

ACT 3

H.B. NO. 2299

A Bill for an Act Relating to Appellate Court Costs.

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

SECTION 1. 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] appellate 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 2. Section 607-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) All proceedings in the courts of appeal shall be filed in the supreme court. Upon the filing of any appeal, or the institution of any original suit, action, or other proceeding in the supreme court, there shall be paid ~~[to the clerk of the supreme court]~~ by the person filing such appeal, or instituting the suit, action, or other proceeding, as appellate court costs ~~[of court]~~, the sum of \$100.”

SECTION 3. Section 607-7, Hawaii Revised Statutes, is amended to read as follows:

“**§607-7 Deposit and payment of fees and costs on appeal.** All fees and costs required to be paid upon the filing of ~~[any]~~ a notice of appeal from a court shall be ~~[deposited with]~~ paid to the clerk of the court from which the appeal is taken, ~~[which deposit shall be transmitted]~~. The clerk of the court shall immediately transmit a record of the payments and deposits, along with a copy of the notice of appeal, to the clerk of the supreme court ~~[together with the record of the appeal; provided that the filing fee]~~. The required fees and costs for an appeal, whether to be heard by the supreme court, intermediate appellate court, or both, shall be payable only once upon the initial filing of the appeal. ~~[The deposit shall be made at the time of filing the notice of appeal.]~~

Where the appeal is from a governmental official or body other than a court, the required ~~[payment of]~~ costs and fees for filing the appeal shall be made payable to the clerk of the court to which the appeal is taken ~~[except as otherwise provided; provided that the filing fee for an appeal,]~~ and transmitted by the government official or body upon receipt to the clerk of the court to which the appeal is taken, along with a copy of the notice of appeal. In the event that an appeal from a government official or body is taken directly to the supreme court, to be heard by the supreme court, the intermediate appellate court, or both, [shall be transmitted to the clerk of the supreme court, and further provided that] the [filing fee] required costs and fees for the appeal shall be payable only once, upon the initial filing of the appeal.”

SECTION 4. Section 501-63, Hawaii Revised Statutes, is repealed.

SECTION 5. Section 607-5.5, Hawaii Revised Statutes, is repealed.

SECTION 6. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2004.

(Approved April 15, 2004.)

Note

1. Edited pursuant to HRS §23G-16.5.