

1 SB241  
2 173541-1  
3 By Senator Pittman  
4 RFD: Finance and Taxation General Fund  
5 First Read: 16-FEB-16

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8 SYNOPSIS: This bill would specifically include  
9 definitions in the chapter of the transient  
10 occupancy tax levy, clarifying the Department of  
11 Revenue's policy and interpretation of existing  
12 law.

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14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 To amend Section 40-26-1, Code of Alabama 1975,  
19 relating to transient occupancy tax; to include definitions.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 40-26-1 of the Code of Alabama  
22 1975, is amended to read as follows:

23 "§40-26-1.

24 "(a) For the purpose of this chapter, the following  
25 terms shall have the respective meanings ascribed by this  
26 section:

1           "(1) ACCOMMODATION. The renting or furnishing of any  
2 room or rooms, living quarters, sleeping or housekeeping space  
3 in any hotel, motel, rooming house, apartment house, lodge,  
4 inn, tourist cabin, tourist court, tourist home, camp,  
5 campsite, trailer court, marina, convention center,  
6 recreational trailer parking space, boat docking slip, meeting  
7 rooms, or any other such space where living quarters, sleeping  
8 or housekeeping is made available to the public for a  
9 consideration.

10           "(2) COMMISSIONER. The Commissioner of Revenue of  
11 the State of Alabama.

12           "(3) DEPARTMENT. The Department of Revenue of the  
13 State of Alabama.

14           "(4) PERSON or COMPANY. Used interchangeably,  
15 includes any individual, firm, copartnership, association,  
16 corporation, receiver, trustee, or any other group or  
17 combination acting as a unit and the plural as well as the  
18 singular number, unless the intention to give a more limited  
19 meaning is disclosed by the context.

20           "(5) RENTING or FURNISHING. The lease, let, or  
21 rental of living quarters or sleeping or housekeeping  
22 accommodations, or other accommodations, as defined in this  
23 section, supplied for a consideration to travelers, tourists,  
24 tenants, or other transient guests.

25           "(6) TAXPAYER. Any person liable for taxes levied  
26 under this chapter.

1           "(7) TRANSIENT. Any person to whom a room or rooms,  
2 lodgings, or other accommodations are rented or furnished for  
3 a period of less than 180 continuous days.

4           "~~(a)~~ (b) There is levied and imposed, in addition to  
5 all other taxes of every kind now imposed by law, a privilege  
6 or license tax upon every person, firm, or corporation  
7 engaging in the business of renting or furnishing any room or  
8 rooms, lodging, or accommodations to transients ~~in any hotel,~~  
9 ~~motel, inn, tourist camp, tourist cabin, or any other place in~~  
10 ~~which rooms, lodgings, or accommodations are regularly~~  
11 ~~furnished to transients~~ for a consideration, in any county  
12 which is located in the geographic region comprising the  
13 Alabama mountain lakes area, those being Blount, Cherokee,  
14 Colbert, Cullman, DeKalb, Etowah, Franklin, Jackson,  
15 Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall,  
16 Morgan, and Winston, in an amount to be determined by the  
17 application of the rate of five percent of the charge for such  
18 room, rooms, lodgings, or accommodations, including the charge  
19 for use or rental of personal property and services furnished  
20 in such room, and the rate of four percent of the charge in  
21 every other county. There is exempted from the tax levied  
22 under this chapter any rentals or services taxed under  
23 Division 1 of Article 1 of Chapter 23 of this title. The tax  
24 shall be due on the total rental charged for such  
25 accommodations, as defined in subsection (a), by the person  
26 charging or collecting the rental.

1           "~~(b)~~ (c) The tax shall not apply to rooms, lodgings,  
2 or accommodations supplied: (i) For a period of 180 continuous  
3 days or more in any place; (ii) by camps, conference centers,  
4 or similar facilities operated by nonprofit organizations  
5 primarily for the benefit of, and in connection with,  
6 recreational or educational programs for children, students,  
7 or members or guests of other nonprofit organizations during  
8 any calendar year; or (iii) by privately operated camps,  
9 conference centers, or similar facilities that provide lodging  
10 and recreational or educational programs exclusively for the  
11 benefit of children, students, or members or guests of  
12 nonprofit organizations during any calendar year.

13           "~~(e)~~ (d) For purposes of subsection (b): "Children"  
14 means individuals under age 21; "student" is defined in  
15 accordance with 26 U.S.C. §151(c)(4), as in effect from time  
16 to time or by any successor law; "nonprofit organization" is  
17 an organization exempt from federal income tax under 26 U.S.C.  
18 §501(c)(3), as in effect from time to time or any successor  
19 law; and "privately operated" refers to any camp, conference  
20 center, or similar facility other than those operated by a  
21 nonprofit organization as herein defined."

22           Section 2. All laws or parts of laws which conflict  
23 with this act are repealed.

24           Section 3. This act shall become effective  
25 immediately following its passage and approval by the  
26 Governor, or its otherwise becoming law.