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SENATE BILL No. 242

Proposed Changes to introduced printing by AM024206

DIGEST OF PROPOSED AMENDMENT

Orange County food and beverage tax. Clarifies the imposition and collection of the Orange County food and beverage tax.

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-9-29-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. This chapter applies
3 to all counties **and cities** imposing an innkeeper's tax under this article.
4 SECTION 2. IC 6-9-29-1.5, AS AMENDED BY P.L.137-2022,
5 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2026]: Sec. 1.5. (a) Unless otherwise provided in this article,
7 a county fiscal body **or a city fiscal body** that adopts an ordinance to
8 impose, rescind, or increase or decrease the rate of a county innkeeper's
9 tax **or a city innkeeper's tax**, or to make a change between collection
10 of the tax by the county treasurer **or the city fiscal officer**, or the
11 department of state revenue, must specify the effective date of the
12 ordinance to provide that the ordinance takes effect:
13 (1) at least thirty (30) days after the adoption of the ordinance;
14 and
15 (2) on the first day of a month.
16 (b) If a county fiscal body **or a city fiscal body** adopts an
17 ordinance described in subsection (a), it must immediately send a
18 certified copy of the ordinance to the commissioner of the department
19 of state revenue. Notwithstanding subsection (a), if the department of
20 state revenue collects the revenue from the county innkeeper's tax **or**

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the city innkeeper's tax, the department of state revenue shall begin collecting the tax as provided in the ordinance for periods beginning on or after the later of:

- (1) the first day of the month that is not less than thirty (30) days after the ordinance is sent to the commissioner of the department of state revenue; or
- (2) the effective date specified in the ordinance.

The department shall collect the tax at the rate in the ordinance unless the rate is not authorized under this article.

(c) If an ordinance does not specify an effective date, the ordinance shall be considered effective on the earliest date allowable under this section.

SECTION 3. IC 6-9-29-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. Upon a request by a county auditor or treasurer, **or a city fiscal officer**, the department of state revenue shall provide summary data regarding innkeeper's tax collections for the county **or the city**. This data may not include any confidential information. The department shall provide the summary data within ten (10) business days after the request is made.

[SECTION 4. IC 6-9-45.5-13 IS REPEALED [EFFECTIVE JULY 1, 2025 (RETROACTIVE)]. Sec. 13: (a) As used in this section, "another food and beverage tax" refers to an excise tax that is imposed under any law other than this chapter and that is levied in all or any part of Orange County on a transaction in which food or beverage is furnished, prepared, or served:

(1) for consumption at a location, or on equipment, provided by a retail merchant;

(2) in the area in which the food and beverage tax is imposed; and

(3) by a retail merchant for consideration;

(b) Notwithstanding any other law, another food and beverage tax does not apply to transactions described in section 9 of this chapter.

] SECTION ~~6-9-56.5~~ [5]. IC 6-9-56.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 56.5. Carmel Innkeeper's Tax

Sec. 1. This chapter applies to the city of Carmel.

Sec. 2. The following definitions apply throughout this chapter:

(1) "Fiscal body" has the meaning set forth in IC 36-1-2-6.

(2) "Person" has the meaning set forth in IC 6-2.5-1-3.

Sec. 3. (a) Subject to section 7 of this chapter, the fiscal body



of the city may levy a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any:

- (1) hotel;
- (2) motel;
- (3) boat motel;
- (4) inn;
- (5) college or university memorial union;
- (6) college or university residence hall or dormitory; or
- (7) tourist cabin;

located in the city.

(b) The tax does not apply to a transaction in which:

- (1) a student rents lodgings in a college or university residence hall while that student participates in a course of study for which the student receives college credit from a college or university located in the city; or
- (2) a person rents a room, lodging, or accommodations for a period of thirty (30) days or more.

(c) The tax must be imposed at a flat rate amount per night and may not exceed the rate of five dollars (\$5) per night. The tax is in addition to:

- (1) the state gross retail tax imposed under IC 6-2.5; and
- (2) a county innkeeper's tax imposed in the county in which the city is located, if any.

(d) The tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

(e) All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the tax imposed under this section except to the extent those provisions are in conflict or inconsistent with the specific provisions of this chapter. The return to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may, by rule, determine.

(f) The amounts received from the tax imposed under this section shall be paid monthly by the treasurer of state to the fiscal officer of the city upon warrants issued by the state comptroller.

Sec. 4. (a) If a tax is imposed under section 3 of this chapter, the city fiscal officer shall establish a convention, visitor, and



1 tourism promotion fund. The city fiscal officer shall deposit into
 2 the fund all amounts received from a tax imposed under section 3
 3 of this chapter.

4 (b) Money in a convention, visitor, and tourism promotion
 5 fund may be expended, after appropriation by the city fiscal body,
 6 only for the following purposes:

7 (1) To promote and encourage conventions, visitors, and
 8 tourism within the city, including expenditures for
 9 advertising, promotional activities, trade shows, special
 10 events, and recreation.

11 (2) To create new parks and amenities, and to expand and
 12 enhance existing parks and amenities.

13 (3) To pay the costs of city services related to conventions,
 14 trade shows, and other special events. However, money may
 15 not be used for salaries or operating expenses related to an
 16 event.

17 The city fiscal body may issue bonds, enter into leases, or incur
 18 other obligations for the purposes set forth in subdivisions (1)
 19 through (3).

20 Sec. 5. All money deposited in the convention, visitor, and
 21 tourism promotion fund shall be deposited, held, secured, invested,
 22 and paid in accordance with statutes relating to the handling of
 23 public funds. The handling and expenditure of money deposited in
 24 the convention, visitor, and tourism promotion fund is subject to
 25 audit and supervision by the state board of accounts.

26 Sec. 6. (a) A person who knowingly:

27 (1) approves the transfer of money to any person or
 28 corporation not qualified under law for that transfer; or

29 (2) approves a transfer for a purpose not permitted under
 30 law;

31 commits a Level 6 felony.

32 (b) A person who receives a transfer of money under this
 33 chapter and knowingly uses that money for any purpose not
 34 permitted under this chapter commits a Level 6 felony.

35 Sec. 7. A tax imposed by a city under this chapter terminates
 36 on January 1 of the calendar year that begins twenty-two (22)
 37 years after the effective date specified in the ordinance.

38 SECTION ~~63.5~~ [6]. IC 6-9-63.5 IS ADDED TO THE INDIANA
 39 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2026]:

41 Chapter 63.5. New Haven Innkeeper's Tax

42 Sec. 1. This chapter applies to the city of New Haven.



1 **Sec. 2. The following definitions apply throughout this**
 2 **chapter:**

3 (1) "Fiscal body" has the meaning set forth in IC 36-1-2-6.

4 (2) "Person" has the meaning set forth in IC 6-2.5-1-3.

5 **Sec. 3. (a) Subject to section 7 of this chapter, the fiscal body**
 6 **of the city may levy a tax on every person engaged in the business**
 7 **of renting or furnishing, for periods of less than thirty (30) days,**
 8 **any room or rooms, lodgings, or accommodations in any:**

9 (1) hotel;

10 (2) motel;

11 (3) boat motel;

12 (4) inn;

13 (5) college or university memorial union;

14 (6) college or university residence hall or dormitory; or

15 (7) tourist cabin;

16 **located in the city.**

17 **(b) The tax does not apply to a transaction in which:**

18 (1) a student rents lodgings in a college or university
 19 residence hall while that student participates in a course of
 20 study for which the student receives college credit from a
 21 college or university located in the city; or

22 (2) a person rents a room, lodging, or accommodations for a
 23 period of thirty (30) days or more.

24 **(c) The tax must be imposed at a flat rate amount per night**
 25 **and may not exceed the rate of five dollars (\$5) per night. The tax**
 26 **is in addition to:**

27 (1) the state gross retail tax imposed under IC 6-2.5; and

28 (2) a county innkeeper's tax imposed in the county in which
 29 the city is located, if any.

30 **(d) The tax shall be imposed, paid, and collected in exactly the**
 31 **same manner as the state gross retail tax is imposed, paid, and**
 32 **collected under IC 6-2.5.**

33 **(e) All of the provisions of IC 6-2.5 relating to rights, duties,**
 34 **liabilities, procedures, penalties, definitions, exemptions, and**
 35 **administration are applicable to the imposition and administration**
 36 **of the tax imposed under this section except to the extent those**
 37 **provisions are in conflict or inconsistent with the specific**
 38 **provisions of this chapter. The return to be filed for the payment**
 39 **of the tax under this section may be either a separate return or**
 40 **may be combined with the return filed for the payment of the state**
 41 **gross retail tax as the department of state revenue may, by rule,**
 42 **determine.**



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(f) The amounts received from the tax imposed under this section shall be paid monthly by the treasurer of state to the fiscal officer of the city upon warrants issued by the state comptroller.

Sec. 4. (a) If a tax is imposed under section 3 of this chapter, the city fiscal officer shall establish a convention, visitor, and tourism promotion fund. The city fiscal officer shall deposit into the fund all amounts received from a tax imposed under section 3 of this chapter.

(b) Money in a convention, visitor, and tourism promotion fund may be expended, after appropriation by the city fiscal body, only for the following purposes:

(1) To promote and encourage conventions, visitors, and tourism within the city, including expenditures for advertising, promotional activities, trade shows, special events, and recreation.

(2) To create new parks and amenities, and to expand and enhance existing parks and amenities.

(3) To pay the costs of city services related to conventions, trade shows, and other special events. However, money may not be used for salaries or operating expenses related to an event.

The city fiscal body may issue bonds, enter into leases, or incur other obligations for the purposes set forth in subdivisions (1) through (3).

Sec. 5. All money deposited in the convention, visitor, and tourism promotion fund shall be deposited, held, secured, invested, and paid in accordance with statutes relating to the handling of public funds. The handling and expenditure of money deposited in the convention, visitor, and tourism promotion fund is subject to audit and supervision by the state board of accounts.

Sec. 6. (a) A person who knowingly:

(1) approves the transfer of money to any person or corporation not qualified under law for that transfer; or

(2) approves a transfer for a purpose not permitted under law;

commits a Level 6 felony.

(b) A person who receives a transfer of money under this chapter and knowingly uses that money for any purpose not permitted under this chapter commits a Level 6 felony.

Sec. 7. A tax imposed by a city under this chapter terminates on January 1 of the calendar year that begins twenty-two (22) years after the effective date specified in the ordinance.



1 SECTION ~~6~~[7]. IC 35-52-6-83.5 IS ADDED TO THE
 2 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2026]: **Sec. 83.5. IC 6-9-56.5-6 defines crimes**
 4 **concerning innkeeper's taxes.**

5 SECTION ~~7~~[8]. IC 35-52-6-85.2 IS ADDED TO THE
 6 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2026]: **Sec. 85.2. IC 6-9-63.5-6 defines crimes**
 8 **concerning innkeeper's taxes.**

9 [SECTION 9. [EFFECTIVE JULY 1, 2025 (RETROACTIVE)] For
 10 purposes of IC 6-9-47.5:

11 (1) the imposition and collection of tax after June 30, 2025,
 12 under that chapter with regard to a taxpayer that also is
 13 subject to a tax under IC 6-9-45.5 is permitted as if
 14 IC 6-9-45.5-13 had been repealed by P.L.230-2025; and

15 (2) no refund shall be permitted for the tax imposed under
 16 IC 6-9-47.5 after June 30, 2025, based on the imposition of
 17 tax under IC 6-9-45.5 on the same transaction.

18 SECTION 10. An emergency is declared for this act.]

