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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

SECTION 1. Chapter 266, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

**"§266-A Cruise ships; passenger head infrastructure fee.**

(a) The department of transportation shall assess a fee of \$ \_\_\_\_\_ per passenger against any cruise ship that docks in any commercial harbor in the State. The fee shall be assessed at each port entry and is in addition to existing port user fees, such as port entry, dockage and passenger fees, authorized by this chapter and set forth in Hawaii Administrative Rules.

(b) All fees collected pursuant to this section shall be deposited into the cruise ship special fund established pursuant to section 266-B.

(c) For the purposes of this section:

"Cruise ship" means any ship that docks at any commercial harbor in the State that charges a fee for and provides cruise ship cabins to passengers.



1       "Cruise ship cabin" means an accommodation or living  
2 quarter on a cruise ship that is provided to a passenger.

3       **§266-B Cruise ship special fund; established.** (a) There  
4 is established in the state treasury the cruise ship special  
5 fund, into which shall be deposited:

6       (1) All revenues from any fees collected pursuant to  
7 section 266-A;

8       (2) Appropriations made by the legislature for deposit  
9 into the fund;

10       (3) All contributions from public or private partners; and

11       (4) All interest earned on or accrued to moneys deposited  
12 in the special fund.

13       (b) Moneys in the cruise ship special fund shall be used  
14 solely for port facility and harbor capital improvement projects  
15 to support cruise ship operations."

16       SECTION 2. Section 37-79, Hawaii Revised Statutes, is  
17 amended to read as follows:

18       "~~[§37-79]~~ **Climate change and tourism destination**  
19 **management; projects; budget request.** The governor shall  
20 request, in the budget or the supplemental budget submitted to  
21 the legislature pursuant to section 37-71 or 37-72, that an



1 amount of general funds that approximates the additional revenue  
2 generated by any increase to the transient accommodations tax  
3 rates pursuant to section 237D-2(a)(6) and (c)(4) beginning on  
4 January 1, 2026, and section 237D-2(e) beginning on July 1,  
5 2026, [~~and by assessment of the transient accommodations tax on~~  
6 ~~gross rental proceeds derived from cruise fares pursuant to~~  
7 ~~section 237D-2(a)] be expended equally to advance specific  
8 projects to:~~

9 (1) Protect, manage, and restore the State's natural  
10 resources, including native forests, native plants and  
11 animals, aquatic resources, coastal lands, and  
12 freshwater resources;

13 (2) Increase the resilience of structures and  
14 infrastructure to natural and climate-related  
15 disasters, such as hurricanes and sea level rise, and  
16 perform hazard mitigation activities, such as wildfire  
17 and flood mitigation; and

18 (3) Improve the visitor experience, mitigate the impacts  
19 of tourism on the natural environment, ensure that the  
20 State's natural resources are maintained for future  
21 residents and visitors, and support destination



1 management, such as park improvements and beach  
2 improvement, nourishment, and maintenance projects."

3 SECTION 3. Section 237D-1, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By amending the definition of "gross rental" or "gross  
6 rental proceeds" to read:

7 "Gross rental" or "gross rental proceeds" means the gross  
8 receipts, cash or accrued, of the taxpayer received as  
9 compensation for the furnishing of transient accommodations or  
10 entering into arrangements to furnish transient accommodations  
11 and the value proceeding or accruing from the furnishing of  
12 transient accommodations or entering into arrangements to  
13 furnish transient accommodations, including resort fees without  
14 any deductions on account of the cost of property or services  
15 sold, the cost of materials used, labor cost, taxes, royalties,  
16 interest, discounts, or any other expenses whatsoever. [~~"Gross  
17 rental" or "gross rental proceeds" includes the gross receipts  
18 derived from cruise fares.~~] Every taxpayer shall be presumed to  
19 be dealing on a cash basis unless the taxpayer proves to the  
20 satisfaction of the department of taxation that the taxpayer is  
21 dealing on an accrual basis and the taxpayer's books are so



1 kept, or unless the taxpayer employs or is required to employ  
2 the accrual basis for the purposes of the tax imposed by chapter  
3 237 for any taxable year in which event the taxpayer shall  
4 report the taxpayer's gross income for the purposes of this  
5 chapter on the accrual basis for the same period.

6 The words "gross rental" or "gross rental proceeds" shall  
7 not be construed to include the amounts of taxes imposed by  
8 chapter 237 or this chapter on operators of transient  
9 accommodations, transient accommodations brokers, travel  
10 agencies, and tour packagers and passed on, collected, and  
11 received from the consumer as part of the receipts received as  
12 compensation for the furnishing of transient accommodations or  
13 entering into arrangements to furnish transient accommodations.

14 Where transient accommodations are furnished through  
15 arrangements made by a transient accommodations broker, travel  
16 agency, or tour packager at noncommissionable negotiated  
17 contract rates and the gross income is divided between the  
18 operator of transient accommodations on the one hand and the  
19 transient accommodations broker, travel agency, or tour packager  
20 on the other hand, the tax imposed by this chapter shall apply  
21 to each operator and transient accommodations broker, travel



1 agency, or tour packager with respect to that person's  
2 respective portion of the proceeds and no more.

3 For purposes of this definition, where the operator  
4 maintains a schedule of rates for identifiable groups of  
5 individuals, such as kamaainas, upon which the accommodations  
6 are leased, let, or rented, gross rental or gross rental  
7 proceeds means the receipts collected and received based upon  
8 the scheduled rates and recorded as receipts in its books and  
9 records."

10 2. By deleting the definitions of "cruise fare", "cruise  
11 ship", and "cruise ship cabin".

12 [~~"Cruise fare" means the total amount paid by a transient~~  
13 ~~for a cruise ship cabin on a cruise ship, inclusive of any~~  
14 ~~mandatory fees imposed by a cruise ship operator, owner, or~~  
15 ~~representative thereof on a transient for the use of shipboard~~  
16 ~~services, facilities, meals, and onboard entertainment, but does~~  
17 ~~not include optional charges for shipboard services, meals,~~  
18 ~~excursions, and onboard entertainment beyond the mandatory fee~~  
19 ~~amount.~~



~~"Cruise ship" means any ship that docks at any port in the State that charges a fee for and provides cruise ship cabins to transients.~~

~~"Cruise ship cabin" means an accommodation or living quarter on a cruise ship that is provided to a transient."]~~

SECTION 4. Section 237D-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is levied and shall be assessed and collected each month a tax of:

(1) Five per cent for the period beginning on January 1,

1987, to June 30, 1994;

(2) Six per cent for the period beginning on July 1, 1994,

to December 31, 1998;

(3) 7.25 per cent for the period beginning on January 1,

1999, to June 30, 2009;

(4) 8.25 per cent for the period beginning on July 1,

2009, to June 30, 2010;

(5) 9.25 per cent for the period beginning on July 1,

2010, to December 31, 2025; and

(6) Ten per cent for the period beginning on January 1,

2026, and thereafter,



1 on the gross rental or gross rental proceeds derived from  
2 furnishing transient accommodations[; ~~provided that an operator~~  
3 ~~of a cruise ship shall be assessed and pay a tax of eleven per~~  
4 ~~cent under this subsection on all gross rental proceeds derived~~  
5 ~~from cruise fares prorated by the percentage of days docked at~~  
6 ~~any port in the State in comparison to the total number of days~~  
7 ~~of the voyage]."~~

8 SECTION 5. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect on July 1, 3000;  
11 provided that sections 2, 3, and 4 shall take effect retroactive  
12 to January 1, 2026.





**Report Title:**

DOT; TAT; Cruise Ships; Passenger Head Infrastructure Fee;  
Cruise Ship Special Fund

**Description:**

Requires the Department of Transportation to assess a per passenger head infrastructure fee against cruise ships docking in the State's commercial harbors. Establishes the Cruise Ship Special Fund. Repeals existing law imposing the Transient Accommodations Tax on cruise ships, effective retroactive to 1/1/2026. Effective 7/1/3000. (HD1)

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

