

House Bill 378

By: Representatives Williamson of the 115th and Harrell of the 106th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and
2 taxation, so as to require the collection and remittance of excise taxes on rental motor
3 vehicles by marketplace facilitators that are dealers that facilitate the rental or lease of five
4 or more rental motor vehicles; to revise a definition; to provide for related matters; to provide
5 for an effective date and applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
9 amended by revising Code Section 48-13-91, relating to definitions relative to excise taxes
10 on rental motor vehicles, as follows:

11 "48-13-91.

12 As used in this article, the term:

13 (1) 'Rental charge' means the total value received by a rental motor vehicle concern for
14 the rental or lease for 31 or fewer consecutive days of a rental motor vehicle, including
15 the total cash and nonmonetary consideration for the rental or lease, including, but not
16 limited to, charges based on time or mileage and charges for insurance coverage or
17 collision damage waiver but excluding all charges for motor fuel taxes or sales taxes.

18 (2) 'Rental motor vehicle' means a motor vehicle designed to carry ten or fewer
19 passengers and used primarily for the transportation of persons that is rented or leased
20 without a driver regardless of whether such vehicle is licensed in this state.

21 (3) 'Rental motor vehicle concern' means a:

22 (A) A person or legal entity which owns or leases five or more rental motor vehicles
23 and which regularly rents or leases such vehicles to the public for value; or

24 (B) A marketplace facilitator that is a dealer pursuant to subparagraph (M.3) of
25 paragraph (8) of Code Section 48-8-2 that facilitates the taxable rental or lease of five

26 or more rental motor vehicles to the public for value on behalf of its marketplace sellers
 27 combined."

28 **SECTION 2.**

29 Said title is further amended in Code Section 48-13-93, relating to the levy and collection of
 30 excise taxes upon motor vehicle rental charges, expenditure of taxes, and purpose, by
 31 revising paragraph (1) of subsection (a) as follows:

32 "(a)(1) The governing authority of each municipality in this state may levy and collect
 33 an excise tax upon the rental charge collected by a rental motor vehicle concern on its
 34 own behalf or as a marketplace facilitator on behalf of itself or another person when such
 35 charge constitutes a taxable event for purposes of sales and use tax under Article 1 of
 36 Chapter 8 of this title. Within the territorial limits of the special district located within
 37 the county, each county in this state may levy and collect an excise tax upon the rental
 38 charge collected by a rental motor vehicle concern on its own behalf or as a marketplace
 39 facilitator on behalf of itself or another person when such charge constitutes a taxable
 40 event for purposes of sales and use tax under Article 1 of Chapter 8 of this title. The tax
 41 levied pursuant to this article shall be levied or collected at the rate of 3 percent of the
 42 rental charges. The tax levied pursuant to this article shall be imposed only at the time
 43 when and place where a customer pays sales tax with respect to the rental charge. The
 44 customer who pays a rental charge that is subject to a tax levied as provided in this article
 45 shall be liable for the tax. The tax shall be paid by the customer to the rental motor
 46 vehicle concern. The tax shall be a debt of the customer to the rental motor vehicle
 47 concern until it is paid and shall be recoverable at law in the same manner as authorized
 48 for the recovery of other debts. The rental motor vehicle concern collecting the tax shall
 49 remit the tax to the governing authority imposing the tax, and the tax remitted shall be a
 50 credit against the tax imposed on the rental motor vehicle concern. Every rental motor
 51 vehicle concern subject to a tax levied as provided in this article shall be liable for the tax
 52 at the applicable rate on the charges actually collected or the amount of taxes collected
 53 from the customers, whichever is greater."

54 **SECTION 3.**

55 This Act shall become effective on July 1, 2019, and apply to all taxable leases or rentals
 56 occurring on or after July 1, 2019.

57 **SECTION 4.**

58 All laws and parts of laws in conflict with this Act are repealed.