



GOV. MSG. NO. 775

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

June 26, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 26, 2009, the following bill was signed into law:

HB1415 HD1 SD2 CD1

A BILL FOR AN ACT  
RELATING TO SERVICE OF PROCESS.  
**ACT 158 (09)**

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

# A BILL FOR AN ACT

RELATING TO SERVICE OF PROCESS.

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

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

4 "§421I- Service of process. The board of directors of  
5 the corporation shall establish a policy to provide reasonable  
6 access to persons authorized to serve civil process in  
7 compliance with section 634- ."

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

11 "§421J- Service of process. The board shall establish  
12 a policy to provide reasonable access to persons authorized to  
13 serve civil process in compliance with section 634- ."

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



1        "§514A-        Service of process.    The board of directors  
2 shall establish a policy to provide reasonable access to persons  
3 authorized to serve civil process in compliance with section  
4 634 -        ."

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

8        "§514B-        Service of process.    The board shall establish  
9 a policy to provide reasonable access to persons authorized to  
10 serve civil process in compliance with section 634-        ."

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

14        "§634-        Service of process within a condominium,  
15 cooperative housing, or planned community.   (a) Each board of  
16 directors of an association of apartment owners governed by  
17 chapter 514A or 514B, cooperative housing corporation governed  
18 by chapter 421I, and planned community association governed by  
19 chapter 421J shall establish, if entry to the property is  
20 inaccessible to the general public, a policy to provide  
21 reasonable access as specified in subsection (b) to the building



1 or community to persons authorized to serve civil process for  
2 the purpose of serving any summons, subpoena, notice, or order  
3 on a person who is identified by the document being served as  
4 residing or present in the condominium, cooperative housing  
5 project, or planned community.

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

8 (1) Subject to any conditions as may be specified in  
9 accordance with paragraph (4), allow a person  
10 authorized to serve civil process to access common  
11 areas adjacent to a principal entry to the residence  
12 specified in accordance with paragraph (2) for the  
13 sole purpose of attempting to effect service of  
14 process;

15 (2) Require that a person authorized to serve civil  
16 process present clear personal identification and  
17 evidence that the person is authorized to serve  
18 process, including documentation clearly indicating  
19 the precise name and address, and if applicable, a  
20 unit number, of the person residing or present on the  
21 property to be served;



1        (3) Allow for denial of access to the person authorized to  
2        serve civil process if the person is unable to produce  
3        clear and credible identification and documentation as  
4        required in paragraph (2);

5        (4) Set forth conditions of time and manner according to  
6        which a person authorized to serve civil process may  
7        enter and remain in the building or community, and  
8        allow a person designated in accordance with paragraph  
9        (5) to compel a person authorized to serve civil  
10       process, who has been allowed access to the building  
11       or community but who has not acted in accordance with  
12       the conditions, to leave the building or community  
13       immediately; and

14       (5) Designate an individual, by title or position, such as  
15       a resident manager, a building manager who is located  
16       in or reasonably near the building or community, or  
17       another person who is generally available to respond  
18       to a request for access during normal business hours  
19       in a timely manner, and at least one alternate  
20       individual if the primary designee is unavailable, to



1           respond to a request for access by a person authorized  
2           to serve civil process.

3           (c) An association of apartment owners governed by chapter  
4           514A or 514B, a cooperative housing corporation governed by  
5           chapter 421I, or a planned community association governed by  
6           chapter 421J shall not be liable to:

7           (1) Any person if, after access is allowed to the building  
8           or community in accordance with this chapter, service  
9           of civil process is not actually effected for whatever  
10           reason; and

11           (2) A person upon whom service of process is actually  
12           effected in accordance with this chapter.

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

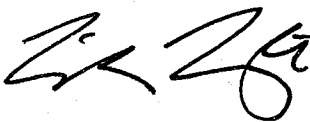


1 SECTION 6. The department of commerce and consumer affairs  
2 shall adopt or amend forms and shall adopt rules pursuant to  
3 chapter 91, Hawaii Revised Statutes, to implement this Act.

4 SECTION 7. New statutory material is underscored.

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

APPROVED this 26 day of JUN , 2009



GOVERNOR OF THE STATE OF HAWAII

