

ACT 134

H. B. NO. 38

A Bill for an Act Relating to the Service of Process and Notices, Amending Sections 46-71, 52-37, 54-31, and 54-67, Hawaii Revised Statutes.

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

SECTION 1. Section 46-71, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 46-71 Service of process upon county. Service of any notice or process issued against any county by any court, judicial or administrative officer or board may be made by any officer authorized to make service of process, and may be made upon the corporation counsel or county attorney or any of his deputies, or as provided by the county charter. Any such service shall be binding upon the county.”

SECTION 2. Section 52-37(8), Hawaii Revised Statutes, is amended to read as follows:

“(8) Serve all processes and notices;”.

SECTION 3. Section 54-31, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 54-31 Name and service of process; claims against the board. The board of water supply created herein shall be known as the board of water supply of the county in which it is created, and may sue and be sued under this name. Service of process in all matters affecting the board, or any property under its jurisdiction, may be made by service upon any member of the board or on its manager, and by also serving the county. Any action commenced or prosecuted for the recovery of damages for any injury to any person or property by reason of the negligence of the board or of any of its agents, servants, or employees, shall be commenced and prosecuted against the board. No action shall be maintained for the recovery of any damage, unless a written statement verified by the oath of a claimant, setting forth the nature and items of the claim, and the time and place where the alleged injury may have occurred or where the damage was sustained, has been filed with the board within six months after the date of the sustaining of the injury or damage; otherwise there shall be no recovery on the claim.”

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SECTION 4. Section 54-67, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 54-67 Service of process; claims. Except as otherwise provided by the county charter, section 54-31 shall apply.”

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 6. This Act shall take effect on July 1, 1973.

(Approved May 22, 1973.)

*Edited accordingly.