

Honolulu, Hawaii

April 25, 2013

RE: H.B. No. 951
H.D. 1
S.D. 2
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 951, H.D. 1, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE SERVICE OF PROCESS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to clarify the service of process within the State by:

- (1) Directing the Department of Public Safety to maintain a list of independent process servers to serve specified civil process within the State;
- (2) Statutorily authorizing the independent civil process servers from the Department of Public Safety's list to serve specified types of civil legal process and to collect fees for such service;



- (3) Removing the power of the court to authorize persons to effect service of process by court rule or otherwise;
- (4) Shielding the Department of Public Safety, the State, and any agencies, officers, or employees from responsibility or liability for the conduct of any independent civil process server placed on the list; and
- (5) Specifying that an independent civil process server placed on the Department of Public Safety's list shall not be considered a law enforcement officer, sheriff or deputy sheriff, or employee or agent of the State.

Your Committee on Conference has amended this measure by:

- (1) Adding orders to show cause pursuant to chapter 633, Hawaii Revised Statutes, and writs of attachment or execution pursuant to chapter 651, Hawaii Revised Statutes, to the types of civil process that independent civil process servers are authorized to process;
- (2) Clarifying that independent civil process servers are included in those who may seize goods, chattels, and property pursuant to a writ of replevin or attachment under chapter 634, Hawaii Revised Statutes, or in execution of a bond pursuant to chapter 654, Hawaii Revised Statutes;
- (3) Specifying that the Department of Public Safety and the State are not responsible or liable for the conduct in the course of service of writs of attachment or execution pursuant to chapter 651, Hawaii Revised Statutes, of any independent civil process server placed on the list;
- (4) Clarifying that the inclusion of independent civil process servers in the persons authorized to process writs of attachment or execution shall not be construed to make an independent civil process server a law enforcement officer, sheriff or deputy sheriff, or employee or agent of the State;
- (5) Requiring the Department of Public Safety to convene a working group to:
 - (A) Define and delineate process server duties and responsibilities;



- (B) Create a registration process for process servers;
 - (C) Examine the licensing requirements of and jurisdictional concerns with the private process server industry in the State; and
 - (D) Address other relevant issues; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 951, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 951, H.D. 1, S.D. 2, C.D. 1.

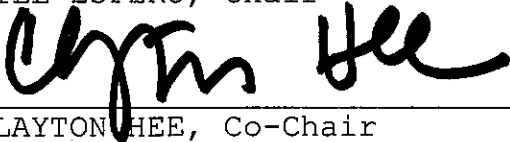
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



WILL ESPERO, Chair



CLAYTON HEE, Co-Chair



KARL RHOADS, Chair



Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: HB 951, HD 1, SD 2	Date/Time: <i>April 25, 2013 / 4:51 pm</i>
--	---

The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
---	---

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
ESPERO, Will, Chr.	X				RHOADS, Karl, Chr.	X			
HEE, Clayton, Co-Chr.	X				ITO, Ken	X			
SLOM, Sam				X	THIELEN, Cynthia	X			
TOTAL	2	0	0	1	TOTAL	3	0	0	0

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
---	--

Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
--	---

Distribution:

Original <i>File with Conference Committee Report</i>	Yellow <i>House Clerk's Office</i>	Pink <i>Senate Clerk's Office</i>	Goldenrod <i>Drafting Agency</i>
--	---------------------------------------	--------------------------------------	-------------------------------------