

Chapter 1

**(House Bill 209 of the 2015 Regular Session)**

AN ACT concerning

**Howard County – Room Rental Tax – Room Rental Fee**

**Ho. Co. 12-15**

FOR the purpose of clarifying that the Howard County room 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; defining certain terms; and generally relating to the Howard County room rental tax.

BY repealing and reenacting, with amendments,

The Public Local Laws of Howard County

Section 20.400

Article 14 – Public Local Laws of Maryland

(1977 Edition and August 2008 Supplement, as amended)

(As enacted by Chapter 139 of the Acts of the General Assembly of 2011 and Chapter 510 of the Acts of the General Assembly of 2013)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article 14 – Howard County**

20.400.

(a) Howard County may impose, by law, and collect a sales or use tax on room rentals in the county for sleeping accommodations for transients.

(b) (1) The rate of the tax authorized under this section may not exceed 7 percent.

(2) Subject to the annual county budget and appropriation process, the county shall distribute any revenue attributable to a tax rate greater than 5 percent imposed by the county under this subsection as follows:

(i) Two-thirds to the Howard County Tourism Council; and

(ii) One-third to the Howard County Economic Development Authority.

(c) Howard County may adopt, by law, any procedural or enforcement provision that the county council considers to be necessary or appropriate for administration or collection of the tax authorized under this section, including, without limitation:

- (1) Requiring hotels in the county to:
  - (i) Collect the tax from patrons;
  - (ii) Hold the tax in trust for the county;
  - (iii) Pay the tax collected and file periodic returns with the county;

and

(iv) File a bond or other security for payment of the tax in an amount that the county council considers to be necessary;

- (2) Providing a tax exemption for classes of hotels;
- (3) Imposing interest and penalties for late payment of the tax;
- (4) Making unpaid tax a lien against the real and personal property of the person owing the tax; and
- (5) Providing for collection of the tax by distraint.

(d) The room rental tax authorized under this section does not apply to the sale of a right to occupy a room or lodgings as a transient guest at a dormitory or other lodging facility that:

- (1) Is operated solely in support of the headquarters, a training facility, a conference facility, an awards facility, or the campus of a corporation or other organization;
- (2) Provides lodging solely for employees, contractors, vendors, and other invitees of the corporation that owns the dormitory or lodging facility; and
- (3) Does not offer lodging services to the general public.

**(E) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(II) 1. “ROOM RENTAL FEE” MEANS A FEE CHARGED BY A ROOM RENTAL INTERMEDIARY TO A TRANSIENT FOR FACILITATING THE RENTAL OF A ROOM.**

**2. “ROOM RENTAL FEE” DOES NOT INCLUDE A COMMISSION PAID BY A HOTELKEEPER TO A PERSON AFTER FACILITATING THE RENTAL OF A ROOM.**

**(III) 1. “ROOM RENTAL INTERMEDIARY” MEANS A PERSON, OTHER THAN A HOTELKEEPER, WHO FACILITATES THE RENTAL OF A ROOM AND CHARGES A TRANSIENT FOR THE RENTAL OF A ROOM.**

**2. FOR PURPOSES OF THIS SUBPARAGRAPH, A PERSON SHALL BE CONSIDERED TO FACILITATE THE RENTAL OF A ROOM IF THE PERSON BROKERS, COORDINATES, OR IN ANY OTHER WAY ARRANGES FOR THE RENTAL OF A ROOM BY A TRANSIENT.**

**(2) THE ROOM RENTAL TAX AUTHORIZED UNDER THIS SECTION APPLIES TO THE TOTAL CHARGE FOR THE RENTAL OF A ROOM, INCLUDING ANY ROOM RENTAL FEE BUT NOT INCLUDING ANY TAX.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

**Gubernatorial Veto Override, January 21, 2016.**