

JAN 24 2013

A BILL FOR AN ACT

RELATING TO SERVICE BY PUBLICATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to specify the term
2 "general circulation" as it refers to a newspaper for purposes
3 of service by publication in a civil action.

4 SECTION 2. Section 634-36, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§634-36 Manner of service under sections 634-33 to 35.**

7 (a) When service of summons is provided for by section 634-33,
8 634-34, or 634-35, service shall be made by service upon the
9 defendant personally by any person authorized to serve process
10 in the place in which the defendant may be found or appointed by
11 the court for the purpose, or sent by certified, registered, or
12 express mail, postage prepaid, with return receipt requested, by
13 the plaintiff or the plaintiff's attorney to the defendant. The
14 plaintiff or the plaintiff's attorney shall file the return of
15 the serving officer or an affidavit showing that the copy of
16 summons and complaint were served as aforesaid or sent by
17 certified, registered, or express mail as aforesaid, and in the
18 latter case the return receipt signed by the defendant shall be



1 filed with the affidavit. The service shall be complete upon
2 delivery of the required papers to the defendant outside the
3 State, personally or by mail as provided.

4 (b) If the defendant cannot be found to serve or mail the
5 summons and the facts shall appear by affidavit or otherwise to
6 the satisfaction of the court, it may order that service be made
7 by publication of summons in at least one newspaper published in
8 the State and having a general circulation in the circuit in
9 which the action has been instituted, in such manner and for
10 such time as the court may order, but not less than once each
11 week in four successive weeks, the last publication to be not
12 less than twenty-one days prior to the return date stated
13 therein unless a different time is prescribed by order of the
14 court.

15 (c) As used in this section, "general circulation" refers
16 to a newspaper that:

- 17 (1) Contains news of a general nature; and
- 18 (2) Is distributed within the circuit where the action has
19 been filed:
 - 20 (A) At least weekly;



1 (B) For a minimum of one year unless interrupted by
2 strike, natural disaster, or act of war or
3 terror; and

4 (C) To a minimum of three per cent of the residents
5 of the circuit, as determined by the last
6 decennial United States census and as verified by
7 an independent audit."

8 SECTION 3. New statutory material is underscored.

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

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S.B. NO. 968

Report Title:

Civil Actions; Service by Publication; Newspapers

Description:

Specifies the term "general circulation" as it refers to a newspaper for purposes of service by publication in a civil action.

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