

ACT 125

H.B. NO. 346

A Bill for an Act Relating to the Civil Process.

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

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

“(d) Fees of sheriff, deputy sheriff, police officer, or independent civil process server from the department of public safety’s list under section 353C-10[;]

- (1) ~~For serving any criminal summons, warrant, attachment, or other criminal process, \$30 effective July 1, 2001. This fee is payable to a sheriff, deputy sheriff, or police officer. Service of criminal summons, warrant, attachment, or other criminal process shall be made only by persons authorized to serve criminal summons.~~
- (2) ~~For serving any civil summons, warrant, attachment, or other civil process, \$25 effective July 1, 2001.~~
- (3) ~~For every copy of an attachment and inventory of the property attached, served upon the defendant, \$2.~~
- (4) ~~For serving any execution, 12 cents for every \$1 collected up to \$500, and 7 cents for every \$1 over \$500.~~
- (5) ~~For serving: subpoena, \$25; and subpoena duces tecum or garnishee summons, \$15 effective July 1, 2001.~~
- (6) ~~For every mile of travel, more than one, in serving any process, 40 cents; provided that:~~
 - (A) ~~No allowance shall be made where the serving individual uses a conveyance furnished the serving individual by the State, or any political or municipal subdivision thereof;~~
 - (B) ~~Where the serving individual serves more than one person in the course of one trip, the serving individual shall not charge, in the aggregate for all services, more than the mileage for the entire trip; and~~
 - (C) ~~As far as practicable, in order to minimize the mileage fees for the service, the sheriff or police chief of the serving police officers, or independent civil process servers, where service of process is to be made upon an island other than that upon which is situated the court issuing the process, shall cause the process to be transmitted to the sheriff, deputy sheriff, the chief of police, a police officer, or an independent civil process server upon the island of service, who shall make the service upon receipt of the process; and the service shall be valid, notwithstanding that the process may not be addressed to the individual actually making the service or to the individual’s superior.~~

In lieu of any fee under this subsection, the fee may be an hourly rate of not less than \$50 per hour agreed upon in advance between the party requesting the service and the sheriff, deputy sheriff, police officer, or independent civil process server performing the service,] shall be as provided under section 607-8(a).”

SECTION 2. Section 607-8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) For all necessary travel in making the service, per mile for every mile more than one...[40] 60 cents provided that:

- (1) No allowance shall be made where the serving individual uses a conveyance furnished the serving individual by the State, or any political or municipal subdivision thereof;
- (2) Where the serving individual serves more than one person in the course of one trip, the serving individual shall not charge, in the aggregate for all services more than the mileage for the entire trip; and
- (3) As far as practicable, in order to minimize the mileage fees for the service, the sheriff or chief of police of the serving police officers, or independent civil process server from the department of public safety’s list under section 353C-10 shall cause the process to be

transmitted to the sheriff, deputy sheriff, the chief of police, a police officer, or an independent civil process server upon the island of service who shall make the service upon receipt of the process; and the service shall be valid, notwithstanding that the process may not be addressed to the individual actually making the service or to the individual's superior.

For serving criminal summons or any other criminal process except a subpoena, for each person served therewith \$30 effective July 1, 2001. Service of criminal summons or any other criminal process shall be made only by persons authorized to serve criminal summons.

For serving civil summons, subpoena, subpoena duces tecum, or any other civil process, except ~~[a subpoena or]~~ a garnishee summons, for each person served therewith ~~[\$25]~~ \$43 effective July 1, ~~[2001.]~~ 2015.

For serving: ~~[subpoena, for each person, \$25; and subpoena duces tecum or]~~ garnishee summons, for each person ~~[\$15]~~ \$30 effective July 1, ~~[2001.]~~ 2015.

For returning as unserved after due and diligent search any process when it has been found that the person to be served has left the State ~~[\$5]~~ \$10 effective July 1, ~~[2001.]~~ 2015.

For serving any execution or other process for the collection of money, for every dollar collected up to ~~[\$1,000]~~ \$10,000 5 cents.

And for every dollar over ~~[\$1,000]~~ \$10,000 ... 2-1/2 cents.

All fees paid to any printer for publishing an advertisement of the sale of any property.

For every bill of sale ~~[\$2.]~~ \$4.

For executing and acknowledging a deed pursuant to a sale of real estate to be paid by the grantee in the deed..... ~~[\$8.]~~ \$10.

For drawing any bond required by law..... ~~[\$2.]~~ \$4.

For serving writ of possession or restitution, putting any person entitled into the possession of premises, and removing a tenant pursuant to order of court ~~[\$25.]~~ \$40.

Together with all necessary expenses incurred by the individual serving the writ, incident to the eviction.

For selling any property on an order from the court other than an execution, the same allowance as for service and sales by execution.

The fees for service of executions, attachments, and collection of judgments, together with all costs incurred after judgment rendered, not included in the judgment, in all courts of the State, shall be collected in addition to the sum directed to be levied and collected in the writ.

In lieu of any fee under this subsection, the fee may be an hourly rate of not less than \$50 per hour agreed upon in advance between the party requesting the service and the sheriff, deputy sheriff, police officer, or independent civil process server performing the service."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 5. This Act shall take effect upon its approval; provided that the amendments made to sections 607-4(d) and 607-8(a), Hawaii Revised Statutes, under sections 1 and 2 of this Act, shall not be repealed when those sections

are reenacted on June 30, 2015, pursuant to section 25 of Act 116, Session Laws of Hawaii 2013.
(Approved June 19, 2015.)