THE SENATE TWENTY-SIXTH LEGISLATURE, 2011 STATE OF HAWAII

S.B. NO. 34

JAN 2 0 2011

A BILL FOR AN ACT

RELATING TO TAX APPEALS.

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

SECTION 1. Section 232-5, Hawaii Revised Statutes, is
 amended to read as follows:

3 "§232-5 Small claims. (a) The tax appeal court shall
4 establish by rule a small claims procedure that, to the greatest
5 extent practicable, shall be informal[-]; provided that:

6 (1) The court shall not allow pretrial discovery; and
7 (2) Costs and fees awarded to the prevailing party shall
8 be limited to fees paid directly to the court in the

9 course of conducting the tax appeal at issue.

10 (b) Any protesting taxpayer who would incur a total tax 11 liability, not including penalties and interest, of less than 12 \$1,000, by reason of the protested assessment or payment in 13 question, may elect to employ the procedure <u>established by this</u> 14 <u>section</u> upon:

15 (1) Payment per taxpayer of a non-refundable filing fee
16 set pursuant to rules adopted by the supreme court,
17 which shall not exceed \$25; and



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. 1	(2) Filing with the tax appeal court a written statement
2	of the facts in the case, together with a waiver of
3	the right to further appeal.
4	The tax appeal court shall cause a notice of the appeal and a
5	copy of the statement to be served on the director of taxation."
6	SECTION 2. This Act does not affect rights and duties that
7	matured, penalties that were incurred, and proceedings that were
8	begun before its effective date.
9	SECTION 3. Statutory material to be repealed is bracketed
10	and stricken. New statutory material is underscored.
11	SECTION 4. This Act shall take effect on July 1, 2011.
12	INTRODUCED BY: Really & Pal
	By Vegnest

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Report Title: Tax Appeals; Small Claims

Description: Prohibits discovery and limits the award of costs in controversies involving small claim tax appeals.

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