

JAN 21 2016

A BILL FOR AN ACT

RELATING TO PLANNED COMMUNITY ASSOCIATIONS.

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

1 SECTION 1. Chapter 421J, Hawaii Revised Statutes, is
2 amended by adding five new sections to be appropriately
3 designated and to read as follows:

4 "§421J-A General powers of the regulated industries
5 complaints office. The regulated industries complaints office
6 may conduct investigations, issue cease and desist orders, and
7 bring an action in any court of competent jurisdiction to enjoin
8 persons, consistent with sections 421J-B, 421J-C, 421J-D, and
9 421J-E.

10 §421J-B Investigative powers. If the regulated industries
11 complaints office has reason to believe that any person is
12 violating or has violated section 421J-7, the regulated
13 industries complaints office may conduct an investigation of the
14 matter and examine the books, accounts, contracts, records, and
15 files of all relevant parties.

16 §421J-C Cease and desist orders. (a) In addition to its
17 authority under section 421J-D, whenever the regulated



1 industries complaints office has reason to believe that any
2 person is violating or has violated section 421J-7, it may issue
3 and serve upon the person a complaint stating its charges in
4 that respect and containing a notice of a hearing at a stated
5 place and upon a day at least thirty days after the service of
6 the complaint. The person served has the right to appear at the
7 place and time specified and show cause why an order should not
8 be entered by the regulated industries complaints office
9 requiring the person to cease and desist from the violation of
10 the law charged in the complaint.

11 (b) If the regulated industries complaints office finds
12 that section 421J-7 has been or is being violated, it shall make
13 a report in writing stating its findings as to the facts and
14 shall issue and cause to be served on the person an order
15 requiring the person to cease and desist from the violations.
16 The person, within thirty days after service upon the person of
17 the report or order, may obtain a review thereof in the
18 appropriate circuit court.

19 §421J-D Power to enjoin. Whenever the regulated
20 industries complaints office believes from satisfactory evidence
21 that any person has violated section 421J-7, it may conduct an



1 investigation of the matter and bring an action against the
2 person in any court of competent jurisdiction on behalf of the
3 State to enjoin the person from continuing the violation or
4 doing any acts in furtherance thereof.

5 §421J-E Penalties. (a) Any person who violates or fails
6 to comply with section 421J-7 shall be guilty of a misdemeanor
7 and shall be punished by a fine not exceeding \$ _____, or by
8 imprisonment for a term not exceeding one year, or both. Any
9 person who violates or fails to comply with any rule, order,
10 decision, demand, or requirement of the regulated industries
11 complaints office under section 421J-7 shall be punished by a
12 fine not exceeding \$ _____.

13 (b) In addition to any other actions authorized by law,
14 any person who violates or fails to comply with section 421J-7
15 shall also be subject to a civil penalty not exceeding \$ _____
16 for any violation. Each violation shall constitute a separate
17 offense."

18 SECTION 2. In codifying the new sections added by section
19 1 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.



S.B. NO. 2084

1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect upon its approval.

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S.B. NO. 2084

Report Title:

Planned Community Associations; Regulated Industries Complaints Office; Association Documents; Enforcement

Description:

Provides the regulated industries complaints office with the authority to enforce document production requirements associated with planned community associations.

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

