

JAN 18 2019

A BILL FOR AN ACT

RELATING TO TRANSIENT ACCOMMODATIONS.

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

1 SECTION 1. Chapter 481B, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§481B- Booking services. (a) It shall be unlawful for
5 a hosting platform to provide, and collect a fee for, booking
6 services in connection with transient vacation rentals located
7 in the State if those transient vacation rentals are not
8 lawfully certified, registered, or permitted as a transient
9 vacation rental under applicable county ordinance at the time
10 the transient vacation rental is rented.

11 (b) The appropriate officer or agency charged with the
12 administration of county zoning laws shall enforce this section
13 within each county.

14 (c) In addition to any other remedies or damages under
15 chapter 480, violation of this section shall be a misdemeanor
16 and shall be punishable by a fine of not less than \$2,000.



1 (d) As used in this section:

2 "Booking service" means any reservation or payment service
3 provided by a person or entity that facilitates a transient
4 vacation rental transaction between an operator and a
5 prospective renter, and for which the person or entity collects
6 or receives, directly or indirectly through an agent or
7 intermediary, a fee in connection with the reservation or
8 payment services provided for the transient vacation rental
9 transaction.

10 "County" means the city and county of Honolulu and the
11 counties of Hawaii, Kauai, and Maui; provided that the county of
12 Maui shall include the county of Kalawao for the purposes of
13 this section.

14 "Hosting platform" means a person or entity that
15 participates in the transient vacation rental business by
16 providing, and collecting or receiving a fee for, booking
17 services through which an operator may offer a transient
18 vacation rental unit. Hosting platforms usually, though not
19 necessarily, provide booking services through an online platform
20 that allows an operator to advertise the transient vacation
21 rental unit through a website provided by the hosting platform



1 and the hosting platform conducts a transaction by which
2 potential renters arrange use and payment, whether the renter
3 pays rent directly to the operator or to the hosting platform.

4 "Operator" means any person operating a transient vacation
5 rental, whether as owner or proprietor or as lessee, sublessee,
6 mortgagee in possession, licensee, or otherwise, or engaging or
7 continuing in any service business that involves the actual
8 furnishing of transient vacation rental.

9 "Service business" shall have the same meaning as in
10 section 237-7.

11 "Transient vacation rental" means "transient vacation
12 rental", "transient vacation unit", or "transient vacation use",
13 as defined by county ordinance."

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

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect on July 1, 2019.

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INTRODUCED BY:

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S.B. NO. 716

Report Title:

Hosting Platforms; Booking Services; Transient Vacation Rentals;
County Land Use Ordinance; Penalty

Description:

Makes it a misdemeanor for a hosting platform to collect a fee for booking services regarding transient vacation rentals that are not lawfully certified, registered, or permitted under applicable county ordinance.

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