

JAN 25 2006

A BILL FOR AN ACT

RELATING TO CONDOMINIUM EMPLOYEES.

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

1 SECTION 1. Section 514B-133, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "~~+~~§514B-133~~+~~ **Association employees; background check;**
4 **prohibition.** (a) The board, managing agent, or resident
5 manager, upon the written authorization of an applicant for
6 employment as a security guard or resident manager or for a
7 position that would allow the employee access to the keys of or
8 entry into the units in the condominium or access to association
9 funds, ~~may~~ shall conduct a background check on the applicant
10 or direct another responsible party to conduct the check.
11 Before initiating or requesting a check, the board, managing
12 agent, or resident manager shall first certify that the
13 signature on the authorization is authentic and that the person
14 is an applicant for ~~such~~ employment. The background check, at
15 a minimum, shall require the applicant to disclose whether the
16 applicant has been convicted in any jurisdiction of a crime
17 ~~which~~ that would tend to indicate that the applicant may be
18 unsuited for employment as an association employee with access



1 to association funds or the keys of or entry into the units in
2 the condominium, and the judgment of conviction has not been
3 vacated.

4 For purposes of this section, the criminal history
5 disclosure made by the applicant [~~may~~] shall be verified by the
6 board, managing agent, resident manager, or other responsible
7 party, if so directed by the board, managing agent, or resident
8 manager, by means of information obtained through the Hawaii
9 criminal justice data center. The applicant shall provide the
10 Hawaii criminal justice data center with personal identifying
11 information, which shall include, but not be limited to, the
12 applicant's name, social security number, date of birth, and
13 gender. This information shall be used only for the purpose of
14 conducting the [~~criminal history record~~] background check
15 authorized by this section. Failure of an association, managing
16 agent, or resident manager to conduct or verify or cause to have
17 conducted or verified a background check shall not alone give
18 rise to any private cause of action against an association,
19 managing agent, or resident manager for acts and omissions of
20 the employee hired.

21 (b) An association's employees shall not engage in selling
22 or renting units in the condominium in which they are employed,



1 except association-owned units, unless [~~such~~] the activity is
2 approved by sixty-seven per cent of the unit owners."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

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SB2194

Report Title:

Background Check; Condominium Employees

Description:

Requires, rather than permits, a background check for certain employees of condominiums.

