

JAN 20 2023

A BILL FOR AN ACT

RELATING TO LIMITATIONS OF ACTIONS.

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

1 SECTION 1. The legislature finds that any statute of
2 limitations affecting a condominium association's right of
3 action against a developer is tolled until the period of
4 developer control terminates. Current statutory language does
5 not expressly state that tolling applies to the statute of
6 repose that also limits actions based on construction to improve
7 real property. The period of developer control can, in some
8 situations, extend past the deadline set by the statute of
9 repose.

10 The legislature further finds that a condominium
11 association should have a reasonable opportunity to assert legal
12 claims once the period of developer control terminates,
13 notwithstanding the statute of repose. Accordingly, the purpose
14 of this Act is to clarify that the tolling provision in section
15 514B-141 applies to the statute of repose.

16 SECTION 2. Section 514B-141, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:



S.B. NO. 921

Report Title:

Condominiums; Developers; Statute of Repose; Tolling

Description:

Clarifies that no statute of repose shall affect a condominium association's right of action against a condominium developer sooner than two years after the period of developer control terminates.

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

