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# A BILL FOR AN ACT

RELATING TO WITHHOLDING TAX.

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

1           SECTION 1. Section 235-63, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§235-63 Statements to employees.** (a) Every employer  
4 required to deduct and withhold any tax on the wages of any  
5 employee shall furnish to each employee in respect of the  
6 employee's employment during the calendar year, on or before  
7 January 31 of the succeeding year, or if the employee's  
8 employment is terminated before the close of a calendar year,  
9 within thirty days after the date of receipt of a written  
10 request from the employee if [~~sueh~~] the thirty-day period ends  
11 before January 31, a written statement, showing the period  
12 covered by the statement, the wages paid by the employer to the  
13 employee during [~~sueh~~] the period[~~7~~] covered by the statement,  
14 and the amount of the tax deducted and withheld or paid in  
15 respect of [~~sueh~~] those wages. Each [~~sueh~~] employer required to  
16 furnish a statement under this section shall file on or before  
17 [~~the last day of February~~] January 31 following the close of the  
18 calendar year a duplicate copy of each [~~sueh~~] statement. The



1 department of taxation may grant to any employer a reasonable  
2 extension of time, not in excess of sixty days, with respect to  
3 any statement required by this section to be furnished to an  
4 employee or filed, and may by regulation provide for the  
5 furnishing or filing of statements at [~~such~~] other times and  
6 containing [~~such~~] other information as may be required for the  
7 administration of this chapter. The department shall prescribe  
8 the form of the statement required by this section and may adopt  
9 any federal form appropriate for the purpose.

10 (b) In regard to the statement required under  
11 subsection (a), an employer that:

12 (1) Wilfully fails to furnish the statement to the  
13 employee by the prescribed due date;

14 (2) Fails to file the statement with the department by the  
15 prescribed due date; or

16 (3) Fails to electronically file the statement with the  
17 department if the employer is required to file  
18 electronically under section 231-8.5;

19 shall be subject to a penalty of \$25 per failure; provided that  
20 the penalty imposed under this section shall not exceed \$50 per  
21 employee."



1           SECTION 2. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.  
3           SECTION 3. This Act shall take effect on January 1, 2022.



S.B. NO. 1196  
S.D. 2  
H.D. 1  
C.D. 1

**Report Title:**

Withholding Tax; Penalty

**Description:**

Amends the due date for employers to file the wage and tax statement from the last day of February to January 31 following the close of the calendar year. Imposes a penalty on employers that fail to timely furnish and file the wage and tax statement. Effective 1/1/2022. (CD1)

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

