

HOUSE BILL NO. 2704

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANKLIN.

6561H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 315, RSMo, by adding thereto one new section relating to transient guests.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 315, RSMo, is amended by adding thereto one new section, to be
2 known as section 315.105, to read as follows:

315.105. 1. For the purposes of this section, the following terms mean:

2 **(1) "Homestay", any property available to a transient guest including, but not**
3 **limited to, apartments, cabins, campgrounds, condominiums, houses, individual rooms, or**
4 **other premises on residential property or houseboats, recreational vehicle parks, resorts,**
5 **or sites on nonresidential property. Homestay shall not include facilities rented for**
6 **business or entertainment purposes;**

7 **(2) "Host", a person who is in possession of lodging, either by ownership, lease, or**
8 **management, and who is not primarily engaged in the business of renting lodging to**
9 **temporary guests. However, a person primarily engaged in the business of renting lodging**
10 **to temporary guests may be a host under this subdivision if such person is acting**
11 **independently from his or her business and such business is in no way involved in the**
12 **rental transaction;**

13 **(3) "Online homestay rental", the rental of a homestay by a transient guest from**
14 **a host that is facilitated through a peer-to-peer marketplace website. An online homestay**
15 **rental shall not include rentals of premises owned or managed by any entity that is**
16 **primarily engaged in the business of renting lodging to transient guests and shall not**
17 **include rentals to a permanent guest;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (4) "Peer-to-peer marketplace website", a website that facilitates transactions
19 between two persons who are not primarily engaged in the business of the transaction;

20 (5) "Permanent guest", a person who rents a place of lodging for a period greater
21 than thirty days;

22 (6) "Primarily engaged", participation in an activity such that it is the entity's main
23 purpose or a major component of the entity's business model;

24 (7) "Transient guest", a person who rents a place of lodging for a period of thirty
25 days or less.

26 2. No host shall rent an online homestay rental to a transient guest without a local
27 business license. No jurisdiction shall charge a fee for such license in excess of the amount
28 such jurisdiction charges for a license to operate a hotel.

29 3. A transient guest shall be subject to and required to pay all relevant sales and
30 use taxes and transient guest taxes of the jurisdiction in which the place of lodging or
31 homestay is located.

32 4. Notwithstanding any other provision to the contrary, for an online homestay
33 rental, the website that facilitates the rental shall collect all taxes required under subsection
34 3 of this section and shall remit the taxes to the appropriate taxing authorities.

35 5. The department of revenue may promulgate rules to implement the provisions
36 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that
37 is created under the authority delegated in this section shall become effective only if it
38 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
39 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
40 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
41 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
42 grant of rulemaking authority and any rule proposed or adopted after August 28, 2016,
43 shall be invalid and void.

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