

JAN 19 2018

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## A BILL FOR AN ACT

RELATING TO MANNER OF SERVICE.

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

1           SECTION 1. The legislature finds that many residential  
2 subdivisions are experiencing problems with unpaid homeowner  
3 fees for, and overgrown trees, invasive species, and squatters  
4 on, real property owned by nonresidents of the State. In many  
5 cases, the nonresident owners cannot be contacted and the county  
6 cannot act on behalf of neighboring property owners without  
7 providing notice to the owner of the offending property.

8           The purpose of this Act is to authorize service on  
9 nonresident property owners through a summons mailed to the  
10 mailing address on record with the real property tax office in  
11 the county in which the offending property is located.

12           SECTION 2. Section 634-36, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "§634-36 Manner of service under sections 634-33 to 35.  
15       [+] (a) [+] When service of summons is provided for by section  
16 634-33, 634-34, or 634-35, service shall be made by service upon  
17 the defendant personally by any person authorized to serve



1 process in the place in which the defendant may be found or  
2 appointed by the court for the purpose, or sent by certified,  
3 registered, or express mail, postage prepaid, with return  
4 receipt requested, by the plaintiff or the plaintiff's attorney  
5 to the defendant. The plaintiff or the plaintiff's attorney  
6 shall file the return of the serving officer or an affidavit  
7 showing that the copy of summons and complaint were served as  
8 aforesaid or sent by certified, registered, or express mail as  
9 aforesaid, and in the latter case the return receipt signed by  
10 the defendant shall be filed with the affidavit. The service  
11 shall be complete upon delivery of the required papers to the  
12 defendant outside the State, personally or by mail as provided.

13 [f] (b) [f] If the defendant cannot be found to serve or  
14 mail the summons and the facts shall appear by affidavit or  
15 otherwise to the satisfaction of the court, it may order that  
16 service be made by publication of summons in at least one  
17 newspaper published in the State and having a general  
18 circulation in the circuit in which the action has been  
19 instituted, in such manner and for such time as the court may  
20 order, but not less than once each week in four successive  
21 weeks, the last publication to be not less than twenty-one days



1 prior to the return date stated therein unless a different time  
2 is prescribed by order of the court.

3 (c) In addition to any manner of service authorized by  
4 subsections (a) and (b), in any action involving real property  
5 owned by a defendant who is not a resident of the State, service  
6 of summons may be made upon the defendant by sending the service  
7 of summons by certified, registered, or express mail, postage  
8 prepaid, with return receipt requested to the address of the  
9 defendant on file with the real property assessment office of  
10 the county in which the real property is located, by the  
11 plaintiff or the plaintiff's attorney. The plaintiff or the  
12 plaintiff's attorney shall file the return of the serving  
13 officer or an affidavit showing that the copy of summons and  
14 complaint were sent by certified, registered, or express mail,  
15 and the return receipt signed by the defendant shall be filed  
16 with the affidavit. The service shall be complete upon delivery  
17 of the required papers to the defendant outside the State by  
18 mail as provided.

19 (d) As used in this section, "real property owned by a  
20 defendant who is not a resident of the State" means real  
21 property for which the address on file with the real property



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1 assessment office of the county in which the property is located  
2 is an address that is not in this State."

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

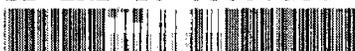
6 SECTION 4. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on January 1, 2019.

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INTRODUCED BY:





# S.B. NO. 2287

**Report Title:**

Real Property; Service of Summons; Nonresident

**Description:**

Authorizes service on nonresident property owners for actions involving the property owned by the nonresident through a summons mailed to the mailing address on record with the real property tax office in the county in which the offending property is located. Effective 1/1/19.

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

