

JAN 24 2024

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# A BILL FOR AN ACT

RELATING TO ATTORNEYS.

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

1           SECTION 1. The legislature finds that out-of-state  
2 attorneys who practice in Hawaii's courts *pro hac vice* may be  
3 unaware that they owe the State general excise tax. Unlike the  
4 general excise tax in most states, Hawaii's tax applies to both  
5 gross rental income and gross service income. The legislature  
6 believes that amending the process by which out-of-state  
7 attorneys are admitted to practice law in Hawaii's courts will  
8 help inform the attorneys of their state tax obligations.

9           Accordingly, the purpose of this Act is to require  
10 attorneys applying for a *pro hac vice* appearance in the State's  
11 courts to provide:

- 12           (1) Evidence of the applicant's and local counsel's Hawaii  
13                business registrations;
- 14           (2) The applicant's and local counsel's Hawaii general  
15                excise tax license numbers;



1           (3) An affirmation that both the applicant and local  
2           counsel will pay all state income tax due for Hawaii  
3           business activities; and

4           (4) All other information or documentation required by the  
5           Rules of the Supreme Court of the State of Hawaii.

6           SECTION 2. Chapter 605, Hawaii Revised Statutes, is  
7           amended by adding a new section to be appropriately designated  
8           and to read as follows:

9           "§605-        Pro hac vice appearance of counsel for court  
10          proceedings and arbitration proceedings. A petition or motion  
11          for a pro hac vice appearance for a court proceeding or  
12          arbitration proceeding shall be supported by:

13           (1) Evidence of the applicant's and local counsel's Hawaii  
14           business registrations;

15           (2) The applicant's and local counsel's Hawaii general  
16           excise tax license numbers;

17           (3) An affirmation that both the applicant and local  
18           counsel will pay all state income tax due for Hawaii  
19           business activities; and

20           (4) All other information or documentation required by the  
21           Rules of the Supreme Court of the State of Hawaii."



1 SECTION 3. No later than days after the effective  
2 date of this Act, the supreme court shall amend its rules for  
3 the *pro hac vice* appearance of counsel for court proceedings and  
4 arbitration proceedings in accordance with this Act.

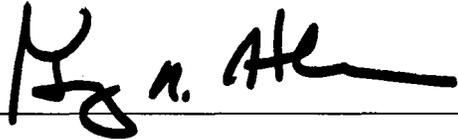
5 SECTION 4. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

8 SECTION 5. New statutory material is underscored.

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

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INTRODUCED BY:

  
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# S.B. NO. 2995

**Report Title:**

GET; Supreme Court; Attorneys; Pro Hac Vice; Appearance

**Description:**

Requires petitions or motions for a *pro hac vice* appearance for a court proceeding or arbitration proceeding to be supported by evidence of the applicant's and local counsel's Hawaii business registrations, the applicant's and local counsel's Hawaii general excise tax license numbers, an affirmation that both the applicant and local counsel will pay all state income tax due for Hawaii business activities, and all other information or documentation required by the Rules of the Supreme Court of the State of Hawaii.

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

