
A BILL FOR AN ACT

RELATING TO TRANSIENT ACCOMMODATIONS.

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

1 SECTION 1. Chapter 237D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "~~§237D-~~ Transient accommodations brokers. (a) All
5 transient accommodations brokers, prior to publishing an
6 advertisement, including an online advertisement, on the
7 availability of a property for lease or rent on behalf of an
8 operator or plan manager:

9 (1) Shall notify the operator or plan manager that the
10 subject property is required to be in compliance with
11 applicable state and county land use laws and
12 ordinances prior to retaining the services of the
13 transient accommodations broker;

14 (2) Shall require the operator or plan manager to provide
15 the transient accommodations broker with the operator
16 or plan manager's registration identification number
17 and local contact information and include this



1 information in the advertisement, pursuant to section
2 237D-4;

3 (3) Shall require the operator or plan manager to provide
4 the transient accommodations broker with verification
5 of compliance with state and county land use laws in
6 the form of a written certification, verification, or
7 permit, as applicable, issued by the appropriate
8 county agency; and

9 (4) Shall require the operator or plan manager to provide
10 a statement to the transient accommodations broker
11 confirming compliance with all applicable land use
12 laws and ordinances.

13 (b) An operator or plan manager shall remove any
14 advertisement published through the transient accommodations
15 broker, including an online advertisement, for a transient
16 accommodation located in the State for which the operator or
17 plan manager fails to comply with paragraph (2), (3), or (4) of
18 subsection (a) or for which the operator or plan manager has
19 received written notice from a state or county governmental
20 authority that the property is not in compliance with state law
21 or county ordinance, as applicable. The state or county



1 governmental authority shall provide a copy of the written
2 notice to the transient accommodations broker.

3 (c) Nothing in this section shall be construed to preempt
4 or prohibit the authority of a unit of local government in the
5 State, including counties and any other political subdivisions
6 of the State, to adopt, monitor, and enforce local land use
7 ordinances, rules, or regulations, nor to transfer the authority
8 to monitor and enforce these ordinances, rules, or regulations
9 away from the counties."

10 SECTION 2. Chapter 481B, Hawaii Revised Statutes, is
11 amended by adding two new sections to be appropriately
12 designated and to read as follows:

13 **"§481B- Transient accommodation brokers.** (a) It shall
14 be unlawful for a transient accommodations broker to engage in
15 business with an operator or plan manager, including any person
16 or entity employed, contracted, or otherwise engaged by the
17 operator or plan manager for property management or as an
18 activity provider, who is not in compliance with all state laws
19 and county ordinances, including any laws and ordinances
20 regarding land use, taxes, and professional licenses.



1 (b) It shall be unlawful for a transient accommodations
2 broker, on behalf of an operator or plan manager, to employ,
3 contract, or otherwise engage in business with any person or
4 entity to manage any property of the operator or plan manager or
5 to act as an activity provider for transients served by the
6 operator or plan manager if the person or entity is not in
7 compliance with all state laws and county ordinances, including
8 laws and ordinances regarding land use, taxes, and professional
9 licenses.

10 (c) Violation of this section is a misdemeanor and shall
11 be punishable by a fine of not less than \$10,000.

12 (d) For the purposes of this section:

13 "Activity provider" has the same meaning as in section
14 468M-1.

15 "Operator" has the same meaning as in section 237D-1.

16 "Plan manager" has the same meaning as in section 237D-1.

17 "Transient accommodations" has the same meaning as in
18 section 237D-1.

19 "Transient accommodations broker" has the same meaning as
20 in section 237D-1.



1 §481B- Booking services. (a) It shall be unlawful for
2 a hosting platform to provide, and collect a fee for, booking
3 services in connection with transient vacation rentals located
4 in the State if those transient vacation rentals are not
5 lawfully certified, registered, or permitted as a transient
6 vacation rental under applicable county ordinance at the time
7 the transient vacation rental is rented.

8 (b) The appropriate officer or agency charged with the
9 administration of county zoning laws shall enforce this section
10 within each county.

11 (c) Violation of this section shall be a misdemeanor and
12 shall be punishable by a fine of not less than \$10,000.

13 (d) As used in this section:

14 "Booking service" means any reservation or payment service
15 provided by a person or entity that facilitates a transient
16 vacation rental transaction between an operator and a
17 prospective renter, and for which the person or entity collects
18 or receives, directly or indirectly through an agent or
19 intermediary, a fee in connection with the reservation or
20 payment services provided for the transient vacation rental
21 transaction.



1 "County" means the city and county of Honolulu and the
2 counties of Hawaii, Kauai, and Maui; provided that the county of
3 Maui shall include the county of Kalawao for the purposes of
4 this section.

5 "Hosting platform" means a person or entity that
6 participates in the transient vacation rental business by
7 providing, and collecting or receiving a fee for, booking
8 services through which an operator may offer a transient
9 vacation rental unit. Hosting platforms usually, though not
10 necessarily, provide booking services through an online platform
11 that allows an operator to advertise the transient vacation
12 rental unit through a website provided by the hosting platform
13 and the hosting platform conducts a transaction by which
14 potential renters arrange use and payment, whether the renter
15 pays rent directly to the operator or to the hosting platform."

16 "Operator" means any person operating a transient vacation
17 rental, whether as owner or proprietor or as lessee, sublessee,
18 mortgagee in possession, licensee, or otherwise, or engaging or
19 continuing in any service business that involves the actual
20 furnishing of a transient vacation rental.



1 "Transient vacation rental" means "transient vacation
2 rental", "transient vacation unit", or "transient vacation use",
3 as defined by county ordinance."

4 SECTION 3. Section 237D-1, Hawaii Revised Statutes, is
5 amended by amending the definition of "transient accommodations
6 broker" to read as follows:

7 "'Transient accommodations broker" means any person or
8 entity, including but not limited to persons who operate online
9 websites, online travel agencies, or online booking agencies,
10 that offers, lists, advertises, facilitates, or accepts
11 reservations or collects whole or partial payment for transient
12 accommodations or resort time share vacation interests, units,
13 or plans."

14 SECTION 4. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 5. New statutory material is underscored.

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

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H.B. NO. 211

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INTRODUCED BY:

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H.B. NO. 211

Report Title:

Transient Accommodations Brokers; Advertising; Requirements

Description:

Establishes requirements for transient accommodations brokers prior to publishing an advertisement on the availability of a property for lease or rent on behalf of an operator or plan manager. Prohibits transient accommodations brokers from engaging in business with an operator or plan manager who is not in compliance with state laws and county ordinances. Prohibits a hosting platform from providing booking services in connection with a transient vacation rental that is not lawfully certified, registered, or permitted as a transient vacation rental under applicable county ordinance.

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

