

By: Senator(s) Johnson

To: Finance

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2805

1 AN ACT TO AMEND SECTION 27-65-23.1, MISSISSIPPI CODE OF 1972,  
2 TO INCLUDE THE GROSS PROCEEDS OR GROSS INCOME OF THIRD-PARTY  
3 FACILITATORS WITHIN THE SCOPE OF ANY TAX LEVIED ON THE GROSS  
4 PROCEEDS OR GROSS INCOME FROM ROOM RENTALS OF HOTELS OR MOTELS  
5 UNDER THE AUTHORITY OF A LOCAL AND PRIVATE LAW; TO AMEND SECTION  
6 41-49-3, MISSISSIPPI CODE OF 1972, TO CONFORM, WITHOUT PLACING  
7 THIRD-PARTY FACILITATORS UNDER STATE BOARD OF HEALTH REGULATIONS;  
8 AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** Section 27-65-23.1, Mississippi Code of 1972, is  
11 amended as follows:

12 27-65-23.1. (1) Subject to the provisions of this section,  
13 for any tax levied and collected under the authority of a local  
14 and private law of the State of Mississippi ("local and private  
15 law"), that is levied or imposed on the gross proceeds or gross  
16 income from room rentals of hotels or motels and is collected and  
17 paid to the \* \* \* department in the same or similar manner that  
18 state sales taxes are collected and paid, the term "hotel" or  
19 "motel" also shall include (regardless of how such term is defined  
20 in the local and private law) any entity or individual engaged in  
21 the business of furnishing, facilitating, arranging, brokering or



22 providing one or more rooms intended or designed for dwelling,  
23 lodging or sleeping purposes that at any one time will accommodate  
24 transient guests \* \* \* and includes every building or other  
25 structure kept, used, maintained or advertised as, or held out to  
26 the public to be, a place where sleeping accommodations are  
27 supplied for pay or other consideration to transient guests  
28 regardless of the number of rooms, units, suites or cabins  
29 available, excluding nursing homes or institutions for the aged or  
30 infirm as defined in Section 43-11-1 and personal care homes.

31       (2) When a tax is levied and collected under the authority  
32 of a local and private law of the State of Mississippi on the  
33 gross proceeds or gross income of hotels or motels and paid to the  
34 department in the same or similar manner that the state sales  
35 taxes are collected and paid, the gross proceeds or gross income  
36 of persons facilitating the rental of rooms by hotels, as defined  
37 in Section 41-49-3(b), by listing or advertising the availability  
38 of such rooms and, either directly or indirectly through  
39 agreements or arrangements with third parties, collecting payment  
40 from the customer and transferring that payment to the hotel,  
41 shall also be subject to tax under such local and private law.

42       ( \* \* \*3) If the definition of hotel or motel provided in  
43 the local and private law authorizing the tax does not include the  
44 entities described in subsection (1) of this section, then the  
45 provisions of subsection (1) of this section shall not apply  
46 unless the county board of supervisors or municipal governing



authorities, as appropriate, authorized to levy the tax under the local and private law, adopts a resolution declaring their intention to include such entities for the purposes of the tax. If the county board of supervisors or municipal governing authorities, as appropriate, adopts such a resolution, then at least thirty (30) days before the effective date of the levy of the tax upon the entities described in subsection (1) of this section, the county board of supervisors or municipal governing authorities, as appropriate, shall furnish to the State Tax Commission a certified copy of such resolution.

**SECTION 2.** Section 41-49-3, Mississippi Code of 1972, is amended as follows:

41-49-3. (1) The term "hotel" shall mean and include any entity or individual engaged in the business of furnishing or providing one or more rooms intended or designed for dwelling, lodging or sleeping purposes that at any one time will accommodate transient guests and that are known to the trade as such and includes every building or other structure kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay or other consideration to transient guests regardless of the number of rooms, units, suites or cabins available, excluding nursing homes or institutions for the aged or infirm as defined in Section 43-11-1.



71       (2) For purposes of sales taxes levied under Title 27,  
72       Mississippi Code of 1972, and any tax levied and collected under  
73       the authority of a local and private law of the State of  
74       Mississippi only, the term "hotel" shall include entities  
75       facilitating, arranging or brokering transient guest transactions.  
76       Entities that facilitate, arrange or broker transactions are those  
77       third-party entities that facilitate rentals of hotel  
78       accommodations described in this section by listing or advertising  
79       the availability of such accommodations and, either directly or  
80       indirectly through agreements with third parties, collecting  
81       payment from the customer and transmitting that payment to the  
82       property owner or manager, regardless of whether the property  
83       owner or manager would have been required to collect and remit the  
84       taxes had the sale not been made through the third-party entity.

85       **SECTION 3.** This act shall take effect and be in force from  
86       and after July 1, 2025.

