

1 S.87

2 Introduced by Senator Sirotkin

3 Referred to Committee on

4 Date:

5 Subject: Taxation; sales and use tax; meals and rooms; online travel companies

6 Statement of purpose of bill as introduced: This bill proposes to require

7 booking agents to collect and remit the rooms tax on the entire amount paid for

8 the room.

9 An act relating to updating Vermont's rooms tax collection practices

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 32 V.S.A. § 9202 is amended to read:

12 § 9202. DEFINITIONS

13 The following words, terms, and phrases when used in this chapter shall
14 have the meanings ascribed to them in this section unless the context clearly
15 indicates a different meaning:

16 * * *

17 (4) "Operator" means any person, or his or her agent, operating a hotel,
18 whether as owner or proprietor or lessee, sublessee, mortgagee, licensee, or
19 otherwise; and any person, or his or her agent, charging for a taxable meal or
20 alcoholic beverage; and any person, or his or her agent, engaged in both of the

1 foregoing activities. The term “operator” shall include booking agents. In the
2 event that an operator is a corporation or other entity, the term “operator” shall
3 include any officer or agent of such corporation or other entity who, as an
4 officer or agent of the corporation, is under a duty to pay the gross receipts tax
5 to the Commissioner as required by this chapter.

6 * * *

7 (8) “Rent” means the consideration received for occupancy valued in
8 money, whether received in money or otherwise, including all receipts, cash,
9 credits, and property or services of any kind or nature, and also any amount for
10 which the occupant is liable for the occupancy without any deduction
11 therefrom whatsoever; and any monies received in payment for time-share
12 rights at the time of purchase; provided, however, that such money received
13 shall not be considered rent and thus not taxable if a deeded interest is granted
14 to the purchaser for the time-share rights. The term “rent” shall include all
15 amounts collected by booking agents except the tax required to be collected
16 under this chapter. The term “rent” shall not include rental charges for living
17 quarters, sleeping, or household accommodations to any student necessitated
18 by attendance at a school as defined herein.

19 * * *

20 (20) “Booking agent” means a person who facilitates the rental of an
21 occupancy and collects rent for an occupancy and who has the right, access,

1 ability, or authority, through an Internet transaction or any other means, to
2 offer, reserve, book, arrange for, remarket, distribute, broker, resell, or
3 facilitate an occupancy that is subject to the tax under this chapter.

4 Sec. 2. 32 V.S.A. § 9271 is amended to read:

5 § 9271. LICENSES REQUIRED

6 Each operator prior to commencing business shall register with the
7 Commissioner each place of business within the State where he or she operates
8 a hotel or sells taxable meals or alcoholic beverages; provided, however, that
9 an operator who sells taxable meals through a vending machine shall not be
10 required to hold a license for each individual machine, and a booking agent
11 shall not be required to hold a separate license for each property the rental of
12 which it facilitates. Upon receipt of an application in such form and containing
13 such information as the Commissioner may require for the proper
14 administration of this chapter, the Commissioner shall issue without charge a
15 license for each such place in such form as he or she may determine, attesting
16 that such registration has been made. No person shall engage in serving
17 taxable meals or alcoholic beverages or renting hotel rooms without the license
18 provided in this section. The license shall be nonassignable and
19 nontransferable and shall be surrendered to the Commissioner if the business is
20 sold or transferred or if the registrant ceases to do business at the place named.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on July 1, 2019.