

ACT 216

S.B. NO. 1134

A Bill for an Act Relating to Court Costs.

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

SECTION 1. Section 601-3.7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established in the state treasury a special fund to be known as the judiciary computer system special fund. Moneys collected from administrative fees pursuant to section 287-3(a) and fees pursuant to sections 607-4(b)(10) and 607-5(c)(32) shall be deposited into the fund.”

SECTION 2. Section 607-4, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) The fees prescribed by subsection (b) shall be paid to the clerk of the district court as costs of court by the person instituting the action or proceeding, or offering the paper for filing, or causing the document to be issued or the services to be performed in the district court; provided that nothing in subsection (b) shall apply to cases of adults charged with commission of a crime, or minors referred to the district court by the family court; provided further that for the purposes of subsection (b), “judgment” includes an order from which an appeal lies[-]; and provided further that the fees prescribed by subsection (b)(10) shall be deposited by the clerk of the district court into the judiciary computer system special fund pursuant to section 601-3.7.

(b) The fees referred to in subsection (a) are:

- (1) Except for petitions for temporary restraining order under section 604-10.5, the fee for which shall be the same as that provided in section 607-5(b)(19), for the institution of each action or proceeding, to include all charges except as provided by paragraphs (2) to (6) \$100
- (2) Intervention; answer containing one or more cross-claims or counterclaims; third-party complaint, for each such matter \$10
- (3) Demand for jury trial Fee prescribed by section 607-5
- (4) Filing of notice of appeal to the supreme court, to be paid in addition to the deposit of appellate court costs \$100
- (5) Making of a copy; comparing of copy with original Fees prescribed by section 92-21
- (6) Posting notice; service fees; garnishee fees; mileage charges; or other services actually performed Amounts necessary to cover actual costs or disbursements
- (7) Administrative costs associated with the processing of traffic citations that involve stopping (when prohibited), standing, or parking \$5 for each violation in addition

- to any fine imposed by
the court, and whether or
not such fine is suspended
- (8) Administrative costs associated with the processing of traffic citations which do not involve stopping, standing, or parking \$20 for each violation in addition to any fine imposed by the court, and whether or not such fine is suspended
- (9) Administrative costs associated with the processing of traffic citations issued for violations of a statute or ordinance relating to vehicles or their drivers, or owners, except those as provided by paragraphs (7) and (8) \$15 for each violation in addition to any fine imposed by the court, and whether or not such fine is suspended[-]
- (10) Administrative costs associated with the processing of all civil filings except those brought by the State or any of the various counties and political subdivisions of the State, those commenced by a petition for temporary restraining order under section 604-10.5, and those commenced and conducted in the small claims division of the district court \$20.

SECTION 3. Section 607-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The fees prescribed by the schedule in this section shall be paid to the clerk of the circuit court as costs of court by the person instituting the action or proceeding, or offering the paper for filing, or causing the document to be issued or the services to be performed in the circuit court; provided that nothing in the schedule shall apply to cases of adults charged with commission of a crime, or to proceedings under section 571-11(1) or (2), or to proceedings under chapter 333F or 334, or to small estates (including decedents’ estates and protection of property of minors and persons under disability) when the amount payable is fixed by another statute[-]; and provided further that the fees prescribed by subsection (c)(32) shall be deposited by the clerk of the circuit court into the judiciary computer system special fund pursuant to section 601-3.7.

For the purpose of this section, “judgment” includes a decree and any order from which an appeal lies.

SCHEDULE

In the application of this schedule, each case assigned a new number or filed under the number previously assigned to a probate, trust, guardianship, or conservatorship, shall carry a fee for the institution or transfer of the action or proceeding as prescribed by part I, and in addition the fees prescribed by part II unless otherwise provided.”

SECTION 4. Section 607-5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) **PART II**

The fees prescribed by this part apply without exception.

Jury trial:

- (21) Demand for jury trial, including without limitation probate cases, appeals to the circuit court, and cases transferred to the circuit court from the district court, this fee to be paid to the court in which the demand is filed by the party first making the demand \$200
- (22) Remand to district court in cases transferred to circuit court from district court on demand for jury trial, where jury trial is waived and a remand of such cases to district court is allowed \$50

Miscellaneous:

- (23) Filing of notice of appeal to supreme court, to be paid in addition to the deposit of supreme court costs \$100
- (24) Search of records by the clerk \$2
- (25) Making of copy; comparing of copy with original; certification or authentication of notaries Fees prescribed by section 92-21
- (26) Certification under seal of copy of pleading or other paper subsequent to the initial filing of the pleading or paper, except record on appeal \$1
- (27) Exemplification, instead of item (26) \$2
- (28) Filing of copy of notice of completion of contract, with affidavit of publication \$3
- (29) Filing of initial paper under section 507-43 by person asserting mechanic's or materialman's lien (this fee to be additional to the fee prescribed by part I for bringing an action under section 507-47) ... \$15
- (30) Filing of any other paper not in a pending proceeding \$3
- (31) Printing, publishing, or posting notice; service fees; garnishee fees; mileage charges; or other services actually performed Amounts necessary to cover actual costs or disbursements[-]
- (32) For administrative costs associated with the processing of all civil filings except those brought by the State or any of the various counties or political subdivisions of the State\$50."

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2003.

(Approved July 1, 2003.)