

HOW TO COMPLETE YOUR PERIODIC RENTAL MOTOR VEHICLE, TOUR VEHICLE, AND CAR-SHARING VEHICLE SURCHARGE TAX RETURN (FORM RV-2)

CHANGES TO NOTE

- Act __, Session Laws of Hawaii (SLH) 2022, imposes the rental motor vehicle surcharge tax on peer-to-peer car-sharing programs. It also requires taxpayers engaging in a peer-to-peer car-sharing program to register with the Department.
- Pursuant to Act 237, SLH 2021, the rental motor vehicle surcharge tax increases from \$5.50 to \$6 per day, or a portion of a day, from January 1, 2023 to December 31, 2023, for all lessees. The rate will increase \$0.50 each subsequent year until December 31, 2027. The Act also provides an exemption when the lessee replaces a vehicle that has been stolen or will not be repaired due to a total loss of the vehicle.

WHO MUST FILE

The rental motor vehicle, tour vehicle, and car-sharing vehicle surcharge tax (RV tax) contains three separate taxes with different tax rates.

1) Effective January 1, 2023, the rental motor vehicle surcharge tax is levied at the rate of \$6 per day, or a portion of a day, on the lessor of any rental motor vehicle, including operators of a peer-to-peer car sharing marketplace.

2) The tour vehicle surcharge tax is imposed on tour vehicle operators for use of a vehicle on a monthly basis, or a portion of a month, at the following rates:

- \$66 - Over 25 passenger tour vehicle; and
- \$16 - 8 to 25 passenger tour vehicle.

3) The car-sharing vehicle surcharge tax is levied at the rate of \$0.25 (25 cents) per half-hour, or any portion of a half-hour, that a rental motor vehicle is rented or leased by a car-sharing organization; provided that for each rental of six hours or more, the rental motor vehicle surcharge tax shall be assessed. The car-sharing vehicle surcharge tax is levied on the car-sharing organization.

FILING FREQUENCY

RV tax periodic returns (Form RV-2) are filed on a monthly, quarterly, or semiannual basis depending on the amount of a person's tax liability. **Form RV-2 is due with payment on or before the 20th day of the calendar month following the close of the filing period.** For example, if your filing period ends on January 31st, then your return and payment will be due on February 20th. An RV tax annual return and reconciliation (Form RV-3) summarizing RV tax activity for the past year also must be filed.

The Department requires RV taxpayers to file returns electronically. See Tax Announcement No. 2019-06.

Taxpayers whose liability for the RV tax exceeds \$100,000 per year are required to pay the tax by Electronic Funds Transfer (EFT).

If a payment is being made with Form RV-2, make your check or money order payable to "Hawaii State Tax Collector." Write "RV," the filing period, your Hawaii Tax I.D.

No., and your daytime phone number on the check. Attach your check or money order where indicated on Form RV-2.

IMPORTANT!!!

If you do not have any RV tax activity, and the result is no tax liability, enter "0.00" on line 8. This periodic return must be filed.

To correct a previously filed Form RV-2, file an amended return on Form RV-2.

PROTECTIVE CLAIM

A protective refund claim is a claim filed to protect a taxpayer's right to a potential refund based on a contingent event for a taxable period for which the statute of limitations is about to expire. A protective claim is usually based on contingencies such as pending litigation or an ongoing federal income tax audit or an audit in another state. For more information see Tax Facts 2021-2.

PENALTIES AND INTEREST

Late Filing of Return — The penalty for failure to file a return on time is assessed on the tax due at a rate of 5% per month, or part of a month, up to a maximum of 25%.

Failure to Pay Tax After Filing Timely Return — The penalty for failure to pay the tax after filing a timely return is 20% of the tax unpaid within 60 days of the prescribed due date.

Failure to Pay by EFT — The penalty for failure to pay by EFT for taxpayers who are required to pay by EFT is 2% of the tax due.

Failure to File Electronically — Form RV-2 **MUST** be filed electronically unless you obtain a waiver. (Use Form L-110 to apply for a waiver.) The penalty for failure to file electronically is 2% of the total tax.

Interest — Interest at the rate of 2/3 of 1% per month, or part of a month, shall be assessed on unpaid taxes and penalties beginning with the first calendar day after the date prescribed for payment, whether or not that first calendar day falls on Saturday, Sunday, or legal holiday.

Please check your return carefully. Additional penalties may be assessed if you make an underpayment of tax due to negligence, intentional disregard of the Department's rules, or fraud.

FORM INSTRUCTIONS

Follow the example presented in *italics* for a sample of how to fill out the form. The circled numbers on the sample form correspond to the steps in the instructions.

Example: A taxpayer, BTK Car-Sharing, Rentals, and Tour Vehicles (BTK), with Hawaii Tax I.D. No. RV-123-456-7890-01, files its July return. On Oahu, BTK operates a car-sharing membership program, and has 20 rental cars, two tour vehicles (8-25 passengers), and one tour vehicle (40 passengers). For the month of July, rental motor vehicles in the car-sharing membership program were rented for 1,202 car-sharing vehicle half-hours. The 20 rental cars were*

FORM RV-2 (REV. 2022) STATE OF HAWAII — DEPARTMENT OF TAXATION DO NOT WRITE IN THIS AREA 80

RENTAL MOTOR VEHICLE, TOUR VEHICLE, AND CAR-SHARING VEHICLE SURCHARGE TAX

For periods ENDING AFTER December 31, 2021 and BEFORE January 1, 2024

RV2_C 2022A 01 VID01

Place an "4" in this box ONLY if this is an AMENDED return 2

PERIOD ENDING 07 23 (MM YY) HAWAII TAX I.D. NO. RV 123 456 7890 01

1 NAME: BTK Car-Sharing, Rentals, and Tour Vehicles Last 4 digits of your FEIN or SSN 1234 3

COLUMN A	COLUMN B	COLUMN C	COLUMNS D, E & F
Car-Sharing Vehicle Surcharge Tax — Enter the	Tour Vehicle Surcharge Tax — Enter the Number of Tour	Tour Vehicle Surcharge Tax — Enter the Number of Tour	Rental Motor Vehicle Surcharge Tax — Complete the

fig. 2.0

ATTACH CHECK OR MONEY ORDER HERE	COLUMN A	COLUMN B	COLUMN C	COLUMNS D, E & F
	Car-Sharing Vehicle Surcharge Tax — Enter the Number of Car-Sharing Vehicle Half-Hours	Tour Vehicle Surcharge Tax — Enter the Number of Tour Vehicles Carrying 26 or More Passengers	Tour Vehicle Surcharge Tax — Enter the Number of Tour Vehicles Carrying 8 - 25 Passengers	Rental Motor Vehicle Surcharge Tax — Complete the Schedule on Page 2, then carry the total to this column, line 7
1 OAHU DISTRICT	5 1,202	6 1	7 2	1
2 MAUI DISTRICT				2
3 HAWAII DISTRICT				3
4 KAUAI DISTRICT				4
5 TOTALS (Add lines 1 through 4 of Columns A through C)	9a 1,202	9b 1	9c 2	5
6 RATES	\$0.25	\$66	\$16	6
7 TAXES (Multiply line 5 by line 6 of Columns A through C)	10 300 50	11 66 00	12 32 00	13 2,400 00
8 TOTAL TAXES DUE (Add line 7, Columns A through E and enter result here. If you did not have				

fig. 2.1

rented for 400 rental days. Both of the vans and the tour bus were in service for the month of July.

*Note: The taxpayer must have an average paid use period of six hours or less across all vehicles rented.

THE TOP OF THE TAX RETURN (fig. 2.0)

STEP 1 - Write your name (taxpayer's name) in the area provided on the top of page 1.

STEP 2 - Enter your Hawaii Tax I.D. No. in the area provided on the top of page 1.

STEP 3 - Enter the last 4 digits of your FEIN or SSN in the area provided on the top of page 1.

STEP 4 - For the "PERIOD ENDING" at the top of page 1, enter the filing period information with the appropriate numeric (two digit) month and year end for the last month of the filing period (e.g., Month of July 2023 = 07/23; Quarterly period of January through March 2023 = 03/23; Semiannual period of January through June 2023 = 06/23).

BTK files monthly returns, so BTK entered 07/23 for the month and year of the filing period.

COMPUTING THE TAXES (fig. 2.1) (fig. 2.2)

STEP 5 - In Column A, lines 1 through 4, enter the number of car-sharing vehicle half-hours that the rental motor vehicles in your car-sharing membership program were rented during the period. If filing quarterly or semiannually, add the number of car-sharing vehicle half-hours for each month during the period, and enter the totals on the appropriate lines.

For Column A, line 1, BTK has entered "1,202" for the number of car-sharing vehicle half-hours for Oahu.

STEP 6 - In Column B, lines 1 through 4, enter the number of tour vehicles (26 or more passengers) used during the period for each district. If filing quarterly or semiannually, multiply the number of tour vehicles by the number of months in the period.

In Column B, line 1, BTK has entered "1" for the number of tour vehicles for Oahu.

STEP 7 - In Column C, lines 1 through 4, enter the number of tour vehicles (8-25 passengers) used during the period for each district. If filing quarterly or semiannually, multiply the number of tour vehicles by the number of months in the period.

COLUMNS D, E & F SCHEDULE		COLUMN D		COLUMN E		COLUMN F		
		Rental Motor Vehicle Surcharge Tax — Enter the Number of Rental Motor Vehicle Days for rentals Before January 1, 2022		Rental Motor Vehicle Surcharge Tax — Enter the Number of Rental Motor Vehicle Days for rentals After December 31, 2021 and Before January 1, 2023		Rental Motor Vehicle Surcharge Tax — Enter the Number of Rental Motor Vehicle Days for rentals After December 31, 2022 and Before January 1, 2024		
1	OAHU DISTRICT					8	400	1
2	MAUI DISTRICT							2
3	HAWAII DISTRICT							3
4	KAUAI DISTRICT							4
5	TOTALS (Add lines 1 through 4 of each column)					9d	400	5
6	RATES		\$5		\$5.50		\$6	6
7	TAXES (Multiply line 5 by line 6 in each Column)			00			2,400	00
		If all of your rental days are Before January 1, 2023*, add line 7, Columns D and E and enter result here and on page 1, line 7, Columns D, E & F						7D&E
		If all of your rental days are After December 31, 2021 and Before January 1, 2024**, add line 7, Columns E and F and enter result here and on page 1, line 7, Columns D, E & F				13	2,400	00
								7E&F

fig. 2.2

In Column C, line 1, BTK has entered “2” for the number of tour vehicles for Oahu.

STEP 8 - On page 2, lines 1 through 4, enter the number of days that your rental motor vehicles were rented in the appropriate columns. If filing quarterly or semiannually, add the rental motor vehicle days for each month during the period, and enter the totals on the appropriate lines. All activities must be allocated to their proper district(s). If you enter an amount on the “TOTALS” line (line 5) of any column, you must enter amount(s) which equal that total on the district allocation lines (lines 1 through 4) of that column, or we will not be able to correctly process your tax return.

NOTE: Calendar year filers and monthly filers will not have entries in multiple columns. Only fiscal year filers who are also quarterly or semiannual filers may have entries in more than one column for a quarter or semiannual period that includes rentals before the start of a calendar year.

On page 2, in Column F, line 1, BTK has entered “400” for the number of rental days for Oahu.

STEP 9a - Add the number of Car-Sharing Vehicle Half-Hours from Column A for all districts (lines 1 through 4).

In Column A, line 5, BTK has entered 1,202 car-sharing vehicle half-hours for the month of July.

STEP 9b - Add the number of tour vehicles (26 or more passengers) from Column B for all districts (lines 1 through 4).

In Column B, line 5, BTK has entered 1 tour vehicle for the month of July.

STEP 9c - Add the number of tour vehicles (8-25 passengers) from Column C for all districts (lines 1 through 4).

In Column C, line 5, BTK has entered 2 tour vehicles for the month of July.

STEP 9d - On page 2, add the number of rental motor vehicle days from Columns D, E and F for all districts (lines 1 through 4).

On page 2, in Column F, line 5, BTK has entered 400 rental motor vehicle days for the month of July. BTK has no rental days outside of calendar year 2023 on this return, so BTK has no entries in Columns D or E on page 2.

STEP 10 - On page 1, in Column A, multiply the number entered on line 5 by the tax rate of \$0.25 (line 6), and enter the result on line 7.

BTK has multiplied 1,202 (the number of half-hours entered on line 5) by \$0.25 (the tax rate listed on line 6) to get \$300.50, which is entered in Column A, line 7 ($1,202 \times \$0.25 = \300.50).

STEP 11 - On page 1, in Column B, multiply the number entered on line 5 by the tax rate of \$66 (line 6) and enter the result on line 7.

BTK has multiplied 1 (the number of tour vehicles in use during the month on line 5) by \$66 (the tax rate on line 6) to get \$66, which is entered in Column B, line 7 ($1 \times \$66 = \66).

STEP 12 - On page 1, in Column C, multiply the number entered on line 5 by the tax rate of \$16 (line 6) and enter the result on line 7.

BTK has multiplied 2 (the number of tour vehicles in use during the month on line 5) by \$16 (the tax rate listed on line 6) to get \$32, which is entered in Column C, line 7 ($2 \times \$16 = \32).

STEP 13 - After completing the schedule on page 2 to determine your rental motor vehicle surcharge tax, go to page 1, Columns D,E&F, and enter on line 7 the total amount from page 2, line 7D&E or line 7E&F, whichever is applicable.

On page 1, in Columns D,E&F, line 7, BTK has entered \$2,400, the total amount from page 2, line 7E&F.

8. TOTAL TAXES DUE. Add line 7, Columns A through F and enter result here. If you did not have any activity for the period, enter "0.00" here			14	2,798	50	8
9. Amounts Assessed During the Period (For Amended Return ONLY)	PENALTY	15				9
	INTEREST					
10. TOTAL AMOUNT. Add lines 8 and 9			16	2,798	50	10
11. TOTAL PAYMENTS MADE FOR THE PERIOD. (For Amended Return ONLY)						11
12. CREDIT TO BE REFUNDED. Line 11 minus line 10 (For Amended Return ONLY)						12
13. ADDITIONAL TAXES DUE. Line 10 minus line 11 (For Amended Return ONLY)						13
14. FOR LATE FILING ONLY →	PENALTY	20				14
	INTEREST					
15. TOTAL AMOUNT DUE AND PAYABLE. (Original Returns, add lines 10 and 14; Amended Returns, add lines 13 and 14)			21	2,798	50	15
16. PLEASE ENTER THE AMOUNT OF YOUR PAYMENT. Attach a check or money order payable to "HAWAII STATE TAX COLLECTOR" in U.S. dollars drawn on any U.S. bank to Form RV-2. Write "RV," the filing period, your Hawaii Tax I.D. No., and your daytime phone number on your check or money order. Mail to: HAWAII DEPARTMENT OF TAXATION, P. O. Box 1425, Honolulu, HI 96806-1425. If you are NOT submitting a payment with this return, enter "0.00" here.			22	2,798	50	16

DECLARATION: I declare, under the penalties set forth in section 231-36, HRS, that this is a true and correct return, prepared in accordance with the provisions of the Rental Motor Vehicle, Tour Vehicle, and Car-Sharing Vehicle Surcharge Tax Law and the rules issued thereunder.

IN THE CASE OF A CORPORATION OR PARTNERSHIP, THIS RETURN MUST BE SIGNED BY AN OFFICER, PARTNER OR MEMBER, OR DULY AUTHORIZED AGENT.

23 Betty T. Kealoha
SIGNATURE

Owner
TITLE

8/20/23
DATE

(808) 123-4567
DAYTIME PHONE NUMBER

fig. 2.3

FINISHING THE TAX RETURN (fig. 2.3)

STEP 14 - Add Columns A through D of line 7, and enter the total on line 8. This is the total tax due. **CAUTION: LINE 8 MUST BE FILLED IN.** If you do not have any RV tax activity and therefore have no tax due, enter "0.00" on line 8.

BTK has added \$300.50, \$66, \$32, and \$2,400 for a total of \$2,798.50 which is entered on line 8.

STEP 15 - Leave line 9 blank (to be used for Amended Returns ONLY).

STEP 16 - Enter the amount from line 8 on line 10, "TOTAL AMOUNT."

STEP 17 - Leave line 11 blank (to be used for Amended Returns ONLY).

STEP 18 - Leave line 12 blank (to be used for Amended Returns ONLY).

STEP 19 - Leave line 13 blank (to be used for Amended Returns ONLY).

STEP 20 - After computing the penalty and interest amounts, enter the results to the right of "PENALTY" and "INTEREST" and enter the total of the two amounts on line 14.

If you are unable to compute the penalty and interest, leave these lines blank. The Department will compute the charges for you and send you a bill.

STEP 21 - Add the amounts on lines 10 and 14, and enter the "TOTAL AMOUNT DUE AND PAYABLE" on line 15.

STEP 22 - NOTE: If you are NOT submitting a check with your return, enter "0.00" on line 16.

Write the "AMOUNT OF YOUR PAYMENT," including any penalty and interest, on line 16. Attach your check or money order for this amount payable to "Hawaii State Tax Collector" in U.S. dollars drawn on any U.S. bank where indicated on the return. Write "RV," the filing period, your Hawaii Tax I.D. No., and your daytime phone number on your check or money order. **DO NOT SEND CASH.**

Send your check or money order and the return to:

Hawaii Department of Taxation
P. O. Box 1425
Honolulu, HI 96806-1425

STEP 23 - Sign your tax return. The sole proprietor, a partner or member, corporate officer, or an authorized agent must sign and date the tax return, state his/her title, write the date the return is signed, and write a daytime contact phone number.

INSTRUCTIONS FOR FILING AN AMENDED FORM RV-2

If you file your Form RV-2 and later become aware of any changes you must make to the reported number of car-sharing vehicle half-hours, the number of rental motor vehicle days, and/or the number of tour vehicle-months, you may file an amended return on Form RV-2 to change the Form RV-2 you already filed.

Do **NOT** file an amended Form RV-2 if the Rental Motor Vehicle, Tour Vehicle, and Car-Sharing Vehicle Surcharge Tax Annual Return & Reconciliation, Form RV-3, has already been filed for the tax year.

Complete your amended Form RV-2 as follows:

1. Put an "X" in the box at the top of page 1 of the Form RV-2 to designate that this is an amended return (see *fig. 2.0*).
2. Enter the correct number of car-sharing vehicle half-hours, the number of rental motor vehicle days, and/or the number of tour vehicle-months, and amounts of taxes due which should have been reported on the original Form RV-2. Follow Steps 1 through 14 above used to complete your original return. (**Note:** Entries which were correctly reported on the original Form RV-2 also must be entered on the appropriate line(s). **Failure to do so will result in a change from the correct amount to -0-.**)
3. As of the date the amended return is filed, enter on line 9 the amounts of penalty and/or interest assessed for the period. Penalty and interest are generally assessed because the original return was filed after the filing deadline or because the taxes due were not paid in full by the filing deadline.
4. Enter on line 11 the total amount of taxes, additional assessments, and penalty and/or interest paid less any refunds received for the period. Include payments made with the original periodic return, as well as any supplemental payments made after the original periodic return was filed. REMINDER: Payments are applied first to recover costs incurred by the Department, then to any interest due, then to penalties, and finally, to taxes.
5. If line 10 is LESS THAN line 11, subtract line 10 from line 11 and enter the result on line 12, "CREDIT TO BE REFUNDED."
6. If line 10 is MORE THAN line 11, subtract line 11 from line 10 and enter the result on line 13, "ADDITIONAL TAXES DUE."
7. If the amended Form RV-2 is filed after the due date of the original Form RV-2, and if there is an amount entered on line 13, enter on line 14 the amount of any penalty and/or interest now due. On a timely filed original Form RV-2, a penalty of 20% of the tax due will be assessed if any tax remains unpaid after 60 days from the prescribed due date of the original Form RV-2. This penalty is applicable to amended Form RV-2s for timely filed original Form RV-2s. Interest at the rate of 2/3 of 1% per month or part of a month shall be assessed on unpaid taxes and penalties assessed beginning with the first calendar day after the date prescribed for payment, whether or not that first calendar day falls on Saturday, Sunday, or legal holiday.
8. Add lines 13 and 14 and enter the total on line 15, "TOTAL AMOUNT DUE AND PAYABLE."
9. Enter on line 16 the amount of any payment made with the amended Form RV-2. If the amended Form RV-2 is filed after the due date of the original Form RV-2, include any additional penalty and interest in your payment. Attach your check or money order for this amount payable to "Hawaii State Tax Collector" in U.S. dollars drawn on any U.S. bank where indicated on the amended Form RV-2. Write "RV," the filing period, your Hawaii Tax I.D. No., and your daytime phone number on your check or money order. **DO NOT SEND CASH.**
Send your check or money order and the amended Form RV-2 to:

Hawaii Department of Taxation
P. O. Box 1425
Honolulu, HI 96806-1425
10. Sign your name and write your title, the date, and a daytime contact phone number in the spaces provided at the bottom of the amended Form RV-2 (see *fig. 2.3*).

If you have questions, please contact a customer service representative at:

Voice: 808-587-4242
1-800-222-3229 (Toll-Free)
Fax: (808) 587-1488

Mail: Taxpayer Services Branch
P.O. Box 259
Honolulu, HI 96809-0259

Telephone for the Hearing Impaired:
808-587-1418
1-800-887-8974 (Toll-Free)