

Honolulu, Hawaii

APR 27 2011

, 2011

RE: S.B. No. 1483
S.D. 1
H.D. 1
C.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1483, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HAWAII REVISED STATUTES SECTION 514B-153(E),"

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 and intent of this measure is to require the association of a condominium to list its name and address as the representative agent for individual time share owners unless the individual time share owner requests the association to list the individual time share owner's name and address instead.

The intent of listing a condominium association as a representative agent rather than the names and addresses of individual fractional owners in time share properties codifies the current practice by most condominium associations. Further, allowing the listing of a time share association in place of the



individual fractional owners is sufficient to ensure that individual time share owners receive important communications from the condominium association, since time share associations regularly pass on communications received from the condominium association to time share owners.

Your Committee has amended this bill by inserting an effective date of upon approval.

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 S.B. No. 1483, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1483, S.D. 1, H.D. 1, C.D. 1.

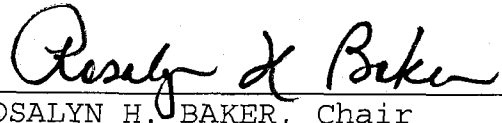
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



TOM BROWER, Co-Chair



ROSALYN H. BAKER, Chair



ROBERT N. HERKES, Co-Chair



Hawaii State Legislature

**Record of Votes of a
Conference Committee**

Bill / Concurrent Resolution No.: SB 1483, SD 1, HD 1	Date/Time: <i>4-26-2011 2:00 pm</i>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
BAKER, Rosalyn H., Chr.	✓				BROWER, Tom, Co-Chr.	✓			
GALUTERIA, Brickwood	✓				HERKES, Robert N., Co-Chr.	✓			
KIM, Donna Mercado	✓				CABANILLA, Rida T.R.				✓
TANIGUCHI, Brian T.	✓				EVANS, Cindy	✓			
SLOM, Sam				✓	HASHEM, Mark J.	✓			
					CHING, Corinne W.L.				✓
TOTAL	4	-	-	1	TOTAL	4	-	-	2

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designer's Signature: 	House Lead Chair's or Designee's Signature:
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File with Conference Committee Report House Clerk's Office Senate Clerk's Office Drafting Agency

A BILL FOR AN ACT

RELATING TO HAWAII REVISED STATUTES SECTION 514B-153 (E).

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

1 SECTION 1. Section 514B-153, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:

3 "(e) The managing agent, resident manager, or board shall
4 keep an accurate and current list of members of the association
5 and their current addresses, and the names and addresses of the
6 vendees under an agreement of sale, if any. The list shall be
7 maintained at a place designated by the board, and a copy shall
8 be available, at cost, to any member of the association as
9 provided in the declaration or bylaws or rules and regulations
10 or, in any case, to any member who furnishes to the managing
11 agent or resident manager or the board a duly executed and
12 acknowledged affidavit stating that the list:

13 (1) Will be used by the owner personally and only for the
14 purpose of soliciting votes or proxies~~[7]~~ or ~~[fe]~~
15 providing information to other owners with respect to
16 association matters; and

17 (2) Shall not be used by the owner or furnished to anyone
18 else for any other purpose.



1 A board may prohibit commercial solicitations.
2 Where the condominium project or any units within the
3 project are subject to a time share plan under chapter 514E, the
4 association shall only be required to maintain in its records
5 the name and address of the time share association as the
6 representative agent for the individual time share owners unless
7 the association receives a request by a time share owner to
8 maintain in its records the name and address of the time share
9 owner."

10 SECTION 2. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Condominium Associations; Maintenance of Time Share Owner Records

Description:

Requires a condominium association that includes time share units to list its name and address as the representative agent for individual time share owners from the records that the association is required to maintain unless the individual time share owner requests the association to maintain the individual owner's name and address in the association's records instead.
(CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

