

ACT 172

A Bill for an Act to Provide for Service of Legal Process upon Persons Whether Residents or Non-Residents Operating, Navigating, Using or Maintaining Boats, Ships, Barges, or Other Watercraft in the Navigable Waters of Hawaii.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. The operation, navigation, use or maintenance by any person, whether a resident or non-resident of the State, of any boat, ship, barge or other watercraft in the navigable waters of the State of Hawaii is deemed equivalent to an appointment by such per-

son of the director of regulatory agencies to be his true and lawful attorney upon whom may be served the summons in any action or proceeding against him growing out of any accident, collision or claim for damages in which such person and such boat, ship, barge or other watercraft may be involved in said navigable waters. Such operation, navigation, use or maintenance is deemed a signification of his agreement that any such summons against him which is so served is of the same legal force and validity as if served upon him personally within this State, whether such person is a nonresident of this State or at the time a cause of action arises is a resident of this State but subsequently becomes a non-resident of this State. Service of such summons is to be made by leaving a certified copy thereof with the director of regulatory agencies, or his deputy, who shall keep a record of each such summons and the day and hour of service upon such person, provided that notices of such service and a certified copy of the summons are served upon the defendant personally by any person authorized to serve process in the place in which he may be found or sent by registered mail, postage prepaid, with return receipt requested, by the plaintiff or his attorney to the defendant. The plaintiff or his attorney shall file an affidavit showing that such notice and such copy of summons were served as aforesaid or sent by registered mail as aforesaid, and in the latter case the return receipt shall be filed with such affidavit.

The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action.

This section shall not be construed as repealing or amending any other provision of law relating to the service of process nor as establishing an exclusive method of service of process in cases to which this section may apply.

SECTION 2. This Act shall take effect upon its approval.
(Approved June 22, 1965.) **H.B. 967.**