

2019 Regular Session

HOUSE BILL NO. 602

BY REPRESENTATIVES ABRAMSON AND JIMMY HARRIS

TAX/HOTEL OCCUPANCY: Levies a tax on short-term rentals of overnight lodging

1 AN ACT

2 To enact R.S. 47:321.2, relative to sales and use taxes; to levy a tax on certain services; to
3 provide for the rate of the tax; to provide for certain definitions; to provide for
4 certain requirements and limitations; to provide for an effective date; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:321.2 is hereby enacted to read as follows:

8 §321.2. Imposition of tax on the furnishing of sleeping rooms by hotels; limitations

9 A. In addition to the tax levied by R.S. 47:302(A), 321(A), 321.1(A), and
10 331(A) and collected under the provisions of Chapter 2 of this Subtitle, there is
11 hereby levied an additional tax on the paid occupancy of short term rentals located
12 within the state. The rate of the occupancy tax shall be twenty-five hundredths of
13 one percent.

14 B. For purposes of the tax levied pursuant to the provisions of this Section,
15 the following terms shall have the following meanings unless the context clearly
16 indicates otherwise:

17 (1) "Person" as used in this Section shall have the same definition as that
18 contained in R.S. 47:301(8).

19 (2) "Short term rentals" as used in this Section shall mean and include the
20 rental of all or any portion of a residential dwelling unit for dwelling, lodging, or

1 sleeping purposes to one party with a duration of occupancy of less than thirty
2 consecutive days. Hotels, motels, bed and breakfasts, and other land uses explicitly
3 defined and regulated separately from short term rentals are not considered to be
4 short term rentals.

5 C. The tax levied pursuant to the provisions of this Section shall be paid by
6 the person who exercises or is entitled to occupancy of the hotel room, shall be paid
7 at the time the rent or fee for occupancy of the room is paid, and shall be in addition
8 to taxes levied under the provisions of Chapters 2, 2-A, and 2-B of this Subtitle.

9 D. The state may enter into a contract with any public entity authorized to
10 collect sales or use taxes, under terms and conditions as it may deem appropriate,
11 including payment of a reasonable collection fee, for the collection of the occupancy
12 tax authorized by this Section. The occupancy tax shall be in addition to all taxes
13 levied upon the occupancy of short term rentals located in this state.

14 Section 2. This Act shall become effective on July 1, 2019.

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 602 Original

2019 Regular Session

Abramson

Abstract: Levies an additional .25% sales and use tax on the occupancy of short term rentals located within the state.

Proposed law levies an additional tax on the occupancy of short term rentals located within the state. The rate of the occupancy tax shall be .25%.

Proposed law defines short term rental to mean rental of all or a portion of a residential dwelling for lodging purposes for a period of less than 30 days.

Proposed law requires that the tax be paid by the person who exercises or is entitled to occupancy of the short term rental at the time the rent or fee for occupancy is paid. Authorizes the state to contract with any public entity authorized to collect sales or use taxes for the collection of the short term rental tax.

Effective July 1, 2019.

(Adds R.S. 47:321.2)