RELATING TO TRANSIENT ACCOMMODATIONS.

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

SECTION 1. Chapter 481B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§481B—Booking services. (a) It shall be unlawful for a hosting platform to provide, and collect a fee for, booking services in connection with transient vacation rentals located in the State if those transient vacation rentals are not lawfully certified, registered, or permitted as a transient vacation rental under applicable county ordinance at the time the transient vacation rental is rented.

(b) The appropriate officer or agency charged with the administration of county zoning laws shall enforce this section within each county.

(c) In addition to any other remedies or damages under chapter 480, violation of this section shall be a misdemeanor and shall be punishable by a fine of not less than $2,000.
(d) As used in this section:

"Booking service" means any reservation or payment service provided by a person or entity that facilitates a transient vacation rental transaction between an operator and a prospective renter, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation or payment services provided for the transient vacation rental transaction.

"County" means the city and county of Honolulu and the counties of Hawaii, Kauai, and Maui; provided that the county of Maui shall include the county of Kalawao for the purposes of this section.

"Hosting platform" means a person or entity that participates in the transient vacation rental business by providing, and collecting or receiving a fee for, booking services through which an operator may offer a transient vacation rental unit. Hosting platforms usually, though not necessarily, provide booking services through an online platform that allows an operator to advertise the transient vacation rental unit through a website provided by the hosting platform.
and the hosting platform conducts a transaction by which
potential renters arrange use and payment, whether the renter
pays rent directly to the operator or to the hosting platform.
"Operator" means any person operating a transient vacation
rental, whether as owner or proprietor or as lessee, sublessee,
mortgagee in possession, licensee, or otherwise, or engaging or
continuing in any service business that involves the actual
furnishing of transient vacation rental.
"Service business" shall have the same meaning as in
section 237-7.
"Transient vacation rental" means "transient vacation
rental", "transient vacation unit", or "transient vacation use",
as defined by county ordinance."
SECTION 2. This Act does not affect rights and duties that
matured, penalties that were incurred, and proceedings that were
begun before its effective date.
SECTION 3. New statutory material is underscored.
SECTION 4. This Act shall take effect on July 1, 2019.
INTRODUCED BY:
H.B. NO. 26

JAN 16 2019

HMS 2018-4377-1
Report Title:
Hosting Platforms; Booking Services; Transient Vacation Rentals; County Land Use Ordinance; Penalty

Description:
Makes it a misdemeanor for a hosting platform to collect a fee for booking services regarding transient vacation rentals that are not lawfully certified, registered, or permitted under applicable county ordinance.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.