

ACT 158

H.B. NO. 1415

A Bill for an Act Relating to Service of Process.

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

SECTION 1. Chapter 421I, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§421I- Service of process. The board of directors of the corporation shall establish a policy to provide reasonable access to persons authorized to serve civil process in compliance with section 634- .”

SECTION 2. Chapter 421J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§421J- Service of process. The board shall establish a policy to provide reasonable access to persons authorized to serve civil process in compliance with section 634- .”

SECTION 3. Chapter 514A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§514A- Service of process. The board of directors shall establish a policy to provide reasonable access to persons authorized to serve civil process in compliance with section 634- .”

SECTION 4. Chapter 514B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§514B- Service of process. The board shall establish a policy to provide reasonable access to persons authorized to serve civil process in compliance with section 634- .”

SECTION 5. Chapter 634, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§634- Service of process within a condominium, cooperative housing, or planned community. (a) Each board of directors of an association of apartment owners governed by chapter 514A or 514B, cooperative housing corporation governed by chapter 421I, and planned community association governed by chapter 421J shall establish, if entry to the property is inaccessible to the general public, a policy to provide reasonable access as specified in subsection (b) to the building or community to persons authorized to serve civil process for the purpose of serving any summons, subpoena, notice, or order on a person who is identified by the document being served as residing or present in the condominium, cooperative housing project, or planned community.

(b) The policy established pursuant to subsection (a) shall:

- (1) Subject to any conditions as may be specified in accordance with paragraph (4), allow a person authorized to serve civil process to access common areas adjacent to a principal entry to the residence specified in accordance with paragraph (2) for the sole purpose of attempting to effect service of process;
- (2) Require that a person authorized to serve civil process present clear personal identification and evidence that the person is authorized to serve process, including documentation clearly indicating the precise name and address, and if applicable, a unit number, of the person residing or present on the property to be served;
- (3) Allow for denial of access to the person authorized to serve civil process if the person is unable to produce clear and credible identification and documentation as required in paragraph (2);
- (4) Set forth conditions of time and manner according to which a person authorized to serve civil process may enter and remain in the building or community, and allow a person designated in accordance with paragraph (5) to compel a person authorized to serve civil process, who has been allowed access to the building or community but who has not acted in accordance with the conditions, to leave the building or community immediately; and
- (5) Designate an individual, by title or position, such as a resident manager, a building manager who is located in or reasonably near the building or community, or another person who is generally available to respond to a request for access during normal business hours in a timely manner, and at least one alternate individual if the primary designee is unavailable, to respond to a request for access by a person authorized to serve civil process.

(c) An association of apartment owners governed by chapter 514A or 514B, a cooperative housing corporation governed by chapter 421I, or a planned community association governed by chapter 421J shall not be liable to:

- (1) Any person if, after access is allowed to the building or community in accordance with this chapter, service of civil process is not actually effected for whatever reason; and
- (2) A person upon whom service of process is actually effected in accordance with this chapter.

(d) As of January 1, 2010, each board of directors of an association of apartment owners of a condominium shall identify the designees specified in subsection (b)(5) in its biennial registration. A cooperative housing corporation or planned community association shall make a printed copy of the policy required by this chapter available at all times at the principal point of entry to the building or community.”

SECTION 6. The department of commerce and consumer affairs shall adopt or amend forms and shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to implement this Act.

SECTION 7. New statutory material is underscored.¹

SECTION 8. This Act shall take effect on January 1, 2010, and shall be repealed on July 1, 2012.

(Approved June 26, 2009.)

Note

1. Edited pursuant to HRS §23G-16.5.