
A BILL FOR AN ACT

RELATING TO PLANNED COMMUNITY ASSOCIATIONS.

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

1 SECTION 1. Chapter 421J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§421J- Administration. The real estate commission,
5 established under chapter 467, shall administer this chapter and
6 may adopt rules, pursuant to chapter 91, to effectuate this
7 chapter."

8 SECTION 2. Section 467-4, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§467-4 Powers and duties of commission.** In addition to
11 any other powers and duties authorized by law, the real estate
12 commission shall:

- 13 (1) Grant licenses, registrations, and certificates
14 pursuant to this chapter;
- 15 (2) Adopt, amend, or repeal rules as it may deem proper to
16 effectuate this chapter and carry out its purpose,
17 which is the protection of the general public in its
18 real estate transactions. All rules shall be approved



1 by the governor and the director of commerce and
2 consumer affairs[~~7~~] and, when adopted pursuant to
3 chapter 91, shall have the force and effect of law.

4 The rules may [~~forbid~~]:

5 (A) Forbid acts or practices deemed by the commission
6 to be detrimental to the accomplishment of the
7 purpose of this chapter[~~7, and the rules may~~
8 ~~require~~];

9 (B) Require real estate brokers and salespersons to
10 complete educational courses or to make reports
11 to the commission containing items of information
12 as will better enable the commission to enforce
13 this chapter and the rules, or as will better
14 enable the commission from time to time to amend
15 the rules to more fully effect the purpose of
16 this chapter[~~7, and, further, the rules may~~
17 ~~require~~]; and

18 (C) Require real estate brokers and salespersons to
19 furnish reports to their clients containing
20 matters of information as the commission deems
21 necessary to promote the purpose of this chapter.



1 This enumeration of specific matters that may properly
2 be made the subject of rules shall not be construed to
3 limit the commission's broad general power to make all
4 rules necessary to fully effectuate the purpose of
5 this chapter;

6 (3) Enforce this chapter and rules adopted pursuant
7 thereto;

8 (4) Suspend, fine, terminate, or revoke any license,
9 registration, or certificate for any cause prescribed
10 by this chapter, or for any violation of the rules,
11 and may also require additional education or re-
12 examination, and refuse to grant any license,
13 registration, or certificate for any cause that would
14 be a ground for suspension, fine, termination, or
15 revocation of a license, registration, or certificate;

16 (5) Report to the governor and the legislature relevant
17 information that shall include but not be limited to a
18 summary of the programs and financial information
19 about the trust funds, including balances and budgets,
20 through the director of commerce and consumer affairs
21 annually, before the convening of each regular
22 session, and at other times and in other manners as



- 1 the governor or the legislature may require concerning
- 2 its activities;
- 3 (6) Publish and distribute pamphlets and circulars,
- 4 produce seminars and workshops, hold meetings in all
- 5 counties, and require other education regarding any
- 6 information as is proper to further the accomplishment
- 7 of the purpose of this chapter;
- 8 (7) Enter into contract or contracts with qualified
- 9 persons to assist the commission in effectuating the
- 10 purpose of this chapter; [~~and~~]
- 11 (8) Establish standing committees to assist in
- 12 effectuating this chapter and carry out its purpose,
- 13 which shall meet not less often than ten times
- 14 annually, and shall from time to time meet in each of
- 15 the counties[~~-~~]; and
- 16 (9) Administer the planned community associations law
- 17 under chapter 421J."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval.

21

INTRODUCED BY:

Cindy Evans

John R. Hunter

[Signature]



HB 2861

Report Title:

Planned Community Associations; Real Estate Commission

Description:

Authorizes the real estate commission to administer the planned community associations law, chapter 421J, Hawaii Revised Statutes.

