

2015 Regular Session

HOUSE BILL NO. 825

BY REPRESENTATIVE BARRAS AND SENATOR MILLS

TAX/SALES & USE: Provides relative to the definition of dealer, hotel, and sales price for purposes of imposing the state sales and use tax

1 AN ACT

2 To amend and reenact R.S. 47:301(6)(a) and to enact R.S. 47:301(4)(m), (6)(d), and (13)(n);
3 relative to sales and use tax; to provide certain definitions for purposes of imposing
4 of the state sales and use tax; to provide for an effective date; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:301(6)(a) is hereby amended and reenacted and R.S.
8 47:301(4)(m), (6)(d), and (13)(n) are hereby enacted to read as follows:

9 §301. Definitions

10 As used in this Chapter the following words, terms, and phrases have the
11 meaning ascribed to them in this Section, unless the context clearly indicates a
12 different meaning:

13 * * *

14 (4) "Dealer" includes every person who manufactures or produces tangible
15 personal property for sale at retail, for use, or consumption, or distribution, or for
16 storage to be used or consumed in a taxing jurisdiction. "Dealer" is further defined
17 to mean:

18 * * *

19 (m) Any person who remarkets sleeping rooms, cottages, or cabins that are
20 located in the state. Remarketing shall include reserving, arranging for, conveying,

1 or furnishing occupancy, whether directly or indirectly, for an occupant for rent in
2 an amount determined by the person remarketing.

3 * * *

4 (6)(a) "Hotel" means and includes any establishment or remarketer engaged
5 in the business of furnishing sleeping rooms, cottages, or cabins to transient guests,
6 where such establishment consists of six or more sleeping rooms, cottages, or cabins
7 at a single business location.

8 * * *

9 (d) For purposes of this Chapter, the term "remarketer" shall include any
10 person or business entity that reserves, arranges for, conveys, or furnishes
11 occupancy, via Internet or other electronic communication, to an occupant for rent
12 in an amount determined by the remarketer, directly or indirectly.

13 * * *

14 (13)

15 * * *

16 (n) For purposes of the imposition of sales and use taxes imposed or levied
17 by all taxing authorities in the state, the term "sales price" for all furnishing of
18 sleeping rooms, cottages, or cabins by hotels shall include any amount required to
19 be paid as a condition of occupancy of the sleeping room, cottage, or cabin. The
20 furnishing of a sleeping room, cottage, or cabin by a hotel to a remarketer shall not
21 be considered a sale for resale; however, a credit shall be allowed to the purchasing
22 remarketer against any sales tax due on the price for which it furnishes the sleeping
23 room, cottage, or cabin to an occupant for any similar sales tax paid by the
24 purchasing remarketer to the selling hotel.

25 * * *

26 Section 2. This Act shall become effective on July 1, 2015; if vetoed by the governor
27 and subsequently approved by the legislature, this Act shall become effective on July 1,
28 2015, or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 825 Original

2015 Regular Session

Barras

Abstract: Defines "dealer", "hotel", and "sales price" for purposes of imposing the state sales and use tax.

Present law provides definitions for use in provisions relative to sales tax.

Present law defines "dealer" to include certain persons who manufacture or produce tangible personal property for sale at retail, for use or consumption, or distribution, or for storage to be used or consumed in a taxing jurisdiction.

Proposed law retains present law but adds persons who remarket sleeping rooms, cottages, or cabins that are located in the state to the definition of "dealer".

Present law defines "hotel" to include certain establishments engaged in the business of furnishing sleeping rooms, cottages, or cabins to transient guests.

Proposed law retains present law but adds remarketers that reserve, arrange for, convey, or furnish occupancy to an occupant for rent determined by the remarketer to the definition of "hotel".

Present law defines "sales price" to include amounts for which tangible personal property is sold, less the market value of any article traded-in, including any services.

Proposed law retains present law but adds amounts required to be paid as a condition of occupancy of the sleeping room, cottage, or cabin.

Effective July 1, 2015.

(Amends R.S. 47:301(6)(a); Adds R.S. 47:301(4)(m), (6)(d), and (13)(n))