

By: Meyer

H.B. No. 2889

A BILL TO BE ENTITLED

AN ACT

relating to the calculation, collection, and remittance of state hotel occupancy taxes.

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

SECTION 1. Section 156.051(b), Tax Code, is amended to read as follows:

(b) The price of a room or space in a hotel includes all charges related to the use or possession of the room or space, including charges for cleaning and readying the room or space, furniture rental charges, and charges for reserving or booking the room or space. The price of the room or space does not include charges for ~~[the cost of]~~ food or ~~[served by the hotel and the cost of]~~ personal or telecommunications services if those charges are separately itemized ~~[performed by the hotel for the person except for those services related to cleaning and readying the room for use or possession]~~.

SECTION 2. Section 156.052, Tax Code, is amended to read as follows:

Sec. 156.052. RATE OF TAX. The rate of the tax imposed by this chapter is six percent of the price paid for a room or space in a hotel.

SECTION 3. Section 156.053, Tax Code, is amended to read as follows:

Sec. 156.053. COLLECTION OF TAX. (a) Except as provided by

1 Subsection (b), a [A] person owning, operating, managing, or  
2 controlling a hotel shall collect for the state the tax that is  
3 imposed by this chapter [~~and that is calculated on the amount paid~~  
4 ~~for a room in the hotel~~].

5 (b) If the person who owns, operates, manages, or controls  
6 the hotel is not the person who collects payment for a room or space  
7 in the hotel, the person who collects payment for the room or space  
8 shall:

9 (1) collect for the state the tax imposed by this  
10 chapter; and

11 (2) certify to the person who owns, operates, manages,  
12 or controls the hotel that the tax has been collected and will be  
13 paid to the comptroller.

14 (c) A person who owns, operates, manages, or controls a  
15 hotel and who accepts in good faith a certification under  
16 Subsection (b) may exclude the amount of any taxes certified as  
17 collected under that subsection from the person's report filed  
18 under Section 156.151.

19 (d) Notwithstanding any other provision of this section,  
20 the comptroller by rule may provide that a person who secures a room  
21 or space in a hotel for another person and who collects payment for  
22 the room or space is not required to collect the tax imposed by this  
23 chapter if the annual gross receipts the person and any affiliated  
24 group of which the person is a member receive for securing rooms and  
25 spaces in hotels for others are \$250,000 or less. For purposes of  
26 this subsection:

27 (1) "Affiliated group" has the meaning assigned by

1 Section 171.0001.

2 (2) "Gross receipts" means commissions or any other  
3 amounts of money charged and received by a person.

4 SECTION 4. Section 156.101, Tax Code, is amended to read as  
5 follows:

6 Sec. 156.101. EXCEPTION--PERMANENT RESIDENT. This chapter  
7 does not impose a tax on a person who has the right to use or possess  
8 a room or space in a hotel for at least 30 consecutive days, so long  
9 as there is no interruption of payment for the period.

10 SECTION 5. Section 156.151(a), Tax Code, is amended to read  
11 as follows:

12 (a) A person required to collect the tax imposed by this  
13 chapter shall pay the comptroller the tax collected during the  
14 preceding reporting period and at the same time shall file with the  
15 comptroller a report stating:

16 (1) the total amount of the payments collected by the  
17 person for rooms or spaces at a [~~made for rooms at the person's~~]  
18 hotel during the preceding reporting period;

19 (2) the amount of the tax collected by the person  
20 during the preceding reporting period; and

21 (3) other information that the comptroller requires to  
22 be in the report.

23 SECTION 6. The changes in law made by this Act do not affect  
24 tax liability accruing before the effective date of this Act. That  
25 liability continues in effect as if this Act had not been enacted,  
26 and the former law is continued in effect for the collection of  
27 taxes due and for civil and criminal enforcement of the liability

1 for those taxes.

2 SECTION 7. This Act takes effect October 1, 2021.