

## ACT 276

H.B. NO. 1935

A Bill for an Act Relating to Planned Community Associations.

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

SECTION 1. Section 508D-1, Hawaii Revised Statutes, is amended by amending the definition of “disclosure statement” to read as follows:

““Disclosure statement” means a written statement prepared by the seller, or at the seller’s direction, that purports to fully and accurately disclose all material facts relating to the residential real property being offered for sale that:

- (1) Are within the knowledge or control of the seller;
- (2) Can be observed from visible, accessible areas; or
- (3) Are required to be disclosed under sections [~~508D-15~~] 508D-4.5 and [~~508D-4.5~~] 508D-15.

If the residential real property being offered for sale is in a planned community, “disclosure statement” includes the planned community declaration and association documents as those terms are defined in section 421J-2. Except for the disclosures required under section 508D-15, no seller shall have any duty to examine any public records when preparing a disclosure statement.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 4. This Act shall take effect on July 1, 2006.

(Approved July 5, 2006.)