

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 810
Department or Agency: Alabama Department of Revenue Sales, Use & Business Tax Division
Rule No.: 810-6-5-.22.01
Rule Title: Collection and Reporting Requirements for Accommodations Intermediaries and Accommodations Providers
Intended Action: New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Cameran Clark
Cameran Clark

REC'D & FILED

OCT 21, 2024

Date

Monday, October 21, 2024

LEGISLATIVE SVC AGENCY

**ALABAMA DEPARTMENT OF REVENUE
SALES, USE & BUSINESS TAX DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Revenue

RULE NO. & TITLE: 810-6-5-.22.01 Collection and Reporting Requirements
for Accommodations Intermediaries and Accommodations
Providers

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

Pursuant to the passage of Act 2024-334, The Alabama Tourism Tax Protection Act, this rule is being promulgated to provide the necessary guidance on the collection and reporting requirements for accommodations intermediaries and accommodations providers.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

A public hearing will be conducted at 1:30 P.M. on Tuesday, December 10, 2024 via web-conference. To participate in the upcoming web-conference public hearing please contact the Tax Policy and Governmental Affairs Division at Taxpolicy@revenue.alabama.gov or 334-242-1380 to obtain the appropriate sign-in information for a specific public hearing date. Copies of the rule(s) can be obtained at <http://www.revenue.alabama.gov/tax-policy/>.

All interested parties may present their views in writing to the Secretary of the Alabama Department of Revenue, Room 4131, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132 at any time following publication of the notice up until the conclusion of the hearing. Interested parties may also may present their views during the web-conference.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, December 10, 2024

CONTACT PERSON AT AGENCY:

Nicci Adams
Alabama Department of Revenue
4131 Gordon Persons Building
Montgomery, Alabama 36132
(334) 242-1380

Cameran Clark

Cameran Clark

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

**Collection and Reporting Requirements for
Accommodations Intermediaries and
Accommodations Providers.**

(1) Definitions.

(a) ACCOMMODATIONS INTERMEDIARY. Any person, firm, or corporation, other than an accommodations provider, that facilitates renting, furnishing, lodging, or accommodation transactions subject to the tax levied under §40-26-1, Code of Ala. 1975, and charges a room fee or an accommodations fee to the customer, which it retains as compensation for such facilitation. Facilitating transactions include brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

(b) ACCOMMODATIONS PROVIDER. Any person, firm, or corporation, engaging in the business of transactions subject to the tax levied under §40-26-1, Code of Ala. 1975, that has an active lodgings tax account with the department and collects and remits lodgings tax on the accommodations that are rented directly by the owner of the accommodation.

(c) HOTEL. Any public lodging establishment that is owned by a single entity or person; contains 15 or more individual sleeping room accommodations; offers rental units with daily or weekly rates; has a central office on the property with specified hours of operation; has a bathroom for each rental unit; is recognized as a hotel in the community in which it is situated; and possesses a permit from the Alabama Department of Public Health to operate as a hotel.

(d) PROFESSIONAL PROPERTY MANAGEMENT COMPANY. A licensed real estate brokerage firm with a physical storefront location authorized and licensed under §34-27-30, Code of Ala. 1975, to engage in the business of property management services on behalf of property owners.

(e) ROOM CHARGE. The full retail price paid by the guest for an accommodation, including any accommodations fee and any other fees or charges. This includes the charge for the use or rental of personal property and services furnished in the room or accommodation.

(2) Collection and Remittance Requirements.

(a) Except as provided in paragraph (2)(b), the accommodations intermediary shall collect and remit the tax imposed by Chapter 26 of Title 40 for the facilitation of lodgings transactions subject to the tax levied under §40-26-1, Code of Ala. 1975, and parallel local levies, for transactions occurring on or after January 1, 2025. The tax shall be imposed on the room charge.

(b) When an accommodations intermediary facilitates the transaction on behalf of an accommodations provider, the taxes collected may be remitted to the accommodations provider, when there is an executed written agreement or contract specifying the responsible party for remitting such taxes.

(3) Annual Informational Report.

(a) Every accommodations intermediary and accommodations provider shall annually submit a report to the department that includes information for accommodations that were rented or furnished during the previous year. The annual informational report must be filed electronically by April 20 of the calendar year succeeding the year for which the annual informational report is provided. The first annual informational report is due no later than April 20, 2026.

(b) The annual informational report must include the following information for the previous calendar year:

1. The classification of either accommodations intermediary or accommodations provider.

2. The physical address of each accommodation that was rented or furnished greater than 14 days.

3. If any of the reported accommodations are made pursuant to an executed written agreement or contract specifying the responsible party for remitting the lodgings taxes, indicate which accommodation(s) this includes and who the responsible party is for remitting the lodgings taxes on these transactions.

(4) Exemptions from Annual Informational Report. The following entities shall be exempt from the annual informational report described in paragraph (3):

(a) Professional property management companies that either collect and remit the tax levied under §40-26-1, Code of Ala.

1975, or manage properties leased for a month or more as the principal residence of the tenant.

(b) Hotels that collect and remit the tax levied under §40-26-1, Code of Ala. 1975.

(c) A destination marketing organization whose primary purpose is the promotion of tourism and receives funding from taxes collected and remitted pursuant to §40-26-1, Code of Ala. 1975.

(d) Providers of accommodations defined under §40-26-1(d), Code of Ala. 1975, such as marine slips, tent camping, and RV parks, that collect and remit the tax levied under §40-26-1, Code of Ala. 1975.

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Statutory Authority: §§ 34-27-30, 40-2A-7(a)(5), 40-2A-11, 40-23-1, 40-26-1, and 40-26-1.1, Code of Ala. 1975

History: New Rule: Published _____; effective _____.