STAND. COM. REP. NO.

Honolulu, Hawaii

MAR 2 1 , 2023

RE: S.B. No. 921

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-Second State Legislature Regular Session of 2023 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 921 entitled:

"A BILL FOR AN ACT RELATING TO LIMITATIONS OF ACTIONS,"

begs leave to report as follows:

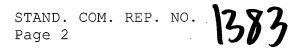
The purpose of this measure is to clarify that the tolling provision regarding actions by a condominium association against a developer applies to the statute of repose.

Your Committee received testimony in support of this measure from the Hawaii Council for Associations of Apartment Owners and three individuals.

Your Committee finds that under existing law, the period to bring an action against a developer is tolled for the period the developer retains control of the condominium project. This is necessary to prevent a developer from avoiding responsibility for design or construction defects simply by maintaining control of an association until after the statute of limitations period expires.

However, your Committee further finds that existing law does not expressly address the effect of the statute of repose applicable to construction to improve real property. This measure ensures that the statute of repose shall not affect an association's right of action against a developer sooner than two years after the period of developer control terminates.





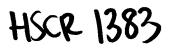
As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 921 and recommends that it pass Second Reading and be referred to your Committee on Judiciary & Hawaiian Affairs.

> Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

MARK M. NAKASHIMA, Chair



State of Hawaii House of Representatives The Thirty-second Legislature



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.:	Committee Referral: CPC, JHA	Date	3-14-Z	3
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Image: Pass, unamended (as is) Image: Pass, with amendments (HD) Image: Hold Image: Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	/			· · ·
				A CONTRACTOR
2. SAYAMA, Jackson D. (VC)				
3. AMATO, Terez				
			702775	
4. BELATTI, Della Au				
5. HASHEM, Mark J.				
		12 8 3 4		
6. HUSSEY-BURDICK, Natalia				-
7. GATES, Cedric Asuega				
8. LOWEN, Nicole E.			2	
			<u> 248.6 </u>	
9. ONISHI, Richard H.K.				
10. TAM, Adrian K.				
IV. TAWI, Aurian K.				
11. PIERICK, Elijah				
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TOTAL (11)	8			3
The recommendation is: Image: Adopted image: Display the second seco				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				