

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

**TED SAKAI**  
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Deputy Director  
Law Enforcement

TESTIMONY ON HOUSE BILL (HB) 1625  
RELATING TO  
CIVIL PROCESS

by  
Ted Sakai, Director  
Department of Public Safety

House Committee on Public Safety  
Representative Henry J.C. Aquino, Chair  
Representative Kaniela Ing, Vice Chair

Thursday, February 06, 2014; 10:00 a.m.  
State Capitol, Conference Room 309

Chair Aquino, Vice Chair Ing, and Members of the Committee:

The Department of Public Safety (PSD) **supports** HB 1625, which will allow modest increases in the fee schedule for the service of civil process in the state. The last comprehensive review of the fee schedule for the service of civil process occurred several years ago, and economic, as well as business conditions have changed since then. The Civil Process Server Working Group will be reviewing the issue of fees and will include recommendations in the final report to the Legislature. In addition, the Civil Process Server Working Group will be requesting a "Sunrise Analysis" be conducted on the service of process in Hawaii by the Department of Commerce and Consumer Affairs.

Thank you for the opportunity to present this testimony.



## Collection Law Section

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*Reply to:* **STEVEN GUTTMAN, CHAIR**  
**220 SOUTH KING STREET SUITE 1900**  
**HONOLULU, HAWAII 96813**  
**TELEPHONE: (808) 536-1900**  
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**E-MAIL: sguttman@kdubm.com**

February 4, 2014

Rep. Roy M. Takumi, Chair  
Rep. Kaniela Ing, Vice-Chair  
House Committee on Public Safety

**Re: HB 1625 Relating to Civil Process**  
**Hearing: Monday, Feb. 6, 2014, 10:00 a.m.**

Dear Chair Takumi, Vice-Chair Ing and Members of the Committee:

This testimony is being submitted on behalf of the Collection Law Section of the Hawaii Bar Association ("CLS").<sup>1</sup> The CLS believes the proposals raised in this bill would best be considered *after* the completion of the work currently being conducted by the Task Force on Civil Process, which will be reporting to the Legislature next session. With that report, the CLS believes this committee will be in a better position to not only deal with the proposals presented in this bill, but will also be in a position to consider a comprehensive approach to the many issues relating to the service of process that the Task Force is looking at.

If this committee should decide not to wait for that report, then the CLS opposes two specific provisions of the bill. The first provision deals with execution sales and similar. Execution sales are the sale of property, real or personal, usually on the court house steps, in order to satisfy a judgment. Currently, process servers get a percentage of that sale based on the amount of the sales price of the asset sold. Under HB 1625, those percentages are increased. See page 2, lines 1 and 2 and page 5, lines 18 and 19. If the purpose of this bill is to address the effects of inflation, as it appears it is, then increasing the *percentage* allowed from each dollar collected as a result of the process server's services is not only not necessary, it is incorrect. The reason is because an adjustment for inflation is *already* built into the equation every time a process server makes a sale. To view it otherwise would mean that if all the people in the world who earn a living based on a receiving a percentage of the sales price of every item they sold, asked for increases in that percentage each year to "cover" inflation, those

<sup>1</sup> *The comments and recommendations submitted reflect the position and viewpoint of the Collection Law Section of the HSBA. The position and viewpoint has not been reviewed or approved by the HSBA Board of Directors, and is not necessarily the same of the Hawaii State Bar Association.*

February 4, 2014  
Page 2

individuals would eventually be entitled to 100% of the price of the sale. There would be nothing left.

The second provision at issue is an increase in the fee for alternate forms of payment from \$50 per hour to \$75 per hour, as noted on page 3, line 12 and page 6, line 20. There is no need to increase that amount.

Thank you.

/S/ William J. Plum

William J. Plum  
Vice-Chair

cc: Steven Guttman  
Patricia A. Mau-Shimizu

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 06, 2014 8:48 AM  
**To:** pbstestimony  
**Cc:** TSF629@YAHOO.COM  
**Subject:** \*Submitted testimony for HB1625 on Feb 6, 2014 10:00AM\*



**HB1625**

Submitted on: 2/6/2014

Testimony for PBS on Feb 6, 2014 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
ANTHONY shannon	HAWAII DEPUTY SHERIFF'S ASSOCIATION	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Daniel H. Toyama  
Civil Process Server  
1665 Hoohei Street  
Pearl City, Hawaii 96782-1640

Cell: (808) 222-6012

**LATE**

February 5, 2014

TO: REPRESENTATIVE HENRY J.C. AQUINO, CHAIR;  
REPRESENTATIVE KANIELA ING, VICE CHAIR;  
SHARON E. HAR, LINDA ICHYAMA, MARK M. NAKASHIMA, GREGG  
TAKAYAMA, ROY M. TAKUMI, RYAN L. YAMANE, KYLE T. YAMASHITA,  
BOB McDERMOTT, MEMBERS OF THE HOUSE COMMITTEE ON PUBLIC  
SAFETY

RE: HB1625, RELATING TO CIVIL PROCESS

My name is Daniel H. Toyama and I support HB1625 for the following reasons:

- I have been a civil process server since 1997 and has had only one raise in the fees, which occurred in 2001.
- While the debate continues as to whether all persons serving legal documents need to charge the fees in Hawaii Revised Statutes (HRS), Sections 604-4 and 607-8, the need to increase the fees is necessary to continue to have civil process servers that follow the HRS and provide a means for the general public to have a basis of cost.
- Currently, only the independent civil process servers on the department of public safety's list under HRS, section 353C-10 needs to comply with HRS, Sections 604-4 and 607-8.
- The majority of our cost for service is the amount spent on our means of transportation. Gasoline prices, as well as other petroleum products has at least doubled since 2001.

I kindly ask for your continued support in HB 1625. If you have any questions, please feel free to contact me via e-mail, [dhtoyama@gmail.com](mailto:dhtoyama@gmail.com) or cellular phone, 808-222-6012.

Mahalo,

  
DANIEL H. TOYAMA

TO: MR, AQUINO.  
VIA: HOUSE, MR OSHIRO.  
FROM: ELROY AKANA.  
SUBJECT: HOUSE BILL 1625

Testimony written by Elroy Akana on, 2-5-14 In support of House Bill 1625 regarding increase in process serving fee from \$25.00 to \$40.00. Second is the support of increase from mileage fee from \$.40 to \$.60 cents per mile.

I Elroy Akana, is in support of both increases due to inflation and the ever changing economy. This bill has last been addressed in 2001. National average statistics showed a major spike in gas prices in Hawaii 2001 which was \$1.75 for unleaded fuel alone. The national average gas price for 2013 was \$3.94 for unleaded fuel. Statistics will speak for itself when it comes to living conditions in this growing economy like Hawaii.

I hope this bill will be passed in order to live a more comfortable and sustainable lifestyle.

This letter is respectfully sent for your perusal.

Thank you, Elroy Akana



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 06, 2014 5:22 AM  
**To:** pbstestimony  
**Cc:** lester@leu-okuda.com  
**Subject:** Submitted testimony for HB1625 on Feb 6, 2014 10:00AM



**HB1625**

Submitted on: 2/6/2014

Testimony for PBS on Feb 6, 2014 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Lester Leu	Leu, Okuda & Doi	Support	No

Comments: We support HB 1625. We enlist the services of the civil process servers on all of the islands for serving our court pleadings. These process servers are serve an important role in every civil case---assuring they make good service of the complaint so that the defendants have full notice and due process in defending the matter. We have seen countless times where are civil process servers have gone beyond the call in making numerous attempts to serve and assisting us in locating defendants. The proposed fee schedule in this bill is fair and reasonable. Thank you.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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ing2-Travis

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**From:** Richard Mitchell <joshkaimitch@hawaii.rr.com>  
**Sent:** Wednesday, February 05, 2014 10:28 PM  
**To:** pbstestimony  
**Subject:** HB1625

**LATE**

02/05/2014  
Richard K. Mitchell

The Honorable Henry J.C. Aquino  
House of Representatives  
Twenty-Seventh Legislature 2014  
State of Hawaii

RE: Support for HB 1625-Relating to Civil Process increase in Fees

Dear Honorable Member Henry J.C. Aquino:

I am in support for HB 1625. I feel this bill is way over due. If you look at the last time we had an increase in service fees it was in 2001. I have been a Civil Deputy and Civil Process Server for 23 yrs.

We are way below the national average for service fees for serving of process, and yet pay the highest gas prices in the United States. Our inflation rate has risen to do business in Hawaii yet we are still Being subject to low service fees. Our fees should reflect the importance of our Judiciary system of Civil Process serving.

I very much look forward to working with the sponsors of HB 1625 to share our views and working together to achieve passage of legislation.

Thank you.



**LATE**

February 05, 2014

Mr. Henry J.C. Aquino (D)  
Hawaii State Capitol, Room 419  
H District 38, Waipahu  
Phone 808-586-6520  
E-Mail: [repaquino@capitol.hawaii.gov](mailto:repaquino@capitol.hawaii.gov)

RE: Support of House Bill 1625

Dear Mr. Henry Aquino,

I am writing in support of House Bill 1625, Increasing the Hawaii State allowable charges for mileage and Service fees for Hawaii Process Servers from the current \$.40 to \$.60, as well as the service fee from \$25.00 to \$40.00.

Hawaii has always been held to a higher inflation rate. As we have seen in the years we have endured many overinflated prices in housing, general living and gas, for example the unleaded gas price in 2001 in the State of Hawaii was \$1.75. The current gas price of 2014 in the State of Hawaii is \$3.94. As it stands the Hawaii State Statuette for Process Servers reflect the cost of living allowance of 2001. As minimum wage increases this year, I am requesting the same be applied for Process Servers here in the State of Hawaii.

I appreciate your attention to this matter and look forward to your support. If you have any questions or concerns please contact me.

Very Respectfully,

Ernel J. Smith III

Ernel J. Smith III  
91-1065 Kealiahonui Street  
Kapolei, Hawaii 96707  
Phone: 808-371-5994  
Email: [ekolu.smith5@gmail.com](mailto:ekolu.smith5@gmail.com)

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**From:** Shane <sk.ching@yahoo.com>  
**Sent:** Wednesday, February 05, 2014 6:28 PM  
**To:** pbstestimony  
**Subject:** HB 1625



February 05, 2014

Representative, Mr. Henry J.C. Aquino (D)  
Hawaii State Capitol, Room 419  
H District 38, Waipahu  
Phone [808-586-6520](tel:808-586-6520)  
Fax [808-586-6521](tel:808-586-6521)  
E-Mail: [repaquino@capitol.hawaii.gov](mailto:repaquino@capitol.hawaii.gov)

**RE: House Bill 1625 : Testimony**

Dear Representative Henry Aquino,

I am in support of House Bill 1625, Increasing the Hawaii State Statuette for the allowable charges and mileage rates of Process Servers from the current \$.40 to \$.60, as well as the service fee to increase from \$25.00 to \$40.00.

As cost of living and Economy in general rises with inflation the current Hawaii Statuettes were established in 2001, as of 2014 we have seen huge increases in gas prices from \$1.75 to \$3.94 amongst real estate, automobile purchase prices and general living expenses. As Process Servers we rely on these every day expenses to be competent and efficient in our daily tasks.

As minimum wage increases in 2014, we are asking for the same wage increase for services rendered. I appreciate your valuable time and look forward to your support in this matter. If you have any questions or concerns please contact me using the references below.

Very Respectfully,

Shane K. Ching

Shane K. Ching  
94-868 Lumiholo Street  
Waipahu, Hawaii 96797  
Phone: [808-255-3363](tel:808-255-3363)  
Email: [sk.ching@yahoo.com](mailto:sk.ching@yahoo.com)

Sent from my iPhone

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**From:** Keala Loo <firefighterloo@yahoo.com>  
**Sent:** Wednesday, February 05, 2014 5:03 PM  
**To:** pbstestimony  
**Subject:** Testimony if favor of HB1625

**LATE**

I am writing this testimony in favor of HB 1625. As a civil process serve, I believe the pay increase will benefit us considering the rise in prices for gas and inflation. We are always on the road driving from location to location and I am constantly putting gas every day.

Thank you,  
Keala Loo

Sent from my iPhone