

ACT 29

S.B. NO. 921

A Bill for an Act Relating to Limitations of Actions.

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

SECTION 1. The legislature finds that any statute of limitations affecting a condominium association's right of action against a developer is tolled un-

til the period of developer control terminates. Current statutory language does not expressly state that tolling applies to the statute of repose that also limits actions based on construction to improve real property. The period of developer control can, in some situations, extend past the deadline set by the statute of repose.

The legislature further finds that a condominium association should have a reasonable opportunity to assert legal claims once the period of developer control terminates, notwithstanding the statute of repose. Accordingly, the purpose of this Act is to clarify that the tolling provision in section 514B-141 applies to the statute of repose.

SECTION 2. Section 514B-141, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Any statute of limitation affecting the association’s right of action against a developer is tolled until the period of developer control terminates[-]; provided that, notwithstanding section 657-8, no statute of repose shall affect the association’s right of action against a developer sooner than two years after the period of developer control terminates.¹ A unit owner is not precluded from maintaining an action contemplated by this section because the unit owner is a unit owner or a member or officer of the association. Liens resulting from judgments against the association are governed by section 514B-147.”

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 Statutory material to be repealed is bracketed and stricken.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

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

(Vetoed by Governor and veto overridden by Legislature on May 4, 2023.)

Note

1. Period should be underscored.