

1 HB591
2 139463-1
3 By Representative Hill
4 RFD: Ways and Means General Fund
5 First Read: 22-MAR-12

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8 SYNOPSIS: This bill would amend the state lodgings tax
9 statute to clarify that the tax does not apply to
10 certain single-family residences or multifamily
11 residences.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 To amend Section 40-26-1, Code of Alabama 1975,
18 relating to a lodging tax on renting rooms and lodgings on a
19 transient basis; to clarify the tax excludes certain
20 single-family residences and multifamily residences.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 40-26-1, Code of Alabama 1975, is
23 amended to read as follows:

24 "§40-26-1.

25 "(a) There is levied and imposed, in addition to all
26 other taxes of every kind now imposed by law, a privilege or
27 license tax upon every person, firm, or corporation engaging

1 in the business of renting or furnishing any room or rooms,
2 lodging, or accommodations to transients in any hotel, motel,
3 inn, tourist camp, tourist cabin, or any other place in which
4 rooms, lodgings, or accommodations are regularly furnished to
5 transients for a consideration, in any county which is located
6 in the geographic region comprising the Alabama mountain lakes
7 area, those being Blount, Cherokee, Colbert, Cullman, DeKalb,
8 Etowah, Franklin, Jackson, Lauderdale, Lawrence, Limestone,
9 Madison, Marion, Marshall, Morgan, and Winston, in an amount
10 to be determined by the application of the rate of five
11 percent of the charge for such room, rooms, lodgings, or
12 accommodations, including the charge for use or rental of
13 personal property and services furnished in such room, and the
14 rate of four percent of the charge in every other county.
15 There is exempted from the tax levied under this chapter any
16 rentals or services taxed under Division 1 of Article 1 of
17 Chapter 23 of this title.

18 "(b) The tax shall not apply to rooms, lodgings, or
19 accommodations supplied or provided: (i) For a period of 180
20 continuous days or more in any place; (ii) by camps,
21 conference centers, or similar facilities operated by
22 nonprofit organizations primarily for the benefit of, and in
23 connection with, recreational or educational programs for
24 children, students, or members or guests of other nonprofit
25 organizations during any calendar year; ~~or~~ (iii) by privately
26 operated camps, conference centers, or similar facilities that
27 provide lodging and recreational or educational programs

1 exclusively for the benefit of children, students, or members
2 or guests of nonprofit organizations during any calendar year;
3 or (iv) pursuant to a written lease agreement with a term of
4 30 continuous days or more for a single-family residence or
5 for premises within a multifamily residential premises that
6 contains its own separate self-contained cooking, eating,
7 sleeping, bathroom, and living space as permitted by
8 applicable zoning laws to be occupied by a single family,
9 provided that for this purpose multifamily residential
10 premises shall not include any such premises which permits
11 lease or occupancy by any person for any period of 30
12 continuous days or more.

13 "(c) For purposes of subsection (b): "Children"
14 means individuals under age 21; "student" is defined in
15 accordance with 26 U.S.C. §151(c)(4), as in effect from time
16 to time or by any successor law; "nonprofit organization" is
17 an organization exempt from federal income tax under 26 U.S.C.
18 §501(c)(3), as in effect from time to time or any successor
19 law; and "privately operated" refers to any camp, conference
20 center, or similar facility other than those operated by a
21 nonprofit organization as herein defined."

22 Section 2. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.