

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1798

66th Legislature
2019 Regular Session

Passed by the House April 18, 2019
Yeas 70 Nays 24

Speaker of the House of Representatives

Passed by the Senate April 11, 2019
Yeas 39 Nays 6

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1798** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1798

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By House Consumer Protection & Business (originally sponsored by Representatives Ryu, Mosbrucker, Stanford, and Pollet)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to short-term rentals; adding a new chapter to
2 Title 64 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** DEFINITIONS. The definitions in this
5 section apply throughout this chapter unless the context clearly
6 requires otherwise.

7 (1) "Contact" means the operator or the operator's representative
8 who is the point of contact for any short-term rental guest for the
9 duration of the guest's stay in the short-term rental.

10 (2) "Department" means the department of revenue.

11 (3) "Dwelling unit" means a residential dwelling of any type,
12 including a single-family residence, apartment, condominium,
13 cooperative unit, or room, in which a person may obtain living
14 accommodations for less than thirty days, but not including duly
15 licensed bed and breakfast, inn, hotel, motel, or timeshare property.

16 (4) "Fee" means remuneration or anything of economic value that
17 is provided, promised, or donated primarily in exchange for services
18 rendered.

19 (5) "Guest" means any person or persons renting a short-term
20 rental unit.

1 (6) "Operator" or "short-term rental operator" means any person
2 who receives payment for owning or operating a dwelling unit, or
3 portion thereof, as a short-term rental unit.

4 (7) "Owner" means any person who, alone or with others, has title
5 or interest in any building, property, dwelling unit, or portion
6 thereof, with or without accompanying actual possession thereof, and
7 including any person who as agent, executor, administrator, trustee,
8 or guardian of an estate has charge, care, or control of any
9 building, dwelling unit, or portion thereof. A person whose sole
10 interest in any building, dwelling unit, or portion thereof is solely
11 that of a lessee under a lease agreement is not considered an owner.

12 (8) "Person" has the same meaning as provided in RCW 82.04.030.

13 (9)(a) "Short-term rental" means a lodging use, that is not a
14 hotel or motel or bed and breakfast, in which a dwelling unit, or
15 portion thereof, that is offered or provided to a guest by a short-
16 term rental operator for a fee for fewer than thirty consecutive
17 nights.

18 (b) "Short-term rental" does not include any of the following:

19 (i) A dwelling unit that is occupied by the owner for at least
20 six months during the calendar year and in which fewer than three
21 rooms are rented at any time;

22 (ii) A dwelling unit, or portion thereof, that is used by the
23 same person for thirty or more consecutive nights; or

24 (iii) A dwelling unit, or portion thereof, that is operated by an
25 organization or government entity that is registered as a charitable
26 organization with the secretary of state, state of Washington, or is
27 classified by the federal internal revenue service as a public
28 charity or a private foundation, and provides temporary housing to
29 individuals who are being treated for trauma, injury, or disease, or
30 their family members.

31 (10) "Short-term rental advertisement" means any method of
32 soliciting use of a dwelling unit for short-term rental purposes.

33 (11) "Short-term rental platform" or "platform" means a person
34 that provides a means through which an operator may offer a dwelling
35 unit, or portion thereof, for short-term rental use, and from which
36 the person or entity financially benefits. Merely publishing a short-
37 term rental advertisement for accommodations does not make the
38 publisher a short-term rental platform.

1 NEW SECTION. **Sec. 2.** TAXES. Short-term rental operators must
2 remit all applicable local, state, and federal taxes unless the
3 platform does this on the operator's behalf. This includes occupancy,
4 sales, lodging, and other taxes, fees, and assessments to which an
5 owner or operator of a hotel or bed and breakfast is subject in the
6 jurisdiction in which the short-term rental is located. If the short-
7 term rental platform collects and remits an occupancy, sales,
8 lodging, and other tax, fee, or assessment to which a short-term
9 rental operator is subject on behalf of such operator, the platform
10 must collect and remit such tax to the appropriate authorities.

11 NEW SECTION. **Sec. 3.** CONSUMER SAFETY. (1) All short-term rental
12 operators who offer dwelling units, or portions thereof, for short-
13 term rental use in the state of Washington must:

14 (a) Provide contact information to all short-term rental guests
15 during a guest's stay. The contact must be available to respond to
16 inquiries at the short-term rental during the length of stay;

17 (b) Provide that their short-term rental is in compliance with
18 RCW 19.27.530 and any rules adopted by the state building code
19 council regarding the installation of carbon monoxide alarms; and

20 (c) Post the following information in a conspicuous place within
21 each dwelling unit used as a short-term rental:

22 (i) The short-term rental street address;

23 (ii) The emergency contact information for summoning police,
24 fire, or emergency medical services;

25 (iii) The floor plan indicating fire exits and escape routes;

26 (iv) The maximum occupancy limits; and

27 (v) The contact information for the operator or designated
28 contact.

29 (2) Short-term rental platforms must provide short-term rental
30 operators with a summary of the consumer safety requirements in
31 subsection (1) of this section.

32 (3) For a first violation of this section, the city or county
33 attorney must issue a warning letter to the owner or operator. An
34 owner that violates this section after receiving a warning letter is
35 guilty of a class 2 civil infraction under chapter 7.80 RCW.

36 NEW SECTION. **Sec. 4.** SHORT-TERM RENTAL PLATFORMS. (1) No short-
37 term rental platform may engage in the business in the state of

1 Washington unless the short-term rental platform is in compliance
2 with the requirements of this chapter.

3 (2) A short-term rental platform must register with the
4 department.

5 (3) Short-term rental platforms must inform all operators who use
6 the platform of the operator's responsibilities to collect and remit
7 all applicable local, state, and federal taxes unless the platform
8 does this on the operator's behalf.

9 (4) Short-term rental platforms must inform all operators who use
10 the platform of short-term rental safety requirements required in
11 this chapter.

12 (5) Short-term rental platforms must provide all operators who
13 use the platform with written notice, delivered by mail or
14 electronically, that the operator's personal insurance policy that
15 covers their dwelling unit might not provide liability protection,
16 defense costs, or first party coverage when their property is used
17 for short-term rental stays.

18 NEW SECTION. **Sec. 5.** LIABILITY INSURANCE. A short-term rental
19 operator must maintain primary liability insurance to cover the
20 short-term rental dwelling unit in the aggregate of not less than one
21 million dollars or conduct each short-term rental transaction through
22 a platform that provides equal or greater primary liability insurance
23 coverage. Nothing in this section prevents an operator or a platform
24 from seeking contributions from any other insurer also providing
25 primary liability insurance coverage for the short-term rental
26 transaction to the extent of that insurer's primary liability
27 coverage limits.

28 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act
29 constitute a new chapter in Title 64 RCW.

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