

VETO

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 921

JAN 20 2023

A BILL FOR AN ACT VETO OVERRIDE

Act No. 29

Approved: *[Signature]*

Date: May 4, 2023

RELATING TO LIMITATIONS OF ACTIONS.

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

1 SECTION 1. The legislature finds that any statute of
2 limitations affecting a condominium association's right of
3 action against a developer is tolled until the period of
4 developer control terminates. Current statutory language does
5 not expressly state that tolling applies to the statute of
6 repose that also limits actions based on construction to improve
7 real property. The period of developer control can, in some
8 situations, extend past the deadline set by the statute of
9 repose.

10 The legislature further finds that a condominium
11 association should have a reasonable opportunity to assert legal
12 claims once the period of developer control terminates,
13 notwithstanding the statute of repose. Accordingly, the purpose
14 of this Act is to clarify that the tolling provision in section
15 514B-141 applies to the statute of repose.

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



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

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 Statutory material to be repealed is bracketed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

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

15

INTRODUCED BY: _____

Karl Rhoad




THE SENATE OF THE STATE OF HAWAI'I

Date: May 2, 2023
Honolulu, Hawai'i

We hereby certify that, pursuant to Sections 16 and 17 of Article III of the Hawaii State Constitution, the Senate of the State of Hawai'i, on this date reconsidered Senate Bill No. 921, heretofore vetoed as contained in a Governor's Message dated April 21, 2023, and approved said bill by an affirmative vote of two-thirds of all Members to which the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023, is entitled.



President of the Senate



Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAI'I

Date: May 4, 2023
Honolulu, Hawai'i

We hereby certify that, pursuant to Sections 16 and 17 of Article III of the Hawai'i State Constitution, the House of Representatives of the State of Hawai'i, on this date reconsidered Senate Bill No. 921, heretofore vetoed as contained in a Governor's Message dated April 21, 2023, and approved said bill by an affirmative vote of two-thirds of all Members to which the House of Representatives of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023, is entitled.


Speaker, House of Representatives


Chief Clerk, House of Representatives