

STAND. COM. REP. NO.

619

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 1491  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 1491 entitled:

"A BILL FOR AN ACT RELATING TO DISTRICT COURTS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify the  
circumstances under which a District Court may serve a summons or  
other writ outside of the State.

Your Committee received testimony in support of this measure  
from the Collection Law Section of the Hawaii State Bar  
Association.

Your Committee finds that this measure is an attempt to  
remedy potential areas of confusion arising out of two statutory  
sections pertaining to service of process. Specifically, section  
604-7, Hawaii Revised Statutes, describes the authority of the  
District Court to issue a summons or other writ outside of the  
State, while the provisions of chapter 634, Hawaii Revised  
Statutes, contains provisions regarding service that are  
applicable in all civil actions. Confusion has arisen because the  
specific statutes regarding service referenced in section 604-7,  
Hawaii Revised Statutes, do not specifically include all of the  
service provisions that are available in chapter 634, Hawaii  
Revised Statutes. This measure is intended to amend section  
604-7, Hawaii Revised Statutes, to clarify that the service  
provisions within chapter 634, Hawaii Revised Statutes, apply to  
the civil actions in the District Courts.

2011-1632 SSCR SMA.doc



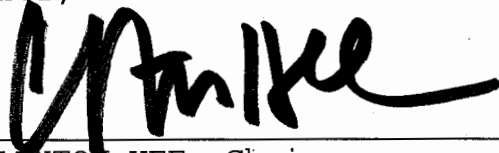
Your Committee notes that the commentary to Rule 4(e) of the Hawaii District Court Rules of Civil Procedure states that sections 634-34, 634-35, and 634-36, Hawaii Revised Statutes, regarding service of process, appear to apply to District Court. Your Committee agrees with this commentary but believes that this measure will resolve any ambiguities regarding this matter.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1491, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1491, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,




CLAYTON HEE, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB1491</b>	Committee Referral: <b>JDL</b>	Date: <b>3/3/11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes