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# A BILL FOR AN ACT

RELATING TO ELECTRONIC SERVICE OF PROCESS.

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

1           SECTION 1. The purpose of this Act is to permit businesses  
2 to designate a registered email address to accept service of  
3 process in lieu of continuously maintaining a registered agent  
4 in the State.

5           SECTION 2. Chapter 414, Hawaii Revised Statutes, is  
6 amended by adding a new section to part VI to be appropriately  
7 designated and to read as follows:

8           "§414-    Electronic entity-service; alternative to  
9 registered agent. (a) Notwithstanding any other law to the  
10 contrary, a corporation that is required to continuously  
11 maintain a registered agent under section 414-61 may, in the  
12 alternative, designate a registered email address to serve as  
13 the corporation's registered agent.

14           (b) For any corporation that designates a registered email  
15 address pursuant to subsection (a):

16           (1) The corporation shall consent to receive any service,  
17 notice, demand, claim, filing, or other document at



1 its registered email address on the same or similar  
2 terms as it would have received service, notice,  
3 demand, claim, filing, or other document through  
4 service on a registered agent; and

5 (2) Any person shall be entitled to rely on the  
6 corporation's designation of a registered email  
7 address on file with the department director as a  
8 written consent for the purposes described in  
9 paragraph (1).

10 (c) Any person may perfect service on a corporation that  
11 has designated a registered email address by electronic  
12 transmission of copies of any summons, complaint, demand, claim,  
13 filing, or other document to the corporation's registered email  
14 address.

15 (d) Nothing in this section shall affect or prohibit  
16 service by other means permitted by any statute, rule of court,  
17 or contract. Service made pursuant to this section shall be  
18 complete upon successful transmission.

19 (e) For the purposes of this section, "registered email  
20 address" means an electronic mail address that is registered  
21 with the department director and is capable and enabled to send



1 and receive from the general public graphic copies of any  
2 summons, complaint, filing, or other document."

3 SECTION 3. Chapter 414D, Hawaii Revised Statutes, is  
4 amended by adding a new section to part V to be appropriately  
5 designated and to read as follows:

6 "§414D- Electronic entity-service; alternative to  
7 registered agent. (a) Notwithstanding any other law to the  
8 contrary, a corporation that is required to continuously  
9 maintain a registered agent under section 414D-71 may designate,  
10 in the alternative, a registered email address to serve as the  
11 corporation's registered agent.

12 (b) For any corporation that designates a registered email  
13 address pursuant to subsection (a):

14 (1) The corporation shall consent to receive any service,  
15 notice, demand, claim, filing, or other document at  
16 its registered email address on the same or similar  
17 terms as it would have received service, notice,  
18 demand, claim, filing, or other document through  
19 service on a registered agent; and

20 (2) Any person shall be entitled to rely on the  
21 corporation's designation of a registered email



1           address on file with the department director as a  
2           written consent for the purposes described in  
3           paragraph (1).

4           (c) Any person may perfect service on a corporation that  
5           has designated a registered email address by electronic  
6           transmission of copies of any summons, complaint, demand, claim,  
7           filing, or other document to the corporation's registered email  
8           address.

9           (d) Nothing in this section shall affect or prohibit  
10           service by other means permitted by any statute, rule of court,  
11           or contract. Service made pursuant to this section shall be  
12           complete upon successful transmission.

13           (e) For the purposes of this section "registered email  
14           address" means an electronic mail address that is registered  
15           with the department director and is capable and enabled to send  
16           and receive from the general public graphic copies of any  
17           summons, complaint, filing, or other document."

18           SECTION 4. Chapter 414D, Hawaii Revised Statutes, is  
19           amended by adding a new section to part XIV to be appropriately  
20           designated and to read as follows:



1           "§414D-    Electronic entity-service; alternative to  
2 registered agent.   (a) Notwithstanding any other law to the  
3 contrary, a foreign corporation that is required to continuously  
4 maintain a registered agent under section 414D-277 may  
5 designate, in the alternative, a registered email address to  
6 serve as the foreign corporation's registered agent.

7           (b) For any foreign corporation that designates a  
8 registered email address pursuant to subsection (a):

9           (1) The foreign corporation shall consent to receive any  
10 service, notice, demand, claim, filing, or other  
11 document at its registered email address on the same  
12 or similar terms as it would have received service,  
13 notice, demand, claim, filing, or other document  
14 through service on a registered agent; and

15           (2) Any person shall be entitled to rely on the foreign  
16 corporation's designation of a registered email  
17 address on file with the department director as a  
18 written consent for the purposes described in  
19 paragraph (1).

20           (c) Any person may perfect service on a foreign  
21 corporation that has designated a registered email address by



1 electronic transmission of copies of any summons, complaint,  
2 demand, claim, filing, or other document to the foreign  
3 corporation's registered email address.

4 (d) Nothing in this section shall affect or prohibit  
5 service by other means permitted by any statute, rule of court,  
6 or contract. Service made pursuant to this section shall be  
7 complete upon successful transmission.

8 (e) For the purposes of this section "registered email  
9 address" means an electronic mail address that is registered  
10 with the department director for transmitting electronic  
11 messages and is capable and enabled to send and receive from the  
12 general public graphic copies of any summons, complaint, filing,  
13 or other document."

14 SECTION 5. Chapter 425, Hawaii Revised Statutes, is  
15 amended by adding a new section to part I to be appropriately  
16 designated and to read as follows:

17 **"§425- Electronic entity-service; alternative to**  
18 **registered agent.** (a) Notwithstanding any other law to the  
19 contrary, a partnership that is required to continuously  
20 maintain a registered agent under section 425-18 may designate,



1 in the alternative, a registered email address to serve as the  
2 partnership's registered agent.

3 (b) For any partnership that designates a registered email  
4 address pursuant to subsection (a):

5 (1) The partnership shall consent to receive any service,  
6 notice, demand, claim, filing, or other document at  
7 its registered email address on the same or similar  
8 terms as it would have received service, notice,  
9 demand, claim, filing, or other document through  
10 service on a registered agent; and

11 (2) Any person shall be entitled to rely on the  
12 partnership's designation of a registered email  
13 address on file with the department director as a  
14 written consent for the purposes described in  
15 paragraph (1).

16 (c) Any person may perfect service on a partnership that  
17 has designated a registered email address by electronic  
18 transmission of copies of any summons, complaint, demand, claim,  
19 filing, or other document to the partnership's registered email  
20 address.



1        (d) Nothing in this section shall affect or prohibit  
2 service by other means permitted by any statute, rule of court,  
3 or contract. Service made pursuant to this section shall be  
4 complete upon successful transmission.

5        (e) For the purposes of this section "registered email  
6 address" means an electronic mail address that is registered  
7 with the department director and is capable and enabled to send  
8 and receive from the general public graphic copies of any  
9 summons, complaint, filing, or other document."

10        SECTION 6. Chapter 425E, Hawaii Revised Statutes, is  
11 amended by adding a new section to article 1 to be appropriately  
12 designated and to read as follows:

13        **"§425E-    Electronic entity-service; alternative to**  
14 **registered agent.** (a) Notwithstanding any law to the contrary,  
15 a limited partnership that is required to continuously maintain  
16 a registered agent under section 425E-114 may designate, in the  
17 alternative, a registered email address to serve as the limited  
18 partnership's registered agent.

19        (b) For any limited partnership that designates a  
20 registered email address pursuant to subsection (a):



- 1        (1) The partnership shall consent to receive any service,  
2        notice, demand, claim, filing, or other document at  
3        its registered email address on the same or similar  
4        terms as it would have received service, notice,  
5        demand, claim, filing, or other document through  
6        service on a registered agent; and
- 7        (2) Any person shall be entitled to rely on the limited  
8        partnership's designation of a registered email  
9        address on file with the department director as a  
10       written consent for the purposes described in  
11       paragraph (1).
- 12       (c) Any person may perfect service on a limited  
13       partnership that has designated a registered email address by  
14       electronic transmission of copies of any summons, complaint,  
15       demand, claim, filing, or other document to the limited  
16       partnership's registered email address.
- 17       (d) Nothing in this section shall affect or prohibit  
18       service by other means permitted by any statute, rule of court,  
19       or contract. Service made pursuant to this section shall be  
20       complete upon successful transmission.
- 21       (e) For the purposes of this section:



1       "Limited partnership" has the same meaning as defined in  
2 section 425E-102, and includes a foreign limited partnership, as  
3 defined in section 425E-102.

4       "Registered email address" means an electronic mail address  
5 that is registered with the department director and is capable  
6 and enabled to send and receive from the general public graphic  
7 copies of any summons, complaint, filing, or other document."

8       SECTION 7. Chapter 428, Hawaii Revised Statutes, is  
9 amended by adding a new section to part I to be appropriately  
10 designated and to read as follows:

11       "§428-    Electronic entity-service; alternative to  
12 registered agent. (a) Notwithstanding any law to the contrary,  
13 a limited liability company that is required to continuously  
14 maintain a registered agent under section 428-107 may designate,  
15 in the alternative, a registered email address to serve as the  
16 limited liability company's registered agent.

17       (b) For any limited liability company that designates an  
18 email address pursuant to subsection (a):

19       (1) The limited liability company shall consent to receive  
20 any service, notice, demand, claim, filing, or other  
21 document at its registered email address on the same



1           or similar terms as it would have received service,  
2           notice, demand, claim, filing, or other document  
3           through service on a registered agent; and

4           (2) Any person shall be entitled to rely on the limited  
5           liability company's designation of a registered email  
6           address on file with the department director as a  
7           written consent for the purposes described in  
8           paragraph (1).

9           (c) Any person may perfect service on a limited liability  
10          company that has designated a registered email address by  
11          electronic transmission of copies of any summons, complaint,  
12          demand, claim, filing, or other document to the limited  
13          liability company's registered email address.

14          (d) Nothing in this section shall affect or prohibit  
15          service by other means permitted by any statute, rule of court,  
16          or contract. Service made pursuant to this section shall be  
17          complete upon successful transmission.

18          (e) For the purposes of this section:

19          "Limited liability company" means a domestic limited  
20          liability company or foreign limited liability company



# S.B. NO. 1213

1 authorized to do business in this State and subject to the  
2 registered agent requirement under section 428-107.

3 "Registered email address" means an electronic mail address  
4 that is registered with the department director and is capable  
5 and enabled to send and receive from the general public graphic  
6 copies of any summons, complaint, filing, or other document."

7 SECTION 8. New statutory material is underscored.

8 SECTION 9. This Act shall take effect upon its approval.

9

INTRODUCED BY: \_\_\_\_\_

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right, positioned above a horizontal line.

# S.B. NO. 1213

**Report Title:**

Business Entities; For Profit Corporations; Nonprofit Corporations; Partnerships; Limited Partnerships; Limited Liability Companies; Registered Agents; Service of Process

**Description:**

Allows businesses in the State to designate an email address to accept service of process in lieu of continuously maintaining a registered agent in the State.

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

