
A BILL FOR AN ACT

RELATING TO TAX APPEALS.

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

1 SECTION 1. Section 232-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§232-5 Small claims. (a) The tax appeal court shall
4 establish by rule a small claims procedure that, to the greatest
5 extent practicable, shall be informal[-]; provided that:

6 (1) The court shall not allow pretrial discovery; and

7 (2) Costs and fees awarded to the prevailing party shall
8 be limited to fees paid directly to the court in the
9 course of conducting the tax appeal at issue.

10 (b) Any protesting taxpayer who would incur a total tax
11 liability, not including penalties and interest, of less than
12 \$1,000, by reason of the protested assessment or payment in
13 question, may elect to employ the procedure established by this
14 section upon:

15 (1) Payment per taxpayer of a non-refundable filing fee
16 set pursuant to rules adopted by the supreme court,
17 which shall not exceed \$25; and



1 (2) Filing with the tax appeal court a written statement
2 of the facts in the case, together with a waiver of
3 the right to further appeal.


4 The tax appeal court shall cause a notice of the appeal and a
5 copy of the statement to be served on the director of taxation."

6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2011.

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INTRODUCED BY:  _____

JAN 21 2011



Report Title:

Tax Appeals; Small Claims

Description:

Prohibits discovery and limits the award of costs in controversies involving small claim tax appeals.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

