

ACT 288

H.B. NO. 460

A Bill for an Act Relating to Attorney's Fees, Costs, and Expenses.

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

SECTION 1. The purpose of this Act is to allow judgment creditors to recover attorney's fees, costs, and expenses incurred in obtaining or attempting to obtain satisfaction of money judgments. Where a judgment debtor fails to voluntarily satisfy the judgment, the judgment creditor must incur further expenses to satisfy the judgment. Recovery of the additional expenses is currently not provided for by law. It is unfair to the judgment creditor, having already made a costly investment in time and expense in obtaining a judgment, to incur unrecoverable additional expenses, because of the judgment debtor's inaction.

SECTION 2. Section 607, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§607- Attorney's fees, costs, and expenses; judgment creditors. In addition to any other attorney's fees, costs, and expenses which may or are required to be awarded, and notwithstanding any law to the contrary, the court in any civil action may award to a judgment creditor, from a judgment debtor, reasonable attorney's fees, costs, and expenses incurred by the judgment creditor in obtaining or attempting to obtain satisfaction of a money judgment, whether by execution, examination of judgment debtor, garnishment, or otherwise. The court may award attorney's fees which it determines is reasonable, but shall not award fees in excess of the following schedule:

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- 25 per cent on first \$1,000 or fraction thereof.
- 20 per cent on second \$1,000 or fraction thereof.
- 15 per cent on third \$1,000 or fraction thereof.
- 10 per cent on fourth \$1,000 or fraction thereof.
- 5 per cent on fifth \$1,000 or fraction thereof.
- 2.5 per cent on any amount in excess of \$5,000.

The above fees shall be assessed on the amount of judgment, exclusive of costs and all other attorney's fees."

SECTION 3. New statutory material is underscored.¹

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

(Approved June 8, 1985.)

Note

1. Edited pursuant to HRS §23G-16.5.