

JAN 22 2015

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# A BILL FOR AN ACT

RELATING TO COURT 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 (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.~~] \$50. 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.~~] \$40;



- 1           (3) For every copy of an attachment and inventory of the  
2           property attached, served upon the defendant, [~~\$2.~~]  
3           \$3;
- 4           (4) For serving any execution, [~~12~~] 16 cents for every \$1  
5           collected up to \$500, and [~~7~~] 10 cents for every \$1  
6           over \$500[~~7~~];
- 7           (5) For serving: subpoena, [~~\$257~~] \$40; and subpoena duces  
8           tecum or garnishee summons, [~~\$15-effective July 1,~~  
9           ~~20017~~] \$35; and
- 10          (6) For every mile of travel, more than one, in serving  
11          any process, [~~40~~] 60 cents; provided that:
- 12           (A) No allowance shall be made where the serving  
13           individual uses a conveyance furnished to the  
14           serving individual by the State, or any political  
15           or municipal subdivision thereof;
- 16           (B) Where the serving individual serves more than one  
17           person in the course of one trip, the serving  
18           individual shall not charge, in the aggregate for  
19           all services, more than the mileage for the  
20           entire trip; and



1 (C) As far as practicable, in order to minimize the  
2 mileage fees for the service, the sheriff or  
3 police chief of the serving police officers, or  
4 independent civil process servers, where service  
5 of process is to be made upon an island other  
6 than that upon which is situated the court  
7 issuing the process, shall cause the process to  
8 be transmitted to the sheriff, deputy sheriff,  
9 the chief of police, a police officer, or an  
10 independent civil process server upon the island  
11 of service, who shall make the service upon  
12 receipt of the process; and the service shall be  
13 valid, notwithstanding that the process may not  
14 be addressed to the individual actually making  
15 the service or to the individual's superior.

16 In lieu of any fee under this subsection, the fee may be an  
17 hourly rate of not less than [~~\$50~~] \$75 per hour agreed upon in  
18 advance between the party requesting the service and the  
19 sheriff, deputy sheriff, police officer, or independent civil  
20 process server performing the service."



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

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

6       (1) No allowance shall be made where the serving  
7 individual uses a conveyance furnished the serving  
8 individual by the State, or any political or municipal  
9 subdivision thereof;

10       (2) Where the serving individual serves more than one  
11 person in the course of one trip, the serving  
12 individual shall not charge, in the aggregate for all  
13 services more than the mileage for the entire trip;  
14 and

15       (3) As far as practicable, in order to minimize the  
16 mileage fees for the service, the sheriff or chief of  
17 police of the serving police officers, or independent  
18 civil process server from the department of public  
19 safety's list under section 353C-10 shall cause the  
20 process to be transmitted to the sheriff, deputy  
21 sheriff, the chief of police, a police officer, or an



1 independent civil process server upon the island of  
2 service who shall make the service upon receipt of the  
3 process; and the service shall be valid,  
4 notwithstanding that the process may not be addressed  
5 to the individual actually making the service or to  
6 the individual's superior.

7 For serving criminal summons or any other criminal process  
8 except a subpoena, for each person served therewith  
9 [~~..... \$30 effective July 1, 2001.~~], \$50.

10 Service of criminal summons or any other criminal process shall  
11 be made only by persons authorized to serve criminal summons.

12 For serving civil summons or any other civil process,  
13 except a subpoena or a garnishee summons, for each person  
14 served therewith [~~..... \$25 effective July 1,~~  
15 ~~2001.~~], \$40.

16 For serving: subpoena, for each person, [~~\$25,~~] \$40;  
17 and subpoena duces tecum or garnishee summons, for each  
18 person [~~..... \$15 effective July 1,~~  
19 ~~2001.~~], \$35.

20 For returning as unserved after due and diligent search any  
21 process when it has been found that the person to be served has



1 left the State [~~..... \$5 effective July 1, 2001.~~],  
2 \$10.

3 For serving any execution or other process for the  
4 collection of money, for every dollar collected up  
5 to \$1,000 [~~..... 5~~  
6 ~~cents.~~], 9 cents.

7 And for every dollar over \$1,000 [~~..... 2 1/2~~  
8 ~~cents.~~], 5 cents.

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

11 For every bill of sale [~~.....~~  
12 ~~\$2.~~], \$4.

13 For executing and acknowledging a deed pursuant to a  
14 sale of real estate to be paid by the grantee in the  
15 deed[~~.....~~  
16 ~~\$8.~~], \$10.

17 For drawing any bond required by law[~~.....~~  
18 ~~\$2.~~], \$4.

19 For serving writ of possession or restitution,  
20 putting any person entitled into the possession of  
21 premises, and removing a tenant pursuant to order of



1 court[.....]

2 ~~\$25.~~, \$40.

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

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

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

13 In lieu of any fee under this subsection, the fee may be an  
14 hourly rate of not less than [~~\$50~~] \$75 per hour agreed upon in  
15 advance between the party requesting the service and the  
16 sheriff, deputy sheriff, police officer, or independent civil  
17 process server performing the service."

18 SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on June 29, 2015;  
21 provided that the amendments made to section 607-4(d), Hawaii



# S.B. NO. 107

1 Revised Statutes, by section 1 of this Act and section 607-8(a),  
2 Hawaii Revised Statutes, by section 2 of this Act shall not be  
3 repealed when these sections are reenacted on June 30, 2015,  
4 pursuant to section 25 of Act 116, Session Laws of Hawaii 2013.

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INTRODUCED BY:

Will Espero



# S.B. NO. 107

**Report Title:**

Service Fees; Court Fees; Process Servers

**Description:**

Increases various court service fees of the sheriff, police, and other authorized independent process servers.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

