
From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 21, 2011 4:36 PM
To: HSGtestimony
Cc: czahn@hawaii.rr.com
Subject: Testimony for HB1130 on 2/23/2011 2:00:00 PM

Testimony for HSG 2/23/2011 2:00:00 PM HB1130

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Charles Zahn
Organization: Individual
Address:
Phone:
E-mail: czahn@hawaii.rr.com
Submitted on: 2/21/2011

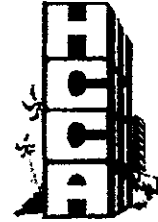
Comments:



**Hawaii Council of Associations
of Apartment Owners
DBA: Hawaii Council of Community Associations**

P.O. Box 726, Aiea, HI, 96701

Tel: 485-8282 Fax: 485-8288 HCAAO@hawaii.rr.com



February 19, 2011

Rep. Robert Herkes, Chair
Rep. Ryan Yamane, Vice-Chair
House Committee on Consumer Protection & Commerce

Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice-Chair
House Committee on Judiciary

RE: Testimony in Support of HB 1130 Relating Service of Process
Hearing: Wednesday, Feb. 23, 2011, 2 p.m. Conf. Rm. #325

Chairs Herkes and Keith-Agaran, Vice-Chairs Yamane and Rhoads and Members of the Joint-Committee:

I am Jane Sugimura, President of the Hawaii Council of Associations of Apartment Owners (HCAAO) and we respectfully ask that you pass this bill out unamended and allow removal of the sunset provision.

HCAAO supported the original 2009 bill, which required condo, co-op and planned community associations to develop rules and procedures that would allow process servers access to their secured buildings and gated communities to serve civil complaints and other process. During the 2009 session, we testified regarding some concerns we had and the bill was amended to address those concerns.

The law has been in effect for almost 2 years and we have had not heard complaints from associations regarding this particular issue; however, I know that associations have developed their procedures and implemented their policies because I've heard grumblings from process servers about the access procedures. Although they grumble, they are getting access where they weren't getting access before enactment of this law. Since it appears that this law is working there is no need for the sunset provision.

Thank you for the opportunity to testify.


Jane Sugimura

EDWARD R. BENDET
JAY M. FIDELL
YURIKO J. SUGIMURA
THOMAS R. SYLVESTER*
KEITH S. AGENA
LORI LEI Y. HIJII
DOMINIQUE M. TANSLEY
JENNIFER L. STRINGFELLOW

BENDET FIDELL

ATTORNEYS AT LAW
A LAW CORPORATION
SUITE 1500
DAVIES PACIFIC CENTER
841 BISHOP STREET
HONOLULU, HAWAII 96813

AREA CODE 808

TELEPHONE 524-0544
TELEFAX 521-7739

lawyers@bendetfidell.com
WWW.BENDETFIDELL.COM

*Also licensed in California

February 21, 2011

Rep. Robert Herkes, Chair
Rep. Ryan Yamane, Vice-Chair
House Committee on Consumer Protection & Commerce

Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice-Chair
House Committee on Judiciary

RE: Testimony in Support of
HB 1130 Relating Service of Process
Hearing: Wednesday, Feb. 23, 2011, 2 p.m. Conf. Rm. #325

Chairs Herkes and Keith-Agaran, Vice-Chairs Yamane and Rhoads and Members
of the Joint-Committee:

I am Jane Sugimura and I am a principal in this firm and we support this bill.

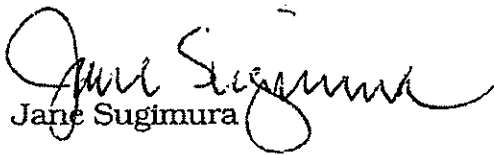
I am also member of the Board of Directors of the Collection Law Section of the
Hawaii State Bar Association and this testimony is also being submitted on its
behalf

I have been practicing law for over 25 years in the State of Hawaii and have
personal knowledge of some of the challenges experienced by private process
servers who attempt to serve legal papers, e.g., civil complaints, Writs of various
nature, bench warrants, subpoenas, etc., on parties who reside in secured
apartment buildings or gated communities. Act 159 allows access to those
secured buildings and gated communities based on reasonable rules developed
and promulgated by the homeowners associations who manage or operate those
buildings and communities.

HB 1130 Relating to Service of Process
Joint House Committee on Consumer Protection & Commerce and Judiciary
February 21, 2011
Page 2

In the 2 years that this law has been in effect, I have not heard any complaints that process servers are being denied access to secured buildings or gated communities and it appears that this law is working. Accordingly, there is no reason for a sunset provision in the law and we ask that it be eliminated by passing this bill.

Thank you for allowing me to testify on this bill.


Jane Sugimura



Collection Law Section

Chair:
Steven Guttman

Vice Chair:
William J. Plum

Secretary:
Thomas J. Wong

Treasurer:
Arlette S. Harada

Directors:
Lynn Araki-Regan
Marvin S.C. Dang
David C. Farmer
Christopher S.
Goodwin
Steven Guttman
Arlette S. Harada
James Hochberg
Elizabeth A. Kane
William J. Plum
David B. Rosen
Mark T. Shklov
Yuriko J. Sugimura
Thomas J. Wong

Reply to:

STEVEN GUTTMAN, CHAIR
220 SOUTH KING STREET, SUITE 1900
HONOLULU, HAWAII 96813
TELEPHONE: (808) 536-1900
FAX: (808) 529-7177 E-MAIL: sguttman@kdubm.com

February 22, 2011

Rep. Gilbert S.C. Keith-Agaran, Chair
House Judiciary Committee
State of Hawaii

Rep. Robert N. Herkes
House Consumer Protection & Commerce Committee
State of Hawaii

RE: TESTIMONY IN SUPPORT OF HB 1130
RELATING TO SERVICE OF PROCESS
HEARING 2/23/11 @ 2:00 PM

Dear Rep. Keith-Agaran, Rep. Herkes, and Committee Members:

The Collection Law Section of the Hawaii State Bar Association supports passage of HB 1130.¹ HB 1130 repeals the sunset date for Act 158 of the Session Laws of Hawaii 2009 ("Act 158"). Act 159 requires condominium associations, planned community associations, and cooperative housing corporations to establish an access policy for civil process servers to serve legal documents upon the residents of those groups. Prior to Act 159, many condominium buildings and gated communities would not allow process servers to enter to serve people who resided in those buildings and gated communities. Act 159 changed that situation by requiring that rules be put in place for access during reasonable hours. Act 159 has been a large success and has provided parties a way to have important legal documents served. Additionally, it has reduced costs to parties needing documents served since process servers now often times do not have to wait hours for someone to leave a building or have to resort to service by publication.

Thank you.

Respectfully,

/s/ Bill Plum
Bill Plum
Vice Chair

cc: Steve Guttman
Lyn Flanigan
\\hb1130-a

LATE TESTIMONY

¹ The opinions of the Collection Law Section are not necessarily the opinions of the Hawaii State Bar Association proper.