
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 legislature finds that the manner by which
2 legal summons are published within the State for civil actions
3 should be consistent with how notices are published as required
4 by other provisions of the Hawaii Revised Statutes.

5 Accordingly, the purpose of this Act is to specify the
6 manner by which legal summons are published for civil actions
7 within the State.

8 SECTION 2. Chapter 634, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§634- Service by publication. (a) When service of a
12 summons is required by law, court rule, or court order, and
13 service of the summons on a defendant by personal delivery or by
14 certified, registered, or express mail is not successful despite
15 a reasonable attempt, and if the facts shall appear by
16 affidavit, declaration, or otherwise to the satisfaction of the
17 court, the court may order that service of the summons be made
18 by publication:



1 (1) In a newspaper published in the State and having a
2 general circulation in the circuit in which the action
3 has been filed. The summons shall be published once
4 each week for three consecutive weeks, which shall
5 constitute three publications. The third publication
6 shall be made at least twenty-one days before the
7 return date stated in the summons; or

8 (2) On the website of the department of the attorney
9 general, in a manner and for such time as the court
10 may order, but at least twenty-one days before the
11 return date stated in the summons; provided that the
12 summons shall also be published at least once in a
13 newspaper described in paragraph (1) at least twenty-
14 one days before the return date.

15 (b) As used in this section, "general circulation" means a
16 newspaper that:

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

18 (2) Is distributed within the circuit in which the action
19 has been filed:

20 (A) At least weekly; and



1 (B) For a minimum of one year, excluding periods of
2 interruption due to a strike, natural disaster,
3 or act of war or terror, as of the date of first
4 publication of the notice."

5 SECTION 3. Section 634-36, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **"§634-36 Manner of service under sections 634-33 to 35.**

8 When service of summons is provided for by section 634-33,
9 634-34, or 634-35, service shall be made by service upon the
10 defendant personally by any person authorized to serve process
11 in the place in which the defendant may be found or appointed by
12 the court for the purpose, or sent by certified, registered, or
13 express mail, postage prepaid, with return receipt requested, by
14 the plaintiff or the plaintiff's attorney to the defendant. The
15 plaintiff or the plaintiff's attorney shall file the return of
16 the serving officer or an affidavit showing that the copy of
17 summons and complaint were served as aforesaid or sent by
18 certified, registered, or express mail as aforesaid, and in the
19 latter case the return receipt signed by the defendant shall be
20 filed with the affidavit. The service shall be complete upon



1 delivery of the required papers to the defendant outside the
2 State, personally or by mail as provided.

3 ~~[If the defendant cannot be found to serve or mail the~~
4 ~~summons and the facts shall appear by affidavit or otherwise to~~
5 ~~the satisfaction of the court, it may order that service be made~~
6 ~~by publication of summons in at least one newspaper published in~~
7 ~~the State and having a general circulation in the circuit in~~
8 ~~which the action has been instituted, in such manner and for~~
9 ~~such time as the court may order, but not less than once each~~
10 ~~week in four successive weeks, the last publication to be not~~
11 ~~less than twenty one days prior to the return date stated~~
12 ~~therein unless a different time is prescribed by order of the~~
13 ~~court.] "~~

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2020.



Report Title:

Civil Actions; Service of Process; Service by Publication;
Newspaper; Website

Description:

Specifies that the method of service of process for all civil cases under chapter 634, Hawaii Revised Statutes, when personal service is unsuccessful, shall include publication in a newspaper of general circulation three times or publication on the website of the department of the attorney general together with publication in a newspaper of general circulation at least once. Defines general circulation. Effective July 1, 2020.

(SD2)

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