
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 a
12 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:

17 "§514A- Service of process. The board of directors of
18 the corporation shall establish a policy to provide reasonable

1 access to persons authorized to serve civil process in
2 compliance with section 634- .

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

6 "§514B- Service of process. The board shall establish a
7 policy to provide reasonable access to persons authorized to
8 serve civil process in compliance with section 634- .

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

12 "§634- Service of process within a condominium,
13 cooperative housing, or planned community. (a) Each board of
14 directors of an association of apartment owners governed by
15 chapter 514A or chapter 514B, cooperative housing corporation
16 governed by chapter 421I, and planned community association
17 governed by chapter 421J shall establish, if entry to the
18 property is inaccessible to the general public, a policy to
19 provide reasonable access as specified in subsection (b) to the
20 building or community to persons authorized to serve civil
21 process for the purpose of serving any summons, subpoena,
22 notice, or order on a person who is identified by the document

1 being served as residing or present in the condominium,
2 cooperative housing project, or planned community.

3 (b) The policy established pursuant to subsection (a)
4 shall:

5 (1) Allow a person authorized to serve civil process
6 server to access common areas adjacent to a principal
7 entry to the relevant residence within the building or
8 community;

9 (2) Require that a person authorized to serve civil
10 process present clear personal identification and
11 evidence that the person is authorized to serve
12 process, including documentation clearly indicating
13 the precise name and address, and if applicable, a
14 unit number, of the resident or person staying on the
15 property to be served;

16 (3) Allow for denial of access to the person authorized to
17 serve civil process authorized to serve civil process
18 if the person is not able to produce clear and
19 credible identification and documentation as required
20 in paragraph (2); and

21 (4) Designate an individual, by title or position, such as
22 a resident manager, a building manager who is located

1 in or reasonably near the building or community, or
2 another person who is generally available to respond
3 to a request for access in a timely manner, and at
4 least one alternate individual in the event that the
5 primary designee is not available to respond to a
6 request for access by a person authorized to serve
7 civil process.

8 (c) As of January 1, 2010, each board of directors of an
9 association of apartment owners of a condominium, cooperative
10 housing corporation, or planned community association shall
11 identify the designees specified in subsection (b) (4) in its
12 biennial registration in the case of a condominium, or in its
13 governing bylaws in the case of a cooperative housing
14 corporation or a planned community association."

15 SECTION 6. The department of commerce and consumer affairs
16 shall adopt or amend forms and shall adopt rules pursuant to
17 chapter 91, Hawaii Revised Statutes, for the purposes of
18 facilitating implementation of this Act.

19 SECTION 7. New statutory material is underscored.

20 SECTION 8. This Act shall take effect on July 1, 2050.

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
designate a representative to provide entry for a person
authorized to serve civil process. Effective 7/1/2050. (SD2)