

ACT 128

S.B. NO. 721

A Bill for an Act Relating to the Judiciary.

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

SECTION 1. Section 607-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- “(b) The fees referred to in subsection (a) are:
 - (1) For the institution of each action or proceeding, to include all charges except as provided by paragraphs (2) to (6) [~~\$25~~] \$75
 - (2) Intervention; answer containing one or more cross-claims or counterclaims; third-party complaint, for each such matter \$10
 - (3) Demand for jury trial Fee prescribed by section 607-5
 - (4) Filing of notice of appeal to the supreme court, to be paid in addition to the deposit of appellate court costs [~~\$30~~] \$100

- (5) Making of a copy; comparing of copy with original Fees prescribed by section 92-21
- (6) Posting notice; service fees; garnishee fees; mileage charges; or other services actually performed Amounts necessary to cover actual costs or disbursements.”

SECTION 2. Section 607-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) **PART I**

Action or proceeding, general:

- (1) Civil action or special proceeding, unless another item in this part I applies [\$100] \$200
- (2) Appeal to a circuit court [\$30] \$100
- (3) Transfer of action to circuit court from district court, in addition to district court fees [\$20] \$125

Trusts:

- (4) Proceeding for (A) appointment of trustee; (B) appointment of successor; (C) resignation of trustee; (D) instructions; (E) approval of investment; (F) approval of sale, mortgage, lease, or other disposition of property; (G) approval of compromise of claim, for each such matter [\$15] \$100
- (5) Proceeding for (A) removal of trustee; (B) order requiring accounting; (C) invalidation of action taken by trustee; (D) termination of trust, for each such matter [\$15] \$100
- (6) Accounting, this fee to be paid for each account filed and to include the settlement of the account \$10
- (7) Vesting order no charge under part I
- (8) Allowance of fees of trustees, attorneys, or other fees for services incurred in a proceeding for which a fee has been paid under this section no charge under part I
- (8a) Registration of a trust, or release of registration, under chapter 560 .. \$3
- (9) Any other proceeding relating to a trust \$15

Guardianship of estate or conservatorship:

- (10) Proceeding for (A) appointment; (B) appointment of successor; (C) resignation; (D) instructions, unless included in one of the foregoing proceedings; (E), (F), (G) approval of any matter listed in (E), (F), or (G) of item (4) in relation to a trust, for each such matter [\$15] \$100
- (11) Proceeding of the nature listed in (A), (B), (C), or (D) of item (5) in relation to a trust, for each such matter \$15
- (12) Accounting, same as provided by item (6) in relation to a trust \$10
- (13) Any other proceeding relating to guardianship of an estate, or a conservatorship no charge under part I

Probate (decedents’ estates). These fees include all matters of the nature listed in items (4) to (9), without additional charge:

- (14) Application for appointment of special administrator by order of the court, in addition to fee prescribed by item (15) \$10
- (15) Probate, administration, or ancillary administration, this fee to be paid once only for each decedent’s estate [\$30] \$100
- (15a) Informal probate or appointment proceeding under chapter 560, this fee to be paid instead of the fee prescribed by item (15) [\$10] \$100
- (15b) Application under chapter 560 for formal testacy proceedings, or for supervised administration, this fee to be paid once only for each decedent’s estate as an addition to the fee prescribed by item (15a) ... \$20

Family court cases:

- (16) Matrimonial action (annulment, divorce, separation, or separate maintenance) [30] \$100
- (17) Adoption [15] \$100
- (18) Guardianship of the person, including all matters of the nature listed in items (4) to (9) [15] \$100
- (19) Termination of parental rights no charge under part I
- (20) Any other family court proceeding, except motions or other pleadings in matrimonial, adoption, and guardianship actions, but including without limitation custody proceedings even if in the form of an habeas corpus proceeding \$15''

SECTION 3. Section 607-5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) **PART II**

The fees prescribed by this part apply without exception.

Jury trial:

- (21) Demand for jury trial, including without limitation probate cases, appeals to the circuit court, and cases transferred to the circuit court from the district court, this fee to be paid to the court in which the demand is filed by the party first making the demand [100] \$200
- (22) Remand to district court in cases transferred to circuit court from district court on demand for jury trial, where jury trial is waived and a remand of such cases to district court is allowed \$50

Miscellaneous:

- (23) Filing of notice of appeal to supreme court, to be paid in addition to the deposit of supreme court costs [30] \$100
- (24) Search of records by the clerk \$2
- (25) Making of copy; comparing of copy with original; certification or authentication of notaries Fees prescribed by section 92-21
- (26) Certification under seal of copy of pleading or other paper subsequent to the initial filing of the pleading or paper, except record on appeal . \$1
- (27) Exemplification, instead of item (26) \$2
- (28) Filing of copy of notice of completion of contract, with affidavit of publication \$3
- (29) Filing of initial paper under section 507-43 by person asserting mechanic’s or materialman’s lien (this fee to be additional to the fee prescribed by part I for bringing an action under section 507-47) ... \$15
- (30) Filing of any other paper not in a pending proceeding \$3
- (31) Printing, publishing, or posting notice; service fees; garnishee fees; mileage charges; or other service¹ actually performed Amounts necessary to cover actual costs or disbursements.’’

SECTION 4. Section 607-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) All proceedings in the courts of appeal shall be filed in the supreme court. Upon the filing of any appeal, or the institution of any original suit, action, or other proceeding in the supreme court, there shall be paid to the clerk of the supreme court by the person filing such appeal, or instituting the suit, action, or other proceeding, as costs of court, the sum of [\$75.] \$100.’’

SECTION 5. Section 633-29, Hawaii Revised Statutes, is amended to read as follows:

“**§633-29 Fees and costs; waiver.** The fee for issuing summons and copies, trial, judgment, and satisfaction in an action in the small claims division of the district court shall be not more than [\$10.] §35. Other fees shall be as prescribed by statute or rule of court. The judge may waive the prepayment of costs or the payment of costs accruing during the action upon the sworn statement of the plaintiff or upon other satisfactory evidence of the plaintiff’s inability to pay the costs.”

SECTION 6. Section 636C-6, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~**§636C-6**~~]]~~ **Fees.** Any person filing a foreign judgment shall pay [\$30] §100 to the clerk of the court. Fees for docketing, transcription, or other enforcement proceedings shall be as provided by law for judgments of the court of this State.”

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 9. This Act shall take effect on July 1, 1998.

(Approved June 22, 1998.)

Note

1. Prior to amendment “services” appeared here.