

JAN 19 2018

A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 SECTION 1. Section 514A-83.5, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) Owners shall also be permitted to view proxies, tally
4 sheets, ballots, owners' check-in lists, and the certificate of
5 election for a period of thirty days following any association
6 meeting; provided:

7 (1) That the board may require owners to furnish to the
8 association a duly executed and acknowledged affidavit
9 stating that the information is requested in good
10 faith for the protection of the interest of the
11 association or its members or both; and

12 (2) That owners pay for administrative costs in excess of
13 [~~eight~~] forty hours per year.

14 Proxies and ballots may be destroyed [~~following the thirty day~~
15 ~~period.~~] five years after the association meeting. Copies of
16 tally sheets, owners' check-in lists, and the certificates of
17 election from the most recent association meeting shall be



1 provided to any owner upon the owner's request; provided that the
2 owner pay a reasonable fee for duplicating, postage, stationery,
3 and other administrative costs associated with handling the
4 request."

5 SECTION 2. Section 514A-85, Hawaii Revised Statutes, is
6 amended by amending subsection (d) to read as follows:

7 "(d) No person shall knowingly make any false certificate,
8 entry, or memorandum upon any of the books or records of any
9 managing agent or association. No person shall knowingly alter,
10 destroy, mutilate, or conceal any books or records of a managing
11 agent or association. The acts prohibited by this subsection
12 shall be punishable as forgery in the third degree under section
13 708-853 or as obstruction of justice under section 710-1072.5, as
14 applicable."

15 SECTION 3. Section 514B-154, Hawaii Revised Statutes, is
16 amended as follows:

17 1. By amending subsection (c) to read:

18 "(c) After any association meeting, and not earlier, unit
19 owners shall be permitted to examine proxies, tally sheets,
20 ballots, owners' check-in lists, and the certificate of
21 election; provided that:



1 (1) Owners shall make a request to examine the documents
2 within thirty days after the association meeting;

3 (2) The board may require owners to furnish to the
4 association a duly executed and acknowledged affidavit
5 stating that the information is requested in good
6 faith for the protection of the interest of the
7 association or its members or both; and

8 (3) Owners shall pay for administrative costs in excess of
9 ~~[eight]~~ forty hours per year.

10 ~~[If there are no requests to examine proxies and ballots,~~
11 ~~the] The documents may be destroyed ~~[thirty days]~~ five years~~

12 after the association meeting. ~~[If there are requests to~~
13 ~~examine proxies and ballots, the documents shall be kept for an~~
14 ~~additional sixty days, after which they may be destroyed.]~~
15 Copies of tally sheets, owners' check-in lists, and the
16 certificates of election from the most recent association
17 meeting shall be provided to any owner upon the owner's request;
18 provided that the owner pays a reasonable fee for duplicating,
19 postage, stationery, and other administrative costs associated
20 with handling the request."

21 2. By amending subsection (i) to read:



1 "(i) No person shall knowingly make any false certificate,
2 entry, or memorandum upon any of the books or records of any
3 managing agent or association. No person shall knowingly alter,
4 destroy, mutilate, or conceal any books or records of a managing
5 agent or association. The acts prohibited by this subsection
6 shall be punishable as forgery in the third degree under section
7 708-853 or as obstruction justice under section 710-1072.5, as
8 applicable."

9 SECTION 4. Section 710-1072.5, Hawaii Revised Statutes, is
10 amended by amending subsection (1) to read as follows:

11 "(1) A person commits the offense of obstruction of
12 justice if the person intentionally engages in the following
13 conduct:

14 (a) When called as a witness and having been granted
15 immunity pursuant to chapters 480 and 621C before or
16 after having been qualified as a witness, shall refuse
17 to testify or be qualified as a witness when duly
18 directed to testify or be qualified as a witness[-];

19 or

20 (b) When knowingly making any false certificate, entry, or
21 memorandum upon any of the books or records of any



1 managing agent or association or when knowingly
 2 altering, destroying, mutilating, or concealing any
 3 books or records of a managing agent or association,
 4 under section 514A-85(d) or 514B-154(i)."

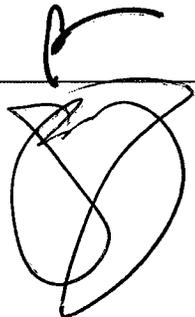
5 SECTION 5. This Act does not affect rights and duties that
 6 matured, penalties that were incurred, and proceedings that were
 7 begun before its effective date.

8 SECTION 6. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect upon its approval.

11

INTRODUCED BY:


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S.B. NO. 2624

Report Title:

Condominiums; Voting Documents; Administrative Costs; Retention; Association Books and Records

Description:

Requires owners to pay for administrative costs, related to voting documents, in excess of forty hours per year. Requires proxies and ballots to be retained for five years. Criminalizes knowingly making any false certificate, entry, or memorandum upon any of the books or records of any managing agent or association and knowingly altering, destroying, mutilating, or concealing any books or records of a managing agent or association.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

