



February 22, 2024

ENGROSSED SENATE BILL No. 238

DIGEST OF SB 238 (Updated February 21, 2024 6:12 pm - DI 125)

Citations Affected: IC 6-9.

Synopsis: Innkeeper's tax. Authorizes Jefferson County to impose its innkeeper's tax at a rate of 8% (instead of 5% under current law). Provides that, if the tax rate is increased to more than 5%, the portion of the tax rate that exceeds 5% expires on December 31, 2045. Provides that the county fiscal body of Howard County may adopt an ordinance that would impose the innkeeper's tax on a person engaged in the business of renting or furnishing rooms, lodgings, or accommodations located within an inn, a hotel, or a motel for a period of more than 30 days. (Current law limits the imposition of the
(Continued next page)

Effective: Upon passage.

Maxwell, Garten

(HOUSE SPONSORS — ZIMMERMAN, KARICKHOFF, KING, MILLER D)

January 10, 2024, read first time and referred to Committee on Tax and Fiscal Policy.
January 23, 2024, reported favorably — Do Pass.
January 25, 2024, read second time, amended, ordered engrossed.
January 26, 2024, engrossed.
January 29, 2024, read third time, passed. Yeas 38, nays 11.

HOUSE ACTION

February 6, 2024, read first time and referred to Committee on Ways and Means.
February 22, 2024, amended, reported — Do Pass.

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Digest Continued

innkeeper's tax to renting or furnishing rooms, lodgings, or accommodations for periods of less than 30 days.) Provides that an ordinance would not apply to existing rooms, lodgings, or accommodations that were not subject to the 30 day threshold prior to January 1, 2024. Provides that an ordinance may not become effective until after April 30, 2024, and must expire before July 1, 2025. Requires the county fiscal body, if an ordinance is adopted, to reduce the tax for any person subject to the innkeeper's tax from 8% (current law) to 6% until the ordinance expires. Allows the county fiscal body to return the tax rate to 8% after the ordinance expires. Authorizes Elkhart County to impose its innkeeper's tax at a rate of 8% (instead of 5% under current law). Specifies that the Knox County innkeeper's tax rate may not exceed 8% (rather than 6%) but that the innkeeper's tax may not exceed 7% (rather than 5%) under specified conditions. Provides for the distribution of the revenue.



February 22, 2024

Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 238

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-9-15-6, AS AMENDED BY THE TECHNICAL
2 CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS
3 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
4 PASSAGE]: Sec. 6. (a) The county council may impose a tax on every
5 person engaged in the business of renting or furnishing, for periods of
6 less than thirty (30) days, any room or rooms, lodging, or
7 accommodations in any hotel, motel, inn, tourist camp, or tourist cabin
8 located in the county. However, the tax may not be imposed on the
9 renting or furnishing of:
10 (1) campsites at a state or federal park or forest;
11 (2) rooms, lodgings, or accommodations to a person for a period
12 of thirty (30) days or more; or
13 (3) any room, lodging, or accommodations in a university or
14 college residence hall to a student participating in a course of
15 study for which the student receives college credit from a college
16 or university located in the county.
17 (b) The tax shall be imposed at the rate of four percent (4%) on the

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1 gross income derived from lodging income only. **Subject to subsection**
2 **(g)**, the county council may increase the tax rate to ~~five percent (5%)~~
3 **eight percent (8%)**. The tax is in addition to the state gross retail tax
4 imposed on such persons by IC 6-2.5.

5 (c) The county fiscal body may adopt an ordinance to require that
6 the tax shall be paid monthly to the county treasurer. If such an
7 ordinance is adopted, the tax shall be paid to the county treasurer not
8 more than twenty (20) days after the end of the month the tax is
9 collected. If such an ordinance is not adopted, the tax shall be imposed,
10 paid, and collected in exactly the same manner as the state gross retail
11 tax is imposed, paid, and collected pursuant to IC 6-2.5.

12 (d) All of the provisions of IC 6-2.5 relating to rights, duties,
13 liabilities, procedures, penalties, definitions, exemptions, and
14 administration shall be applicable to the imposition and administration
15 of the tax imposed by this section except to the extent such provisions
16 are in conflict or inconsistent with the specific provisions of this
17 chapter or the requirements of the county treasurer. Specifically and not
18 in limitation of the foregoing sentence, the terms "person" and "gross
19 retail income" have the same meaning in this section as they have in
20 IC 6-2.5, except that "person" does not include state supported
21 educational institutions.

22 (e) If the tax is paid to the department of state revenue, the returns
23 to be filed for the payment of the tax under this section may be either
24 a separate return or may be combined with the return filed for the
25 payment of the state gross retail tax, as the department of state revenue
26 may by rule determine.

27 (f) If the tax is paid to the department of state revenue, the amounts
28 received from such tax shall be paid quarterly by the treasurer of state
29 to the county treasurer upon warrants issued by the ~~auditor~~ of state
30 **comptroller**.

31 **(g) This subsection applies only if the county council increases**
32 **the tax rate to more than five percent (5%). The portion of the tax**
33 **rate that exceeds five percent (5%) shall expire on December 31,**
34 **2045.**

35 SECTION 2. IC 6-9-18-3, AS AMENDED BY THE TECHNICAL
36 CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS
37 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
38 PASSAGE]: Sec. 3. (a) The fiscal body of a county may levy a tax on
39 every person engaged in the business of renting or furnishing, for
40 periods of less than thirty (30) days, any room or rooms, lodgings, or
41 accommodations in any:

- 42 (1) hotel;



- 1 (2) motel;
 2 (3) boat motel;
 3 (4) inn;
 4 (5) college or university memorial union;
 5 (6) college or university residence hall or dormitory; or
 6 (7) tourist cabin;
 7 located in the county.
- 8 (b) The tax does not apply to gross income received in a transaction
 9 in which:
- 10 (1) a student rents lodgings in a college or university residence
 11 hall while that student participates in a course of study for which
 12 the student receives college credit from a college or university
 13 located in the county; or
 14 (2) a person rents a room, lodging, or accommodations for a
 15 period of thirty (30) days or more.
- 16 (c) The tax may not exceed:
- 17 (1) the rate of five percent (5%) in a county other than a county
 18 subject to subdivision (2), (3), or (4);
 19 (2) after June 30, 2019, **and except as provided in section 6.7 of**
 20 **this chapter**, the rate of eight percent (8%) in Howard County;
 21 (3) after June 30, 2021, the rate of nine percent (9%) in Daviess
 22 County; or
 23 (4) after June 30, 2023, the rate of eight percent (8%) in Parke
 24 County.
- 25 The tax is imposed on the gross retail income derived from lodging
 26 income only and is in addition to the state gross retail tax imposed
 27 under IC 6-2.5.
- 28 (d) The county fiscal body may adopt an ordinance to require that
 29 the tax shall be paid monthly to the county treasurer. If such an
 30 ordinance is adopted, the tax shall be paid to the county treasurer not
 31 more than twenty (20) days after the end of the month the tax is
 32 collected. If such an ordinance is not adopted, the tax shall be imposed,
 33 paid, and collected in exactly the same manner as the state gross retail
 34 tax is imposed, paid, and collected under IC 6-2.5.
- 35 (e) All of the provisions of IC 6-2.5 relating to rights, duties,
 36 liabilities, procedures, penalties, definitions, exemptions, and
 37 administration are applicable to the imposition and administration of
 38 the tax imposed under this section except to the extent those provisions
 39 are in conflict or inconsistent with the specific provisions of this
 40 chapter or the requirements of the county treasurer. If the tax is paid to
 41 the department of state revenue, the return to be filed for the payment
 42 of the tax under this section may be either a separate return or may be



1 combined with the return filed for the payment of the state gross retail
2 tax as the department of state revenue may, by rule, determine.

3 (f) If the tax is paid to the department of state revenue, the amounts
4 received from the tax imposed under this section shall be paid monthly
5 by the treasurer of state to the county treasurer upon warrants issued by
6 the ~~auditor~~ of state **comptroller**.

7 SECTION 3. IC 6-9-18-6.7 IS ADDED TO THE INDIANA CODE
8 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
9 **UPON PASSAGE]: Sec. 6.7. (a) This section applies only to Howard**
10 **County.**

11 (b) **This section applies only to rooms, lodgings, or**
12 **accommodations located within:**

- 13 (1) **an inn;**
14 (2) **a hotel; or**
15 (3) **a motel.**

16 (c) **As used in this section, "innkeeper's tax" means the tax that**
17 **except as provided in this section is imposed on a person engaged**
18 **in the business of renting or furnishing any rooms, lodgings, or**
19 **accommodations for a duration of less than thirty (30) days.**

20 (d) **As used in this section, "person" means an individual, a**
21 **corporation, a limited liability company, a partnership, a**
22 **marketplace facilitator under IC 6-9-29-6, or any other legal entity.**

23 (e) **The county fiscal body may adopt an ordinance to extend the**
24 **thirty (30) day duration described in subsection (c) for existing or**
25 **newly built inns, hotels, or motels while the ordinance is in effect.**

26 (f) **An ordinance adopted under this section does not apply to a**
27 **person that, prior to January 1, 2024, rented or furnished rooms,**
28 **lodgings, or accommodations that were not subject to the**
29 **innkeeper's tax because the rental or furnishing period exceeded**
30 **the thirty (30) day duration described in subsection (c).**

31 (g) **An ordinance adopted under this section:**

- 32 (1) **may not become effective until after April 30, 2024; and**
33 (2) **must expire before July 1, 2025.**

34 (h) **An ordinance adopted under this section must become**
35 **effective on the first day of a month and must expire on the last day**
36 **of a month.**

37 (i) **If the county fiscal body adopts an ordinance under this**
38 **section, the county fiscal body shall reduce the innkeeper's tax rate**
39 **for any person subject to the innkeeper's tax rate from the current**
40 **rate of eight percent (8%) to the rate of six percent (6%),**
41 **beginning with the month that the ordinance becomes effective and**
42 **effective until the ordinance expires.**



1 (j) Beginning with the first month after an ordinance under this
2 section expires, the county fiscal body may return the innkeeper's
3 tax rate for any person subject to the innkeeper's tax to a
4 maximum rate of eight percent (8%) as described in section 3(c)(2)
5 of this chapter.

6 (k) If the county fiscal body adopts an ordinance under this
7 section, the county fiscal body shall:

8 (1) specify the effective date of the ordinance to provide that
9 the ordinance does not take effect before May 1, 2024;

10 (2) specify that the ordinance will expire before July 1, 2025;
11 and

12 (3) immediately send a certified copy of the ordinance to the
13 commissioner of the department of state revenue.

14 The extension of the duration of renting and furnishing any room,
15 lodgings, or accommodations for which an innkeeper's tax may be
16 imposed in an ordinance adopted under this section continues in
17 effect unless the extension is rescinded.

18 (l) If the county fiscal body does not immediately send a
19 certified copy of the ordinance to the commissioner of the
20 department of state revenue as required under subsection (k), the
21 department of state revenue shall treat an extension of the duration
22 under this section for which an innkeeper's tax is imposed as
23 having been adopted on the later of:

24 (1) the first day of the month that is not less than thirty (30)
25 days after the ordinance is sent to the commissioner of the
26 department of state revenue; or

27 (2) the effective date specified in the ordinance.

28 The department of state revenue shall collect the tax imposed on
29 the days subject to an ordinance adopted under this section unless
30 the extension exceeds the maximum period allowable under this
31 section.

32 (m) If an ordinance does not specify an effective date, the
33 ordinance shall be considered effective on the earliest date
34 allowable under this section.

35 SECTION 4. IC 6-9-19-3, AS AMENDED BY THE TECHNICAL
36 CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS
37 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
38 PASSAGE]: Sec. 3. (a) The fiscal body of a county may levy a tax on
39 every person engaged in the business of renting or furnishing, for
40 periods of less than thirty (30) days, any room or rooms, lodgings, or
41 accommodations in any:

42 (1) hotel;



- 1 (2) motel;
 2 (3) inn; or
 3 (4) tourist cabin;
 4 that has thirty (30) or more rooms for rent and is located in the county.
 5 (b) The tax does not apply to gross income received in a transaction
 6 in which:
 7 (1) a student rents lodgings in a college or university residence
 8 hall while that student participates in a course of study for which
 9 the student receives college credit from a college or university
 10 located in the county; or
 11 (2) a person rents a room, lodging, or accommodations for a
 12 period of thirty (30) days or more.
 13 (c) The tax may not exceed the rate of ~~five percent (5%)~~ **eight**
 14 **percent (8%)** on the gross retail income derived from lodging income
 15 only and is in addition to the state gross retail tax imposed under
 16 IC 6-2.5.
 17 (d) The county fiscal body may adopt an ordinance to require that
 18 the tax shall be paid monthly to the county treasurer. If such an
 19 ordinance is adopted, the tax shall be paid to the county treasurer not
 20 more than twenty (20) days after the end of the month the tax is
 21 collected. If such an ordinance is not adopted, the tax shall be imposed,
 22 paid, and collected in exactly the same manner as the state gross retail
 23 tax is imposed, paid, and collected under IC 6-2.5.
 24 (e) All of the provisions of IC 6-2.5 relating to rights, duties,
 25 liabilities, procedures, penalties, definitions, exemptions, and
 26 administration are applicable to the imposition and administration of
 27 the tax imposed under this section except to the extent those provisions
 28 are in conflict or inconsistent with the specific provisions of this
 29 chapter or the requirements of the county treasurer. If the tax is paid to
 30 the department of state revenue, the return to be filed for the payment
 31 of the tax under this section may be either a separate return or may be
 32 combined with the return filed for the payment of the state gross retail
 33 tax as the department of state revenue may, by rule, determine.
 34 (f) If the tax is paid to the department of state revenue, the taxes the
 35 department of state revenue receives under this section during a month
 36 shall be paid, by the end of the next succeeding month, to the county
 37 treasurer upon warrants issued by the ~~auditor~~ of state **comptroller**.
 38 SECTION 5. IC 6-9-53-3, AS ADDED BY P.L.290-2019,
 39 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 3. (a) The fiscal body of the county may levy
 41 a tax on every person engaged in the business of renting or furnishing,
 42 for periods of less than thirty (30) days, any room or rooms, lodgings,



- 1 or accommodations in any:
- 2 (1) hotel;
- 3 (2) motel;
- 4 (3) boat motel;
- 5 (4) inn;
- 6 (5) college or university memorial union;
- 7 (6) college or university residence hall or dormitory; or
- 8 (7) tourist cabin;
- 9 located in the county.
- 10 (b) The tax does not apply to gross income received in a transaction
- 11 in which:
- 12 (1) a student rents lodgings in a college or university residence
- 13 hall while that student participates in a course of study for which
- 14 the student receives college credit from a college or university
- 15 located in the county; or
- 16 (2) a person rents a room, lodging, or accommodations for a
- 17 period of thirty (30) days or more.
- 18 (c) Subject to subsection (d), the tax may not exceed the rate of ~~six~~
- 19 **eight** percent (~~6%~~) (**8%**) on the gross retail income derived from
- 20 lodging income only and is in addition to the state gross retail tax
- 21 imposed under IC 6-2.5.
- 22 (d) Notwithstanding subsection (c), the tax rate imposed by the
- 23 fiscal body of Knox County under this chapter may not exceed ~~five~~
- 24 **seven** percent (~~5%~~) (**7%**) if either of the following apply:
- 25 (1) The Grouseland Foundation, Inc., is dissolved.
- 26 (2) Tours of the territorial mansion and presidential site of
- 27 William Henry Harrison are no longer provided.
- 28 (e) The tax shall be imposed, paid, and collected in the same manner
- 29 as the state gross retail tax is imposed, paid, and collected under
- 30 IC 6-2.5.
- 31 SECTION 6. IC 6-9-53-5, AS AMENDED BY THE TECHNICAL
- 32 CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS
- 33 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
- 34 PASSAGE]: Sec. 5. The amounts received from the tax imposed under
- 35 this chapter shall be paid monthly by the treasurer of state upon
- 36 warrants issued by the ~~auditor~~ of state **comptroller** as follows:
- 37 (1) If the tax rate imposed under section 3 of this chapter is ~~five~~
- 38 **seven** percent (~~5%~~) (**7%**) or less, all amounts received from the
- 39 tax shall be paid to the county treasurer.
- 40 (2) If the tax rate imposed under section 3 of this chapter is more
- 41 than ~~five seven~~ percent (~~5%~~); (**7%**), amounts received from the
- 42 tax shall be allocated and paid as follows:



1 (A) The amount received from the tax as a result of a ~~five~~
2 **seven** percent (~~5%~~) (**7%**) rate shall be allocated and paid to
3 the county treasurer.
4 (B) The amount received from the tax that exceeds the amount
5 under clause (A) shall be allocated and paid to the Grouseland
6 Foundation, Inc.
7 **SECTION 7. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 238, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 238 as introduced.)

HOLDMAN, Chairperson

Committee Vote: Yeas 14, Nays 0

 SENATE MOTION

Madam President: I move that Senate Bill 238 be amended to read as follows:

Page 1, delete line 17.

Page 2, delete lines 1 through 4, begin a new paragraph and insert:

"(b) The tax shall be imposed at the rate of four percent (4%) on the gross income derived from lodging income only. **Subject to subsection (g),** the county council may increase the tax rate to ~~five percent (5%)~~ **eight percent (8%)**. The tax is in addition to the state gross retail tax imposed on such persons by IC 6-2.5."

Page 2, between lines 30 and 31, begin a new paragraph and insert:

"(g) **This subsection applies only if the county council increases the tax rate to more than five percent (5%). The portion of the tax rate that exceeds five percent (5%) shall expire on December 31, 2045.**"

(Reference is to SB 238 as printed January 24, 2024.)

MAXWELL

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 238, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 34 and 35, begin a new paragraph and insert:

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"SECTION 2. IC 6-9-18-3, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The fiscal body of a county may levy a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any:

- (1) hotel;
- (2) motel;
- (3) boat motel;
- (4) inn;
- (5) college or university memorial union;
- (6) college or university residence hall or dormitory; or
- (7) tourist cabin;

located in the county.

(b) The tax does not apply to gross income received in a transaction in which:

- (1) a student rents lodgings in a college or university residence hall while that student participates in a course of study for which the student receives college credit from a college or university located in the county; or
- (2) a person rents a room, lodging, or accommodations for a period of thirty (30) days or more.

(c) The tax may not exceed:

- (1) the rate of five percent (5%) in a county other than a county subject to subdivision (2), (3), or (4);
- (2) after June 30, 2019, **and except as provided in section 6.7 of this chapter**, the rate of eight percent (8%) in Howard County;
- (3) after June 30, 2021, the rate of nine percent (9%) in Daviess County; or
- (4) after June 30, 2023, the rate of eight percent (8%) in Parke County.

The tax is imposed on the gross retail income derived from lodging income only and is in addition to the state gross retail tax imposed under IC 6-2.5.

(d) The county fiscal body may adopt an ordinance to require that the tax shall be paid monthly to the county treasurer. If such an ordinance is adopted, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month the tax is collected. If such an ordinance is not adopted, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

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(e) All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the tax imposed under this section except to the extent those provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. If the tax is paid to the department of state revenue, the return to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may, by rule, determine.

(f) If the tax is paid to the department of state revenue, the amounts received from the tax imposed under this section shall be paid monthly by the treasurer of state to the county treasurer upon warrants issued by the ~~auditor of state~~ **comptroller**.

SECTION 3. IC 6-9-18-6.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.7. (a) This section applies only to Howard County.

(b) This section applies only to rooms, lodgings, or accommodations located within:

- (1) an inn;**
- (2) a hotel; or**
- (3) a motel.**

(c) As used in this section, "innkeeper's tax" means the tax that except as provided in this section is imposed on a person engaged in the business of renting or furnishing any rooms, lodgings, or accommodations for a duration of less than thirty (30) days.

(d) As used in this section, "person" means an individual, a corporation, a limited liability company, a partnership, a marketplace facilitator under IC 6-9-29-6, or any other legal entity.

(e) The county fiscal body may adopt an ordinance to extend the thirty (30) day duration described in subsection (c) for existing or newly built inns, hotels, or motels while the ordinance is in effect.

(f) An ordinance adopted under this section does not apply to a person that, prior to January 1, 2024, rented or furnished rooms, lodgings, or accommodations that were not subject to the innkeeper's tax because the rental or furnishing period exceeded the thirty (30) day duration described in subsection (c).

(g) An ordinance adopted under this section:

- (1) may not become effective until after April 30, 2024; and**
- (2) must expire before July 1, 2025.**

(h) An ordinance adopted under this section must become



effective on the first day of a month and must expire on the last day of a month.

(i) If the county fiscal body adopts an ordinance under this section, the county fiscal body shall reduce the innkeeper's tax rate for any person subject to the innkeeper's tax rate from the current rate of eight percent (8%) to the rate of six percent (6%), beginning with the month that the ordinance becomes effective and effective until the ordinance expires.

(j) Beginning with the first month after an ordinance under this section expires, the county fiscal body may return the innkeeper's tax rate for any person subject to the innkeeper's tax to a maximum rate of eight percent (8%) as described in section 3(c)(2) of this chapter.

(k) If the county fiscal body adopts an ordinance under this section, the county fiscal body shall:

- (1) specify the effective date of the ordinance to provide that the ordinance does not take effect before May 1, 2024;
- (2) specify that the ordinance will expire before July 1, 2025; and
- (3) immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.

The extension of the duration of renting and furnishing any room, lodgings, or accommodations for which an innkeeper's tax may be imposed in an ordinance adopted under this section continues in effect unless the extension is rescinded.

(l) If the county fiscal body does not immediately send a certified copy of the ordinance to the commissioner of the department of state revenue as required under subsection (k), the department of state revenue shall treat an extension of the duration under this section for which an innkeeper's tax is imposed as having been adopted on the later of:

- (1) the first day of the month that is not less than thirty (30) days after the ordinance is sent to the commissioner of the department of state revenue; or
- (2) the effective date specified in the ordinance.

The department of state revenue shall collect the tax imposed on the days subject to an ordinance adopted under this section unless the extension exceeds the maximum period allowable under this section.

(m) If an ordinance does not specify an effective date, the ordinance shall be considered effective on the earliest date allowable under this section.



SECTION 4. IC 6-9-19-3, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The fiscal body of a county may levy a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any:

- (1) hotel;
- (2) motel;
- (3) inn; or
- (4) tourist cabin;

that has thirty (30) or more rooms for rent and is located in the county.

(b) The tax does not apply to gross income received in a transaction in which:

- (1) a student rents lodgings in a college or university residence hall while that student participates in a course of study for which the student receives college credit from a college or university located in the county; or
- (2) a person rents a room, lodging, or accommodations for a period of thirty (30) days or more.

(c) The tax may not exceed the rate of ~~five percent (5%)~~ **eight percent (8%)** on the gross retail income derived from lodging income only and is in addition to the state gross retail tax imposed under IC 6-2.5.

(d) The county fiscal body may adopt an ordinance to require that the tax shall be paid monthly to the county treasurer. If such an ordinance is adopted, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month the tax is collected. If such an ordinance is not adopted, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

(e) All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the tax imposed under this section except to the extent those provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. If the tax is paid to the department of state revenue, the return to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may, by rule, determine.

(f) If the tax is paid to the department of state revenue, the taxes the



department of state revenue receives under this section during a month shall be paid, by the end of the next succeeding month, to the county treasurer upon warrants issued by the ~~auditor of state~~ **comptroller**.

SECTION 5. IC 6-9-53-3, AS ADDED BY P.L.290-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The fiscal body of the county may levy a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any:

- (1) hotel;
- (2) motel;
- (3) boat motel;
- (4) inn;
- (5) college or university memorial union;
- (6) college or university residence hall or dormitory; or
- (7) tourist cabin;

located in the county.

(b) The tax does not apply to gross income received in a transaction in which:

- (1) a student rents lodgings in a college or university residence hall while that student participates in a course of study for which the student receives college credit from a college or university located in the county; or
- (2) a person rents a room, lodging, or accommodations for a period of thirty (30) days or more.

(c) Subject to subsection (d), the tax may not exceed the rate of ~~six~~ **eight** percent (~~6%~~) (**8%**) on the gross retail income derived from lodging income only and is in addition to the state gross retail tax imposed under IC 6-2.5.

(d) Notwithstanding subsection (c), the tax rate imposed by the fiscal body of Knox County under this chapter may not exceed ~~five~~ **seven** percent (~~5%~~) (**7%**) if either of the following apply:

- (1) The Grouseland Foundation, Inc., is dissolved.
- (2) Tours of the territorial mansion and presidential site of William Henry Harrison are no longer provided.

(e) The tax shall be imposed, paid, and collected in the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

SECTION 6. IC 6-9-53-5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The amounts received from the tax imposed under



this chapter shall be paid monthly by the treasurer of state upon warrants issued by the ~~auditor~~ of state **comptroller** as follows:

(1) If the tax rate imposed under section 3 of this chapter is ~~five~~ **seven** percent (~~5%~~) (**7%**) or less, all amounts received from the tax shall be paid to the county treasurer.

(2) If the tax rate imposed under section 3 of this chapter is more than ~~five~~ **seven** percent (~~5%~~) (**7%**), amounts received from the tax shall be allocated and paid as follows:

(A) The amount received from the tax as a result of a ~~five~~ **seven** percent (~~5%~~) (**7%**) rate shall be allocated and paid to the county treasurer.

(B) The amount received from the tax that exceeds the amount under clause (A) shall be allocated and paid to the Grouseland Foundation, Inc."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 238 as reprinted January 26, 2024.)

THOMPSON

Committee Vote: yeas 17, nays 3.

