
A BILL FOR AN ACT

RELATING TO REAL ESTATE BROKERS AND SALESPERSONS.

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

1 SECTION 1. Chapter 449, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§449- Form 1099 transmittal; tax withholding notices.

5 (a) Each escrow depository retained by a real estate
6 salesperson or real estate broker under section 467- to
7 assist in the transaction of a sale or lease of any real estate
8 shall provide a Form 1099 on miscellaneous income to the
9 transferor, transferee, and real estate salesperson or real
10 estate broker at the time of the closing.

11 (b) If relevant, each escrow depository under subsection
12 (a) shall also provide the transferee with information
13 concerning required withholdings under the Foreign Investment in
14 Real Property Tax Act of 1980, as part of Public Law No. 96-499,
15 and Hawaii real property tax law under section 235-68."



1 SECTION 2. Chapter 467, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§467- Use of escrow depository; filing; required. (a)
5 No real estate broker or real estate salesperson may lease or
6 sell, or offer to lease or sell, any real estate unless the real
7 estate broker or real estate salesperson transacts the lease or
8 sale through the use of an escrow depository licensed under
9 chapter 449.

10 (b) Upon the closing of the transaction under subsection
11 (a), the real estate broker or real estate salesperson shall
12 file an attachment with the deed or lease at the land court or
13 the bureau of conveyances, as the case may be, that notes the
14 name of the escrow depository involved in the transaction."

15 SECTION 3. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 4. New statutory material is underscored.



H.B. NO. 33

1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be "J. O. R.", written over a horizontal line.

JAN 18 2017



H.B. NO. 33

Report Title:

Real Estate Broker/Salespersons; Escrow Depositories; Filings; Notices; Issuances

Description:

Requires real estate brokers and salespersons to use an escrow depository in transacting a sale or lease of real estate and to file their names with the deed or lease with the Bureau of Conveyances or Land Court. Requires the escrow depositories to provide Form 1099s to the transferors, transferees, and real estate brokers or salespersons involved in the sale or lease and to inform transferees about the requirements of certain related tax laws.

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

