

JAN 23 2025

A BILL FOR AN ACT

RELATING TO ELECTRONIC SERVICE OF PROCESS.

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

SECTION 1. The purpose of this Act is to permit businesses to designate a registered email address to accept service of process in lieu of continuously maintaining a registered agent in the State.

SECTION 2. Chapter 414, Hawaii Revised Statutes, is amended by adding a new section to part VI to be appropriately designated and to read as follows:

"§414- Electronic entity-service; alternative to registered agent. (a) Notwithstanding any other law to the contrary, a corporation that is required to continuously maintain a registered agent under section 414-61 may, in the alternative, designate a registered email address to serve as the corporation's registered agent.

(b) For any corporation that designates a registered email address pursuant to subsection (a):

(1) The corporation shall consent to receive any service, notice, demand, claim, filing, or other document at



1 its registered email address on the same or similar
2 terms as it would have received service, notice,
3 demand, claim, filing, or other document through
4 service on a registered agent; and

5 (2) Any person shall be entitled to rely on the
6 corporation's designation of a registered email
7 address on file with the department director as a
8 written consent for the purposes described in
9 paragraph (1).

10 (c) Any person may perfect service on a corporation that
11 has designated a registered email address by electronic
12 transmission of copies of any summons, complaint, demand, claim,
13 filing, or other document to the corporation's registered email
14 address.

15 (d) Nothing in this section shall affect or prohibit
16 service by other means permitted by any statute, rule of court,
17 or contract. Service made pursuant to this section shall be
18 complete upon successful transmission.

19 (e) For the purposes of this section, "registered email
20 address" means an electronic mail address that is registered
21 with the department director and is capable and enabled to send



1 and receive from the general public graphic copies of any
2 summons, complaint, filing, or other document."

3 SECTION 3. Chapter 414D, Hawaii Revised Statutes, is
4 amended by adding a new section to part V to be appropriately
5 designated and to read as follows:

6 **"§414D- Electronic entity-service; alternative to**
7 **registered agent.** (a) Notwithstanding any other law to the
8 contrary, a corporation that is required to continuously
9 maintain a registered agent under section 414D-71 may designate,
10 in the alternative, a registered email address to serve as the
11 corporation's registered agent.

12 (b) For any corporation that designates a registered email
13 address pursuant to subsection (a):

14 (1) The corporation shall consent to receive any service,
15 notice, demand, claim, filing, or other document at
16 its registered email address on the same or similar
17 terms as it would have received service, notice,
18 demand, claim, filing, or other document through
19 service on a registered agent; and

20 (2) Any person shall be entitled to rely on the
21 corporation's designation of a registered email



1 address on file with the department director as a
2 written consent for the purposes described in
3 paragraph (1).

4 (c) Any person may perfect service on a corporation that
5 has designated a registered email address by electronic
6 transmission of copies of any summons, complaint, demand, claim,
7 filing, or other document to the corporation's registered email
8 address.

9 (d) Nothing in this section shall affect or prohibit
10 service by other means permitted by any statute, rule of court,
11 or contract. Service made pursuant to this section shall be
12 complete upon successful transmission.

13 (e) For the purposes of this section "registered email
14 address" means an electronic mail address that is registered
15 with the department director and is capable and enabled to send
16 and receive from the general public graphic copies of any
17 summons, complaint, filing, or other document."

18 SECTION 4. Chapter 414D, Hawaii Revised Statutes, is
19 amended by adding a new section to part XIV to be appropriately
20 designated and to read as follows:



1 "§414D- Electronic entity-service; alternative to
2 registered agent. (a) Notwithstanding any other law to the
3 contrary, a foreign corporation that is required to continuously
4 maintain a registered agent under section 414D-277 may
5 designate, in the alternative, a registered email address to
6 serve as the foreign corporation's registered agent.

7 (b) For any foreign corporation that designates a
8 registered email address pursuant to subsection (a):

9 (1) The foreign corporation shall consent to receive any
10 service, notice, demand, claim, filing, or other
11 document at its registered email address on the same
12 or similar terms as it would have received service,
13 notice, demand, claim, filing, or other document
14 through service on a registered agent; and

15 (2) Any person shall be entitled to rely on the foreign
16 corporation's designation of a registered email
17 address on file with the department director as a
18 written consent for the purposes described in
19 paragraph (1).

20 (c) Any person may perfect service on a foreign
21 corporation that has designated a registered email address by



1 electronic transmission of copies of any summons, complaint,
2 demand, claim, filing, or other document to the foreign
3 corporation's registered email address.

4 (d) Nothing in this section shall affect or prohibit
5 service by other means permitted by any statute, rule of court,
6 or contract. Service made pursuant to this section shall be
7 complete upon successful transmission.

8 (e) For the purposes of this section "registered email
9 address" means an electronic mail address that is registered
10 with the department director for transmitting electronic
11 messages and is capable and enabled to send and receive from the
12 general public graphic copies of any summons, complaint, filing,
13 or other document."

14 SECTION 5. Chapter 425, Hawaii Revised Statutes, is
15 amended by adding a new section to part I to be appropriately
16 designated and to read as follows:

17 **"§425- Electronic entity-service; alternative to**
18 **registered agent.** (a) Notwithstanding any other law to the
19 contrary, a partnership that is required to continuously
20 maintain a registered agent under section 425-18 may designate,



1 in the alternative, a registered email address to serve as the
2 partnership's registered agent.

3 (b) For any partnership that designates a registered email
4 address pursuant to subsection (a):

5 (1) The partnership shall consent to receive any service,
6 notice, demand, claim, filing, or other document at
7 its registered email address on the same or similar
8 terms as it would have received service, notice,
9 demand, claim, filing, or other document through
10 service on a registered agent; and

11 (2) Any person shall be entitled to rely on the
12 partnership's designation of a registered email
13 address on file with the department director as a
14 written consent for the purposes described in
15 paragraph (1).

16 (c) Any person may perfect service on a partnership that
17 has designated a registered email address by electronic
18 transmission of copies of any summons, complaint, demand, claim,
19 filing, or other document to the partnership's registered email
20 address.



1 (d) Nothing in this section shall affect or prohibit
2 service by other means permitted by any statute, rule of court,
3 or contract. Service made pursuant to this section shall be
4 complete upon successful transmission.

5 (e) For the purposes of this section "registered email
6 address" means an electronic mail address that is registered
7 with the department director and is capable and enabled to send
8 and receive from the general public graphic copies of any
9 summons, complaint, filing, or other document."

10 SECTION 6. Chapter 425E, Hawaii Revised Statutes, is
11 amended by adding a new section to article 1 to be appropriately
12 designated and to read as follows:

13 **"§425E- Electronic entity-service; alternative to**
14 **registered agent.** (a) Notwithstanding any law to the contrary,
15 a limited partnership that is required to continuously maintain
16 a registered agent under section 425E-114 may designate, in the
17 alternative, a registered email address to serve as the limited
18 partnership's registered agent.

19 (b) For any limited partnership that designates a
20 registered email address pursuant to subsection (a):



1 (1) The partnership shall consent to receive any service,
2 notice, demand, claim, filing, or other document at
3 its registered email address on the same or similar
4 terms as it would have received service, notice,
5 demand, claim, filing, or other document through
6 service on a registered agent; and

7 (2) Any person shall be entitled to rely on the limited
8 partnership's designation of a registered email
9 address on file with the department director as a
10 written consent for the purposes described in
11 paragraph (1).

12 (c) Any person may perfect service on a limited
13 partnership that has designated a registered email address by
14 electronic transmission of copies of any summons, complaint,
15 demand, claim, filing, or other document to the limited
16 partnership's registered email address.

17 (d) Nothing in this section shall affect or prohibit
18 service by other means permitted by any statute, rule of court,
19 or contract. Service made pursuant to this section shall be
20 complete upon successful transmission.

21 (e) For the purposes of this section:



1 "Limited partnership" has the same meaning as defined in
2 section 425E-102, and includes a foreign limited partnership, as
3 defined in section 425E-102.

4 "Registered email address" means an electronic mail address
5 that is registered with the department director and is capable
6 and enabled to send and receive from the general public graphic
7 copies of any summons, complaint, filing, or other document."

8 SECTION 7. Chapter 428, Hawaii Revised Statutes, is
9 amended by adding a new section to part I to be appropriately
10 designated and to read as follows:

11 "§428- Electronic entity-service; alternative to
12 registered agent. (a) Notwithstanding any law to the contrary,
13 a limited liability company that is required to continuously
14 maintain a registered agent under section 428-107 may designate,
15 in the alternative, a registered email address to serve as the
16 limited liability company's registered agent.

17 (b) For any limited liability company that designates an
18 email address pursuant to subsection (a):

19 (1) The limited liability company shall consent to receive
20 any service, notice, demand, claim, filing, or other
21 document at its registered email address on the same



1 or similar terms as it would have received service,
2 notice, demand, claim, filing, or other document
3 through service on a registered agent; and

4 (2) Any person shall be entitled to rely on the limited
5 liability company's designation of a registered email
6 address on file with the department director as a
7 written consent for the purposes described in
8 paragraph (1).

9 (c) Any person may perfect service on a limited liability
10 company that has designated a registered email address by
11 electronic transmission of copies of any summons, complaint,
12 demand, claim, filing, or other document to the limited
13 liability company's registered email address.

14 (d) Nothing in this section shall affect or prohibit
15 service by other means permitted by any statute, rule of court,
16 or contract. Service made pursuant to this section shall be
17 complete upon successful transmission.

18 (e) For the purposes of this section:

19 "Limited liability company" means a domestic limited
20 liability company or foreign limited liability company



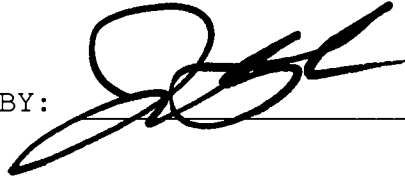
1 authorized to do business in this State and subject to the
2 registered agent requirement under section 428-107.

3 "Registered email address" means an electronic mail address
4 that is registered with the department director and is capable
5 and enabled to send and receive from the general public graphic
6 copies of any summons, complaint, filing, or other document."

7 SECTION 8. New statutory material is underscored.

8 SECTION 9. This Act shall take effect upon its approval.

9
INTRODUCED BY: _____

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.

S.B. NO. 1213

Report Title:

Business Entities; For Profit Corporations; Nonprofit Corporations; Partnerships; Limited Partnerships; Limited Liability Companies; Registered Agents; Service of Process

Description:

Allows businesses in the State to designate an email address to accept service of process in lieu of continuously maintaining a registered agent in the State.

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

