

See Ways Means 4/14/87 Do Pass 4/22/87 (p. 1468)

MAR 19 1987

WAYS & MEANS CALENDAR

HOUSE FILE 605
BY COMMITTEE ON WAYS AND MEANS

(Formerly House Study Bill 223)

Passed House, Date 4-16-87 (p. 1258) Passed Senate, Date 7-22/87 (p. 1501.)
Vote: Ayes 91 Nays 4 Vote: Ayes 46 Nays 2
Approved May 20, 1987

A BILL FOR

1 An Act relating to the state sales, services, and use tax and the
2 local option hotel-motel tax on the rental of the mobile homes
3 and the spaces within them.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 605

1 Section 1. Section 422.43, subsections 7 and 11, Code
2 1987, are amended to read as follows:

3 7. ~~There is hereby imposed a~~ A like rate of tax is imposed
4 upon the gross receipts from the renting of ~~any and all~~ rooms,
5 apartments, or sleeping quarters in ~~any~~ a hotel, motel, inn,
6 public lodging house, rooming house, mobile home which is
7 tangible personal property, or tourist court, or in any place
8 where sleeping accommodations are furnished to transient
9 guests for rent, whether with or without meals. "Renting" and
10 "rent" include any kind of direct or indirect charge for such
11 rooms, apartments, or sleeping quarters, or ~~the~~ their use
12 ~~thereof~~. For the purposes of this division, such renting is
13 regarded as a sale of tangible personal property at retail.
14 However, ~~such~~ this tax ~~shall~~ does not apply to the gross
15 receipts from the renting of a room, apartment, or sleeping
16 quarters while rented by the same person for a period of more
17 than thirty-one consecutive days.

18 11. The following enumerated services are subject to the
19 tax imposed on gross taxable services: Alteration and garment
20 repair; armored car; automobile repair; battery, tire and
21 allied; investment counseling, excluding investment services
22 of trust departments; bank service charges; barber and beauty;
23 boat repair; car wash and wax; carpentry; roof, shingle, and
24 glass repair; dance schools and dance studios; dry cleaning,
25 pressing, dyeing, and laundering; electrical and electronic
26 repair and installation; rental of tangible personal property,
27 except mobile homes which are tangible personal property;
28 excavating and grading; farm implement repair of all kinds;
29 flying service; furniture, rug, upholstery repair and
30 cleaning; fur storage and repair; golf and country clubs and
31 all commercial recreation; house and building moving;
32 household appliance, television, and radio repair; jewelry and
33 watch repair; machine operator; machine repair of all kinds;
34 motor repair; motorcycle, scooter, and bicycle repair; oilers
35 and lubricators; office and business machine repair; painting,

1 papering, and interior decorating; parking facilities; pipe
2 fitting and plumbing; wood preparation; licensed executive
3 search agencies; private employment agencies, excluding
4 services for placing a person in employment where the
5 principal place of employment of that person is to be located
6 outside of the state; sewing and stitching; shoe repair and
7 shoeshine; storage warehousing of raw agricultural products;
8 telephone answering service; test laboratories, except tests
9 on humans; termite, bug, roach, and pest eradicators; tin and
10 sheet metal repair; turkish baths, massage, and reducing
11 salons; weighing; welding; well drilling; wrapping, packing,
12 and packaging of merchandise other than processed meat, fish,
13 fowl and vegetables; wrecking service; wrecker and towing;
14 cable television; campgrounds; carpet and upholstery cleaning;
15 gun and camera repair; janitorial and building maintenance or
16 cleaning; lawn care, landscaping and tree trimming and
17 removal; lobbying service; pet grooming; reflexology; security
18 and detective services; tanning beds or salons; and water
19 conditioning and softening.

20 PARAGRAPH DIVIDED. For purposes of this subsection, gross
21 taxable services from rental includes rents, royalties, and
22 copyright and license fees. For purposes of this subsection,
23 "lobbying service" means the rendering, furnishing or
24 performing, for a fee, salary or other compensation,
25 activities which are intended or used for the purpose of
26 encouraging the passage, defeat, or modification of
27 legislation or for influencing the decision of the members of
28 a legislative committee or subcommittee or the representing,
29 for a fee, salary or other compensation, on a regular basis an
30 organization which has as one of its purposes the
31 encouragement of the passage, defeat or modification of
32 legislation or the influencing of the decision of the members
33 of a legislative committee or a subcommittee. "Lobbying
34 service" does not include the activities of a federal, state,
35 or local government official or employee acting within the

1 course of the official's or employee's duties or a
2 representative of the news media engaged only in the reporting
3 and dissemination of news and editorials.

4 Sec. 2. Section 422A.1, unnumbered paragraph 1, Code 1987,
5 is amended to read as follows:

6 A city or county may impose by ordinance of the city
7 council or by resolution of the board of supervisors a hotel
8 and motel tax, at a rate not to exceed seven percent, which
9 shall be imposed in increments of one or more full percentage
10 points upon the gross receipts from the renting of ~~any-and-all~~
11 sleeping rooms, apartments, or sleeping quarters in any a
12 hotel, motel, inn, public lodging house, rooming house, mobile
13 home which is tangible personal property, or tourist court, or
14 in any place where sleeping accommodations are furnished to
15 transient guests for rent, whether with or without meals;
16 except the gross receipts from the renting of sleeping rooms
17 in dormitories and in memorial unions at all universities and
18 colleges located in the state of Iowa. The tax when imposed
19 by a city shall apply only within the corporate boundaries of
20 that city and when imposed by a county shall apply only
21 outside incorporated areas within that county. "Renting" and
22 "rent" include any kind of direct or indirect charge for such
23 sleeping rooms, apartments, or sleeping quarters, or the their
24 use thereof. However, ~~such~~ the tax shall does not apply to
25 the gross receipts from the renting of a sleeping room,
26 apartment, or sleeping quarters while rented by the same
27 person for a period of more than thirty-one consecutive days.

28 EXPLANATION

29 This bill provides that the rental of sleeping rooms,
30 apartments, or sleeping quarters in mobile homes, which are
31 tangible personal property, are subject to the state sales and
32 use tax and the local option hotel-motel tax. It exempts the
33 rentals of mobile homes, which are tangible personal property,
34 from the state services tax that applies to the rental of
35 tangible personal property.

FILED

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the state sales, services, and use tax and the
2 local option hotel-motel tax on the rental of mobile homes and
3 the spaces within them.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

SUB COMMITTEE ASSIGNMENTS

CHAIR: *Fey*

COMMITTEE: *Ways and Means*

3/5/87

1 Section 1. Section 422.43, subsections 7 and 11, Code
2 1987, are amended to read as follows:

3 7. ~~There is hereby imposed a~~ A like rate of tax is imposed
4 upon the gross receipts from the renting of ~~any and all~~ rooms,
5 apartments, or sleeping quarters in any a hotel, motel, inn,
6 public lodging house, rooming house, mobile home which is
7 tangible personal property, or tourist court, or in any place
8 where sleeping accommodations are furnished to transient
9 guests for rent, whether with or without meals. "Renting" and
10 "rent" include any kind of direct or indirect charge for such
11 rooms, apartments, or sleeping quarters, or the their use
12 thereof. For the purposes of this division, such renting is
13 regarded as a sale of tangible personal property at retail.
14 However, such this tax ~~shall~~ does not apply to the gross
15 receipts from the renting of a room, apartment, or sleeping
16 quarters while rented by the same person for a period of more
17 than thirty-one consecutive days.

18 11. The following enumerated services are subject to the
19 tax imposed on gross taxable services: Alteration and garment
20 repair; armored car; automobile repair; battery, tire and
21 allied; investment counseling, excluding investment services
22 of trust departments; bank service charges; barber and beauty;
23 boat repair; car wash and wax; carpentry; roof, shingle, and
24 glass repair; dance schools and dance studios; dry cleaning,
25 pressing, dyeing, and laundering; electrical and electronic
26 repair and installation; rental of tangible personal property,
27 except mobile homes which are tangible personal property;
28 excavating and grading; farm implement repair of all kinds;
29 flying service; furniture, rug, upholstery repair and
30 cleaning; fur storage and repair; golf and country clubs and
31 all commercial recreation; house and building moving;
32 household appliance, television, and radio repair; jewelry and
33 watch repair; machine operator; machine repair of all kinds;
34 motor repair; motorcycle, scooter, and bicycle repair; oilers
35 and lubricators; office and business machine repair; painting,

1 papering, and interior decorating; parking facilities; pipe
2 fitting and plumbing; wood preparation; licensed executive
3 search agencies; private employment agencies, excluding
4 services for placing a person in employment where the
5 principal place of employment of that person is to be located
6 outside of the state; sewing and stitching; shoe repair and
7 shoeshine; storage warehousing of raw agricultural products;
8 telephone answering service; test laboratories, except tests
9 on humans; termite, bug, roach, and pest eradicators; tin and
10 sheet metal repair; turkish baths, massage, and reducing
11 salons; weighing; welding; well drilling; wrapping, packing,
12 and packaging of merchandise other than processed meat, fish,
13 fowl and vegetables; wrecking service; wrecker and towing;
14 cable television; campgrounds; carpet and upholstery cleaning;
15 gun and camera repair; janitorial and building maintenance or
16 cleaning; lawn care, landscaping and tree trimming and
17 removal; lobbying service; pet grooming; reflexology; security
18 and detective services; tanning beds or salons; and water
19 conditioning and softening.

20 PARAGRAPH DIVIDED. For purposes of this subsection, gross
21 taxable services from rental includes rents, royalties, and
22 copyright and license fees. For purposes of this subsection,
23 "lobbying service" means the rendering, furnishing or
24 performing, for a fee, salary or other compensation,
25 activities which are intended or used for the purpose of
26 encouraging the passage, defeat, or modification of
27 legislation or for influencing the decision of the members of
28 a legislative committee or subcommittee or the representing,
29 for a fee, salary or other compensation, on a regular basis an
30 organization which has as one of its purposes the
31 encouragement of the passage, defeat or modification of
32 legislation or the influencing of the decision of the members
33 of a legislative committee or a subcommittee. "Lobbying
34 service" does not include the activities of a federal, state,
35 or local government official or employee acting within the

1 course of the official's or employee's duties or a
2 representative of the news media engaged only in the reporting
3 and dissemination of news and editorials.

4 Sec. 2. Section 422A.1, unnumbered paragraph 1, Code 1987,
5 is amended to read as follows:

6 A city or county may impose by ordinance of the city
7 council or by resolution of the board of supervisors a hotel
8 and motel tax, at a rate not to exceed seven percent, which
9 shall be imposed in increments of one or more full percentage
10 points upon the gross receipts from the renting of ~~any-and-all~~
11 sleeping rooms, apartments, or sleeping quarters in any a
12 hotel, motel, inn, public lodging house, rooming house, mobile
13 home which is tangible personal property, or tourist court, or
14 in any place where sleeping accommodations are furnished to
15 transient guests for rent, whether with or without meals;
16 except the gross receipts from the renting of sleeping rooms
17 in dormitories and in memorial unions at all universities and
18 colleges located in the state of Iowa. The tax when imposed
19 by a city shall apply only within the corporate boundaries of
20 that city and when imposed by a county shall apply only
21 outside incorporated areas within that county. "Renting" and
22 "rent" include any kind of direct or indirect charge for such
23 sleeping rooms, apartments, or sleeping quarters, or the their
24 use thereof. However, such the tax shall does not apply to
25 the gross receipts from the renting of a sleeping room,
26 apartment, or sleeping quarters while rented by the same
27 person for a period of more than thirty-one consecutive days.

28 EXPLANATION

29 This bill provides that the rental of sleeping rooms,
30 apartments, or sleeping quarters in mobile homes, which are
31 tangible personal property, are subject to the state sales and
32 use tax and the local option hotel-motel tax. It exempts the
33 rentals of mobile homes, which are tangible personal property,
34 from the state services tax that applies to the rental of
35 tangible personal property.

HOUSE FILE 605

AN ACT

RELATING TO THE STATE SALES, SERVICES, AND USE TAX AND THE LOCAL OPTION HOTEL-HOTEL TAX ON THE RENTAL OF THE MOBILE HOMES AND THE SPACES WITHIN THEM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 422.43, subsections 7 and 11, Code 1987, are amended to read as follows:

7. ~~There is hereby imposed a~~ A like rate of tax ~~is imposed~~ upon the gross receipts from the renting of ~~any and all~~ rooms, apartments, or sleeping quarters in any a hotel, motel, inn, public lodging house, rooming house, mobile home which is tangible personal property, or tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals. "Renting" and "rent" include any kind of direct or indirect charge for such rooms, apartments, or sleeping quarters, or the their use thereof. For the purposes of this division, such renting is regarded as a sale of tangible personal property at retail. However, such this tax ~~shall~~ does not apply to the gross receipts from the renting of a room, apartment, or sleeping quarters while rented by the same person for a period of more than thirty-one consecutive days.

11. The following enumerated services are subject to the tax imposed on gross taxable services: Alteration and garment repair; armored car; automobile repair; battery, tire and allied; investment counseling, excluding investment services

of trust departments; bank service charges; barber and beauty; boat repair; car wash and wax; carpentry; roof, shingle, and glass repair; dance schools and dance studios; dry cleaning, pressing, dyeing, and laundering; electrical and electronic repair and installation; rental of tangible personal property, except mobile homes which are tangible personal property; excavating and grading; farm implement repair of all kinds; flying service; furniture, rug, upholstery repair and cleaning; fur storage and repair; golf and country clubs and all commercial recreation; house and building moving; household appliance, television, and radio repair; jewelry and watch repair; machine operator; machine repair of all kinds; motor repair; motorcycle, scooter, and bicycle repair; oilers and lubricators; office and business machine repair; painting, papering, and interior decorating; parking facilities; pipe fitting and plumbing; wood preparation; licensed executive search agencies; private employment agencies, excluding services for placing a person in employment where the principal place of employment of that person is to be located outside of the state; sewing and stitching; shoe repair and shoeshine; storage warehousing of raw agricultural products; telephone answering service; test laboratories, except tests on humans; termite, bug, roach, and pest eradicators; tin and sheet metal repair; turkish baths, massage, and reducing salons; weighing; welding; well drilling; wrapping, packing, and packaging of merchandise other than processed meat, fish, fowl and vegetables; wrecking service; wrecker and towing; cable television; campgrounds; carpet and upholstery cleaning; gun and camera repair; janitorial and building maintenance or cleaning; lawn care, landscaping and tree trimming and removal; lobbying services; pet grooming; reflexology; security and detective services; tanning beds or salons; and water conditioning and softening.

PARAGRAPH DIVIDED. For purposes of this subsection, gross taxable services from rental includes rents, royalties, and

copyright and license fees. For purposes of this subsection, "lobbying service" means the rendering, furnishing or performing, for a fee, salary or other compensation, activities which are intended or used for the purpose of encouraging the passage, defeat, or modification of legislation or for influencing the decision of the members of a legislative committee or subcommittee or the representing, for a fee, salary or other compensation, on a regular basis an organization which has as one of its purposes the encouragement of the passage, defeat or modification of legislation or the influencing of the decision of the members of a legislative committee or a subcommittee. "Lobbying service" does not include the activities of a federal, state, or local government official or employee acting within the course of the official's or employee's duties or a representative of the news media engaged only in the reporting and dissemination of news and editorials.

Sec. 2. Section 422A.1, unnumbered paragraph 1, Code 1987, is amended to read as follows:

A city or county may impose by ordinance of the city council or by resolution of the board of supervisors a hotel and motel tax, at a rate not to exceed seven percent, which shall be imposed in increments of one or more full percentage points upon the gross receipts from the renting of any-and-all sleeping rooms, apartments, or sleeping quarters in any a hotel, motel, inn, public lodging house, rooming house, mobile home which is tangible personal property, or tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals; except the gross receipts from the renting of sleeping rooms in dormitories and in memorial unions at all universities and colleges located in the state of Iowa. The tax when imposed by a city shall apply only within the corporate boundaries of that city and when imposed by a county shall apply only outside incorporated areas within that county. "Renting" and

"rent" include any kind of direct or indirect charge for such sleeping rooms, apartments, or sleeping quarters, or the ~~the~~ use thereof. However, such tax shall ~~doe~~ not apply to the gross receipts from the renting of a sleeping room, apartment, or sleeping quarters while rented by the same person for a period of more than thirty-one consecutive days.

.....
DONALD D. AVENSON
Speaker of the House

.....
JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 605, Seventy-second General Assembly.

.....
JOSEPH O'HERN
Chief Clerk of the House

Approved May 20, 1987

.....
TERRY E. BRANSTAD
Governor