

STAND. COM. REP. NO.

2945

Honolulu, Hawaii

FEB 27 2020

RE: S.B. No. 2011
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 2011 entitled:

"A BILL FOR AN ACT RELATING TO TIME SHARES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require that a plan manager or board of directors keep an accurate and current list of the names, mailing addresses, and electronic mail addresses of board members and time share owners association members; and
- (2) Require the list of board members and association members to be made available to owners under certain terms and for reasonable costs.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs. Your Committee received testimony in opposition to this measure from the American Resort Development Association - Hawaii and Soleil Management Hawaii, LLC.

Your Committee finds that existing administrative rules require plan managers to keep a current owners list. However, the rule also provides that the association shall develop reasonable procedures by which time share owners may solicit votes or proxies

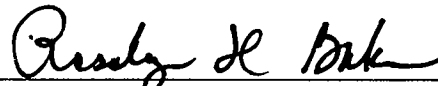


or provide information to other time share owners with respect to association matters if the association's bylaws or rules do not authorize the release of the list to a time share owner. Depending on the association's procedure, it may be difficult for a time share owner to solicit votes on an issue or provide information to other time share owners. This measure will help to ensure that time share owners have access to the owners list so that information can be shared and that owners have fair opportunities to participate in association board matters. This measure further requires that owners requesting a list provide an affidavit attesting the list will be used only for certain purposes, similar to the affidavit required for condominium association records.

Your Committee has amended this measure by requiring that the member requesting a membership list furnish a duly executed and acknowledged affidavit stating that the list shall be used by such owner personally and only for the purpose of providing information to other association members with respect to association matters.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2011, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2011, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



