



GOV. MSG. NO. 1145

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

April 29, 2016

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 29, 2016, the following bill was signed into law:

SB2163 SD2 HD2

RELATING TO SERVICE OF PROCESS
ACT 045 (16)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO SERVICE OF PROCESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 342D-9, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) If the director determines that any person has
4 violated or is violating this chapter, any rule adopted pursuant
5 to this chapter, or any permit or variance issued pursuant to
6 this chapter, the director:

7 (1) Shall cause written notice to be served upon the
8 alleged violator or violators. The notice shall
9 specify the alleged violation and may contain an order
10 specifying a reasonable time during which that person
11 shall be required to take any measures that may be
12 necessary to correct the violation and to give
13 periodic progress reports; provided that if all
14 attempts of service of process upon the alleged
15 violator or violators are unsuccessful by personal
16 delivery and by certified, registered, or express
17 mail, notice may be given via a posting on a



1 searchable government website and a sign conspicuously
2 posted on the property, if appropriate;

3 (2) May require that the alleged violator or violators
4 appear before the director for a hearing at a time and
5 place specified in the notice and answer the charges
6 complained of; and

7 (3) May impose penalties as provided in section 342D-31 by
8 sending written notice, either by certified mail or by
9 personal service, to the alleged violator or violators
10 describing the violation."

11 SECTION 2. Section 342H-7, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) If the director determines that any person has
14 violated or is violating any provision of this chapter, any rule
15 adopted pursuant to this chapter, or any term or condition of a
16 permit issued pursuant to this chapter, the director may do any
17 one or more of the following:

18 (1) Issue an order assessing an administrative penalty for
19 any past or current violation; provided that if all
20 attempts of service of process upon the person who has
21 been or is in violation are unsuccessful by personal



delivery and by certified, registered, or express
mail, notice may be given via a posting on a
searchable government website and a sign conspicuously
posted on the property, if appropriate;

(2) Require compliance immediately or within a specified
time; and

(3) Commence a civil action in the circuit environmental
court in the circuit in which the violation occurred
or the person resides or maintains the person's
principal place of business for appropriate relief,
including a temporary, preliminary, or permanent
injunction, the imposition and collection of civil
penalties, or other relief."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on January 1, 2017.

APPROVED this 29 day of APR, 2016



GOVERNOR OF THE STATE OF HAWAII