

May 22, 2015

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 209 – *Howard County – Room Rental Tax – Room Rental Fee Ho. Co. 12-15*.

This bill clarifies that the Howard County hotel rental tax applies to the total charge for the rental of a room, including any room rental fee charged by a room rental intermediary but not including any tax. It is similar to the statewide bill, Senate Bill 190 – *Sales and Use Tax – Taxable Price – Accommodations*, that attempts to clarify the application of the State sales and use tax as it applies to the sale or use of a hotel room or other accommodation facilitated by a vendor (defined in the bill as an “accommodations intermediary”). Under current law, the taxable price is the amount paid by the consumer for the accommodation.

The interpretation of current law as to whether accommodations intermediaries are required to collect and remit sales taxes on the amount paid by the consumer is actively being litigated by the Comptroller of Maryland (*Travelocity v. Comptroller*). The General Assembly should respect the long-standing practice of not passing legislation that would directly affect matters being litigated in a pending court case. As long as the Maryland Tax Court rules in a timely manner, the General Assembly should at that time consider the Court’s findings and determine whether a legislative remedy is necessary.

In addition, the County Executive of Howard County, Allan Kittleman, has requested a veto of this bill.

For these reasons, I have vetoed House Bill 209.

Sincerely,

Governor Lawrence J. Hogan, Jr.