

ACT 100

H.B. No. 1846-84

A Bill for an Act Relating to Community Property.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 510-5, Hawaii Revised Statutes, is amended to read as follows:

“§510-5 Control of community property. [The wife,] (a) Either spouse, as agent for the owners of the community property, has the same right as though it were [her] that spouse’s separate property to receive, manage, control, dispose of, and otherwise deal with all community property [which stands in her name. The husband, as agent for the owners of the community property has the same right as though it were his separate property to receive, manage, control, dispose of, and otherwise deal with all other community property and all community property which stands in his name]. The rights given to [the husband and to the wife] either spouse to manage, control, dispose of, and otherwise deal with community property, as provided in this section, shall be exercised in good faith for the benefit of the owners of the community property and their legal representatives, but no person shall be held liable or accountable with respect to any conveyance, transfer, or other disposition of, or with respect to the management of, control of, or dealing with such community property, except the spouse by whom the same has been so conveyed, transferred, or otherwise disposed of, managed, controlled, or otherwise dealt with. In case of any violation by [the husband or the wife] either spouse of any duty owed to the other or their legal representatives, the person aggrieved and the legal representatives of such person are entitled to appropriate relief], and for such purpose the wife in her own name and without the interposition of a next friend, and her legal representatives, may sue or be sued by her husband and his legal representatives].

(b) Nothing in subsection (a) shall be construed to alter or modify or to otherwise affect the legal effect of any act or transaction which occurred prior to the effective date of this subsection.”

SECTION 2. Section 510-8, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

“(h) Nothing in this section shall affect or modify the obligation of [the husband] both spouses to support [his wife] one another and their family and to discharge all debts contracted by the [wife] other for necessities for [herself] themselves and their family during marriage; provided[,] that if and whenever there is community property available for such purpose [the husband is] both spouses are entitled to resort to the community property rather than to [his] their respective separate property.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 9, 1984.)