

2016 Regular Session

HOUSE BILL NO. 722

BY REPRESENTATIVE MORENO

REVENUE DEPARTMENT: Provides relative to registration of certain online hotel marketplaces with the Dept. of Revenue

1 AN ACT

2 To enact R.S. 47:306.4, relative to online hotel sales; to provide for registration of certain
3 online hotel companies; to provide for collection of the tax imposed on online hotel
4 sales; to provide for definitions; to provide for effectiveness; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:306.4 is hereby enacted to read as follows:

8 §306.4. Collection from online hotel companies

9 A. As used in this Section, the following terms have the meaning ascribed
10 to them in this Section:

11 (1) "Online hotel marketplace" means any person that provides a digital
12 platform for compensation through which a hotel, as defined in R.S. 47:301(6),
13 offers to furnish to a transient guest a sleeping room, cottage, or cabin.

14 (2) "Online hotel operator" means a hotel, as defined in R.S. 47:301(6), that
15 offers to furnish to a transient guest a sleeping room, cottage, or cabin through an
16 online hotel marketplace.

17 (3) "Online hotel sale" means a sale facilitated through an online hotel
18 marketplace in which there is an amount required to be paid by a transient guest as
19 a condition of occupancy of a residential location to an online hotel operator.

1 B. The secretary of the Department of Revenue shall promulgate rules and
 2 regulations in accordance with the Administrative Procedure Act to provide for
 3 registration of online hotel marketplaces with the department.

4 C. The secretary shall allocate existing resources for the implementation of
 5 this Section.

6 Section 2. The provisions of this Act shall become effective July 1, 2016.

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 722 Reengrossed

2016 Regular Session

Moreno

Abstract: Requires the secretary of the Dept. of Revenue to promulgate rules and regulations for registration by "online hotel marketplaces" with the Dept.

Present law provides procedures for collecting and remitting the state sales tax by dealers to the secretary of the Dept. of Revenue (DOR). Proposed law retains present law.

Proposed law defines the following terms:

- (1) "Online hotel marketplace" means any person that provides a digital platform for hotels to furnish occupancy to a transient guest at a sleeping room, cottage, or cabin in exchange for compensation.
- (2) "Online hotel operator" means a hotel, as defined in present law, that furnishes occupancy to a transient guest at a sleeping room, cottage, or cabin through an online hotel marketplace.
- (3) "Online hotel sale" means furnishing occupancy to a transient guest at a residential location by an online hotel operator facilitated through an online hotel marketplace.

Proposed law requires the secretary of the DOR to promulgate rules and regulations in accordance with the APA for registration of online hotel marketplaces with the DOR.

Proposed law requires registration required by proposed law to be implemented using existing resources.

Effective July 1, 2016.

(Adds R.S. 47:306.4)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Ways and Means to the original bill:

1. Change from permissive to mandatory an online hotel marketplace's obligation to register with the Department of Revenue.

2. For purposes of defining "online hotel marketplace" and "online hotel operator", delete the qualification that the location for which a hotel is compensated for furnishing be a residential location.
3. Make technical changes.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill:

1. Delete provisions of proposed law that would have required an online hotel marketplace to register with the DOR for payment of taxes imposed on online hotel sales.
2. Delete provisions of proposed law that would have required an online hotel marketplace to remit all taxes collected on online hotel sales along with a report of the amount of the tax collected from each taxing jurisdiction.
3. Delete provisions of proposed law that designated the secretary of the DOR as an agent of local government for purposes of collecting local taxes collected by an online hotel marketplace.
4. Require the secretary of the DOR to promulgate rules and regulations in accordance with the APA for registration of online hotel marketplaces with the DOR and require that existing resources of DOR be used for implementation of proposed law.