

SENATE FLOOR AMENDMENT

APR 12 2016

FLOOR AMENDMENT NO. 5 Date _____

TO: H.B. No. 1850, H.D. 1, S.D. 2

SECTION 1. H.B. No. 1850, H.D. 1, S.D. 2, section 2, is amended by amending the portion of the proposed new section 237- (a), Hawaii Revised Statutes, at page 2, line 20 to page 3, line 4 to read as follows:

"Execution of a tax collection agreement shall not be a requirement for registration as a transient accommodations broker tax collection agent."

SECTION 2. H.B. No. 1850, H.D. 1, S.D. 2, section 2, is amended by amending the proposed new section 237- (c), Hawaii Revised Statutes, to read as follows:

"(c) The registered transient accommodations broker tax collection agent's operators and plan managers shall obtain licensure under this chapter; provided that the registered transient accommodations broker tax collection agent may comply with all requirements of title 14 on behalf of the operators and plan managers for business activity conducted directly through the agent, from the date of registration until the registration is canceled as provided in subsection (h). For purposes of any other business activity, the operators and plan managers are subject to all requirements of title 14 as if this section did not exist."

SECTION 3. H.B. No. 1850, H.D. 1, S.D. 2, section 2, is amended by amending the proposed new section 237- (j), Hawaii Revised Statutes, to read as follows:

"(j) All registered transient accommodations broker tax collection agents shall inquire and ensure that the transient accommodation is in compliance with all pertinent state and county land use laws, including but not limited to:

- (1) Prior to placing an advertisement, including an online advertisement, on the availability of a property for lease or rent on behalf of an operator or plan manager, notifying the operator or plan manager that the subject property is required to be in compliance with applicable state and county land use laws prior to retaining the services of the transient accommodations broker; and
- (2) Requiring the operator or plan manager to provide verification of compliance with county land use laws



in the form of a written certification, verification, or permit issued by the appropriate county agency."

SECTION 4. H.B. No. 1850, H.D. 1, S.D. 2, section 3, is amended by amending the portion of the proposed new section 237D- (a), Hawaii Revised Statutes, at page 9, lines 3 to 8 to read as follows:

"Execution of a tax collection agreement shall not be a requirement for registration as a transient accommodations broker tax collection agent."

SECTION 5. H.B. No. 1850, H.D. 1, S.D. 2, section 3, is amended by amending the proposed new section 237D- (c), Hawaii Revised Statutes, to read as follows:

"(c) The registered transient accommodations broker tax collection agent's operators and plan managers shall obtain registration under this chapter; provided that the registered transient accommodations broker tax collection agent may comply with all requirements of title 14 on behalf of the operators and plan managers for business activity conducted directly through the agent, from the date of registration until the registration is canceled as provided in subsection (h). For purposes of any other business activity, the operators and plan managers are subject to all requirements of title 14 as if this section did not exist."

SECTION 6. H.B. No. 1850, H.D. 1, S.D. 2, section 3, is amended by amending the proposed new section 237D- (i), Hawaii Revised Statutes, to read as follows:

"(i) All registered transient accommodations broker tax collection agents shall inquire and ensure that the transient accommodation is in compliance with all pertinent state and county land use laws, including but not limited to:

- (1) Prior to placing an advertisement, including an online advertisement, on the availability of a property for lease or rent on behalf of an operator or plan manager, notifying the operator or plan manager that the subject property is required to be in compliance with applicable state and county land use laws prior to retaining the services of the transient accommodations broker; and
- (2) Requiring the operator or plan manager to provide verification of compliance with county land use laws in the form of a written certification, verification, or permit issued by the appropriate county agency."

SECTION 7. H.B. No. 1850, H.D. 1, S.D. 2, is amended by deleting sections 4, 5, and 6.



SECTION 8. H.B. No. 1850, H.D. 1, S.D. 2, is amended by renumbering sections 7, 8, 9, and 10 as sections 4, 5, 6, and 7, respectively.

Offered by: *James Threl* () Carried
() Failed to Carry
() Withdrawn

