

Honolulu, Hawaii

Ag: 130, 2009

RE: H.B. No. 1415
H.D. 1
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1415, H.D. 1, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to require condominium associations, planned community associations, and cooperative housing corporations to implement a policy to provide entry for a process server to serve summonses, subpoenas, notices, or orders where entry to the property is inaccessible to the general public.

Upon further consideration, your Committee on Conference has amended this bill by:



- (1) Requiring that the policy also:
 - (a) Set forth conditions of time and manner for the person serving civil process to enter and remain on the property; and
 - (b) Allow for immediate ejection from the building or community of a person serving civil process who has not complied with the conditions of access;
- (2) Exempting the association of apartment owners, cooperative housing corporation, or planned community association from liability resulting from the service of civil process being effected if access was granted and from liability to a person upon whom service of process is actually effected;
- (3) Requiring the board of directors of an association of apartment owners of a condominium to identify the individuals providing access to a person serving civil process in its biennial registration beginning January 1, 2010;
- (4) Requiring a cooperative housing corporation or planned community association to make available a printed copy of this policy at the principal point of entry to the building or community;
- (5) Repealing the provisions of this bill on July 1, 2012; and
- (6) Making technical, nonsubstantive amendments for consistency.

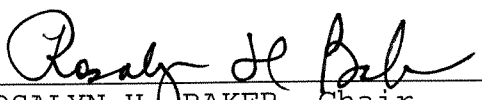
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1415, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1415, H.D. 1, S.D. 2, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



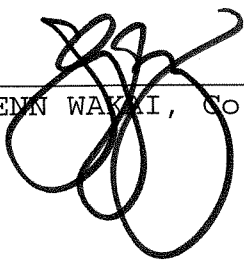
ROSALYN H. BAKER, Chair



JON RIKI KARAMATSU, Co-Chair



BRIAN T. TANIGUCHI, Co-Chair



GLENN WAKAI, Co-Chair



