



SPONSOR: Rep. Hudson & Sen. Simpson
Reps. Keeley, Kowalko

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 130

AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO LODGING TAX.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

1 Section 1. Amend § 6101, Title 30 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 6101. Definitions.

4 As used in this chapter:

5 (1) "Hotel" means any person engaged in the business of operating a place where the public may, for a
6 consideration, obtain sleeping accommodations and meals ~~and which has at least 6 permanent bedrooms~~ for the use of
7 guests, excluding, however, any charitable, educational or religious institution, summer camp for children, hospital or
8 nursing home.

9 (2) "Motel" means any person engaged in the business of furnishing, for a consideration, transient guests with
10 sleeping accommodations, bath and toilet facilities, linen service and a place to park an automobile.

11 (3) "Occupancy" means the use or possession or the right to the use or possession by any person other than a
12 permanent resident of any room or rooms in a hotel, motel, ~~or~~ tourist home, or short-term rental for any purpose or the
13 right to the use or possession of the furnishings or to the services and accommodations accompanying the use and
14 possession of the room or rooms.

15 (4) "Occupant" means any person other than a permanent resident who for a consideration, uses, possesses or
16 has a right to use or possess any room or rooms in a hotel, motel, ~~or~~ tourist home, or short-term rental under any lease,
17 concession, permit, right of access, license or agreement.

18 (5) "Operator" means any person operating a hotel, motel, ~~or~~ tourist home, or short-term rental.

19 (6) "Permanent resident" means any occupant who has occupied or has the right to occupancy of any room or
20 rooms in a hotel, motel, ~~or~~ tourist home, or short-term rental for at least 5 consecutive months.

21 (7) "Rent" means the consideration received for occupancy valued in money, whether received in money or
22 otherwise, including all receipts, cash credits and property or services of any kind or nature and also any amount for
23 which the occupant is liable for the occupancy without any deduction therefrom whatsoever.

24 (8) "Short-term rental" means any person renting a room, dwelling unit, or campground site to overnight
25 guests for a period of 120 days or less for any calendar year and the room or dwelling unit is not the owner's
26 permanent residence.

27 ~~(8)~~(9) "Tourist home" means any person who operates a place where tourists or transient guests, for a
28 consideration, may obtain sleeping accommodations and which has at least 5 permanent bedrooms for the use of
29 tourists or transient guests, but which does not have cooking facilities for the use of tourists or transient guests.

30 Section 2. Amend § 6102, Title 30 of the Delaware Code by making deletions as shown by strikethrough and
31 insertions as shown by underline as follows:

32 § 6102. Levy of tax and disposition of proceeds.

33 (a) There is imposed and assessed an excise tax at the rate of 8% of the rent upon every occupancy of a room or
34 rooms in a hotel, motel, ~~or~~ tourist home, or short-term rental within this State.

35 (b) The proceeds of this tax shall be distributed as follows: 5% to the State General Fund, 1% to the Beach
36 Preservation Program of the Department of Natural Resources and Environmental Control of the State, 1% annually shall
37 be designated in the proportion in which collected, to the duly established convention and visitors bureau in each county
38 and 1% to the Delaware Tourism Office.

SYNOPSIS

This bill makes the lodging tax apply to all hotels, motels, tourist homes, and short-term rentals.

Short-term rentals are defined as being a room, dwelling, unit, or campground site being rented to overnight guests for a period of 120 days or less for any calendar year and the room or unit is not the owner's permanent residence.