

ACT 46

S.B. NO. 741

A Bill for an Act Relating to County Vehicular Tax Refunds; Vehicles Removed from the State; Junked Vehicles; Vehicles brought into the State; Exemptions for Stored Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 249-3, Hawaii Revised Statutes, is amended to read as follows:

“§249-3 Tax for fraction of years, refunds; removal from State; junked vehicles; vehicles brought into the State. Whenever it is [made to appear] clear to the director of finance that any vehicle taxable under sections 249-1 to 249-13 has been acquired or has been removed from storage, where it was not used for transportation or for other purposes covered by section 249-2, subsequent to January 1 of the current year, by the person seeking to register the vehicle, and such vehicle is not subject to unpaid taxes for the same or any prior year under sections 249-1 to 249-13, the tax to be paid thereon shall be as provided under sections 249-1 to 249-13 less eight and one-third per cent of such tax for each full month of the then calendar year which shall have elapsed at the date the vehicle was acquired or removed from storage; provided[,], that in no case shall the tax assessed and collected for any vehicle hereunder be less than \$1; and provided further:

- (1) That any vehicle owned and brought into the State by any person shall be exempt from this chapter relative to the payment of taxes and display of number plates for twelve months or the remaining [period of the year] portion of the current registration period, whichever is less, for which the taxes have been paid on such vehicle by the owner thereof in compliance with the law of the state or country [of his residence,] in which the vehicle is licensed, and shall display on the vehicle the number plates for the current year required by the law of such state or country; and
- (2) That if any owner of a vehicle upon which has been paid the annual tax due and payable for the current [calendar] year as required by sections

249-1 to 249-13, intends to remove from the State such vehicle and not bring it back to the State during the same [calendar] year, or if he [permanently] junks the vehicle during the [calendar] year for which the annual tax as required has been paid, he shall, upon presenting to the director of finance a signed and sworn [certificate] affidavit stating, (A) [in the case of such intended removal from the State, such intention,] the intention to remove the vehicle from the State, the date of intended shipment of the vehicle, the name of the [steamer or] vessel by which the shipment is intended[,]; or (B) [in the case of junking, the fact of such junking,] the intention to junk a vehicle; together with such other relevant facts as may be required by the director of finance, and upon surrender of the current license plates and any other documents as may be required by the director of finance for such vehicle, become entitled to a refund of a portion of the tax, [computed at the rate of eight and one-third per cent of the annual tax for each integral month] prorated on the basis of months remaining in such [calendar] year (i) after the intended removal, or (ii) after the junking, or (iii) after the surrender of the license plates, whichever is the later. From the date of the surrender of the license plates [the vehicle], in the case of the intended removal, the vehicle shall, except for the purpose of driving the same to the place of embarkation, be deemed an unlicensed vehicle, and shall be permitted, should it be brought back to the State prior to the expiration of such [calendar] year, to be operated in the State only upon payment to the director of finance of the entire amount of tax refunded. No vehicle taxable under sections 249-1 to 249-13 shall be removed from the State [or be junked] unless the owner thereof has first paid the annual tax due and payable thereon for the current [calendar] year as required herein and has thereupon become entitled to a refund of a portion of the tax paid. The director of finance shall accept the junking of a vehicle not currently registered; provided that the owner of each such vehicle shall first present to the director of finance a signed and sworn affidavit stating the fact of such junking together with such other relevant facts as may be required by the director of finance and such owner shall surrender the last issued certificate of registration, certificate of ownership, and license plates for each such vehicle."

SECTION 2. Section 249-5, Hawaii Revised Statutes, is amended to read as follows:

"§249-5 Exemptions for stored vehicles; refunds. All vehicles[, otherwise] taxable under sections 249-1 to 249-13, which are stored so that they are not used for transportation, or for the other purposes covered by section 249-2, shall be exempt from the tax [herein required;] imposed under this chapter for the period of storage; provided[,] that the owner of each such vehicle shall first present to the director of finance a signed and sworn [certificate] affidavit stating the fact of such storage, together with such other relevant facts as may be required by the director of finance and shall surrender the [current] last issued certificate of registration, license plates, and [tag] emblem for such vehicle [not later than December 31 of the current

year]. If the [certificate is] affidavit, certificate of registration, license plates, and emblem are presented to the director of finance after [December 31 of the year in which the vehicle is registered for license plates and tag, but before March 31 of the year immediately following, or after such March 31 for vehicles stored on or before such March 31, with the current tax thereon unpaid,] the expiration of the vehicle's registration period, then the unpaid tax for [three months of the current year] each month the license plates could have been validated with an emblem plus the fee for the currently issued license plates and emblem shall be paid in full upon presenting the [certificate.] affidavit. Should the [certificate] affidavit be presented to the director of finance after [March 31 of any year and after] payment of the current year's tax, then [one-fourth of the annual tax paid for the stored vehicle for each remaining full one-quarter of the] a portion of the tax, for each full month remaining in such current year shall be refunded upon [the filing of the certificate] completion of all storage requirements, but no refund shall be made for a period less than [a full one-quarter of a year] one month."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 18, 1983.)