
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 permit a summons
2 for service by publication to be published on a state website
3 maintained by the department of commerce and consumer affairs
4 and specify the term "general circulation" as it refers to a
5 newspaper for purposes of service by publication in a civil
6 action.

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

9 "**§634-36 Manner of service under sections 634-33 to 35.**

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



1 summons and complaint were served as aforesaid or sent by
2 certified, registered, or express mail as aforesaid, and in the
3 latter case the return receipt signed by the defendant shall be
4 filed with the affidavit. The service shall be complete upon
5 delivery of the required papers to the defendant outside the
6 State, personally or by mail as provided.

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

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

21 (1) Contains news of a general nature; and



- 1 (2) Is distributed within the circuit where the action has
- 2 been filed:
- 3 (A) At least weekly;
- 4 (B) For a minimum of one year unless interrupted by
- 5 strike, natural disaster, or act of war or
- 6 terror; and
- 7 (C) To a minimum of three per cent of the residents
- 8 of the circuit, as determined by the last
- 9 decennial United States census and as verified by
- 10 an independent audit."

11 SECTION 3. New statutory material is underscored.

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

13



Report Title:

Civil Actions; Service by Publication; Newspapers; State Website

Description:

Permits a summons for service by publication in a civil action to be published on a state website maintained by the department of commerce and consumer affairs. Specifies the term "general circulation" as it refers to a newspaper for purposes of service by publication in a civil action. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

