

A Bill for an Act Relating to Investigative Subpoenas.

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

SECTION 1. Section 487-9, Hawaii Revised Statutes, is amended to read as follows:

“§487-9 Investigations. The director in the course of the director’s investigations [is empowered pursuant to and in accordance with the rules of court to] may subpoena witnesses, examine them under oath, and require the production of books, papers, documents, or objects which the director deems relevant [or material] to the [inquiry.] investigation. Service of the subpoena may be made personally within this State, but if personal service cannot be obtained, substituted service may be made on any witness over whom the courts can exercise jurisdiction pursuant to chapter 634, in the following manner:

- (1) Personal service outside the State;
- (2) Mailing by registered or certified mail to the last known place of business, residence, or abode within or without this State of the person to be served;
- (3) As to any person other than a natural person, in the manner provided in the Hawaii Rules of Civil Procedure as if a complaint had been filed; or
- (4) Such service as the circuit court may direct in lieu of personal service within this State.

Upon application by the director, obedience to the subpoena may be enforced by the circuit [court] courts of this State in the county where the person subpoenaed resides or is found in the same manner as a subpoena issued by the clerk of a circuit court. If the person is a nonresident or has no principal place of business within this State, obedience to the subpoena may also be enforced by a circuit court of this State in the county where the subpoena was issued. The director may conduct hearings in aid of any investigation or inquiry, and may prescribe [such] forms and [promulgate such] adopt rules [and regulations] as may be necessary in the interest of the consumer public.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved July 17, 1998.)