

Dear Senators JOHNSON, Bayer, Burgoyne, and  
Representatives COLLINS, Trujillo, Erpelding:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of  
the State Tax Commission:

IDAPA 35.01.06 - Hotel/Motel Room and Campground Sales Tax Administrative Rules - Proposed  
Rule (Docket No. 35-0106-1702).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 11/15/2017. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/14/2017.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Local Government & Taxation Committee and the House Revenue & Taxation Committee

**FROM:** Senior Legislative Research Analyst - Kristin Ford

**DATE:** October 26, 2017

**SUBJECT:** State Tax Commission

IDAPA 35.01.06 - Hotel/Motel Room and Campground Sales Tax Administrative Rules - Proposed Rule  
(Docket No. 35-0106-1702)

The State Tax Commission submits notice of proposed rulemaking relating to the Hotel/Motel Room and Campground Sales Tax. The proposed rule adds new provisions to implement 2017 House Bill 216 that the Legislature passed regarding short-term rental marketplaces. The proposed rule provides a citation reference to the new code sections and provides for the collection and administration of relevant taxes on the lodging operators. The Commission states that negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 2, 2017 edition of the Idaho Administrative Bulletin, Vol. 17-8, page 122. The proposed rule changes appear to be within the State Tax Commission's authority, pursuant to sections 63-105, 63-3624, 67-4718, and chapter 18, Title 63, Idaho Code.

cc: State Tax Commission  
Sherry Briscoe

## IDAPA 35 – STATE TAX COMMISSION

### 35.01.06 – HOTEL/MOTEL ROOM AND CAMPGROUND SALES TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0106-1702

#### NOTICE OF RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Sections 67-5220(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This action is authorized pursuant to Sections 63-105(2), 63-3624(a), 63-3612(2)(g), 67-4718, and 67-4917C, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Hotel/Motel Room Sales Tax Rule 006 – Lodging Operators And Short-Term Rental Marketplaces. The current proposal is to add this new rule to reference the new statutes created by 2017, HB 216. Also to state in the rules that the sales taxes and any local government taxes apply to this type of rental.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 2, 2017, Idaho Administrative Bulletin, [Vol. 17-8, page 122](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tom Shaner at (208) 334-7518 or [tom.shaner@tax.idaho.gov](mailto:tom.shaner@tax.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2017.

DATED this 1st Day of September, 2017.

Tom Shaner  
Tax Policy Specialist  
Idaho State Tax Commission  
800 Park Blvd, Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410  
Phone: (208) 334-7531  
Fax: (208) 334-7846

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0106-1702  
(Only Those Sections With Amendments Are Shown.)

**006. LODGING OPERATORS AND SHORT-TERM RENTAL MARKETPLACES (RULE 006).**  
Sections, 63-1801 through 63-1804, 63-3612, 63-4711, 67-4718, 67-4917B, Idaho Code

**01. In General.** These rules apply to the Short-term Rental and Vacation Rental Act, Section 63-1801 through 63-1804, Idaho Code. ( )

**02. Applicable Taxes.** Any state or local government taxes imposed according to Section 63-1804, Idaho Code, will be collected, reported, paid, and administered according to these rules or as further explained by the Tax Commission's rules in IDAPA 35.01.02, "Idaho Sales and Use Tax Administrative Rules." ( )

**03. Registration.** Registration will be in the same manner and in the same form as is required for obtaining a seller's permit for state sales tax. However, a short-term rental marketplace that has not facilitated a lodging transaction in Idaho shall have forty-five (45) days from the completion of their first lodging transaction in Idaho to register to collect room sales tax. ( )

**007. -- 009. (RESERVED).**