

JAN 29 2015

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# A BILL FOR AN ACT

RELATING TO TAXATION.

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

1 SECTION 1. Act 326, Session Laws of Hawaii 2012, is

2 amended as follows:

3 1. By amending section 2 to read:

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

7 **"§237D- Local contact; relevant information;**

8 **advertisements; transient accommodations.** (a) Any operator of  
9 a transient accommodation shall designate a local contact  
10 residing on the same island where the transient accommodation is  
11 located.

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



1 accommodation is located. The operator shall notify and provide  
2 updated information to that association or nongovernmental  
3 entity within sixty calendar days of any change in the name,  
4 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, 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 penalties  
20 under section 231-35; provided that a person or entity shall not



1 be subject to any term of imprisonment or probation under  
2 section 231-35.

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.

19 (f) The registration identification number issued pursuant  
20 to section 237D-4 shall be provided on a website or by online  
21 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 shall be in addition to the requirements under section 237D-9.

5 (h) For the purposes of this section:

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

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

15 "Transient accommodations" shall not include resort time  
16 share vacation plans, resort time share vacation interests, or  
17 transient occupancy on a day-to-day basis in a hotel or motel."

18 2. By amending section 4 to read:

19 "SECTION 4. This Act shall take effect on July 1, 2012;  
20 provided that this Act shall be repealed on [~~December 31, 2015.~~]

21 \_\_\_\_\_."



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

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

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INTRODUCED BY: *Gilbert Velazquez*  
*By Request*



# S.B. NO. 1246

**Report Title:**

Transient Accommodations, Time Share, Hotel, and Motel Exemption

**Description:**

Amends Act 326, SLH 2012, to exclude resort time share vacation plans, resort time share vacation interests, and transient occupancy on a day-to-day basis in a hotel or motel from provisions governing transient accommodations and local contacts, relevant information, and advertisements. Postpones the repeal date of Act 326.

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

