

**HB477 ENROLLED**



1 QLZV44-2  
2 By Representative Rehm (N & P)  
3 RFD: Local Legislation  
4 First Read: 16-May-23  
5 2023 Regular Session



## HB477 Enrolled

1 Enrolled, An Act,

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3 Relating to Henry County; authorizing the Henry County  
4 Commission to levy a lodging tax in the county; providing for  
5 the distribution of the proceeds from the tax; and to provide  
6 for a referendum.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. In Henry County, in addition to all other  
9 taxes imposed by law, the Henry County Commission may levy a  
10 privilege or license tax in the amount prescribed in this  
11 section against every person in the county engaging in the  
12 business of renting or furnishing a room or rooms, lodging or  
13 accommodations, to a transient in a hotel, motel, inn,  
14 condominium, house, or another place in which rooms, lodgings,  
15 or accommodations are regularly furnished to transients for a  
16 consideration. The amount of the tax shall not exceed four  
17 percent of the charge for the rooms, lodgings, or  
18 accommodations, including the charge for use of rental or  
19 personal property and services furnished in the room or rooms  
20 within the county.

21 Section 2. (a) There are exempted from the provisions  
22 of the tax levied by this act and from the computation of the  
23 amount of the tax levied or payable all of the following:  
24 Charges for property sold or services furnished which are  
25 required to be included in the tax levied by the state sales  
26 tax act; charges for the rental of rooms, lodgings, or  
27 accommodations to a person for a period of 30 continuous days  
28 or more or otherwise pursuant to the exemption provision of



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29 Alabama's Transient Occupancy Tax, Section 40-26-1 of the Code  
30 of Alabama 1975. A subsequent amendment or change to the  
31 Alabama Transient Occupancy Tax shall also have the effect of  
32 similarly changing the exemption provision of this act.

33 (b) Notwithstanding the provisions of this section, the  
34 tax shall not apply to the rental of living accommodations  
35 which are intended primarily for rental to persons as their  
36 principal or permanent place of residence.

37 Section 3. (a) The tax levied by this act, except as  
38 otherwise provided, shall be due and payable to the Department  
39 of Revenue on or before the 20th day of the month next  
40 succeeding the month in which the tax accrues. Notwithstanding  
41 any provision of this act providing for the responsibility of  
42 the county to collect and administer the tax provided in this  
43 act, the county may contract with an agent to perform all or  
44 any part of its duties pursuant to this act. On or before the  
45 20th day of each month, every person on whom the tax is levied  
46 by this act shall render to the Department of Revenue, on a  
47 form prescribed by the department, a true and correct  
48 statement showing the gross proceeds of the business subject  
49 to the tax for the then preceding month, together with other  
50 information as the county requires. At the time of making the  
51 monthly report, the taxpayer shall compute and pay to the  
52 county the amount of tax shown due. A person subject to the  
53 tax who conducts business on a credit basis may defer  
54 reporting and paying the tax until after the person has  
55 received payment of the items, articles, or accommodations  
56 furnished. In the event the taxpayer defers reporting and



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57 paying the taxes, he or she shall thereafter include in each  
58 monthly report all credit collections made during the then  
59 preceding month and shall pay the amount of taxes computed  
60 thereon at the time of filing the report.

61 (b) It shall be the duty of every person engaged or  
62 continuing in a business subject to the tax levied by this act  
63 to keep and preserve suitable records of the gross proceeds of  
64 the business and other books or accounts necessary to  
65 determine the amount of tax for which he or she is liable  
66 pursuant to this act. The records shall be kept and preserved  
67 for a period of two years and shall be open for examination at  
68 all times by the Department of Revenue or by a duly authorized  
69 agent, deputy, or employee of the county.

70 (c) A person who fails to pay the tax levied by this  
71 act within the time required by this act shall pay in addition  
72 to the tax a penalty of 10 percent of the amount of tax due,  
73 together with interest from the date on which the tax became  
74 due and payable at the rate due and payable on the state  
75 lodging tax. The penalty and interest shall be assessed and  
76 collected as a part of the tax. The Department of Revenue may,  
77 if good and sufficient reason be shown, waive or remit the  
78 penalty or a portion of the penalty.

79 Section 4. All provisions of the state lodging tax  
80 statutes with respect to payment, assessment, and collection  
81 of the state lodging tax, making of reports and keeping and  
82 preserving records, interest after due date of tax, or  
83 otherwise; the adoption of rules with respect to the state  
84 lodging tax; and the administration and enforcement of the



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85 state lodging tax statutes, which are not inconsistent with  
86 the provisions of this act when applied to the tax levied by  
87 this act, shall apply to the levied tax. The Department of  
88 Revenue shall have and exercise the same powers, duties, and  
89 obligations with respect to the district taxes levied as  
90 imposed on the department by the state lodging tax statutes.  
91 All provisions of the state lodging tax statutes that are made  
92 applicable to this act, to the taxes levied, and to the  
93 administration of this act are incorporated herein by  
94 reference and made a part as if fully set forth.

95 Section 5. The Department of Revenue shall charge and  
96 deduct from the proceeds of the tax levied an amount equal to  
97 the contracted amount for the collections, provided the charge  
98 does not exceed five percent of the total amount of tax  
99 collected. Following that deduction, the agent shall pay the  
100 remainder of the tax proceeds to the county.

101 Section 6. The net proceeds from the tax levied by this  
102 act shall be deposited into the Henry County General Fund and  
103 shall be used by the county for economic development purposes  
104 and for the promotion of tourism.

105 Section 7. Sections 1 to 6, inclusive, of this act  
106 shall become operative only if approved by a majority of the  
107 qualified electors of Henry County who vote in an election to  
108 be held on the day designated by the Judge of Probate of Henry  
109 County. The notice of the election shall be given by the judge  
110 of probate, which notice shall be published once a week for  
111 three successive weeks before the day of the election, and the  
112 election shall be held, conducted, and the results canvassed



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113 in the manner as other county elections. The election shall be  
114 held in conjunction with the next regularly scheduled state or  
115 local election to be held in the county. The question shall  
116 be, "Do you favor the adoption of Act No.\_\_\_\_\_, of the 2023  
117 Regular Session of the Alabama Legislature, which authorizes  
118 the Henry County Commission to levy a lodging tax in Henry  
119 County with the proceeds earmarked for economic development  
120 and promotion of tourism? Yes ( ) No ( )." The county shall  
121 pay any costs and expenses not otherwise reimbursed by a  
122 governmental agency which are incidental to the election. If a  
123 majority of the votes cast in the election are "Yes," Sections  
124 1 to 6, inclusive, of this act shall become operative  
125 immediately. If the majority of the votes are "No," this act  
126 shall have no further effect. The Judge of Probate of Henry  
127 County shall certify the results of the election to the  
128 Secretary of State.

129 Section 8. This act shall become effective immediately  
130 following its passage and approval by the Governor, or its  
131 otherwise becoming law.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 18-May-23.

John Treadwell  
Clerk

Senate

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**31-May-23**

Passed