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# A BILL FOR AN ACT

RELATING TO ELECTRONIC PERMITTING FEES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to allow certain  
2 environmental programs of the department of health to remove any  
3 financial disincentive to conducting electronic business with  
4 them.

5           SECTION 2. Chapter 321, Hawaii Revised Statutes is amended  
6 by adding a new section to be appropriately designated and to  
7 read as follows:

8           "§321- Fees for electronic applications and payments.

9           (a) Any departmental program that collects fees for the  
10 issuance of permits, licenses, certificates, or similar  
11 approvals, under chapters 340E, 340F, 342D, 342H, 342J, 342L,  
12 and that is required to deposit those fees to the credit of the  
13 general fund, may first deduct any electronic and credit card  
14 processing fees or charges that are made pursuant to agreements  
15 between the department and electronic services and credit card  
16 services providers from the total amount received by the  
17 department from the applicant for each payment made  
18 electronically.



1       (b) For purposes of this section, the term "credit card"  
2 includes credit cards, charge cards, and debit cards.

3       (c) A person making an electronic payment to the  
4 department remains liable for the underlying obligation except  
5 to the extent that the department realizes final payment of the  
6 underlying obligation in cash or the equivalent. If the credit  
7 card issuer, bank, or other guarantor of payment in the  
8 transaction does not pay the department, then the underlying  
9 obligation survives, and the department retains all remedies for  
10 enforcement that would have applied if the transaction had not  
11 occurred. No contract may modify the provisions of this  
12 subsection. This subsection, however, does not make the  
13 underlying obligor liable for any electronic or credit card fees  
14 paid to an electronic services provider or credit card issuer or  
15 party other than the department."

16       SECTION 3. New statutory material is underscored.

17       SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Electronic Permitting Fees

**Description:**

Allows certain department of health environmental programs to conduct business electronically and withhold sufficient moneys to cover the cost of electronic and credit card provider services. (SD1)

