

Kansas Administrative Regulations

Kansas Department of Revenue

Article 19.—Kansas Retailers' Sales Tax

92-19-24. Renting of rooms by hotels; taxable property and services.

(a) Sales tax shall be imposed on the total gross receipts received from the rental of rooms by hotels as defined in K.S.A. 36-501 and amendments thereto.

Accommodations generally referred to as "sleeping rooms" shall be subject to sales tax. Each rental of a hotel sleeping room shall be subject to sales tax regardless of the length of time for which the room is rented. The transient guest tax exemption for hotel rooms rented for more than 28 consecutive days shall not apply to the sales tax imposition. Sales tax shall not apply to rentals of ballrooms, banquet rooms, reception rooms, meeting rooms, and office space.

(b) Each hotel shall be deemed to be the consumer of all items that are not for resale and that are used to conduct the hotel's business. Each hotel shall pay sales tax on each purchase of tangible personal property and taxable services, unless specifically exempted by statute. Hotel purchases of beds, linens, towels, furniture, equipment, appliances, glass cups and ashtrays, and cable television services shall be subject to sales tax. Items that are used in the hotel room by the guest and that are disposable in nature, including toilet tissue, facial tissue, and soap and shampoo for the guest's personal use, shall be considered a component of the service of hotel room rental, and shall be exempt from sales tax.

(c) Services of installing, applying, repairing, servicing, maintaining, or altering the hotel's physical plant, including the equipment, shall be taxable.

(d) Each hotel may purchase, exempt from sales tax, premium cable television service channels that are separately billed to the guest. Each hotel shall collect sales tax for the cable television services billed by the hotel to the guest.

(e) Electricity, gas, fuel, and water actually used by a hotel in sleeping rooms shall be exempt from sales tax. The exemption shall not apply to electricity, gas, fuel, and water consumed in a hotel's common areas, parking lots, offices, swimming pools,

ballrooms, banquet rooms, reception rooms, meeting rooms, and other areas that are either not rented by the hotel or whose rental charges are not taxed under the act. If electricity, gas, fuel, or water is furnished through one meter, the hotel shall furnish the utility with a statement showing the electricity, gas, fuel, or water actually used in the rented sleeping rooms of the hotel so the utility can determine the percentage of electricity, gas, fuel, or water that is taxable. Each hotel shall make available to the department of revenue the formula and computations used to determine the exemption.

(f) Receipts from providing laundry services, dry cleaning, and valet services shall be taxable. If a hotel sends a guest's clothing out to a third-party cleaner, the hotel may purchase the cleaning exempt from sales tax for resale purposes, and shall include the charge and sales tax on the guest's bill.

(g) Each hotel purchasing water, soap, solvents, and other cleaning materials for the hotel's own use in cleaning or maintaining guest rooms, swimming pools, and other areas of the hotel shall be subject to sales tax.

(Authorized by K.S.A. 2000 Supp. 79-3618; implementing K.S.A. 2000 Supp. 79-3602, K.S.A. 2000 Supp. 79-3603 as amended by SB 1, Sec. 1 and as further amended by SB 322, Sec. 2, K.S.A. 2000 Supp. 79-3606 as amended by HB 2029, Sec. 1 and as further amended by SB 332, Sec. 3; effective, E-70-33, July 1, 1970; effective, E-71-8, Jan. 1, 1971; effective Jan. 1, 1972; amended May 1, 1987; amended May 1, 1988; amended July 27, 2001.)

***** Authenticated Kansas Administrative Regulation *****