
A BILL FOR AN ACT

RELATING TO ACT 326, SESSION LAWS OF HAWAII 2012, REPORTING
REQUIREMENTS.

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

1 SECTION 1. Act 326, Session Laws of Hawaii 2012, is
2 amended by amending section 2 to read as follows:

3 "SECTION 2. Chapter 237D, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§237D- Local contact; relevant information;
7 advertisements; transient accommodations. (a) Any operator [~~of~~
8 ~~a transient accommodation~~] shall designate a local contact
9 residing or having a principal place of business on the same
10 island where the transient accommodation is located.

11 (b) The operator shall furnish [~~the~~] relevant information
12 and the name, address, and contact information of the local
13 contact to any association of homeowners, community association,
14 condominium association, cooperative, or any other
15 nongovernmental entity with covenants, bylaws, and
16 administrative provisions with which the operator's compliance
17 is required for the property where the transient accommodation



1 is located. The operator shall notify and provide updated
2 information to that association or nongovernmental entity within
3 sixty calendar days of any change in the relevant information or
4 the name, address, and contact information of the local contact.

5 Any person or entity who wilfully fails to supply
6 information required under this subsection shall be subject to
7 the penalties under section 231-35; provided that a person or
8 entity shall not be subject to any term of imprisonment or
9 probation under section 231-35.

10 (c) Any nongovernmental entity with covenants, bylaws, and
11 administrative provisions which is formed pursuant to chapter
12 514A, 514B, or 421J, shall provide the department with all
13 relevant information~~[r]~~ received from operators and maintained
14 in its records~~[r, related to all operators who may be leasing~~
15 ~~their property as transient accommodations]~~ by December 31 of
16 each year, or within sixty calendar days of any change in the
17 relevant information, operation, or ownership of the transient
18 accommodation~~[r]~~; provided that a nongovernmental entity's duty
19 to report hereunder shall be limited to relevant information
20 received from operators, if any. Any person or entity who
21 wilfully fails to supply information required under this
22 subsection shall be subject to ~~[the penalties under section 231-~~



1 ~~35; provided that a person or entity shall not be subject to any~~
2 ~~term of imprisonment or probation under section 231-35.]~~ a fine
3 of no more than \$2,500.

4 (d) Each county shall provide the department with
5 information necessary to enforce this section. Notwithstanding
6 any provision of title 14 to the contrary, the department shall
7 provide the counties with information necessary for the
8 enforcement of county real property tax laws.

9 (e) The name and phone number of the local contact for
10 each transient accommodation shall be included in any transient
11 accommodation contract or written rental agreement and shall be
12 prominently posted in the transient accommodation. The local
13 contact shall reside or have a principal place of business on
14 the same island as the transient accommodation, and shall meet
15 all other requirements under subsection (a). Any person or
16 entity who wilfully fails to supply information required under
17 this subsection shall be subject to the penalties under section
18 231-35; provided that a person or entity shall not be subject to
19 any term of imprisonment or probation under section 231-35.

20 (f) The registration identification number issued pursuant
21 to section 237D-4 shall be provided on a website or by online
22 link and displayed in all advertisements and solicitations on



1 websites regarding transient accommodations for which the
2 registration number is issued.

3 (g) The payment of any penalty assessed under this section
4 against an operator shall be in addition to the requirements
5 under section 237D-9.

6 (h) For the purposes of this section:

7 "Local contact" means an individual or company contracted
8 by the operator [~~of the transient accommodation~~] to provide
9 services required by this section. Nothing in this section
10 shall be deemed to create an employer-employee relationship
11 between an operator and its local contact.

12 "Relevant information" means the operator's name, address,
13 contact information, registration identification number issued
14 pursuant to section 237D-4, and website address if advertising
15 or soliciting the transient accommodation on the Internet.""

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

19 Course. Am

INTRODUCED BY:

K. J. O'Connell

[Signature]

K. L. [Signature]

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Hal [Signature]

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[Signature]
JAN 18 2013

[Signature] Tan Brown



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H.B. NO. 457

Report Title:

Transient Accommodations; Operators; Relevant Information

Description:

Requires any operator of a transient accommodation to furnish "relevant information" concerning the operator. Modifies the duties of nongovernment entities regarding "relevant information" pertaining to operators of transient accommodations.

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

