

ACT 81

S.B. NO. 3218

A Bill for an Act Relating to Certifications for Tax Exemptions.

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

SECTION 1. Section 235-1, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “blind” to read:

“ “Blind” means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than [20] twenty degrees. The impairment of sight shall be certified to [by the state department of health or by any state, county, or city and county medical officer duly authorized by the state department of health for this purpose,] on forms prescribed by the department of taxation on the basis of a written report on an examination performed by a qualified ophthalmologist or qualified optometrist [duly authorized by the state department of health].”

2. By amending the definition of “deaf” to read as follows:

“ “Deaf” means a person whose average loss in the speech frequencies

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(500-2000 Hertz) in the better ear is [82] eighty-two decibels, A.S.A., or worse. The impairment of deafness shall be certified to [by the department of health or by any state, county, or city and county medical officer duly authorized by the department of health for this purpose, on the basis of a written report on an examination performed] by a qualified otolaryngologist [duly authorized by the department of health.] on forms prescribed by the department of taxation."

3. By amending the definition of "person totally disabled" to read as follows:

" "Person totally disabled" means a person who is totally and permanently disabled, either physically or mentally, which results in the person's inability to engage in any substantial gainful business or occupation.

The disability shall be certified to [by the department of health or by any state, county or city and county medical officer duly authorized by the department of health for this purpose, on the basis of a written report on an examination performed] by a [qualified] physician [duly authorized by the department of health.] licensed under chapter 453 or 460, or both, on forms prescribed by the department of taxation."

SECTION 2. Section 237-17, Hawaii Revised Statutes, is amended to read as follows:

**"§237-17 Persons with impaired sight, hearing, or who are totally disabled.** Anything in section 237-13 to the contrary notwithstanding, the privilege tax levied, assessed, and collected on account of the business or other activities of individuals who are blind, deaf, or totally disabled, or corporations all of whose outstanding shares are owned by individuals who are blind, deaf, or totally disabled shall not exceed one-half of one per cent of the proceeds, sales, income, or other receipts subject to tax. For the purpose of this chapter "blind", "deaf", or "totally disabled" is defined as in section 235-1. The impairment of sight or hearing, or the disability, shall be certified to [by the department of health or by any state or county medical officer duly authorized by the department of health for this purpose.] as provided in section 235-1."

SECTION 3. Section 246-31, Hawaii Revised Statutes, is amended to read as follows:

**"§246-31 Exemption, persons with impaired sight or hearing and persons totally disabled.** (a) Any person who is blind or deaf, as defined in section 235-1 [shall], so long as the person's sight or hearing is so impaired, shall be exempt from real property taxes on all real property owned by the person up to, but not exceeding, a taxable value of \$15,000. The impairment of sight or hearing shall be certified to by [the state department of health or by any state or county medical officer duly authorized by the state department of health for this purpose.] a qualified ophthalmologist, optometrist, or otolaryngologist, as the case may be, on forms prescribed by the department of taxation.

(b) Any person who is totally disabled, as defined in section 235-1 [shall], so long as the person is totally disabled, shall be exempt from real property taxes on all real property owned by the person up to, but not exceeding, a taxable value of \$15,000. The disability shall be certified to by [the state department of health or by any state or county medical officer duly authorized by the state department of health for this purpose.] a physician licensed under chapter 453 or 460, or both, on forms prescribed by the department of taxation."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

**SECTION 5.** This Act shall take effect on January 1, 1989.

(Approved May 14, 1988.)