

ACT 83

H.B. NO. 3151

A Bill for an Act Relating to Electronic Permitting Fees.

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

SECTION 1. The purpose of this Act is to allow certain environmental programs of the department of health to remove any financial disincentive to conducting electronic business with them.

SECTION 2. Chapter 321, Hawaii Revised Statutes is amended by adding a new section to be appropriately designated and to read as follows:

“§321- Fees for electronic applications and payments. (a) Any departmental program that collects fees for the issuance of permits, licenses, certificates, or similar approvals, under chapters 340E, 340F, 342D, 342H, 342J, 342L, and that is required to deposit those fees to the credit of the general fund, may first deduct any electronic and credit card processing fees or charges that are made pursuant to agreements between the department and electronic services and credit card services providers from the total amount received by the department from the applicant for each payment made electronically.

(b) For purposes of this section, the term “credit card” includes credit cards, charge cards, and debit cards.

(c) A person making an electronic payment to the department remains liable for the underlying obligation except to the extent that the department realizes final payment of the underlying obligation in cash or the equivalent. If the credit card issuer, bank, or other guarantor of payment in the transaction does not pay the department, then the underlying obligation survives, and the department retains all remedies for enforcement that would have applied if the transaction had not occurred. No contract may modify the provisions of this subsection. This subsection, however, does not make the underlying obligor liable for any electronic or credit card fees paid to an electronic services provider or credit card issuer or party other than the department.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.
(Approved May 20, 2008.)

Note

1. Edited pursuant to HRS §23G-16.5.