

STAND. COM. REP. NO. 612

Honolulu, Hawaii

**FEB 17 2023**

RE: S.B. No. 921

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 921 entitled:

"A BILL FOR AN ACT RELATING TO LIMITATIONS OF ACTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that no statute of repose shall affect a condominium association's right of action against a condominium developer sooner than two years after the period of developer control terminates.

Your Committee received testimony in support of this measure from the Hawaii Council of Associations of Apartment Owners, Palehua Hale AOA, Community Associations Institute, and six individuals.

Your Committee finds that under existing law, the statute of limitations affecting a condominium association's right of action against a developer is tolled until the period of developer control terminates. However, existing law does not expressly state that tolling applies to the statute of repose that also limits a condominium association's right of action against a developer. A developer should not be allowed to avoid responsibility for design or construction defects by maintaining control of an association until the statute of repose expires, for the same reasons that it would be unfair and inequitable to allow the statute of limitations to expire during a period of developer control. Accordingly, this measure clarifies that the tolling



provision in section 514B-141, Hawaii Revised Statutes, applies to the statute of repose.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 921 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

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




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JARRETT KEOHOKALOLE, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:* <b>SB921</b>	Committee Referral: <b>CPN, JDC</b>	Date: <b>2/16/23</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.	✓			
RICHARDS, III, Herbert M. "Tim"	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes