

ACT 92

H.B. NO. 1454

A Bill for an Act Relating to Fees.

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) Except for petitions for temporary restraining order under section 604-10.5, the fee for which shall be the same as that provided in section 607-5(b)(19), for [For] the institution of each action or proceeding, to include all charges except as provided by paragraphs (2) to (6) [\$75] \$100
- (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 \$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[.]
- (7) Administrative costs associated with the processing of traffic citations that involve stopping (when prohibited), standing, or parking \$5 for each violation in addition to any fine imposed by the court, and whether or not such fine is suspended
- (8) Administrative costs associated with the processing of traffic citations which do not involve stopping, standing, or parking \$20 for each violation in addition to any fine imposed by the court, and whether or not such fine is suspended
- (9) Administrative costs associated with the processing of traffic citations issued for violations of a statute or ordinance relating to vehicles or their drivers, or owners, except those as provided by paragraphs (7) and (8) \$15 for each violation in addition to any fine imposed by the court, and whether or not such fine is suspended.”

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 \$200
- (2) Appeal to a circuit court \$100
- (3) Transfer of action to circuit court from district court, in addition to district court fees \$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 \$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 \$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 \$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)] [(14)] Probate, administration, domiciliary foreign personal representative, or ancillary administration, this fee to be paid once only for each decedent's estate \$100
- [(15a)] Informal probate or appointment proceeding under chapter 560, this fee to be paid instead of the fee prescribed by item (15) \$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)] [(15)] Matrimonial action (annulment, divorce, separation, or separate maintenance) \$100
- [(17)] [(16)] Adoption \$100
- [(18)] [(17)] Guardianship of the person, including all matters of the nature listed in items (4) to (9) \$100
- [(19)] [(18)] Termination of parental rights no charge under part I
- [(20)] [(19)] Any other family court proceeding, except motions or other pleadings in matrimonial, adoption, and guardianship actions, but in-

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cluding without limitation custody proceedings even if in the form of an habeas corpus proceeding \$15”

SECTION 3. Chapter 607, Hawaii Revised Statutes, is amended by adding a new section to part I¹ to be appropriately designated and to read as follows:

“§607- **Assessment for bench warrant issuance.** The court, when issuing a bench warrant for any person who fails to appear or who otherwise fails to comply with a court order, may assess that person a sum not to exceed \$50 for the cost of issuing the bench warrant.”

SECTION 4. 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 the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 6. This Act shall take effect on July 1, 1999.

(Approved June 24, 1999.)

Notes

- 1. No part designations in this chapter.
- 2. Edited pursuant to HRS §23G-16.5.