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# A BILL FOR AN ACT

RELATING TO PERFORMING ARTS.

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

1           SECTION 1. The legislature finds that the performing arts  
2 are vital to Hawaii's cultural identity, visitor experience, and  
3 creative economy and that live performances provide meaningful  
4 opportunities for community connection, cultural expression, and  
5 economic activity across the State.

6           The legislature further finds that Act 131, Session Laws of  
7 Hawaii 2025, established the performing arts grants program and  
8 special fund to support performing arts in the State by  
9 providing grants for the coordination, planning, promotion,  
10 marketing, and execution of performing arts events.

11           The purpose of this Act is to establish a modest performing  
12 arts ticket surcharge on certain ticket sales to provide a  
13 stable, dedicated source of revenue for the performing arts  
14 grants special fund to strengthen and sustain performing arts  
15 statewide, expand access to arts education for youth, and  
16 support the continued growth and betterment of Hawaii's  
17 performing arts community.



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

4 "§237- Performing arts ticket surcharge. (a) In  
5 addition to the tax imposed by this chapter, a performing arts  
6 ticket surcharge of \$1 shall be levied and assessed upon the  
7 primary sale ticket price for each ticket for admission to a  
8 covered event held in the State sold or distributed by a primary  
9 venue ticket provider. The surcharge shall be imposed upon the  
10 purchaser of the ticket and shall be collected by the primary  
11 venue ticket provider at the time of sale.

12 (b) The primary venue ticket provider shall disclose the  
13 surcharge as a separate line item on the ticket, receipt,  
14 invoice, or electronic confirmation provided to the purchaser at  
15 the time of sale. All surcharge amounts collected pursuant to  
16 this section shall be deemed to be held in trust for the State  
17 until remitted to the department.

18 (c) The performing arts ticket surcharge shall not apply  
19 to any performing arts event:



- 1        (1) That is primarily performed by students enrolled at a  
2        school in the University of Hawaii system or public  
3        school or public charter school;
- 4        (2) For which the primary sale ticket price is \$35 or  
5        less; or
- 6        (3) That is produced by a nonprofit organization that:  
7        (A) Is exempt from federal income tax under section  
8        501(c)(3) of the Internal Revenue Code; and  
9        (B) Has as its primary mission the provision of  
10       performing arts education to minors.
- 11       (d) A primary venue ticket provider claiming that a  
12       performing arts ticket it sold or distributed is not subject to  
13       the performing arts ticket surcharge, pursuant to subsection  
14       (c), shall, in addition to the requirements of section 237-41,  
15       keep in the English language within the State, and preserve for  
16       a period of three years, suitable records to verify  
17       qualification of the exemption under this section, and such  
18       other books, records of account, and invoices as may be required  
19       by the department, and all such books, records, and invoices  
20       shall be open for examination at any time by the department or



1 the Multistate Tax Commission pursuant to chapter 255, or the  
2 authorized representative thereof.

3 (e) Each primary venue ticket provider shall file periodic  
4 returns, at such times and in such manner as prescribed by the  
5 department, stating:

6 (1) The number of tickets sold or distributed during the  
7 reporting period that are subject to the surcharge;

8 (2) The number of tickets claimed as exempt pursuant to  
9 subsection (c); and

10 (3) The total surcharge amount collected during the  
11 reporting period.

12 The surcharge shall be remitted to the department at the  
13 time the return is filed.

14 (f) Except as otherwise provided in this section, the  
15 surcharge imposed under this section shall be administered,  
16 assessed, collected, and enforced in the same manner as the  
17 taxes imposed under this chapter. All applicable provisions of  
18 this chapter relating to the administration of taxes, including  
19 penalties and interest, shall apply to the surcharge imposed by  
20 this section.



1       (g) All surcharge revenues collected by the department  
2 pursuant to this section shall be deposited into the state  
3 treasury and credited to the performing arts grants special fund  
4 established under section 9-19.5.

5       (h) As used in this section:

6       "Covered event" means a performing arts event that is  
7 offered for sale to the general public and marketed for  
8 commercial entertainment, for which tickets are offered for sale  
9 to the general public for an admission charge.

10       "Performing arts" has the same meaning as in section 9-1.

11       "Performing arts event" means a live, in-person event held  
12 before an audience for entertainment, including a concert,  
13 musical performance, theatrical performance, dance performance,  
14 comedy show, magic show, spoken word performance, or other  
15 staged live entertainment, whether presented indoors or  
16 outdoors.

17       "Primary venue ticket provider" means an owner or operator  
18 of a venue, manager or provider of a performing arts event,  
19 performing arts event promoter, online ticketing platform,  
20 provider of ticketing services, or agent of the owner, operator,  
21 manager, or provider that engages in the primary sale of



1 performing arts event tickets or retains the authority to  
2 otherwise distribute performing arts event tickets.

3 "Ticket price" means the total amount required to be paid  
4 for admission to a covered event, including any required service  
5 fee, facility fee, processing fee, or other mandatory charge,  
6 but excluding taxes imposed under this chapter and any optional  
7 donation.

8 "Venue" means a facility, space, or location in the State  
9 where a performing arts event is held, whether indoors or  
10 outdoors, including an arena, stadium, amphitheater, theater,  
11 concert hall, convention facility, hotel ballroom, outdoor  
12 performance space, or similar place of public assembly."

13 SECTION 3. Section 9-19.5, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) There is established in the state treasury the  
16 performing arts grants special fund, to be administered by the  
17 foundation. The revenues of the special fund shall consist of:

- 18 (1) Appropriations made by the legislature;  
19 (2) Revenues or moneys derived from the foundation's  
20 operations;



1        (3) Surcharge revenues collected by the department of  
2        taxation pursuant to section 237-        and deposited  
3        into the state treasury to the credit of the fund;

4        [~~3~~] (4) Grants, gifts, and donations received by the  
5        foundation; and

6        [~~4~~] (5) All interest earned on moneys deposited in the  
7        fund.

8        The special fund shall be used for the coordination,  
9        planning, promotion, marketing, and execution of performing arts  
10        events."

11        SECTION 4. Statutory material to be repealed is bracketed  
12        and stricken. New statutory material is underscored.

13        SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

Performing Arts Ticket Surcharge; Performing Arts Grants Special Fund

**Description:**

Establishes a performing arts ticket surcharge on the primary ticket sale price for certain performing arts events held in the State. Effective 7/1/3000. (HD2)

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

