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# A BILL FOR AN ACT

RELATING TO ATTORNEYS.

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

1           SECTION 1. The legislature finds that out-of-state  
2 attorneys who practice in Hawaii's courts pro hac vice may be  
3 unaware that they owe the State general excise tax. Unlike the  
4 general excise tax in most states, Hawaii's tax applies to both  
5 gross rental income and gross service income. The legislature  
6 believes that amending the process by which out-of-state  
7 attorneys are admitted to practice law in Hawaii's courts will  
8 help inform the attorneys of their state tax obligations.

9           Accordingly, the purpose of this Act is to require  
10 attorneys applying for a pro hac vice appearance in the State's  
11 courts to provide:

12           (1) Evidence of the applicant's and local counsel's Hawaii  
13 business registrations;

14           (2) The applicant's and local counsel's Hawaii general  
15 excise tax license numbers;



1 (3) An affirmation that both the applicant and local  
2 counsel will pay all state income tax due for Hawaii  
3 business activities; and

4 (4) All other information or documentation required by the  
5 rules of the supreme court.

6 SECTION 2. Chapter 605, Hawaii Revised Statutes, is  
7 amended by adding a new section to be appropriately designated  
8 and to read as follows:

9 **"§605- Pro hac vice appearance of counsel for court**  
10 **proceedings and arbitration proceedings.** A petition or motion  
11 for a pro hac vice appearance for a court proceeding or  
12 arbitration proceeding shall be supported by:

13 (1) Evidence of the applicant's and local counsel's Hawaii  
14 business registrations;

15 (2) The applicant's and local counsel's Hawaii general  
16 excise tax license numbers;

17 (3) An affirmation that both the applicant and local  
18 counsel will pay all state income tax due for Hawaii  
19 business activities; and

20 (4) All other information or documentation required by the  
21 rules of the supreme court."



1 SECTION 3. No later than days after the effective  
2 date of this Act, the supreme court shall amend its rules for  
3 the pro hac vice appearance of counsel for court proceedings and  
4 arbitration proceedings in accordance with this Act.

5 SECTION 4. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

8 SECTION 5. New statutory material is underscored.

9 SECTION 6. This Act shall take effect on April 14, 2112.



**Report Title:**

Supreme Court; Attorneys; Pro Hac Vice; Appearance; Rules; GET

**Description:**

Requires petitions or motions for a pro hac vice appearance for a court or arbitration proceeding to be supported by certain evidence to ensure that both the applicant and local counsel will pay all state income tax due for Hawaii business activities as well as any other information or documentation required by the Rules of the Supreme Court of the State of Hawaii. Takes effect 4/14/2112. (SD1)

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

