

SENATE BILL REPORT

SHB 1125

As Reported By Senate Committee On:
Ways & Means, March 8, 2001

Title: An act relating to limiting the maximum combined sales tax rate on lodging.

Brief Description: Limiting the combined sales tax rate on lodging.

Sponsors: By House Committee on Finance (originally sponsored by Representatives Cairnes, Morris and Esser).

Brief History:

Committee Activity: Ways & Means: 3/8/01 [DP].

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Staff: David Schumacher (786-7474)

Background: State and local sales taxes apply to lodging rentals by hotels, motels, rooming houses, private campgrounds, RV parks, and similar facilities. General retail sales tax rates range between 7.0 and 8.6 percent, depending on location. The state sales tax rate is 6.5 percent. In addition to the state rate, local governments may impose a sales tax up to 1.0 percent for general purposes. Additionally, local governments may impose up to 1.8 percent in sales taxes for dedicated purposes such as transit, criminal justice, juvenile detention, or zoos. However, no local government is using its full taxing authority for these dedicated purposes. The highest current local rate for dedicated purposes is 1.1 percent.

"Hotel-motel" taxes are special sales taxes on lodging rentals. Some hotel-motel taxes are credited against the state sales tax rather than being added to rental charges paid by customers. Other hotel-motel taxes are imposed in addition to ordinary state and local sales taxes and are added to the amount paid by the customer. The state imposes an additional hotel-motel tax to support the Washington State Convention and Trade Center. The rate of this tax is 7 percent in Seattle and 2.8 percent in the remainder of King County, and applies only to facilities with 60 or more lodging units. In general, cities and counties may impose additional hotel-motel taxes up to 2 percent, as long as the total sales tax rate when combined with other hotel-motel, convention center, and state and local sales taxes, does not exceed 12 percent. Because of exceptions to this general rule, some combined rates exceed 12 percent. For example, the total combined sales tax rate on lodging in Seattle is 15.6 percent, and in Bellevue is 14.4 percent. In most other areas of King County, it is 12.4 percent.

An additional sales and use tax of two tenths of 1 percent to support King County Metro public transportation was approved by the voters of King County at the November 7, 2000, election. This additional tax will take effect April 1, 2001. The county ordinance for this new tax provides an exemption for lodging sales that are subject to the state convention and trade center tax. Thus, facilities with more than 60 lodging units are exempt from this tax. There is some question whether state law allows this exemption.

Summary of Bill: A local sales and use tax change adopted after December 1, 2000, must provide an exemption for sales of lodging if the total sales tax rate would exceed the greater of 12 percent (or the total sales rate in effect on December 1, 2000.)

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: King County's ordinance to impose the new Metro sales tax already included such an exemption for lodging. This bill simply clarifies current law. King County is under time pressure to get this bill passed so that their local sales tax can be imposed on April 1.

Testimony Against: None.

Testified: PRO: Becky Bogard, Washington State Hotel and Lodging Association; Chuck Williams, King County.