

ACT 72

S.B. NO. 2793

A Bill for an Act Relating to Horizontal Property Regime.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 514A-32, Hawaii Revised Statutes, is amended to read as follows:

**“§514A-32 Questionnaire and filing fee.** The notice of intention shall be accompanied by a fee [of \$250] as provided in rules adopted by the director of commerce and consumer affairs pursuant to chapter 91 and by a verified copy of a questionnaire properly filled in. The questionnaire shall be in such form and content as will require full disclosure of all material facts reasonably available.”

SECTION 2. Section 514A-36, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) [No additional fee shall be imposed for the issuance by the commission of the first public report.] The developer shall be assessed a fee [of \$150] as provided in the rules adopted by the director of commerce and consumer affairs pursuant to chapter 91, for the issuance of a subsequent public report and [\$75] for the issuance of a supplementary public report.”

SECTION 3. Section 514A-38, Hawaii Revised Statutes, is amended to read as follows:

**“§514A-38 Request for public report or hearing by developer.** If, within thirty days after notice of intention is properly filed pursuant to sections 514A-31 and 514A-32, a public report has not been issued by the real estate commission, the developer may, in writing, request of the commission that the report be prepared by a private consultant, and when requested by the commission, the director of

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commerce and consumer affairs may contract with private consultants for the preparation of public reports prescribed in this chapter. The cost of preparation of public reports by private consultants shall be borne by the developer[; provided that upon payment of the cost of the first public report, the developer shall be reimbursed one-half of the filing fee paid under section 514A-32, or upon payment of the cost of subsequent or supplementary public reports, the developer shall be reimbursed one-half of the respective fee assessed therefor under this chapter]. If the commission does not request the director to let the contract, or if the director determines not to let the contract, or when a final or preliminary public report is not otherwise issued within a reasonable time after notice of intention is properly filed pursuant to sections 514A-31 and 514A-32, or when a substitute public report is not issued within a reasonable time after requested or required, or if the developer is materially grieved by the form or content of a public report, the developer may, in writing, request and shall be given a hearing by the real estate commission within a reasonable time after receipt of request.”

SECTION 4. Section 514A-95, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) All managing agents doing business in this State on July 1, 1984, shall register with the real estate commission before January 1, 1985. Any person who becomes a managing agent after July 1, 1984, shall register with the commission by January 1, 1985, or not later than one week after becoming a managing agent, whichever is later. Every managing agent shall pay an initial registration fee [of \$25 and a reregistration<sup>1</sup> of \$15.] as provided in the rules adopted by the director of commerce and consumer affairs pursuant to chapter 91. Reregistration shall be on a biennial basis. Registration fees shall be placed in the special fund established under section 26-9(m) for compliance resolution.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 14, 1988.)

### Note

1. Prior to amendment “fee” appeared here.