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# A BILL FOR AN ACT

RELATING TO TRANSIENT ACCOMMODATIONS TAX.

**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 on the same island where the transient accommodation is  
10 located.

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



1 entity within sixty calendar days of any change in the name,  
2 address, and contact information of the local contact.

3 Any person or entity who wilfully fails to supply  
4 information required under this subsection shall [~~be subject to~~  
5 ~~the penalties under section 231-35; provided that a person or~~  
6 ~~entity shall not be subject to any term of imprisonment or~~  
7 ~~probation under section 231-35.~~] pay a civil penalty of \$1,000;  
8 provided that the penalty shall be imposed no more than once per  
9 year.

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, maintained in its records, related to all  
14 operators who may be leasing their property as transient  
15 accommodations by December 31 of each year, or within sixty  
16 calendar days of any change in the relevant information,  
17 operation, or ownership of the transient accommodation. Any  
18 person or entity who wilfully fails to supply information  
19 required under this subsection shall [~~be subject to the~~  
20 ~~penalties under section 231-35; provided that a person or entity~~  
21 ~~shall not be subject to any term of imprisonment or probation~~



1 ~~under section 231-35.]~~ pay a civil penalty of \$1,000; provided  
2 that the penalty shall be imposed no more than once per year.

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

8 (e) The name and phone number of the local contact for  
9 each transient accommodation shall be included in any transient  
10 accommodation contract or written rental agreement and shall be  
11 prominently posted in the transient accommodation. The local  
12 contact shall reside on the same island as the transient  
13 accommodation, and shall meet all other requirements under  
14 subsection (a). Any person or entity who wilfully fails to  
15 supply information required under this subsection shall ~~be~~  
16 ~~subject to the penalties under section 231-35; provided that a~~  
17 ~~person or entity shall not be subject to any term of~~  
18 ~~imprisonment or probation under section 231-35.]~~ pay a civil  
19 penalty of \$1,000; provided that the penalty shall be imposed no  
20 more than once per year.

21 (f) The registration identification number issued pursuant  
22 to section 237D-4 shall be provided on a website or by online



1 link and displayed in all advertisements and solicitations on  
2 websites regarding transient accommodations for which the  
3 registration number is issued.

4 (g) The payment of any penalty assessed under this section  
5 shall be in addition to the requirements 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 repealed is bracketed and  
17 stricken. New statutory material is underscored.

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



**Report Title:**

Transient Accommodations Tax; Penalties

**Description:**

Amends the penalties imposed for failure to comply with Act 326, Session Laws of Hawaii 2012, by establishing civil penalties that shall be imposed no more than once per year instead of criminal penalties. (HB955 HD1)

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

