
A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 SECTION 1. The legislature finds that technological
2 advances now allow anyone to easily make audio recordings.
3 Since that technology is widely available, the legislature finds
4 that members of condominium associations that have not made
5 rules or bylaws that prohibit audio recordings should allow its
6 members to make audio recordings of association meetings for the
7 purpose of making the audio recording available to other members
8 who are unable to attend the meeting. Accordingly, the purpose
9 of this Act is to permit the audio recording of condominium
10 association meetings.

11 SECTION 2. Section 514A-83.1, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§514A-83.1 Board meetings.** (a) All meetings of the board
14 of directors, other than executive sessions, shall be open to all
15 members of the association[~~, and association~~]. Association
16 members who are not [en] members of the board of directors, may
17 participate in any deliberation or discussion, other than



1 executive sessions, unless a majority of a quorum of the board of
2 directors votes otherwise.

3 (b) The board of directors, with the approval of a majority
4 of a quorum of its members, may adjourn a meeting and reconvene in
5 executive session to discuss and vote upon personnel matters or
6 litigation in which the association is or may become involved.
7 The nature of any and all business to be considered in executive
8 session shall first be announced in open session.

9 (c) Association members or the board of directors may make
10 audio recordings of meetings of the association or the board of
11 directors, other than executive sessions, by audio tape or other
12 electronic means; provided that:

13 (1) Association bylaws do not prohibit the recording of
14 meetings;

15 (2) The board of directors is notified of a member's
16 intent to record the meeting prior to commencement of
17 the recording;

18 (3) The recording is made for the private personal use of
19 the member making the recording or of another
20 association member; and

21 (4) A recording made by the board of directors shall be
22 the official audio record of the meeting and shall be



1 made available upon request to any member of the
2 association for the personal use of the member."

3 SECTION 3. Section 514B-125, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~+~~§514B-125~~+~~ **Board meetings.** (a) All meetings of the
6 board, other than executive sessions, shall be open to all
7 members of the association~~[, and association]~~. Association
8 members who are not ~~[en]~~ members of the board may participate in
9 any deliberation or discussion, other than executive sessions,
10 unless a majority of a quorum of the board votes otherwise.

11 (b) The board, with the approval of a majority of a quorum
12 of its members, may adjourn a meeting and reconvene in executive
13 session to discuss and vote upon matters:

- 14 (1) Concerning personnel;
- 15 (2) Concerning litigation in which the association is or
16 may become involved;
- 17 (3) Necessary to protect the attorney-client privilege of
18 the association; or
- 19 (4) Necessary to protect the interests of the association
20 while negotiating contracts, leases, and other
21 commercial transactions.



1 The general nature of any business to be considered in executive
2 session shall first be announced in open session.

3 (c) All board meetings shall be conducted in accordance
4 with the most recent edition of Robert's Rules of Order Newly
5 Revised. Unless otherwise provided in the declaration or
6 bylaws, a board may permit any meeting to be conducted by any
7 means of communication through which all directors participating
8 may simultaneously hear each other during the meeting. A
9 director participating in a meeting by [~~this means is~~] an
10 authorized means of communication shall be deemed to be present
11 in person at the meeting. If permitted by the board, any unit
12 owner may participate in a meeting conducted by a means of
13 communication through which all participants may simultaneously
14 hear each other during the meeting[~~7~~]; provided that the board
15 may require that the unit owner pay for [~~the~~] any costs
16 associated with [~~the~~] participation.

17 (d) The board shall meet at least once a year. Notice of
18 all board meetings shall be posted by the managing agent,
19 resident manager, or a member of the board, in prominent
20 locations within the project seventy-two hours prior to the
21 meeting or simultaneously with notice to the board.

22 (e) A director shall not vote by proxy at board meetings.



1 (f) A director shall not vote at any board meeting on any
2 issue in which the director has a conflict of interest. A
3 director who has a conflict of interest on any issue before the
4 board shall disclose the nature of the conflict of interest
5 prior to a vote on that issue at the board meeting[7] and the
6 minutes of the meeting shall record the fact that a disclosure
7 was made.

8 "Conflict of interest", as used in this subsection, means
9 an issue in which a director has a direct personal or pecuniary
10 interest not common to other members of the association.

11 (g) Association members may make audio recordings of
12 meetings of the association or the board of directors, other
13 than executive sessions, by audio tape or other electronic
14 means; provided that:

15 (1) Association bylaws do not prohibit the recording of
16 meetings;

17 (2) The board of directors is notified of a member's
18 intent to record a meeting prior to the commencement
19 of recording;

20 (3) The recording is made for the private personal use of
21 the member making the recording or of another
22 association member; and



1 (4) A recording made by the board of directors shall be
2 the official audio record of the meeting and shall be
3 made available upon request to any member of the
4 association for the personal use of the member."

5 SECTION 4. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on July 1, 2050.

8



Report Title:

Condominiums; Association Meetings; Audio Recording

Description:

Permits members of condominium associations to make audio recordings of association meetings for personal use or use of another member with prior notice to the board; provided that the bylaws of the association do not prohibit such recording; specifies that an audio recording made by the board is the official audio record of the meeting and shall be made available to members upon request. Effective 7/1/2050. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

