

ACT 184

H.B. NO. 3158

A Bill for an Act Relating to Administration of Taxes.

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

SECTION 1. Chapter 238, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§238- Application of tax to oil pollution removal equipment. The tax imposed by this chapter shall not apply to any ocean-going vessels, barges, or other capital equipment imported into the State or sold to any nonprofit entity that is tax-exempt pursuant to Section 501(c)(4) of the Internal Revenue Code of 1986, as amended, which assists in the implementation of the national contingency plan or area contingency plan, and which is created in response to the requirements of Title IV, Subtitle B of the Oil Pollution Act of 1990, P.L. 101-380 (33 U.S.C. §§95, 1321).”

SECTION 2. Section 237-8.5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The director of taxation shall revise the general excise tax forms to provide for[:

- (1) The] the clear and separate designation of the imposition and payment of the county general excise and use tax surcharge[; and
- (2) The designation by the taxpayer of the county to which the county general excise and use tax surcharge payment is attributable, based on the county in which the surcharge was actually passed through to the consumer; provided that when the payment is attributable to

more than one county, the taxpayer shall designate the amount of payment attributable to each respective county].

The taxpayer shall designate the taxation district to which the county general excise and use tax surcharge is assigned in accordance with rules adopted by the director of taxation under chapter 91. The taxpayer shall file a schedule with the taxpayer's periodic and annual general excise and use tax returns summarizing the amount of taxes assigned to each taxation district.

The penalties provided by section 231-39 for failure to file a tax return shall be imposed on the amount of surcharge due on the return being filed for the failure to file the schedule required to accompany the return. In addition, there shall be added to the tax an amount equal to ten per cent of the amount of the surcharge and tax due on the return being filed for the failure to file the schedule or the failure to correctly report the assignment of the general excise tax by taxation district on the schedule required under this subsection."

SECTION 3. Section 238-2.5, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

- “(d) The director of taxation shall revise the use tax forms to provide for[:
- (1) The] the clear and separate designation of the imposition and payment of the county general excise and use tax surcharge[; and
 - (2) The designation by the taxpayer of the county to which the county general excise and use tax surcharge payment is attributable, based on the county in which the surcharge was actually passed through to the consumer; provided that when the payment is attributable to more than one county, the taxpayer shall designate the amount of payment attributable to each respective county].

The taxpayer shall designate the taxation district to which the county general excise and use tax surcharge is assigned in accordance with rules adopted by the director of taxation under chapter 91. The taxpayer shall file a schedule with the taxpayer's periodic and annual general excise and use tax returns summarizing the amount of taxes assigned to each taxation district.

The penalties provided by section 231-39 for failure to file a tax return shall be imposed on the amount of surcharge due on the return being filed for the failure to file the schedule required to accompany the return. In addition, there shall be added to the tax an amount equal to ten per cent of the amount of the surcharge and tax due on the return being filed for the failure to file the schedule or the failure to correctly report the assignment of the use tax by taxation district on the schedule required under this subsection."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 1992; provided that section 1 of this Act shall be repealed on June 30, 1993.

(Approved June 12, 1992.)

Note

1. Edited pursuant to HRS §23G-16.5.