

Honolulu, Hawaii

February 11, 2014

RE: H.B. No. 1625
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 Public Safety, to which was referred H.B. No. 1625 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL PROCESS,"

begs leave to report as follows:

The purpose of this measure is to increase several cost and fee items set in the rate schedule for civil service of process in the State.

The Department of Public Safety; Leu, Okuda, & Doi; and several individuals testified in support of this measure. The Hawaii State Bar Association Collection Law Section provided comments.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2020, to encourage further discussion; and
- (2) Changing all amended fees, rates, and costs to unspecified amounts.

Should the Committee on Finance consider this measure, your Committee respectfully requests its consideration of the following fee, cost, and rate increases:



- (1) For district court costs, pursuant to subsection 607-4(d), Hawaii Revised Statutes, associated with sheriff, deputy sheriff, police officer, or independent civil process servers from the department of public safety's list under section 253C-10, Hawaii Revised Statutes:
 - (A) Effective July 1, 2014, an increase from \$25 to \$40 for the service of a civil summon, warrant, attachment, or other civil process;
 - (B) An increase from \$2 to \$4 for the service of any additional copies of an attachment and inventory;
 - (C) For the service of an execution, an increase from 12 cents to 16 cents for the collection of every dollar up to \$500, and an increase from 7 cents to 10 cents for the collection of every dollar over \$500;
 - (D) Effective July 1, 2014, an increase from \$25 to \$40 for the service of a subpoena;
 - (E) Effective July 1, 2014, an increase from \$15 to \$40 for the service of a subpoena duces tecum or garnishee summon;
 - (F) An increase from 40 cents to 60 cents for miles traveled in the service of any civil process; and
 - (G) An increase in the hourly rate that may be agreed upon between a serving party and a requesting party in lieu of any fee described under (1) from not less than \$50 per hour to not less than \$75 per hour; and
- (2) For sheriff, deputy sheriff, police officer, serving or levying officer, or independent civil process server fees under subsection 607-8(a), Hawaii Revised Statutes:
 - (A) An increase from 40 cents to 60 cents for miles traveled in the service of any civil process;
 - (B) Effective July 1, 2014, an increase from \$25 to \$40 for the service of a civil summons or other civil process, except a subpoena or garnishee summons;



- (C) Effective July 1, 2014, an increase from \$15 to \$40 for the service of a subpoena, subpoena duces tecum, or garnishee summons;
- (D) Effective July 1, 2014, an increase from \$5 to \$10 for the return of any unserved process;
- (E) For the service of an execution or other collection, an increase from 5 cents to 9 cents for the collection of every dollar up to \$1,000, and an increase from 2.5 cents to 5 cents for the collection of every dollar over \$1,000;
- (F) An increase from \$2 to \$4 for the publishing of a bill of sale for the sale of property;
- (G) An increase from \$8 to \$10 for the execution and acknowledgment of a deed pursuant to a sale of real estate;
- (H) An increase from \$2 to \$4 for the drawing of any bond required by law;
- (I) An increase from \$25 to \$40 for the service of a writ of possession or restitution; and
- (J) An increase in the hourly rate that may be agreed upon between a serving party and a requesting party in lieu of any fee described under (2) from not less than \$50 per hour to not less than \$75 per hour.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1625, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1625, H.D. 1, and be referred to the Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Public Safety,



HENRY J.C. AQUINO, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

Asce 282-14

Record of Votes of the Committee on Public Safety

Bill/Resolution No.: <i>HB 1625</i>	Committee Referral: <i>PBS, FIN</i>	Date: <i>2/10/14</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
PBS Members	Ayes	Ayes (WR)	Nays	Excused
1. AQUINO, Henry J.C. (C)	✓			
2. ING, Kaniela (VC)	✓			
3. HAR, Sharon E.				✓
4. ICHIYAMA, Linda	✓			
5. NAKASHIMA, Mark M.	✓			
6. TAKAYAMA, Gregg	✓			
7. TAKUMI, Roy M.				✓
8. YAMANE, Ryan I.				✓
9. YAMASHITA, Kyle T.	✓			
10. MCDERMOTT, Bob				✓
TOTAL (10)	<i>6</i>	<i>0</i>	<i>0</i>	<i>4</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <i>[Signature]</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				