

JAN 25 2017

A BILL FOR AN ACT

RELATING TO CESSPOOLS.

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

1 SECTION 1. Chapter 342D, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§342D- Cesspools; mandatory disclosure; guidelines.

5 The department shall develop guidelines to determine the
6 circumstances under which the disclosure of the existence of a
7 cesspool, prior to the sale or transfer of the real property
8 where the cesspool is located, shall be mandatory."

9 SECTION 2. Chapter 508D, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§508D- Cesspools; material fact; disclosure. If the

13 disclosure of the existence of a cesspool on real property
14 subject to this chapter is determined to be mandatory under
15 guidelines developed by the department of health under section
16 342D- , the existence of the cesspool shall be considered a



1 material fact and shall be included in a seller's disclosure
2 statement."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 4. New statutory material is underscored.

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

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S.B. NO. 1181

Report Title:

Cesspools; Mandatory Disclosure; Real Property

Description:

Requires DOH to develop guidelines for the mandatory disclosure of cesspools on real property.

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