

**Effective 1/1/2018**

## **Chapter 28**

### **State Transient Room Tax Act**

#### **59-28-101 Title.**

This chapter is known as the "State Transient Room Tax Act."

Enacted by Chapter 166, 2017 General Session

#### **59-28-102 Definitions.**

As used in this chapter:

- (1) "Agreement" means the same as that term is defined in Section 59-12-102.
- (2) "Certified service provider" means the same as that term is defined in Section 59-12-102.
- (3) "Initial rate" means a rate of 0.32%.
- (4) "Model 2 seller" means the same as that term is defined in Section 59-12-102.
- (5) "Purchaser" means the same as that term is defined in Section 59-12-102.
- (6) "Sales price" means the same as that term is defined in Section 59-12-102.
- (7) "Secondary rate" means a rate of 0.75%.
- (8) "Seller" means the same as that term is defined in Section 59-12-102.

Amended by Chapter 270, 2025 General Session

#### **59-28-103 Imposition -- Rate -- Revenue distribution.**

- (1) Subject to the other provisions of this chapter, the state shall impose a tax on the transactions described in Subsection 59-12-103(1)(i) at:
  - (a) the initial rate; and
  - (b) the secondary rate.
- (2) The tax imposed under this chapter is in addition to any other taxes imposed on the transactions described in Subsection 59-12-103(1)(i).
- (3)
  - (a)
    - (i) Subject to Subsection (3)(a)(ii), the commission shall deposit 6% of the revenue the state collects from the tax under this chapter at the initial rate into the Hospitality and Tourism Management Education Account created in Section 53F-9-501 to fund the Hospitality and Tourism Management Career and Technical Education Pilot Program created in Section 53E-3-515.
    - (ii) The commission may not deposit more than \$300,000 into the Hospitality and Tourism Management Education Account under Subsection (3)(a)(i) in a fiscal year.
  - (b) Except for the amount deposited into the Hospitality and Tourism Management Education Account under Subsection (3)(a) and the administrative charge retained under Subsection 59-28-104(4), the commission shall deposit the remainder of the revenue the state collects from the tax under this chapter at the initial rate into the Outdoor Recreation Infrastructure Account created in Section 79-8-106 to fund:
    - (i) the Outdoor Recreational Infrastructure Grant Program created in Section 79-8-401; and
    - (ii) the Recreation Restoration Infrastructure Grant Program created in Section 79-8-202.
- (4)

- (a) The commission shall deposit 33% of the revenue the state collects from the tax at the secondary rate into the Outdoor Recreation Mitigation Grant Fund created in Section 79-9-103.
  - (b) The commission shall distribute the remaining revenue the state collects from the tax under this chapter at the secondary rate to the Division of Finance, which shall transfer the revenue into the General Fund.
- (5)
- (a) In addition to the imposition of tax described in Subsection (1), the state shall impose a tax at the rate of 0.25% on the transactions described in Subsection 59-12-103(1)(i) that take place within a county of the first class.
  - (b) The commission shall distribute the revenue the state collects from the tax described in Subsection (5)(a) to the Division of Finance, which shall transfer the revenue into the Transient Room Tax Fund created in Section 63N-3-403.

Amended by Chapter 270, 2025 General Session

**59-28-104 Collection of tax.**

- (1) Except as provided in Subsection (2), the commission shall administer, collect, and enforce a tax under this chapter in accordance with:
  - (a) Chapter 1, General Taxation Policies; and
  - (b) the same procedures used to administer, collect, and enforce the tax under Chapter 12, Part 1, Tax Collection.
- (2) A tax under this chapter is not subject to Section 59-12-107.1 or 59-12-123.
- (3) A seller required to collect a tax under this chapter may retain 6% of any amounts the seller is required to remit to the commission under this chapter for the costs of collecting the tax.
- (4) The commission shall retain and deposit an administrative charge in accordance with Section 59-1-306 from the revenues the commission collects from a tax under this chapter.

Enacted by Chapter 166, 2017 General Session

**59-28-105 Seller or certified service provider reliance on commission information.**

A seller or certified service provider is not liable for failing to collect a tax at a tax rate imposed under this chapter if the seller's or certified service provider's failure to collect the tax is as a result of the seller's or certified service provider's reliance on incorrect data provided by the commission in a database created by the commission:

- (1) containing tax rates or boundaries regarding a tax under this chapter; or
- (2) indicating the taxability of transactions described in Subsection 59-12-103(1)(i).

Enacted by Chapter 166, 2017 General Session

**59-28-106 Certified service provider or model 2 seller reliance on commission certified software.**

- (1) Except as provided in Subsection (2) and subject to Subsection (4), a certified service provider or model 2 seller is not liable for failing to collect a tax required under this chapter if:
  - (a) the certified service provider or model 2 seller relies on software the commission certifies; and
  - (b) the certified service provider's or model 2 seller's failure to collect a tax required under this chapter is as a result of the seller's or certified service provider's reliance on incorrect data:
    - (i) provided by the commission; or

- (ii) in the software the commission certifies.
- (2) The relief from liability described in Subsection (1) does not apply if a certified service provider or model 2 seller incorrectly classifies an item or transaction into a product category the commission certifies.
- (3) If the taxability of a product category is incorrectly classified in software the commission certifies, the commission shall:
  - (a) notify a certified service provider or model 2 seller of the incorrect classification of the taxability of a product category in software the commission certifies; and
  - (b) state in the notice required by Subsection (3)(a) that, if the certified service provider or model 2 seller fails to correct the taxability of the item or transaction within 10 days after the day on which the certified service provider or model 2 seller receives the notice, the certified service provider or model 2 seller is liable for failing to collect the correct amount of tax under this chapter on the incorrectly classified product category.
- (4) If a certified service provider or model 2 seller fails to correct the taxability of an item or transaction within 10 days after the day on which the certified service provider or model 2 seller receives the notice described in Subsection (3), the certified service provider or model 2 seller is liable for failing to collect the correct amount of tax under this chapter on the item or transaction.

Enacted by Chapter 166, 2017 General Session

**59-28-107 Purchaser relief from liability.**

- (1)
  - (a) Except as provided in Subsection (1)(b), a purchaser is relieved from a penalty under Section 59-1-401 for failure to pay a tax due under this chapter or an underpayment if:
    - (i) the purchaser's seller or certified service provider relies on incorrect data provided by the commission:
      - (A) on a tax rate;
      - (B) on a boundary;
      - (C) on a taxing jurisdiction; or
      - (D) in the taxability matrix the commission provides in accordance with the agreement; or
    - (ii) the purchaser, regardless of whether the purchaser holds a direct payment permit in accordance with Section 59-12-107.1, relies on incorrect data provided by the commission:
      - (A) on a tax rate;
      - (B) on a boundary;
      - (C) on a taxing jurisdiction; or
      - (D) in the taxability matrix the commission provides in accordance with the agreement.
  - (b) For purposes of Subsection (1)(a), a purchaser is not relieved from a penalty under Section 59-1-401 for failure to pay a tax due under this chapter or an underpayment if the purchaser's, the purchaser's seller's, or the purchaser's certified service provider's reliance on incorrect data provided by the commission is as a result of conduct that is:
    - (i) fraudulent;
    - (ii) intentional; or
    - (iii) willful.
- (2) In addition to the relief from a penalty described in Subsection (1), a purchaser is not liable for a tax or interest under Section 59-1-402 for failure to pay a tax due under this chapter or an underpayment if:
  - (a) the purchaser's seller or certified service provider relies on:

- (i) incorrect data provided by the commission:
  - (A) on a tax rate;
  - (B) on a boundary; or
  - (C) on a taxing jurisdiction; or
- (ii) an erroneous classification by the commission:
  - (A) in the taxability matrix the commission provides in accordance with the agreement; and
  - (B) with respect to a term in the library of definitions that is listed as taxable or exempt, included in or excluded from "sales price," or included in or excluded from a definition; or
- (b) the purchaser, regardless of whether the purchaser holds a direct payment permit in accordance with Section 59-12-107.1, relies on:
  - (i) incorrect data provided by the commission:
    - (A) on a tax rate;
    - (B) on a boundary; or
    - (C) on a taxing jurisdiction; or
  - (ii) an erroneous classification by the commission:
    - (A) in the taxability matrix the commission provides in accordance with the agreement; and
    - (B) with respect to a term in the library of definitions that is listed as taxable or exempt, included in or excluded from "sales price," or included in or excluded from a definition.

Enacted by Chapter 166, 2017 General Session

**59-28-108 Military Installation Development Authority exemption.**

Amounts paid or charged for accommodations and services, as defined in Section 63H-1-205, are exempt from the tax described in Section 59-28-103, if the amounts are paid to or charged by a proprietor subject to the MIDA accommodations tax imposed under Section 63H-1-205.

Enacted by Chapter 442, 2018 General Session