
A BILL FOR AN ACT

RELATING TO FEES.

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

1 SECTION 1. Section 421J-10, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§421J-10 Attorneys' fees and expenses of enforcement.**

4 (a) All costs and expenses, including reasonable attorneys'
5 fees, incurred by or on behalf of the association for:

6 (1) Collecting any delinquent assessments against any unit
7 or the owner of any unit;

8 (2) Foreclosing any lien on any unit; or

9 (3) Enforcing any provision of the association documents
10 or this chapter;

11 against a member, occupant, tenant, employee of a member, or any
12 other person who in any manner may use the property, shall be
13 promptly paid on demand to the association by such person or
14 persons; provided that if the association is not the prevailing
15 party, all costs and expenses, including reasonable attorneys'
16 fees, incurred by any such person or persons as a result of the
17 action of the association, shall be promptly paid on demand to
18 the person by the association. The reasonableness of any



1 attorney's fees paid by a person or by an association as a
2 result of an action pursuant to paragraph (2) shall be
3 determined by the court, provided that if the association is the
4 prevailing party, the court shall not award either attorney's
5 fees or the fees of a collection agency incurred as a result of
6 an action pursuant to paragraphs (1) or (2) for any fee incurred
7 during the first ninety days of delinquency."

8 SECTION 2. Chapter 514B, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§514B-A In an action to collect fees authorized by this
12 chapter, the court shall not award either attorney's fees or the
13 fees of a collection agency incurred during the first ninety
14 days of a delinquency."

15 SECTION 3. Chapter 667, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 "§667-A Prohibition on awarding of fees; foreclosure
19 actions. In an action initiated pursuant to this chapter, the
20 court shall not award either attorney's fees or the fees of a
21 collection agency incurred during the first ninety days of
22 delinquency."




1 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY:



Tom Brunner






JAN 27 2009



Report Title:

Fees

Description:

Prohibits the awarding of certain fees in certain collections actions for any work done in the first ninety days a property owner is late in the payment of a mortgage or certain fees.

