

ALABAMA DEPARTMENT OF REVENUE - SALES AND USE TAX RULES
Code of Alabama 1975, Sections 40-23-31 and 40-23-83

810-6-5-.21 Lodgings and Programs Provided for Children, Students, or Members Or Guests of Nonprofit Organizations by Camps, Conference Centers and Similar Facilities.

(1) The definitions set forth in Code of Alabama 1975, Section 40-26-1(c), are incorporated herein by reference.

(2) The term "independent statutory exemption" as used in this regulation shall mean any statutory exemption or exclusion contained in Code of Alabama 1975 other than the exemptions contained in Code of Alabama 1975, Sections 40-26-1 (b)(ii) and 40-26-1 (b)(iii).

(3) The term "lodgings tax" as used in this regulation shall mean the tax levied in Code of Alabama 1975, Section 40-26-1 (a).

(4) The term "similar facilities" as used in Section 40-26-1(b) and in this regulation shall not include commercial hotels, motels, inns, motor courts, and motor lodges.

(5) Camps, conference centers, or similar facilities operated by nonprofit organizations primarily for the benefit of, and in connection with, recreational or educational programs for children, students, or members or guests of other nonprofit organizations are not liable for lodgings tax with respect to fees, tuition, or other charges for rooms, lodgings, or accommodations supplied to children, students, or members or guests of nonprofit organizations in conjunction with recreational or educational programs. (Section 40-26-1(b)(ii))

(6) If during any calendar year 50 percent or more of the total gross receipts from fees, tuition, or other charges for rooms, lodgings, or accommodations are derived from sources other than recreational or educational programs for children, students, or members or guests of nonprofit organizations; a camp, conference center, or similar facility operated by a nonprofit organization will be liable for lodgings tax with respect to all receipts from furnishing rooms, lodgings, or accommodations regardless of to whom furnished, except those receipts which qualify under an independent statutory exemption, accruing from the date that rooms, lodgings, or accommodations were first furnished to persons other than children, students, or members or guests of nonprofit corporations and ending on December 31 of that same calendar year. (Section 40-26-1(b)(ii))

(7) Privately operated camps, conference centers, or similar facilities that provide lodging and recreational or educational programs exclusively for the benefit of children, students, or members or guests of nonprofit organizations are not liable for lodgings tax with respect to fees, tuition, or other charges for rooms, lodgings, or accommodations supplied to children, students, or members or guests of nonprofit organizations in conjunction with recreational or educational programs. (Section 40-26-1(b)(iii))

(8) A privately operated camp, conference center, or similar facility which during any calendar year provides rooms, lodgings, or accommodations to any persons other than children, students, or members or guests of nonprofit organizations is liable for lodgings tax

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810-6-5-.21 (Continued)

with respect to all receipts from furnishing rooms, lodgings, or accommodations regardless of to whom furnished, except those receipts which qualify under an independent statutory exemption, accruing from the date that rooms, lodgings, or accommodations were first furnished to persons other than children, students, or members or guests of nonprofit corporations through December 31 of that same calendar year. (Section 40-26-1(b)(iii))

(9) The lodgings tax is applicable to charges by both nonprofit and privately operated camps, conference centers, or similar facilities for rooms, lodgings, or accommodations not provided in connection with recreational or educational programs for the benefit of children, students, or members or guests of non-profit organizations unless the charges qualify under an independent statutory exemption. (Section 40-26-1(a))

(10) The exemptions contained in Code of Alabama 1975, Sections 40-26-1 (b)(ii) and 40-26-1 (b)(iii), if otherwise available, shall not be lost if one or more members or guests of the nonprofit organization themselves pay all or a portion of the charges for rooms, lodgings, or accommodations furnished on behalf of the nonprofit organization, provided the nonprofit organization is the named sponsor of the recreational or educational program and remains liable for any such charges not paid by its members or guests. (Adopted April 1, 1957, readopted through APA effective October 1, 1982, amended December 10, 1996)