
A BILL FOR AN ACT

RELATING TO SERVICE OF PROCESS.

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

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

4 "§421I- Service of process. The board of directors of
5 the corporation shall establish a policy to provide reasonable
6 access to persons authorized to serve civil process in
7 compliance with section 634- ."

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

11 "§421J- Service of process. The board shall establish
12 a policy to provide reasonable access to persons authorized to
13 serve civil process in compliance with section 634- ."

14 SECTION 3. Chapter 514A, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:



1 "§514A- Service of process. The board of directors
2 shall establish a policy to provide reasonable access to persons
3 authorized to serve civil process in compliance with section
4 634- ."

5 SECTION 4. Chapter 514B, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§514B- Service of process. The board shall establish
9 a policy to provide reasonable access to persons authorized to
10 serve civil process in compliance with section 634- ."

11 SECTION 5. Chapter 634, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§634- Service of process within a condominium,
15 cooperative housing, or planned community. (a) Each board of
16 directors of an association of apartment owners governed by
17 chapter 514A or 514B, cooperative housing corporation governed
18 by chapter 421I, and planned community association governed by
19 chapter 421J shall establish, if entry to the property is
20 inaccessible to the general public, a policy to provide
21 reasonable access as specified in subsection (b) to the building



1 or community to persons authorized to serve civil process for
2 the purpose of serving any summons, subpoena, notice, or order
3 on a person who is identified by the document being served as
4 residing or present in the condominium, cooperative housing
5 project, or planned community.

6 (b) The policy established pursuant to subsection (a)
7 shall:

8 (1) Subject to any conditions as may be specified in
9 accordance with paragraph (4), allow a person
10 authorized to serve civil process to access common
11 areas adjacent to a principal entry to the residence
12 specified in accordance with paragraph (2) for the
13 sole purpose of attempting to effect service of
14 process;

15 (2) Require that a person authorized to serve civil
16 process present clear personal identification and
17 evidence that the person is authorized to serve
18 process, including documentation clearly indicating
19 the precise name and address, and if applicable, a
20 unit number, of the person residing or present on the
21 property to be served;



1 (3) Allow for denial of access to the person authorized to
2 serve civil process if the person is unable to produce
3 clear and credible identification and documentation as
4 required in paragraph (2);

5 (4) Set forth conditions of time and manner according to
6 which a person authorized to serve civil process may
7 enter and remain in the building or community, and
8 allow a person designated in accordance with paragraph
9 (5) to compel a person authorized to serve civil
10 process, who has been allowed access to the building
11 or community but who has not acted in accordance with
12 the conditions, to leave the building or community
13 immediately; and

14 (5) Designate an individual, by title or position, such as
15 a resident manager, a building manager who is located
16 in or reasonably near the building or community, or
17 another person who is generally available to respond
18 to a request for access during normal business hours
19 in a timely manner, and at least one alternate
20 individual if the primary designee is unavailable, to



1 respond to a request for access by a person authorized
2 to serve civil process.

3 (c) An association of apartment owners governed by chapter
4 514A or 514B, a cooperative housing corporation governed by
5 chapter 421I, or a planned community association governed by
6 chapter 421J shall not be liable to:

7 (1) Any person if, after access is allowed to the building
8 or community in accordance with this chapter, service
9 of civil process is not actually effected for whatever
10 reason; and

11 (2) A person upon whom service of process is actually
12 effected in accordance with this chapter.

13 (d) As of January 1, 2010, each board of directors of an
14 association of apartment owners of a condominium shall identify
15 the designees specified in subsection (b)(5) in its biennial
16 registration. A cooperative housing corporation or planned
17 community association shall make a printed copy of the policy
18 required by this chapter available at all times at the principal
19 point of entry to the building or community."



1 SECTION 6. The department of commerce and consumer affairs
2 shall adopt or amend forms and shall adopt rules pursuant to
3 chapter 91, Hawaii Revised Statutes, to implement this Act.

4 SECTION 7. New statutory material is underscored.

5 SECTION 8. This Act shall take effect on January 1, 2010,
6 and shall be repealed on July 1, 2012.



H.B. NO. 1415
H.D. 1
S.D. 2
C.D. 1

Report Title:

Service of Process; Condominiums; Planned Community
Associations; Cooperative Housing

Description:

Requires condominium associations, planned community
associations, and cooperative housing corporations with
properties inaccessible to the public to establish a policy to
provide access for a person authorized to serve civil process.
Sunsets on July 1, 2012. (HB1415 CD1)

