

HB1130

Measure Title: RELATING TO SERVICE OF PROCESS.

Report Title: Service of Process; Access Policy

Description: Repeals the sunset date of Act 158, Session Laws of Hawaii 2009, which required condominium associations, planned community associations, and cooperative housing corporations to establish an access policy for civil process servers.

Companion:

Package: None

Current Referral: CPN, JDL



Collection Law Section

Chair:
Steven Guttman

Vice Chair:
William J. Plum

Secretary:
Thomas J. Wong

Treasurer:
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Reply to:

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March 11, 2011

Senator Rosalyn H. Baker, Chair
Senate Commerce and Consumer Protection Committee
State of Hawaii

RE: TESTIMONY IN SUPPORT OF HB 1130
RELATING TO SERVICE OF PROCESS
HEARING 3/15/11 @ 9:00 AM

Dear Senator Baker 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 big success and has provided parties a way to have important legal documents served. Additionally, it has reduced costs to parties serving documents by often eliminating the need to effect service by publication in the newspaper and by often eliminating the need for process servers to sit in front of a building for hours waiting for the person they want to serve to exit.

Thank you.

Respectfully,

/s/ Bill Plum
Bill Plum
Vice Chair

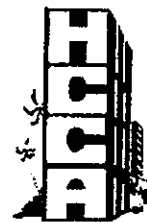
cc: Steve Guttman
Lyn Flanigan
\\hb1130-b

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



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

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March 12, 2011

Sen. Rosalyn Baker, Chair
Sen. Brian Taniguchi, Vice-Chair
Senate Committee on Commerce & Consumer Protection

RE: Testimony in Support of HB 1130 Relating Service of Process
Hearing: Tuesday, March 15, 2011, 9 a.m. Conf. Rm. #229

Chair Baker, Vice-Chair Taniguchi and Members of the 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 grumbings 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

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March 12, 2011

Sen. Rosalyn Baker, Chair
Sen. Brian Taniguchi, Vice-Chair
Senate Committee on Commerce & Consumer Protection

RE: Testimony in Support of
HB 1130 Relating Service of Process
Hearing: Tuesday, March 15, 2011, 9 a.m. Conf. Rm. #229

Chair Baker, Vice-Chair Taniguchi and Members of the Committee:

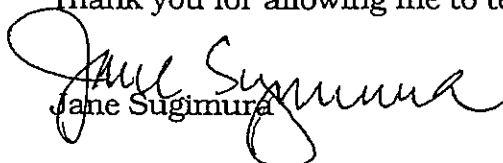
I am Jane Sugimura and I am a principal in this firm and we support this bill.

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.

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

Peggy Mierzwa

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 12, 2011 4:13 PM
To: CPN Testimony
Cc: czahn@hawaii.rr.com
Subject: Testimony for HB1130 on 3/15/2011 9:00:00 AM

Testimony for CPN 3/15/2011 9:00:00 AM HB1130

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Charles Zahn
Organization: Individual
Address:
Phone:
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Submitted on: 3/12/2011

Comments: