
A BILL FOR AN ACT

RELATING TO TAXATION.

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

1 SECTION 1. The legislature finds that a healthy inter-
2 island airline industry is vital to the State's economy.
3 Hawaii's inter-island airlines continue to face severe financial
4 challenges. Fuel costs in particular have skyrocketed and grown
5 volatile in recent years. In fact, for most airlines, the cost
6 of fuel has surpassed labor as the highest operating cost
7 factor.

8 Sales of fuel sold from a foreign-trade zone for use by
9 airlines traveling out of the State of Hawaii are exempt from
10 general excise and use taxes. However, intrastate flights are
11 not exempt. To the extent that the Hawaii general excise and
12 use taxes apply to intrastate flights, these taxes only
13 exacerbate the problem for Hawaii airlines.

14 The legislature finds that exempting common carriers from
15 the general excise and use taxes for sales of fuel from a
16 foreign trade zone for intrastate flights would level the
17 playing field and create a fairer market for all airlines.



1 The purpose of this Act is to exempt common carriers from
2 the general excise and use taxes for fuel for use in intrastate
3 transportation.

4 SECTION 2. Section 212-8, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§212-8 Exemption from taxes.** (a) Notwithstanding any
7 law to the contrary, sales of all products [~~which~~] that are
8 categorized as privileged foreign merchandise, nonprivileged
9 foreign merchandise, domestic merchandise, or zone-restricted
10 merchandise, and [~~which~~] that are admitted into a foreign-trade
11 zone, as more specifically set forth in the Act of Congress, and
12 any rules and regulations promulgated thereunder, made directly
13 to any common carrier in interstate or foreign commerce, or
14 both, whether ocean-going or air, for consumption out-of-state
15 by the crew or passengers on the shipper's vessels or airplanes,
16 or for use out-of-state by the vessels or airplanes, shall be
17 exempt from those taxes imposed under chapters 237, 238, 243,
18 244D, and 245.

19 (b) Notwithstanding any law to the contrary, sales of fuel
20 categorized as privileged foreign merchandise, non-privileged
21 foreign merchandise, domestic merchandise, or zone-restricted
22 merchandise, that is admitted into a foreign-trade zone, as more



1 specifically set forth by an Act of Congress and any rules and
2 regulations thereunder, made directly to or used by any common
3 carrier for consumption or use in air transportation, whether
4 interstate, intrastate, or foreign, shall be exempt from taxes
5 imposed under chapters 237 and 238."

6 SECTION 3. Section 237-24.75, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[+]§237-24.75[+] **Additional exemptions.** In addition to
9 the amounts exempt under section 237-24, this chapter shall not
10 apply to [~~amounts~~]:

- 11 (1) Amounts received as a beverage container deposit
12 collected under chapter 342G, part VIII[~~7~~]; and
13 (2) Amounts received from the sale of fuel exempted under
14 section 212-8(b)."

15 SECTION 4. Section 238-3, Hawaii Revised Statutes, is
16 amended by amending subsection (g) to read as follows:

17 "(g) The tax imposed by this chapter shall not apply to
18 any intoxicating liquor as defined in chapter 244D and
19 cigarettes and tobacco products as defined in chapter 245,
20 imported into the State and sold to any person or common carrier
21 in interstate commerce, whether ocean-going or air, for
22 consumption out-of-state by the person, crew, or passengers on



1 the shipper's vessels or airplanes[-], and sales of fuel
2 exempted under section 212-8(b)."

3 SECTION 5. This Act shall not be construed to imply that
4 any law prior to the effective date of this Act is inconsistent
5 with this Act.

6 SECTION 6. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect on July 1, 2007.



Report Title:

Taxes; Intrastate Aviation; Exemption

Description:

Exempts from general excise and use taxes the fuel sold for intrastate air transportation by common carriers. (SD1)

