

STAND. COM. REP. NO.

829

Honolulu, Hawaii

MAR 22 2011

RE: H.B. No. 1130
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 1130 entitled:

"A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS,"

begs leave to report as follows:

The purpose and intent of this measure is to repeal the sunset date of Act 158, Session Laws of Hawaii 2009, which requires that condominium associations, planned community associations, and cooperative housing developments establish an access policy for civil process servers.

Your Committee received testimony in support of this measure from the Collection Law Section of the Hawaii State Bar Association, the Hawaii Council of Associations of Apartment Owners, Bendet Fidell, and one private individual.

Your Committee finds that prior to the enactment of Act 158, Session Laws of Hawaii 2009, many condominium properties and gated communities in the State routinely denied process servers access to properties for the purpose of serving important legal documents upon residents. Your Committee further finds that Act 158 preserves the self-governance of community associations by allowing each association to develop and enforce its own reasonable rules and procedures for allowing access. Finally, your Committee finds that during the two years that Act 158 has been in effect it has been largely successful. In fact, the implementation of Act 158 has reduced the costs for parties

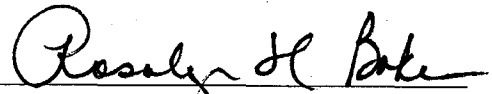


serving legal documents and it has not elicited any reported complaints from community associations.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1130, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1130, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



