

Honolulu, Hawaii

February 27, 2014

RE: H.B. No. 1415
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1415 entitled:

"A BILL FOR AN ACT RELATING TO SERVICE BY PUBLICATION,"

begs leave to report as follows:

The purpose of this measure is to clarify provisions relating to the service of process for certain civil actions through publication in a newspaper of general circulation when personal service is unsuccessful by defining the term "general circulation."

The Honolulu Star-Advertiser testified in opposition to this measure. The Hawaii State Bar Association, Collection Law Section; Hawaii Financial Services Association; Hawaii Bankers Association; and Hawaii Credit Union League provided comments.

Your Committee has amended this measure by:

- (1) Creating a new statutory section that establishes requirements for service of process by publication for all civil actions that are subject to standard requirements for notice and conduct of proceedings when personal delivery is unsuccessful including:
 - (A) Publication once each week for three consecutive weeks in a newspaper published in the State and having general circulation, the last of which must



be at least twenty-one days before the return date;
or

(B) Publication once in a newspaper of general circulation in addition to publication on a state website subject to the conditions of a court order, no later than twenty-one days prior to the return date; and

(2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1415, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1415, H.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



