

DEPARTMENT OF TAXATION

Amendments to Chapter 18-231,
Hawaii Administrative Rules

_____, 2017

SUMMARY

1. §18-231-25.5-02 is amended.

§18-231-25.5-02 Cost recovery fees for collection actions. ***

(f) The fees that may be charged under this section are:

- (1) For processing a delinquent taxpayer's account, \$75 shall be charged at the close of business on the deadline date specified in subsection (d) if the debt or any part of the debt remains unpaid; provided that \$25 shall be charged if a taxpayer agrees to pay by electronic means. If a taxpayer agrees to pay by electronic means but later pays by paper means, the taxpayer shall be charged the additional \$50 for a total charge of \$75;
- (2) For handling a foreclosure action, \$50 shall be charged upon the completion of the detailed statement of taxes (prepared in connection with the filing of the department's court complaint or affirmative statement of claim), plus any costs including court costs or recording fees (such as a fee for recording the interlocutory decree of foreclosure) that are actually charged to and incurred by the department;
- (3) For garnishment, levy, or other seizures of a delinquent taxpayer's wages, property or rights to property, \$15 upon each service, including service by mail, of official notice upon the payor or custodian of the asset levied, or physical seizure of the asset levied, plus any court costs, recording fees, or related costs (such as a fee paid to a United States marshal for seizure of a vessel or bank charges for honoring a levy) that are actually charged to and incurred by the department;
- (4) For any collection action requiring the services of collection agencies or attorneys, any reasonable fees charged by

- those attorneys or collection agencies that are actually incurred by the department;
- (5) For recording a certificate of tax lien or a release of tax lien, \$25 for recording at the Bureau of Conveyances, plus any other recording fees that are actually charged to and incurred by the department for recording with other agencies (such as with a county director of finance);
 - (6) For serving a subpoena in connection with a collection effort, \$25 shall be charged, plus any other fees that are actually incurred by the department; and
 - (7) For collection actions other than that set forth in paragraph (1) to (6), any fees or costs that are actually charged to and incurred by the department." . [Eff 12/15/95; am and ren §18-231-25.5-01 3/03/97; am] (Auth: HRS §§231-3(9), 231-17, 231- 25.5(e)) (Imp: HRS §231-25.5)