

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 323-33 (Coe)

Introduced by:

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B.J.F. CRUZ
R.J. RESPICIO

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**AN ACT TO ADD A NEW § 30109, § 30110, AND § 30111 TO
CHAPTER 30, TITLE 11 GUAM CODE ANNOTATED,
RELATIVE TO AUTHORIZING THE DIRECTOR OF
REVENUE AND TAXATION OR HIS DESIGNEE TO ENTER
INTO TAX COLLECTION AGREEMENTS WITH
TRANSIENT ACCOMMODATIONS BROKERS.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** *New sections 30109-30111 are hereby added to Chapter 30, Title*
3 *11 Guam Code Annotated to read:*

4 **§ 30109. Tax Collection Agreements Authorized.**

5 (a) "Transient accommodations broker" means any person or entity,
6 including but not limited to persons who operate online websites, online travel
7 agencies, or online booking agencies, that offers, lists, advertises, or accepts
8 reservations or collects whole or partial payment for transient accommodations or
9 resort time share vacation interests, units, or plans. Notwithstanding any other
10 provision of law, rule, or regulation to the contrary, the Director of the Department
11 of Revenue and Taxation or his designee may permit a transient accommodations
12 broker to register as a tax collection agent on behalf of all of its operators and plan
13 managers by entering into a tax collection agreement with the director or by
14 submitting a transient accommodations broker tax collection agent registration
15 statement to the director, in a form prescribed by the department. The Director *may*
16 deny an application for registration as a transient accommodations broker tax

1 collection agent under this section for any cause authorized by law, including but
2 not limited to any violation of this chapter.

3 (b) A registered transient accommodations broker tax collection agent shall
4 report, collect, and pay over the taxes due under this chapter on behalf of all of its
5 operators and plan managers from the date of registration until the registration is
6 canceled, provided that the registered transient accommodations broker tax
7 collection agent's obligation to report, collect, and pay taxes on behalf of all of its
8 operators and plan managers shall apply solely to transient accommodations in the
9 State arranged or booked directly through the registered transient accommodations
10 broker tax collection agent.

11 (c) The director shall issue a certificate of registration or letter of denial
12 within thirty (30) calendar days after a transient accommodations broker submits to
13 the director a completed and signed transient accommodations broker tax
14 collection agent registration statement, in a form prescribed by the department. If
15 approved, the registration shall be valid only for the transient accommodations
16 broker tax collection agent in whose name it is issued, and for the website or
17 platform designated therein, and shall not be transferable, except to a successor by
18 merger or acquisition of the transient accommodations broker's website or platform
19 designated in its application or tax collection agreement.

20 (d) A registered transient accommodations broker tax collection agent *shall*
21 be issued separate licenses under this chapter with respect to taxes payable on
22 behalf of its operators and plan managers in its capacity as a registered transient
23 accommodations broker tax collection agent and, if applicable, with respect to any
24 taxes payable under this chapter for its own business activities.

25 **§ 30110. Tax Collection Agents Liable.**

1 (a) Under this section, a registered transient accommodations broker tax
2 collection agent shall assume all obligations, rights, and responsibilities imposed
3 by this chapter upon its operators and plan managers with respect to their business
4 activities conducted directly through the registered transient accommodations
5 broker tax collection agent from the date of registration until the registration is
6 canceled in writing to the director.

7 (b) A transient accommodations broker tax collection agent shall be
8 personally liable for the taxes imposed by this chapter that are due and collected on
9 behalf of operators and plan managers, if taxes are collected, but not reported or
10 paid, together with penalties and interest as provided by law.

11 **§ 30111. Cancellation of Agreement.**

12 (a) A registered transient accommodations broker tax collection agent may
13 cancel its registration under this section by delivering written notice of cancellation
14 to the director and each of its operators and plan managers furnishing transient
15 accommodations in the State not later than ninety days prior to the effective date of
16 cancellation.

17 (b) The director may cancel a transient accommodations broker tax
18 collection agent's registration under this section for any cause authorized by law,
19 including but not limited to any violation of this chapter or rules adopted pursuant
20 thereto, or for violation of any applicable tax collection agreement, by delivering
21 written notice of cancellation to the transient accommodations broker tax
22 collection agent not later than ninety days prior to the effective date of
23 cancellation."

24 **Section 2. Severability.** If any provision of this Act or its application to any
25 person or circumstance is held invalid, the invalidity shall not affect other

1 provisions or applications of this Act which can be given effect without the invalid
2 provision or application and to this end the provisions of this Act are severable.

3 **Section 3. Enactment Date.** This Act *shall* be effective immediately upon
4 enactment.