

JAN 20 2012

A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 SECTION 1. Section 514A-83.3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§514A-83.3 Membership list.** The resident manager or
4 managing agent or board of directors shall keep an accurate and
5 current list of members of the association of apartment owners and
6 their current addresses and the names and addresses of the vendees
7 under an agreement of sale, if any. The list shall be maintained
8 at a place designated by the board of directors and a copy shall
9 be available, at cost, to any member of the association as
10 provided in the declaration or bylaws or rules and regulations or,
11 in any case, to any member who furnishes to the resident manager
12 or managing agent or board of directors a duly executed and
13 acknowledged affidavit stating that the list:

- 14 (1) Shall be used by such owner personally and only for
15 the purpose of soliciting votes or proxies or
16 providing information to other owners with respect to
17 association matters [~~—~~and] ;



- 1 (2) Shall not be used by such owner or furnished to anyone
2 else for any other purpose[-]; and
3 (3) Shall be made available to the member in electronic
4 form at the member's option.

5 No board of directors shall adopt any rule prohibiting the
6 solicitation of proxies or distribution of materials relating to
7 association matters on the common elements by apartment owners;
8 provided that a board of directors may adopt rules regulating
9 reasonable time, place, and manner of such solicitations or
10 distributions, or both. A board of directors may prohibit
11 commercial solicitations."

12 SECTION 2. Section 514B-153, Hawaii Revised Statutes, is
13 amended by amending subsection (e) to read as follows:

14 "(e) The managing agent, resident manager, or board shall
15 keep an accurate and current list of members of the association
16 and their current addresses, and the names and addresses of the
17 vendees under an agreement of sale, if any. The list shall be
18 maintained at a place designated by the board, and a copy shall
19 be available, at cost, to any member of the association as
20 provided in the declaration or bylaws or rules and regulations
21 or, in any case, to any member who furnishes to the managing



1 agent or resident manager or the board a duly executed and
2 acknowledged affidavit stating that the list:

3 (1) Will be used by the owner personally and only for the
4 purpose of soliciting votes or proxies or providing
5 information to other owners with respect to
6 association matters; [and]

7 (2) Shall not be used by the owner or furnished to anyone
8 else for any other purpose[~~-~~]; and

9 (3) Shall be made available to the member in electronic
10 form at the member's option.

11 A board may prohibit commercial solicitations.

12 Where the condominium project or any units within the
13 project are subject to a time share plan under chapter 514E, the
14 association shall only be required to maintain in its records
15 the name and address of the time share association as the
16 representative agent for the individual time share owners unless
17 the association receives a request by a time share owner to
18 maintain in its records the name and address of the time share
19 owner."

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



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

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INTRODUCED BY:

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S.B. NO. 2295

Report Title:

Association of Apartment Owners; Membership List

Description:

Creates the option for members of associations of apartment owners to access an association membership list and contact information for vendees under an agreement of sale in an electronic form.

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