
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 process servers in compliance with section 634- ."

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

10 "§421J- Service of process. The board shall establish a
11 policy to provide reasonable access to process servers in
12 compliance with section 634- ."

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

16 "§514A- Service of process. The board of directors
17 shall establish a policy to provide reasonable access to process
18 servers in compliance with section 634- ."

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

4 "§514B- Service of process. The board shall establish a
5 policy to provide reasonable access to process servers in
6 compliance with section 634- ."

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

10 "§634- Service of process within a condominium,
11 cooperative housing, or planned community. (a) Each board of
12 directors of an association of apartment owners governed by
13 chapter 514A or chapter 514B, cooperative housing corporation
14 governed by chapter 421I, and planned community association
15 governed by chapter 421J shall establish a policy to provide
16 reasonable access as specified in subsection (b) to the building
17 or community to process servers for the purpose of serving any
18 summons, subpoena, notice, or order on a person who is
19 identified by the document being served as residing or present
20 in the condominium, cooperative housing project, or planned
21 community.

- 1 (b) The policy established pursuant to subsection (a)
2 shall:
- 3 (1) Allow a process server to access common areas adjacent
4 to a principal entry to the relevant residence within
5 the building or community;
- 6 (2) Require that a process server present clear personal
7 identification and evidence that the person is
8 authorized to serve process, including documentation
9 clearly indicating the precise name and address, and
10 if applicable, a unit number, of the resident or
11 person staying on the property to be served;
- 12 (3) Allow for denial of access to the process server if
13 the process server is not able to produce clear and
14 credible identification and documentation as required
15 in paragraph (2); and
- 16 (4) Designate an individual, by title or position, such as
17 a resident manager, a building manager who is located
18 in or reasonably near the building or community, or
19 another person who is generally available to respond
20 to a request for access in a timely manner, and at
21 least one alternate individual in the event that the

1 primary designee is not available to respond to a
2 process server's request for access.

3 (c) As of January 1, 2010, each board of directors of an
4 association of apartment owners of a condominium, cooperative
5 housing corporation, or planned community association shall
6 identify the designees specified in subsection (b)(4) in its
7 biennial registration, in the case of a condominium, or on its
8 annual corporate filing, in the case of a cooperative housing
9 corporation or a planned community association."

10 SECTION 6. The department of commerce and consumer affairs
11 shall adopt or amend forms and shall adopt rules pursuant to
12 chapter 91, Hawaii Revised Statutes, for the purposes of
13 facilitating implementation of this Act.

14 SECTION 7. New statutory material is underscored.

15 SECTION 8. This Act shall take effect upon its approval.

Report Title:

Service of Process; Condominiums; Planned Community
Associations; Cooperative Housing

Description:

Requires condominium associations, planned community
associations, and cooperative housing corporations to establish
a policy to designate a representative to provide entry for a
process server. (SD1)