

JAN 24 2018

A BILL FOR AN ACT

RELATING TO SHORT-TERM VACATION RENTALS.

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

1 SECTION 1. The legislature finds that there are large
2 numbers of owners advertising transient accommodations,
3 including online advertisements, in violation of section 237D-4,
4 Hawaii Revised Statutes, by failing to conspicuously provide the
5 required registration identification number of the operator or
6 plan manager, or an electronic link to the registration
7 identification number.

8 The legislature further finds that allowing these owners to
9 operate unlawfully will result in the continuing loss of
10 significant tax revenues to the State and cause substantial harm
11 to owners who are in compliance with section 237D-4, Hawaii
12 Revised Statutes, by subjecting these owners to unfair
13 competition.

14 The purpose of this Act is to require that short-term
15 vacation rental booking services comply with the requirements
16 imposed on transient accommodations brokers under section 237D-
17 4, Hawaii Revised Statutes.



1 SECTION 2. Section 237D-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 "Booking service" means any reservation or payment
6 service, or both, provided by a person or entity that
7 facilitates a short-term rental transaction between an owner or
8 entity and a prospective tourist or transient user, and for
9 which the providing person or entity collects or receives,
10 directly or through an intermediary, a fee in connection with
11 the reservation or payment services, or both, provided for the
12 short-term rental transaction."

13 2. By amending the definition of "transient accommodations
14 broker" to read:

15 "Transient accommodations broker" means any person or
16 entity, including but not limited to persons who operate online
17 websites, online travel agencies, or online booking agencies,
18 that collects or receives a fee for booking services or offers,
19 lists, advertises, or accepts reservations or collects whole or
20 partial payment for transient accommodations or resort time
21 share vacation interests, units, or plans."



1 SECTION 3. Section 237D-4, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) Failure to meet the requirements of subsection (c)
4 shall be unlawful. The department may issue citations to any
5 person, including operators, plan managers, and transient
6 accommodations brokers, who violates subsection (c) [~~-~~] or who
7 collects or receives a fee for providing booking services in
8 connection with a transaction in violation of subsection (c). A
9 citation issued pursuant to this subsection for each transient
10 accommodation or resort time share vacation interest, plan, or
11 unit in violation of subsection (c) shall include a monetary
12 fine of not less than:

- 13 (1) \$500 per day, for a first violation for which a
14 citation is issued;
15 (2) \$1,000 per day, for a second violation for which a
16 citation is issued; and
17 (3) \$5,000 per day, for a third and any subsequent
18 violation for which a citation is issued."

19 SECTION 4. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.

4

INTRODUCED BY: Breem Hunt

Ronald H. Boh



S.B. NO. 3035

Report Title:

Transient Accommodations; Short-Term Vacation Rentals; Service Bookers

Description:

Requires that short-term vacation rental booking services comply with the requirements imposed on transient accommodations brokers under section 237D-4, HRS.

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

