

CS FOR SENATE BILL NO. 127(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/13/24

Referred: Rules

Sponsor(s): SENATOR CLAMAN

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to vehicle rental taxes; relating to the issuance of subpoenas related to**
2 **tax records; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 43.05.040(c) is amended to read:

5 (c) If a person who is subpoenaed neglects or refuses to obey the subpoena
6 issued as provided in this section, the department may report the fact to the superior
7 court [OR THE APPROPRIATE COURT OF ANOTHER JURISDICTION], and may
8 seek an order from the court compelling obedience to the subpoena. The court, to the
9 maximum extent permitted by law, may compel obedience to the subpoena [TO THE
10 SAME EXTENT AS WITNESSES MAY BE COMPELLED TO OBEY THE
11 SUBPOENAS OF THE COURT].

12 *** Sec. 2.** AS 43.52.020 is amended to read:

13 **Sec. 43.52.020. Rate of passenger vehicle rental tax.** The rate of the tax
14 levied in AS 43.52.010 is

1 **(1)** 10 percent of the total fees and costs charged for the lease or rental
 2 of **a** [THE] passenger vehicle **not arranged through a vehicle rental platform; or**

3 **(2)** **eight percent of the total fees and costs charged for the lease or**
 4 **rental of a passenger vehicle through a vehicle rental platform.**

5 * **Sec. 3.** AS 43.52.050(a) is amended to read:

6 (a) The taxes imposed by AS 43.52.010 - 43.52.099 shall be collected and
 7 paid to the department

8 (1) by the person who provides the leased or rented vehicle **unless the**
 9 **lease or rental was arranged or executed through a vehicle rental platform under**
 10 **(c) of this section**; and

11 (2) in the manner and at the times required by the department by
 12 regulation **except that a vehicle rental platform collecting and paying the tax**
 13 **under (c) of this section shall pay the tax quarterly.**

14 * **Sec. 4.** AS 43.52.050 is amended by adding new subsections to read:

15 (c) A vehicle rental platform that arranged or executed more than 200
 16 transactions in the state in the preceding calendar year shall collect and pay to the
 17 department the taxes imposed under AS 43.52.010 - 43.52.099 and provide the
 18 department with any books, papers, or records related to the tax.

19 (d) If a vehicle rental platform company fails to collect or pay the tax under
 20 this section because incorrect or insufficient information was provided by a person
 21 providing a leased or rented vehicle, the vehicle rental platform company is not liable
 22 for the collection or payment of the tax if the vehicle rental platform company
 23 demonstrates that the company made a reasonable effort to obtain the correct or
 24 sufficient information from the person.

25 (e) In this section,

26 (1) "motor vehicle" means a vehicle that is self-propelled except a
 27 vehicle moved by human or animal power;

28 (2) "vehicle rental platform" means an application, website, offline
 29 booking service, or other system, whether online or offline, offered or used by a
 30 vehicle rental platform company that enables the prearrangement of motor vehicle
 31 rentals with motor vehicle owners that are not related by common ownership or

1 control with the vehicle rental platform;

2 (3) "vehicle rental platform company" means a company whose
3 primary business is arranging or executing the rental of vehicles through a vehicle
4 rental platform.

5 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 ASSESSMENT AND COLLECTION LIMITATION. Notwithstanding AS 43.05.260
8 and 43.05.270, the Department of Revenue may not, on or after the effective date of this Act,
9 assess or collect taxes under AS 43.52.010 - 43.52.099 that were imposed before the effective
10 date of this Act on a transaction arranged or executed through a vehicle rental platform. If the
11 tax is not assessed or collected before the effective date of this Act, proceedings may not be
12 instituted in court for the assessment or collection of the tax. In this section, "vehicle rental
13 platform" has the meaning given in AS 43.52.050(e), enacted by sec. 4 of this Act.

14 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).