

ACT 153

S.B. NO. 555

A Bill for an Act Relating to Service Fees.

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

SECTION 1. Section 92-24, Hawaii Revised Statutes, is amended to read as follows:

“§92-24 Directors of finance and commerce and consumer affairs; fees.

The director of finance and the director of commerce and consumer affairs each shall charge the following fees:

- (1) For administering any oath, \$1;
- (2) For preparing every photostat copy of any document on record in his office, 50 cents per page or portion thereof;
- (3) For preparing every typewritten copy of any document on record in his office, 50 cents per page or portion thereof;
- (4) For preparing a certificate of compliance, [~~\$1~~] \$5 for the original certificate, and [~~25 cents~~] \$1 for each additional copy thereof[;], of which \$4 from each certificate and 75 cents of each additional copy shall be deposited in the special fund authorized by section 416-97, and the balance deposited to the general fund of the state;
- (5) For comparing any document submitted for certification, 15 cents per page or portion thereof;
- (6) For certifying any document on record in his office, 25 cents for each certification;
- (7) For all other acts and duties, the fees of which are not otherwise provided for, such charges as each may from time to time prescribe.”

SECTION 2. Section 416-131, Hawaii Revised Statutes, is amended to read as follows:

“§416-131 Manner of service. Service of any notice or process authorized by law issued against any corporation, whether domestic or foreign, by any court, judicial or administrative officer, or board, may be made in the manner provided by law upon any officer or director of the corporation who is found within the jurisdiction of the court, officer, or board; and in default of finding any officer or director, upon the manager or superintendent of the corporation or any person who is found in charge of the property, business, or office of the corporation within the jurisdiction.

If no officer, director, manager, superintendent, or other person in charge of the property, business, or office of the corporation can be found within the State; and in case the corporation, if a foreign corporation, has neglected to file with the officer specified in section 418-1 or 418-2 the name of a person upon whom legal notice and process from the courts of the State may be served; and likewise if the

person so named is not found within the State, service may be made upon the corporation by filing with the director of commerce and consumer affairs, or in his absence, with the deputy director, a copy of the notice, or process, certified to be such under the seal of any court of record, or by the chairman, or president of the board, or by the officer issuing the same[.], together with payment of a fee of \$15, which shall be deposited in the special fund authorized by section 416-97. The director or deputy director so served shall immediately notify the defendant corporation of the service. The filing shall be deemed service upon the corporation forty-five days after the filing, and shall authorize the court, board or officer to proceed in all respects as in the case of service personally made upon an individual."

SECTION 3. Section 482-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Before any person may receive a certificate of registration of a print, label, or trademark, he shall file in the office of the director of commerce and consumer affairs an application for the registration of such print, label, or trademark, with a declaration, certified by the applicant, stating that he is the sole and original proprietor or the assign of such proprietor of this print, label, or trademark, and describing the goods or manufactured articles for which the print, label, or trademark is used, and stating the manner in which the print, label, or trademark is used. Before any person may receive a certificate of registration of a service mark or trade name, he shall file in the office of the director an application for the registration thereof, with a declaration, certified, as aforesaid, stating that he is the sole and original proprietor of the service mark or trade name, or the assign of the proprietor and setting forth the nature of the business in which the service mark or trade name is used. The application shall be accompanied by two exact copies of the print, label, trademark, service mark, or trade name. Upon filing the application, the applicant shall pay to the director a fee of [\$10.] \$25, of which \$15 shall be deposited in the special fund authorized by section 416-97, and the balance deposited to the general fund of the State."

SECTION 4. Section 634-31, Hawaii Revised Statutes, is amended to read as follows:

"[]§634-31[] **Same; nonresidents; service on director.** The transaction of any acts, business, or activities within the State by any officer, agent, representative, employee, or member of any such association having officers, agents, members, or property without the State, on behalf of such association, or any of its members or affiliated local associations, shall be deemed an appointment by the association of the director of commerce and consumer affairs to be the true and lawful attorney of the association, upon whom may be served all legal processes or notices in any action or proceeding against or involving the association growing out of the acts, business, or activities within the State giving rise to any cause of action, and the acts, business, or activities shall be a signification of the agreement of the association and its members that any such process or notice in any action, matter, or proceeding against or involving it, which is so served, shall be of the same legal force and validity as if served upon the association and its members personally. Service of such process or notice shall be made by filing a copy thereof in the office

of the director together with payment of a fee of [~~\$5~~] \$10, of which \$5 shall be deposited in the special fund authorized by section 416-97, and the balance deposited to the general fund of the State, and such service shall be sufficient service upon the association and its members; and notice of the service and a copy of the process or notice shall, within ten days thereafter, be sent by registered mail by the director to the association at its last known address and an affidavit of compliance with this section shall be filed with the court or other state agency or department before which the action, matter, or proceeding is pending. The filing shall be deemed service upon the association twenty days after the filing."

SECTION 5. Section 26-9, Hawaii Revised Statutes, is amended by amending subsection (k) to read as follows:

"(k) Any law to the contrary notwithstanding, the fees assessed or charged by any board or commission placed within the department of commerce and consumer affairs for administrative purposes or by the department for services provided to the public may be [established, pursuant to chapter 91, as separate application, examination, and license fees, and be] increased or decreased by the director of commerce and consumer affairs by rules adopted pursuant to chapter 91 to maintain a reasonable relation between the revenue derived from the fee and the cost or value of services rendered[.]; provided that with regard to the fees assessed or charged by any board or commission, the director may establish the fees as separate application, examination, and license fees."

SECTION 6. Provisions relating to the deposit of a portion of fees into the special fund authorized by section 416-97 shall terminate on June 30, 1984, at which time the entire amount of the fees shall be deposited to the general fund.

SECTION 7. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved June 2, 1983.)