
A BILL FOR AN ACT

RELATING TO STATE TAX ADMINISTRATION.

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

1 SECTION 1. Section 231-10.8, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~†~~]**§231-10.8**[~~†~~] **Tax clearance fees.** The department may
4 charge a fee of \$20 for each tax clearance application submitted
5 [~~and \$5 for each certified copy of a tax clearance~~]."

6 SECTION 2. Section 237-30.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[~~†~~]**§237-30.5**[~~†~~] **Collection of rental by third party;**
9 **filing with department; statement required.** (a) Every person
10 authorized under an agreement by the owner of real property
11 located within this State to collect rent on behalf of [~~such~~]
12 the owner shall be subject to this section.

13 (b) Every written rental collection agreement shall have
14 on the first page of the agreement the name, address, social
15 security number, and, if available, the general excise tax
16 number of the owner of the real property being rented, the
17 address of the property being rented, and the following



1 statement which shall be set forth in bold print and in ten-
2 point type size:

3 **"HAWAII GENERAL EXCISE TAXES MUST BE PAID ON THE GROSS RENTS**
4 **COLLECTED BY ANY PERSON RENTING REAL PROPERTY IN THE STATE OF**
5 **HAWAII. A COPY OF THE FIRST PAGE OF THIS AGREEMENT, OR OF**
6 **FEDERAL INTERNAL REVENUE FORM 1099 STATING THE AMOUNT OF RENTS**
7 **COLLECTED, SHALL BE FILED WITH THE HAWAII DEPARTMENT OF**
8 **TAXATION."**

9 Every person entering an oral rental collection agreement
10 shall furnish the department of taxation the information
11 required under this subsection and shall give the owner of the
12 property a copy of the notice required by this subsection.

13 (c) Every person authorized to collect rent for another
14 person shall file a copy of the first page of the rental
15 collection agreement with the department of taxation within
16 thirty days after entering into the agreement, or shall file a
17 copy of federal Internal Revenue form 1099, the property owner's
18 social security number, and, if available, the general excise
19 tax license number of the owner of the property being rented
20 with the department of taxation at the same time [~~as such~~] that
21 the forms must be filed with the Internal Revenue Service.



1 (d) Every person authorized under an agreement by the
2 owner of real property located within this State to collect rent
3 on behalf of [~~such~~] the owner within ninety days after the
4 effective date of this section shall furnish the department of
5 taxation with the information required in subsection (b) and in
6 the case of federal form 1099 [~~such~~] the form for the taxable
7 year 1983. The person also shall notify the owner that [~~such~~]
8 the information is being furnished and give the owner a copy of
9 the notice required by subsection (b).

10 (e) Failure to comply with any provision of this section
11 shall be unlawful. The department of taxation may issue a
12 citation to any person who fails to comply with any provision of
13 this section. A citation issued pursuant to this subsection
14 shall include a monetary fine of no more than \$500 per
15 violation. Any fine assessed under this subsection shall be due
16 and payable thirty days after issuance, subject to appeal rights
17 provided under this subsection. Citations may be appealed to
18 the director or the director's designee, and the determination
19 of the director may be appealed to the circuit court pursuant to
20 chapter 91."



1 SECTION 3. Section 237-49, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§237-49 Unfair competition; penalty.** No taxpayer shall
4 advertise or hold out to the public in any manner, directly or
5 indirectly, that the tax hereby imposed upon the taxpayer is not
6 considered as an element in the price to the purchaser. Any
7 person violating this section shall be fined [~~not~~] no more than
8 [~~\$50~~] \$1,000 for each offense."

9 SECTION 4. Section 237D-8.5, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "~~[§]~~**§237D-8.5**~~[§]~~ **Collection of rental by third party;**
12 **filing with department; statement required.** (a) Every person
13 authorized under an agreement by the owner of transient
14 accommodations located within this State to collect rent on
15 behalf of [~~such~~] the owner shall be subject to this section.

16 (b) Every written rental collection agreement shall have
17 on the first page of the agreement the name, address, social
18 security or federal identification number, and, if available,
19 the general excise tax license and transient accommodations tax
20 registration numbers of the owner of the transient
21 accommodations being rented, the address of the property being



1 rented, and the following statement which shall be set forth in
2 bold print and in ten-point type size:

3 **"HAWAII TRANSIENT ACCOMMODATIONS TAXES MUST BE PAID ON THE GROSS**
4 **RENTS COLLECTED BY ANY PERSON RENTING TRANSIENT ACCOMMODATIONS**
5 **IN THE STATE OF HAWAII. A COPY OF THE FIRST PAGE OF THIS**
6 **AGREEMENT, OR OF FEDERAL INTERNAL REVENUE FORM 1099 STATING THE**
7 **AMOUNT OF RENTS COLLECTED, SHALL BE FILED WITH THE HAWAII**
8 **DEPARTMENT OF TAXATION."**

9 Every person entering an oral rental collection agreement
10 shall furnish the department of taxation the information
11 required under this subsection and shall give the owner of the
12 property a copy of the notice required by this subsection. The
13 statement required by this subsection may be combined with the
14 statement required under section 237-30.5 by adding in bold
15 print and in ten-point type size to the front of the statement
16 in section 237-30.5 the following:

17 **"HAWAII TRANSIENT ACCOMMODATIONS TAXES AND".**

18 (c) Every person authorized to collect rent for another
19 person shall file a copy of the first page of the rental
20 collection agreement with the department of taxation within
21 ninety days after June 9, 1988, or within thirty days after



1 entering into the agreement, or shall file a copy of federal
2 Internal Revenue form 1099, the property owner's social security
3 or federal identification number, and, if available, the general
4 excise tax license and transient accommodations tax registration
5 numbers of the owner of [~~such~~] the property being rented with
6 the department of taxation at the same time [~~as such~~] that the
7 forms must be filed with the Internal Revenue Service for the
8 applicable tax year. The person also shall notify the owner
9 that [~~such~~] the information is being furnished and give the
10 owner a copy of the notice required by subsection (b).

11 (d) If a person complies with the provisions of this
12 section, the person shall be deemed to have complied with
13 section 237-30.5.

14 (e) Failure to comply with any provision of this section
15 shall be unlawful. The department of taxation may issue a
16 citation to any person who fails to comply with any provision of
17 this section. A citation issued pursuant to this subsection
18 shall include a monetary fine of no more than \$500 per
19 violation. Any fine assessed under this subsection shall be due
20 and payable thirty days after issuance, subject to appeal rights
21 provided under this subsection. Citations may be appealed to



1 the director or the director's designee, and the determination
2 of the director may be appealed to the circuit court pursuant to
3 chapter 91."

4 SECTION 5. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 6. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect upon its approval.



Report Title:

General Excise Tax; Transient Accommodations Tax; Collection of Rental Payments; Unfair Competition Penalty

Description:

Repeals an obsolete fee for a certified copy of a tax clearance. Adds a penalty for failure to comply with reporting requirements under general excise tax law and transient accommodations tax law for collection of rent by a third party. Raises the unfair competition penalty under general excise tax law to adjust for inflation. (SD1)

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