JAN 1 8 2019

### A BILL FOR AN ACT

RELATING TO TRANSIENT ACCOMMODATIONS.

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

1 SECTION 1. Section 237D-4, Hawaii Revised Statutes, is 2 amended as follows: 3 1. By amending subsection (d) to read: 4 Failure to meet the requirements of subsection (c) 5 shall be [unlawful.] a misdemeanor. The department may issue 6 citations to any person, including operators, plan managers, and 7 transient accommodations brokers, who violates subsection (c). 8 A citation issued pursuant to this subsection for each transient 9 accommodation or resort time share vacation interest, plan, or 10 unit in violation of subsection (c) shall include a monetary 11 fine of not less than: \$500 per day, for a first violation for which a 12 (1) 13 citation is issued; 14 (2) \$1,000 per day, for a second violation for which a 15 citation is issued; and 16 \$5,000 per day, for a third and any subsequent (3)

violation for which a citation is issued.

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1 Any person, including operators, plan managers, and 2 transient accommodation brokers, who violates subsection (c) and 3 advertises for an entire house or unit, rather than a single room, shall be subject to an additional maximum fine for a first 4 5 time violation of \$ ; provided that the department may 6 increase the monetary fine for subsequent violations. 7 Any person, including operators, plan managers, and 8 transient accommodations broker who violates subsection (c) and 9 has multiple advertisements for multiple properties shall be 10 subject to an additional maximum fine for a first time violation of \$ ; provided that the department may increase the 11 12 monetary fine for subsequent violations." 13 2. By amending subsections (e) and (f) to read: The registration provided for by this section shall 14 be effective until canceled in writing. Any application for the 15 16 reissuance of a previously canceled registration identification **17** number shall be regarded as a new registration application and 18 shall be subject to the payment of the one-time registration 19 fee. The director may revoke or cancel any [license] 20 certificate of registration issued under this chapter for cause 21 as provided by rule under chapter 91.

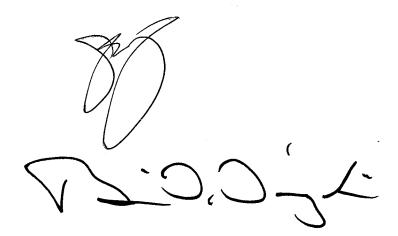
- 1 (f) If the [<del>license</del>] <u>registration</u> fee is paid, the
- 2 department shall not refuse to issue a registration or revoke or
- 3 cancel a registration for the exercise of a privilege protected
- 4 by the First Amendment of the Constitution of the United States,
- 5 or for the carrying on of interstate or foreign commerce, or for
- 6 any privilege the exercise of which, under the Constitution and
- 7 laws of the United States, cannot be restrained on account of
- 8 nonpayment of taxes, nor shall section 237D-14 be invoked to
- 9 restrain the exercise of such a privilege, or the carrying on of
- 10 such commerce."
- 11 SECTION 2. This Act does not affect rights and duties that
- 12 matured, penalties that were incurred, and proceedings that were
- 13 begun before its effective date.
- 14 SECTION 3. Statutory material to be repealed is bracketed
- 15 and stricken. New statutory material is underscored.
- 16 SECTION 4. This Act shall take effect upon its approval.

**17** 

INTRODUCED BY:



# S.B. NO. 354



## S.B. NO. 354

### Report Title:

Transient Accommodations; Advertisement; Criminal Offense; Penalties

### Description:

Makes advertising, including online advertising, any transient accommodation or resort time share vacation interest, plan, or unit without the proper registration identification number and proper local contact information a misdemeanor. Subjects any person, including operators, plan managers, and transient accommodations broker who does not post the proper registration number and proper local contact information with the advertisement and also advertises the entire house or unit, rather than a single room, or who has multiple advertisements for multiple properties subject to an unspecified additional fine.

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