2017 Regular Session

HOUSE BILL NO. 386

BY REPRESENTATIVE BROADWATER

TAX/HOTEL OCCUPANCY: Provides relative to the definition of hotel for purposes of certain sales and hotel occupancy taxes

1	AN ACT
2	To amend and reenact R.S. 33:4574.1(A)(1)(b) and 4574.1.1(C)(1) and to enact R.S.
3	47:301(6)(d), relative to certain state and local sales taxes; to exclude certain
4	facilities from the definition of hotel for purposes of sales taxes and hotel occupancy
5	taxes; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 33:4574.1(A)(1)(b) and 4574.1.1(C)(1) are hereby amended and
8	reenacted to read as follows:
9	§4574.1. Taxes; occupancy; sales and use
10	A.(1)
11	* * *
12	(b) The word "hotel" as used herein in this Section shall mean and include
13	any establishment, both public and private, engaged in the business of furnishing or
14	providing rooms and overnight camping facilities intended or designed for dwelling,
15	lodging, or sleeping purposes to transient guests where such establishment consists
16	of two or more guest rooms and does not encompass any hospital, convalescent or
17	nursing home or sanitarium, or any hotel-like facility operated by or in connection
18	with a hospital or medical clinic providing rooms exclusively for patients and their

Page 1 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	families. The word "hotel" used herein in this Section shall not include camp and	
2	retreat facilities owned and operated by nonprofit organizations exempt from federal	
3	income tax under Section 501(a) of the Internal Revenue Code as an organization	
4	described in Section 501(c)(3) of the Internal Revenue Code provided that the net	
5	revenue derived from the organization's property is devoted wholly to the nonprofit	
6	organization's purposes. The word "hotel" shall not include a facility that provides	
7	sleeping accommodations to transient individuals if each occupant permanently	
8	resides elsewhere and is housed at the facility solely as an incident of employment	
9	and at the direction of his employer and each occupant's employer is solely	
10	responsible for payment of bills related to the occupant's housing at the facility.	
11	* * *	
12	§4574.1.1. Occupancy taxes levied by the commissions	
13	* * *	
14	C.(1) The word "hotel" as used in this Section shall mean and include any	
15	establishment, either public or private, engaged in the business of furnishing or	
16	providing rooms and overnight camping facilities intended or designed for dwelling,	
17	lodging, or sleeping purposes to transient guests where such establishment consists	
18	of two or more guest rooms and does not encompass any hospital, convalescent or	
19	nursing home or sanitarium, or any hotel-like facility operated by or in connection	
20	with a hospital or medical clinic providing rooms exclusively for patients and their	
21	families. The word "hotel" shall not include a facility that provides sleeping	
22	accommodations to transient individuals if each occupant permanently resides	
23	elsewhere and is housed at the facility solely as an incident of employment and at the	
24	direction of his employer and each occupant's employer is solely responsible for	
25	payment of bills related to the occupant's housing at the facility.	
26	* * *	

1	Section 2. R.S. 47:301(6)(d) is hereby enacted to read as follows:		
2	§301. Definitions		
3	As used in this Chapter the following words, terms, and phrases have the		
4	meanings ascribed to them in this Section, unless the context clearly indicates a		
5	different meaning:		
6	* * *		
7	(6)		
8	* * *		
9	(d) For purposes of the sales and use taxes of all tax authorities in this state,		
10	the term "hotel", shall not include a facility that provides sleeping accommodations		
11	to transient individuals if each occupant permanently resides elsewhere and is housed		
12	at the facility solely as an incident of employment and at the direction of his		
13	employer and each occupant's employer is solely responsible for payment of bills		
14	related to the occupant's housing at the facility.		
15	* * *		

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 386 Original	2017 Regular Session	Broadwater

Abstract: Excludes certain facilities from the definition of hotel for purposes of sales taxes and hotel occupancy taxes.

<u>Present law</u> defines the word hotel for purposes of state and local sales taxes and for purposes of hotel occupancy taxes levied by or for local tourist commissions. Generally a hotel is a facility that provides sleeping accommodations to transient guests. <u>Present law</u> provides for exclusion of specified facilities from the definition.

<u>Proposed law</u> excludes from the definition of a hotel, a facility that provides sleeping accommodations to transient individuals if each occupant permanently resides elsewhere and is housed at the facility solely as an incident of employment and at the direction of his employer and each occupant's employer is solely responsible for payment of bills related to the occupant's housing at the facility.

(Amends R.S. 33:4574.1(A)(1)(b) and 4574.1.1(C)(1); Adds R.S. 47:301(6)(d))