

JAN 19 2024

A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 SECTION 1. The legislature finds that condominium boards
2 often use security cameras as an alternative to security guards.
3 However, in condominiums without security guards, the general
4 manager, resident manager, site manager, or other similarly
5 titled employee may have access to security cameras and footage.
6 The legislature further finds that in accordance with Act 208,
7 Session Laws of Hawaii 2010, uniformed or non-uniformed
8 employees of a condominium association that perform safekeeping,
9 observation, and reporting functions are acting in a guard
10 capacity and should be required to pass a licensing examination
11 pursuant to chapter 463, Hawaii Revised Statutes.

12 Therefore, the purpose of this Act is to require employees,
13 including contracted vendors, hired by condominium associations
14 to undergo a background check and pass a licensing exam;
15 provided that they act in a guard capacity.



1 SECTION 2. Section 514B-133, Hawaii Revised Statutes, is
2 amended by amending its title and subsection (a) to read as
3 follows:

4 "[~~§~~514B-133~~§~~] **Association employees; contracted**
5 **vendors; background check; prohibition.** (a) The board,
6 managing agent, or resident manager, upon the written
7 authorization of an applicant for employment as a security guard
8 or resident manager or for a position that would allow the
9 employee or contracted vendor access to the keys of or entry
10 into the units in the condominium or access to association
11 funds, [~~may~~] shall conduct a background check on the applicant
12 or contracted vendor or direct another responsible party to
13 conduct the check. Before initiating or requesting a check, the
14 board, managing agent, or resident manager shall first certify
15 that the signature on the authorization is authentic and that
16 the person is an applicant or contracted vendor for [~~such~~]
17 employment. The background check, at a minimum, shall require
18 the applicant or contracted vendor to disclose whether the
19 applicant or contracted vendor has been convicted in any
20 jurisdiction of a crime which would tend to indicate that the
21 applicant or contracted vendor may be unsuited for employment as



1 an association employee with access to association funds or the
2 keys of or entry into the units in the condominium, and the
3 judgment of conviction has not been vacated. Any position that
4 would require an employee, applicant, or contracted vendor of
5 the condominium association to access, view, or monitor security
6 cameras shall require a license pursuant to the requirements of
7 chapter 463.

8 For purposes of this section, the criminal history
9 disclosure made by the applicant or contracted vendor may be
10 verified by the board, managing agent, resident manager, or
11 other responsible party, if so directed by the board, managing
12 agent, or resident manager, by means of information obtained
13 through the Hawaii criminal justice data center. The applicant
14 or contracted vendor shall provide the Hawaii criminal justice
15 data center with personal identifying information, which shall
16 include[~~τ~~] but not be limited to[~~τ~~] the applicant's or
17 contracted vendor's name, social security number, date of birth,
18 and gender. This information shall be used only for the purpose
19 of conducting the criminal history record check authorized by
20 this section. Failure of an association, managing agent, or
21 resident manager to conduct or verify or cause to have conducted



1 or verified a background check shall not alone give rise to any
2 private cause of action against an association, managing agent,
3 or resident manager for acts and omissions of the employee or
4 contracted vendor hired."

5 SECTION 3. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:



S.B. NO. 2548

Report Title:

Condominium; Employees; Applicants; Contracted Vendors; Security Cameras; Guards; License

Description:

Requires employees, applicants, and contracted vendors of condominium associations in employment positions that grant access to security cameras and footage to undergo a background check and be licensed consistent with the requirements in chapter 463, HRS.

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

