

By: Turner of Tarrant

H.B. No. 3630

A BILL TO BE ENTITLED

AN ACT

relating to the application of the hotel occupancy tax and the collection and administration of the tax by a municipality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 156.001, Tax Code, is amended to read as follows:

Sec. 156.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Hotel" [~~,"hotel"~~] means a building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, short-term rental, or bed and breakfast. The term does not include:

(A) [~~(1)~~] a hospital, sanitarium, or nursing home;

(B) [~~(2)~~] a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education as those terms are defined by Section 61.003, Education Code, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution; or

(C) [~~(3)~~] an oilfield portable unit, as defined by Section 152.001.

1           (2) "Short-term rental" means the rental of all or  
2 part of a residential property to a person who is not a permanent  
3 resident under Section 156.101.

4           SECTION 2. The heading to Section 351.005, Tax Code, is  
5 amended to read as follows:

6           Sec. 351.005. REIMBURSEMENT FOR [~~TAX COLLECTION~~] EXPENSES  
7 OF TAX COLLECTION AND USE OF ELECTRONIC TAX ADMINISTRATION SYSTEM.

8           SECTION 3. Section 351.005(a), Tax Code, is amended to read  
9 as follows:

10           (a) A municipality may permit a person who is required to  
11 collect and pay over to the municipality the tax authorized by this  
12 chapter not more than one percent of the amount collected and  
13 required to be reported as reimbursement to the person for the costs  
14 in collecting the tax and, if applicable, the use of an electronic  
15 tax administration system described by Section 351.1012.

16           SECTION 4. Subchapter B, Chapter 351, Tax Code, is amended  
17 by adding Section 351.1012 to read as follows:

18           Sec. 351.1012. ELECTRONIC TAX ADMINISTRATION SYSTEM. (a)  
19 Notwithstanding any other provision of this chapter, a municipality  
20 may spend not more than two percent of the revenue derived from the  
21 tax authorized by this chapter for the creation, maintenance,  
22 operation, and administration, including compliance audits, of an  
23 electronic tax administration system.

24           (b) A municipality may contract with a third party on an  
25 hourly or fixed-rate basis to assist in the creation, maintenance,  
26 operation, or administration of the electronic tax administration  
27 system.

1           SECTION 5. The amendments made by this Act to Section  
2   156.001, Tax Code, are a clarification of existing law and do not  
3   imply that existing law may be construed as inconsistent with the  
4   law as amended by this Act.

5           SECTION 6. This Act takes effect immediately if it receives  
6   a vote of two-thirds of all the members elected to each house, as  
7   provided by Section 39, Article III, Texas Constitution. If this  
8   Act does not receive the vote necessary for immediate effect, this  
9   Act takes effect September 1, 2015.