

ACT 186

S.B. NO. 2704

A Bill for an Act Relating to Mandatory Seller Disclosures.

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

SECTION 1. Chapter 508D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§508D- Release or waiver of construction defect. Any release from or waiver of liability, or release from a warranty by a seller to any government agency, contractor as defined in section 444-1, or engineer, architect, land surveyor, or landscape architect licensed to practice that profession under chapter 464, for any defect, mistake, or omission in the design or construction of any residential real property that measurably affects the value of the residential real property is a material fact that shall be contained in a disclosure statement.”

SECTION 2. Section 508D-1, Hawaii Revised Statutes, is amended by amending the definition of “disclosure statement” to read as follows:

“Disclosure statement” means a written statement prepared by the seller or at the seller’s direction, that purports to fully and accurately disclose all material facts relating to the residential real property being offered for sale that:

- (1) Are within the knowledge or control of the seller;
- (2) Can be observed from visible, accessible areas; or
- (3) Are required to be disclosed under ~~[section]~~ sections 508D-15[-] and 508D-__.

Except for the disclosures required under section 508D-15, no seller shall have any duty to examine any public records when preparing a disclosure statement.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

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

(Approved July 8, 2004.)

Note

1. Edited pursuant to HRS §23G-16.5.