
A BILL FOR AN ACT

RELATING TO OFFERS IN COMPROMISE.

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

1 SECTION 1. Chapter 231, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§231- Offers in compromise. (a) Requests for
5 compromises authorized under section 231-3 shall be submitted to
6 the department and accompanied by the following:
7 (1) In the case of a lump-sum offer in compromise, twenty
8 per cent of the amount of the offer; or
9 (2) In the case of a periodic payment offer in compromise,
10 payment in the amount of the first proposed
11 installment. Any failure to make an installment other
12 than the first installment due under the offer in
13 compromise during the period the offer is being
14 evaluated by the department, may be treated by the
15 department as a withdrawal of the offer in compromise.
16 (b) Where an offer in compromise is not accepted by the
17 department for any reason, payments made under subsection (a)



1 shall be applied to the tax first assessed or other amounts
2 imposed under title 14.

3 (c) The department may waive the payment requirements
4 under subsection (a) for individual taxpayers who meet the low-
5 income certification guidelines published by the Internal
6 Revenue Service for the period in which the request for
7 compromise has been submitted.

8 (d) The director of taxation shall prepare any forms that
9 may be necessary to meet the requirements of this section. In
10 addition to any other administrative requirements, the director
11 of taxation may also require the taxpayer to furnish reasonable
12 information to substantiate the validity of the request for
13 payment waiver made under subsection (c).

14 (e) The department may adopt rules pursuant to chapter 91
15 necessary to carry out the purposes of this section.

16 (f) As used in this section:

17 "Lump-sum offer in compromise" means any offer of payments
18 made in five or fewer installments.

19 "Periodic payment offer in compromise" means any offer of
20 payments made in six or more installments."



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

4 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: *Oliver Orr*

JAN 18 2013



H.B. NO. 425

Report Title:

Tax Administration; Offers in Compromise

Description:

Requires offers in compromise submitted to the Department of Taxation to be accompanied by certain payments.

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