

ACT 9

H.B. NO. 2988

A Bill for an Act Relating to Service of Process.

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

SECTION 1. Section 634-21, Hawaii Revised Statutes, is amended to read as follows:

**“§634-21 Service of process, by whom.** Except as otherwise provided, service of all process and orders shall be made by the sheriff or the sheriff’s deputy, the chief of police of the county in which the service is made or the chief’s duly authorized subordinate, some other person specially appointed by the court for the purpose, any investigator appointed and commissioned by the director of commerce and consumer affairs pursuant to section 26-9(j), or a [process server licensed pursuant to chapter 634D.] person authorized by the rules of court.”

SECTION 2. Section 634-22, Hawaii Revised Statutes, is amended to read as follows:

**“§634-22 Return.** In all cases where any process or order of a court is served by any officer of the court or of the police force or the sheriff or the sheriff’s deputies or any investigator appointed and commissioned by the director of commerce and consumer affairs pursuant to section 26-9(j), a record thereof shall be endorsed upon the back of the process, complaint, order, or citation. The record shall state the name of the person served and the time and place of service and shall be signed by the officer making the service. If the officer fails to make service the officer, in like manner, shall endorse the reason for the officer’s failure and sign this record. When service is made by a person specially appointed by the court, or a [licensed process server,] person authorized by rules of court, the person [or process server] shall make affidavit of that service.

The record or the affidavit shall be prima facie evidence of all it contains, and no further proof thereof shall be required unless either party desires to examine the officer or person making service, in which case the officer or person shall be notified to appear for examination.”

SECTION 3. Chapter 634D, Hawaii Revised Statutes, is repealed.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved April 12, 1994.)