

---

---

# A BILL FOR AN ACT

RELATING TO SERVICE IN NON-CRIMINAL PROCEEDINGS.

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

1           SECTION 1. The purpose of this Act is to amend the  
2 procedure for giving of notice or service of legal process in  
3 certain civil proceedings in the district, circuit, and family  
4 courts and in administrative proceedings by allowing documents  
5 to be served upon parties by electronic mail and increase the  
6 time within which a party may or must act after being served by  
7 mail to five days.

8           SECTION 2. Section 1-28, Hawaii Revised Statutes, is  
9 amended to read as follows:

10           "§1-28 Service of notice by mail[-] or electronic mail.

11 (a) Wherever a state statute provides for the giving of notice  
12 or service of legal process by registered mail the sending of  
13 such notice or service of such legal process may be made by  
14 means of:

15           (1) Registered mail, return receipt requested and deliver  
16           to addressee only;



# H.B. NO. 766

1           (2) [~~certified~~] Certified mail, return receipt requested  
2                           and deliver to addressee only[-]; or

3           (3) Electronic mail, delivery receipt requested, except as  
4                           provided in subsections (c) and (d).

5           (b) Unless prohibited or restricted by an order of the  
6 court or federal law, service by electronic mail shall be an  
7 acceptable method to give notice or serve legal process for  
8 civil proceedings before the circuit, district, and family  
9 courts and for administrative proceedings before an  
10 administrative law judge, hearings officer, or commission,  
11 except as provided in subsections (c) and (d).

12           (c) The use of electronic mail to give notice or serve  
13 legal process shall not be available for:

- 14           (1) Appellate proceedings;
- 15           (2) Criminal proceedings;
- 16           (3) Citations for violation of traffic laws;
- 17           (4) Arbitration proceedings;
- 18           (5) Eminent domain proceedings pursuant to chapter 101;
- 19           (6) Involuntary hospitalization proceedings pursuant to  
20                           chapter 334;



# H.B. NO. 766

1        (7) Involuntary medical treatment proceedings pursuant to  
2        chapter 353; and  
3        (8) Government agencies to give notice of an  
4        administrative pronouncement, ruling, regulatory  
5        procedure, regulation, or order, including any  
6        announcement of intent to issue or adopt an  
7        administrative pronouncement, ruling, regulatory  
8        procedure, or regulation;  
9        unless electronic mail is explicitly allowed as a method of  
10       service in the statute under which service is completed.

11       (d) Service of a complaint and summons shall not be  
12       completed by electronic mail, unless service by electronic mail  
13       is explicitly authorized for the commencement of a civil action  
14       in the statute under which service is completed.

15       (e) Service by registered mail or certified mail is  
16       complete upon the time identified in the applicable statute  
17       providing for the giving of notice or service of legal process  
18       by registered mail. If the statute does not specify when  
19       service by mail is complete, service is deemed complete upon  
20       deposit in the mail, postage prepaid, and addressed to the  
21       receiving party's last known address.



1        (f) Service by electronic mail is complete upon  
2 transmission of the electronic mail between the hours of 8:00  
3 a.m. and 5:00 p.m. on a business day and the return to the  
4 sender of a delivery receipt by the intended electronic mail  
5 service provider. Service by electronic mail that occurs after  
6 5:00 p.m. shall be deemed to have occurred on the next business  
7 day.

8        (g) Whenever a notice or paper is served upon a party by  
9 registered mail or certified mail and the party has the right or  
10 is required to do some act or take some proceedings within a  
11 prescribed period after the service of the notice or other paper  
12 upon the party, the time prescribed by the Hawaii rules of civil  
13 procedure or the statute requiring the party to do some act or  
14 take some proceedings shall be extended by the greater of five  
15 days or the number of days specified in the statute or Hawaii  
16 rules of civil procedure for the provision of additional time  
17 after service by mail. No additional time shall be provided  
18 under this subsection when a notice or paper is served upon a  
19 party by electronic mail."





# H.B. NO. 766

**Report Title:**

Service of Process; Electronic Mail; Additional Time After Service

**Description:**

Authorizes service of notice and process by electronic mail in non-criminal and administrative proceedings, with certain exceptions. Extends the time for response after service by mail to at least five days.

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

