

House Bill 756

In The House

February 13, 1981

Introduced and referred
to Committee on Taxation.

April 23, 1981

Died in Committee.

1 HOUSE BILL NO. 756
2 INTRODUCED BY Keedy

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO IMPOSE AN EXCISE TAX
5 ON THE USE OF HOTELS, MOTELS, TOURIST HOMES, AND TOURIST
6 CAMPGROUNDS; FUNDING THE TRAVEL PROMOTION UNIT WITH THE
7 PROCEEDS; PROVIDING FOR PENALTIES FOR FAILURE TO PAY THE
8 TAX; PROVIDING A TAX CREDIT TO CERTAIN INDIVIDUALS TO THE
9 EXTENT OF TAX LIABILITY; AND PROVIDING AN APPROPRIATION."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Definitions. As used in [this act], unless
13 the context requires otherwise, the following definitions
14 apply:

15 (1) "Hotel" or "motel" includes a building or
16 structure kept, used, maintained, or advertised as or held
17 out to the public to be a hotel, motel, inn, motor court,
18 tourist court, public lodging house, or place where sleeping
19 accommodations are furnished for a fee to transient guests,
20 with or without meals.

21 (2) "Tourist campground" means a place used for public
22 camping, primarily by automobile tourists, where persons can
23 camp, secure tents, or park individual trailers, truck
24 trailers, trucks equipped with toppers, or motor homes for
25 camping and sleeping purposes.

1 (3) "Tourist home" means an establishment or premises
2 where sleeping accommodations are furnished to transient
3 guests for hire on a daily or weekly rental basis in a
4 private home.

5 (4) "Travel promotion unit" means the travel promotion
6 unit provided for in [section 5].

7 Section 2. Excise tax on use of hotels, motels,
8 tourist campgrounds, and tourist homes. (1) An excise tax on
9 the use of a hotel, motel, tourist campground, or tourist
10 home facility is hereby imposed.

11 (2) The excise tax is 5% of the daily, weekly, or
12 monthly rate or rent charged to the user.

13 Section 3. Remittance of tax. (1) By the seventh day
14 of each month, the owner or operator of a facility subject
15 to the tax shall send a signed statement to the county
16 treasurer showing the number of persons using the facility,
17 the total rent or rate collected during the previous month,
18 and the excise tax due. The owner or operator shall send
19 payment for the tax due with the statement.

20 (2) The treasurer of the county in which the hotel,
21 motel, tourist campground, or tourist home is located shall
22 remit the excise tax to the state general fund.

23 Section 4. Penalty for failure to pay tax. An owner or
24 operator of a facility subject to the excise tax who fails
25 to pay the tax as required by [section 3] is subject to the

1 following penalties:

2 (1) a fine not to exceed \$100 for a first offense;

3 (2) a fine not to exceed \$500 for a second offense;

4 (3) a fine not to exceed \$1,000 for a third offense;

5 and

6 (4) the fine provided for in subsection (3) and
7 cancellation of the license required in 50-51-201 or
8 50-52-103 for a fourth or subsequent offense.

9 Section 5. Travel promotion unit. There is a travel
10 promotion unit within the department of highways. The unit
11 is designed to encourage travel to and within the state.

12 Section 6. Tax credit. Individuals are allowed a tax
13 credit for taxes paid under [sections 2 and 3] against the
14 Montana individual income tax. The credit may not exceed tax
15 liability.

16 Section 7. Funding. Revenue from the excise tax
17 imposed in [section 2] is to be the primary source of
18 funding for the department of highways, travel promotion
19 unit. The revenue department shall keep a separate account
20 of total collections remitted under the provisions of
21 [section 3].

22 Section 8. Appropriation. There is appropriated from
23 the general fund to the department of highways, travel
24 promotion unit, the following amounts:

25 For the fiscal year ending June 30, 1982 \$1,000,000

1 For the fiscal year ending June 30, 1983 \$1,000,000

2 Section 9. Severability. If a part of this act is
3 invalid, all valid parts that are severable from the invalid
4 part remain in effect. If a part of this act is invalid in
5 one or more of its applications, the part remains in effect
6 in all valid applications that are severable from the
7 invalid applications.

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