

STAND. COM. REP. NO. 690

Honolulu, Hawaii

March 5, 2009

RE: H.B. No. 1415  
H.D. 1

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

Sir:

Your Committees on Judiciary and Consumer Protection & Commerce, to which was referred H.B. No. 1415 entitled:

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

beg leave to report as follows:

The purpose of this bill is to require the board of directors (Board) of an association of apartment owners (condominium association) and the Board of a planned community association to designate a representative on premises to provide entry to any duly appointed server of process.

Hawaii Council of Associations of Apartment Owners, Alston Hunt Floyd & Ing, and a concerned individual supported this bill. The Community Associations Institute Hawaii Chapter Legislative Action Committee submitted comments.

Based on discussion with proponents of the measure, and taking into consideration circumstances that may exist in different types of condominium buildings and planned community associations, your Committees have amended this measure by:

- (1) Adding cooperative housing corporations (co-ops), including the Boards of co-ops, within the scope of this measure;
- (2) Requiring that the Board of a condominium association, planned community association, or co-op establish a

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policy to provide reasonable access for a process server;

- (3) Clarifying that the policy allow a process server access to a common area adjacent to a principal entry to the relevant residence within the building or community;
- (4) Requiring, in the policy, appropriate documentation and identification be shown by the process server prior to gaining access, and also allowing for denial of access if the process server is not able to produce clear and credible documentation;
- (5) Requiring the policy to designate the person allowing access by appropriate title or position, and also to designate an alternate individual to allow access;
- (6) Requiring periodic updating of the designees allowing access when a condominium association, planned community association, or a co-op make their regular filings with the Department of Commerce and Consumer Affairs (DCCA);
- (7) Requiring DCCA to adopt new forms or adapt current forms to accommodate the new required information for regular filings;
- (8) Deleting the provision allowing DCCA to adopt rules to effectuate the provisions of this bill;
- (9) Changing its effective date to January 1, 2046, to promote further discussion; and
- (10) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Consumer Protection & Commerce that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1415, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1415, H.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Consumer Protection & Commerce,



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ROBERT N. HERKES, Chair



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JOV RIKI KARAMATSU, Chair





