

1 HB691
2 168306-2
3 By Representative Boothe (N & P)
4 RFD: Local Legislation
5 First Read: 21-MAY-15

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Pike County; levying a lodging tax;
14 providing for exemptions; and providing for the distribution
15 of the proceeds from the tax.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. In Pike County, in addition to all other
18 taxes imposed by law, there is levied a privilege or license
19 tax in the amount herein prescribed against every person
20 within the county, engaging in the business of renting or
21 furnishing a room or rooms or lodgings, or accommodations to a
22 transient in a hotel, motel, inn, condominium, house, tourist
23 court, bed and breakfast, lodge, or another place in which
24 rooms, lodgings, or accommodations are regularly furnished to
25 transients for a consideration. The amount of the tax shall be
26 equal to four percent of the charge for the rooms or lodgings,

1 or accommodations including the charge for use of rental of
2 personal property and services furnished in the room or rooms.

3 Section 2. (a) There are exempted from the
4 provisions of the tax levied by this act and from the
5 computation of the amount of the tax levied or payable all of
6 the following charges for property sold or services furnished
7 which are required to be included in the tax levied by the
8 State Sales Tax Act; and charges for the rental of rooms,
9 lodgings, or accommodations to a person for a period of 28
10 continuous days or more pursuant to the exemption provision of
11 Alabama's Transient Occupancy Tax, Section 40-26-1 of the Code
12 of Alabama 1975. A subsequent amendment or change to the
13 Alabama Transient Occupancy Tax shall also have the effect of
14 similarly changing the exemption provision of this act.

15 (b) Notwithstanding the provisions of this section,
16 the tax shall not apply to the rental of living accommodations
17 which are intended primarily for rental to persons as their
18 principal or permanent place of residence.

19 Section 3. (a) The tax levied by this act, except as
20 otherwise provided, shall be due and payable to the Department
21 of Revenue on or before the 20th day of the month next
22 succeeding the month in which the tax accrues. On or before
23 the 20th day of each month, every person on whom the tax is
24 levied by this act shall render to the Department of Revenue
25 on a form prescribed by the department, a true and correct
26 statement showing the gross proceeds of the business subject
27 to the tax for the then preceding month, together with other

1 information as the department requires. At the time of making
2 the monthly report, the taxpayer shall compute and pay to the
3 designated collection agent the amount of tax shown due. A
4 person subject to the tax who conducts business on a credit
5 basis may defer reporting and paying the tax until after the
6 person has received payment of the items, articles, or
7 accommodations furnished. In the event the taxpayer defers
8 reporting and paying the taxes, he or she shall thereafter
9 include in each monthly report all credit collections made
10 during the then preceding month and shall pay the amount of
11 taxes computed thereon at the time of filing the report.

12 (b) It shall be the duty of every person engaged or
13 continuing in a business subject to the tax levied by this act
14 to keep and preserve accurate records of the gross proceeds of
15 the business and other books or accounts necessary to
16 determine the amount of tax for which he or she is liable
17 pursuant to this act. The records shall be kept and preserved
18 for a period of two years and shall be open for examination at
19 all times by the Department of Revenue or by a duly authorized
20 agent, deputy, or employee of the agent.

21 (c) A person who fails to pay the tax levied by this
22 act within the time required by this act shall pay in addition
23 to the tax a penalty of 10 percent of the amount of tax due,
24 together with interest from the date on which the tax became
25 due and payable at the rate due and payable on the state
26 lodging tax. The Department of Revenue may, if good and

1 sufficient reason be shown, waive or remit the penalty or a
2 portion of the penalty.

3 Section 4. All provisions of the state lodging tax
4 statutes with respect to payment, assessment, and collection
5 of, and exemptions from, the state lodging tax, making of
6 reports and keeping and preserving records, interest after due
7 date of tax, or otherwise; the promulgation of rules and
8 regulations with respect to the state lodging tax; and the
9 administration and enforcement of the state lodging tax
10 statutes, which are not inconsistent with the provisions of
11 this act when applied to the tax levied by this act, shall
12 apply to the levied tax. The Commissioner of Revenue and the
13 Department of Revenue shall have and exercise the same powers,
14 duties, and obligations with respect to the district taxes
15 levied as imposed on the commissioner and the department,
16 respectively, by the state lodging tax statutes. All
17 provisions of the state lodging tax statutes that are made
18 applicable to this act, to the taxes levied, and to the
19 administration of this act are incorporated herein by
20 reference and made a part as if fully set forth.

21 Section 5. The provisions of this act may not be
22 applied in a manner to violate the commerce clause of the
23 United States Constitution. If a provision of this act is held
24 invalid, the invalidity shall not affect the remaining
25 provision of this act.

26 Section 6. The Department of Revenue shall charge
27 and deduct from the proceeds of the tax levied an amount equal

1 to the cost to the agency of making the collections and the
2 charge shall not exceed five percent of the total amount of
3 tax collected. Following that deduction, the department shall
4 pay fifty percent of the remainder of the proceeds from the
5 tax levied by this act to the Pike County Commission and fifty
6 percent to the municipality where the tax was collected.

7 Section 7. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.