A county hotel tax shall be imposed by order of the county commission  
 5 duly entered of record. Such The tax shall be imposed uniformly throughout the county: *Provided,*  
 6 That no county commission may impose its tax on hotels located within the corporate limits of any  
 7 municipality situated, in whole or in part, within the county: *Provided, however,* That the tax  
 8 collected by a hotel owned by a municipality but located outside the corporate limits of ~~such~~ the  
 9 municipality pursuant to this article shall be remitted to the municipality owning such hotel for  
 10 expenditure pursuant to the provisions of section fourteen of this article. The tax shall apply to all  
 11 hotels located outside the corporate limits of a municipality, including hotels owned by the state or  
 12 any political subdivision of this state.

13 (d) The tax shall be imposed on the consumer and shall be collected by the hotel operator as  
 14 part of the consideration paid for the occupancy of a hotel room: *Provided,* That the tax ~~shall~~ may  
 15 not be imposed on any consumer occupying a hotel room for thirty or more consecutive days, or on  
 16 complementary hotel rooms provided by a hotel operator to guests without charge.

NOTE: The purpose of this bill is to clarify that the hotel occupancy tax is not imposed on complimentary hotel rooms.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.