
A BILL FOR AN ACT

RELATING TO SERVICE OF PROCESS.

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

1 SECTION 1. Section 342D-9, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) If the director determines that any person has
4 violated or is violating this chapter, any rule adopted pursuant
5 to this chapter, or any permit or variance issued pursuant to
6 this chapter, the director:

7 (1) Shall cause written notice to be served upon the
8 alleged violator or violators. The notice shall
9 specify the alleged violation and may contain an order
10 specifying a reasonable time during which that person
11 shall be required to take any measures that may be
12 necessary to correct the violation and to give
13 periodic progress reports; provided that if all
14 attempts of service of process upon the alleged
15 violator or violators are unsuccessful by personal
16 delivery and by certified, registered, or express
17 mail, notice may be given via a posting on a
18 searchable government website;



1 (2) May require that the alleged violator or violators
2 appear before the director for a hearing at a time and
3 place specified in the notice and answer the charges
4 complained of; and

5 (3) May impose penalties as provided in section 342D-31 by
6 sending written notice, either by certified mail or by
7 personal service, to the alleged violator or violators
8 describing the violation."

9 SECTION 2. Section 342H-7, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) If the director determines that any person has
12 violated or is violating any provision of this chapter, any rule
13 adopted pursuant to this chapter, or any term or condition of a
14 permit issued pursuant to this chapter, the director may do any
15 one or more of the following:

16 (1) Issue an order assessing an administrative penalty for
17 any past or current violation; provided that if all
18 attempts of service of process upon the person who has
19 been or is in violation are unsuccessful by personal
20 delivery and by certified, registered, or express



1 mail, notice may be given via a posting on a
2 searchable government website;
3 (2) Require compliance immediately or within a specified
4 time; and
5 (3) Commence a civil action in the circuit environmental
6 court in the circuit in which the violation occurred
7 or the person resides or maintains the person's
8 principal place of business for appropriate relief,
9 including a temporary, preliminary, or permanent
10 injunction, the imposition and collection of civil
11 penalties, or other relief."

12 SECTION 3. New statutory material is underscored.

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

14

Report Title:

Service of Process; Water Pollution; Solid Waste Pollution;
Notice

Description:

Allows notice of a water pollution and solid waste pollution violation to be given via a posting on a searchable government website when attempts to serve the notice in person and by mail have been unsuccessful. (SD1)

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

