

## Local Transient Guest Tax in Kansas

### What is it?

The transient guest tax in Kansas is a local tax on lodging rentals paid by guests renting for not more than 28 days. It is levied by local governments to finance tourism activities.

### What is the rate?

K.S.A. 12-1697 states the maximum tax rate is set at 2%; however, in 1982 the Attorney General (AGO 82-17) concluded provisions of the general law (K.S.A. 12-1696 et seq) were non-uniform as applied to cities; and therefore, subject to charter ordinance. The AGO further stated the ordinance may provide for a higher tax. Unlike local sales tax, there is nothing in the statutes requiring the rate be in .05% or .25% increments.

A list of Kansas local transient guest tax rates can be accessed on Kansas Department of Revenue's (KDOR) website at: <https://www.ksrevenue.gov/pdf/tgratesfilers.pdf> It is updated quarterly.

### Who pays it?

K.S.A. 12-1692(c) and 12-1696(c) states: "transient guest" means a person who occupies a room in a hotel, motel, or tourist court for not more than 28 consecutive days. There are only 2 exemptions from paying the tax: The tax does not apply when a room is rented for more than 28 days or when the Federal Government pays directly for a room.

### Who collects it?

A hotel, motel, tourist court or any other establishment renting out a minimum of three sleeping rooms within a city or county imposing the tax must collect the tax. K.S.A. 12-1692(b) and K.S.A. 12-1696(b) Accommodation brokers must also collect and remit the tax on their sleeping room rentals with two or more rooms. K.S.A. 12-1692(f) and 12-1696(f)

If the business renting rooms goes through a Marketplace Facilitator platform (MPF), the MPF collects and remits the local transient guest tax (and applicable state and local sales taxes) to KDOR.

K.S.A. 79-5601–5604

KDOR's Marketplace Facilitator for Lodging Notice: <https://www.ksrevenue.gov/taxnotices/notice21-24.pdf>

### When is it remitted?

K.S.A. 12-1694 states a business is required to file monthly transient guest tax returns due the 25th of the following month that it is collected. However, if the business is filing an annual or quarterly sales tax return, the business may, with the approval of the Secretary of Revenue, pay the transient guest tax on the same filing frequency as its sales tax. Requests may be sent to [kdor\\_miscellaneous.tax@ks.gov](mailto:kdor_miscellaneous.tax@ks.gov) or by phone, 785-368-8222.

### Who gets it?

The transient guest tax collections are distributed quarterly. The distribution is sent to the city or county treasurer where the tax is imposed. The local jurisdiction imposing the tax receives 98% of the collected amount. K.S.A. 12-1694(c) and 12-1698(c) directs the State Treasurer to credit the remaining 2% to the State General Fund to defray KDOR's expenses in administration and enforcement.

### Other resources:

Monthly local transient guest tax collection reports: <https://www.ksrevenue.gov/prtgreports.html>

Transient Guest Tax informational page on KDOR's website with forms and helpful publication links: <https://www.ksrevenue.gov/bustaxtypestg.html>