

ACT 177

H.B. NO. 1945-80

A Bill for an Act Relating to Solar Energy Devices.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 481B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“Sec. 481B- Sale of solar energy devices; disclosure requirements; penalty. (a) No person shall advertise, offer to sell, or sell a solar energy device unless the person clearly discloses separately the following information concerning the sale price of the solar energy device to the consumer:

- (1) The cost of the solar energy device and accessories related to the operation of the solar energy device and for their installation; and

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- (2) The cost of items unrelated to the operation of the solar energy device, including but not limited to, “free gifts”, offers to pay electric bills, rebates, and other incentives designed to promote the sale of the solar device.
- (b) As used in this section, “solar energy device” means any new identifiable facility, equipment, apparatus, or the like which makes use of solar energy for heating, cooling, or reducing the use of other types of energy dependent upon fossil fuel for its generation.
- (c) Failure to disclose the information required under this section shall constitute an unfair method of competition and an unfair or deceptive act or practice in the conduct of any trade or commerce under section 480-2.”

SECTION 2. Section 235-12, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Each individual and corporate resident taxpayer who files an individual or corporate net income tax return for a taxable year, may claim a tax credit under this section against the Hawaii state individual or corporate net income tax. The tax credit may be claimed for a solar energy device in an amount not to exceed ten per cent of the total cost of the device; provided that after the effective date of this Act, the tax credit shall apply only to the actual cost of the solar energy device, its accessories and installation and shall not include the cost of consumer incentive premiums unrelated to the operation of the solar energy device offered with the sale of the solar energy device. The credit shall be claimed against net income tax liability for the year in which the solar energy device was purchased and placed in use; provided the tax credit shall be applicable only with respect to solar devices which are erected and placed in service after December 31, 1974 but before December 31, 1981. Tax credits which exceed the taxpayer’s income tax liability may be used as a credit against his income tax liability in subsequent years until exhausted.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 29, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.