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# 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 on the same island where the transient accommodation~~  
10 ~~is located~~]. The local contact shall be any one or more of the  
11 following:

12 (1) A family member domiciled on the same island where the  
13 transient accommodation is located;

14 (2) A local financial partner that has a principal place  
15 of business on the same island where the transient  
16 accommodation is located; or



1       (3) A licensed real estate broker or salesperson whose  
2           principal place of business is on the same island  
3           where the transient accommodation is located.

4       (b) The operator shall furnish [~~the~~] relevant information  
5 and the name, address, and contact information of the local  
6 contact to any association of homeowners, community association,  
7 condominium association, cooperative, or any other  
8 nongovernmental entity with covenants, bylaws, and  
9 administrative provisions with which the operator's compliance  
10 is required for the property where the transient accommodation  
11 is located. The operator shall notify and provide updated  
12 information to that association or nongovernmental entity within  
13 sixty calendar days of any change in the relevant information or  
14 the name, address, and contact information of the local contact.

15       Any person or entity who wilfully fails to supply  
16 information required under this subsection shall [~~be subject to~~  
17 ~~the penalties under section 231-35; provided that a person or~~  
18 ~~entity shall not be subject to any term of imprisonment or~~  
19 ~~probation under section 231-35.] pay a civil penalty of \$1,000;  
20 provided that the penalty shall be imposed no more than once per  
21 year.~~



1 (c) Any nongovernmental entity with covenants, bylaws, and  
2 administrative provisions which is formed pursuant to chapter  
3 514A, 514B, or 421J, shall provide the department with all  
4 relevant information~~[,]~~ received from operators and the name,  
5 address, and contact information of local contacts designated by  
6 operators and maintained in its records~~[, related to all~~  
7 ~~operators who may be leasing their property as transient~~  
8 ~~accommodations]~~ by December 31 of each year, or within sixty  
9 calendar days of any change in the relevant information,  
10 operation, or ownership of the transient accommodation~~[,]~~;  
11 provided that a nongovernmental entity's duty to report under  
12 this section shall be limited to relevant information and the  
13 name, address, and contact information of local contacts, if  
14 any, received from operators. Any person or entity who wilfully  
15 fails to supply information required under this subsection shall  
16 ~~[be subject to the penalties under section 231-35; provided that~~  
17 ~~a 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 (d) Each county shall provide the department with  
22 information necessary to enforce this section. Notwithstanding



1 any provision of title 14 to the contrary, the department shall  
2 provide the counties with information necessary for the  
3 enforcement of county real property tax laws.

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

17 (f) The registration identification number issued pursuant  
18 to section 237D-4 shall be provided on a website or by online  
19 link and displayed in all advertisements and solicitations on  
20 websites regarding transient accommodations for which the  
21 registration number is issued.



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

4 (h) For the purposes of this section:

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

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

14 SECTION 2. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act shall take effect on July 1, 2112.



**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. Effective 7/1/2112. (HB457 HD1).

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

