

ACT 71

H.B. NO. 2296

A Bill for an Act Relating to the Use of Credit and Debit Cards.

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

SECTION 1. Section 601-17, Hawaii Revised Statutes, is amended to read as follows:

“§601-17 Use of credit and debit cards to pay for court costs, fees, expenses, and other charges. (a) Costs, fees, bond forfeitures, fines, expenses, and other charges that are due and owing to the courts may be paid by use of credit cards or debit cards acceptable to the administrative director of the courts; provided that [~~bail postings and~~] driver’s license and vehicle registration clearances shall be paid by cash only.

(b) A service fee may be paid by the [~~courts~~] judiciary for the use of a credit or debit card service. In the event that a credit or debit card is used to pay any charges due and owing to the courts, the judiciary may impose an additional convenience fee on the credit or debit card user. The amount of such convenience fee shall not exceed the amount of the service fee imposed on the judiciary for the subject credit or debit card transaction.”

SECTION 2. Section 804-11, Hawaii Revised Statutes, is amended to read as follows:

“§804-11 One surety sufficient^[5]; when. A single surety is sufficient, if the surety offers cash, a credit or debit card authorization, stocks, bonds, or real property in accordance with section 804-11.5^[7]; otherwise, there shall be two or more sureties.”

SECTION 3. Section 804-11.5, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

“[E]§804-11.5[H] Cash, credit and debit card authorization, stocks, bonds, or real property as security for bail. (a) Any person who is permitted to give bail in accordance with section 804-7.4 may secure the bail bond by a deposit, with the clerk of the appropriate court, of:

- (1) Cash or credit or debit card authorization equal to the amount of the bail;
- (2) The unencumbered interest [~~of~~] in personal property which has a market value of not less than the amount of the bail bond; or
- (3) Deeds for real property:
 - (A) Situated in this State;
 - (B) Not exempt from attachment or execution under section 651-92;
 - (C) Owned by the person depositing the bail; and
 - (D) Consisting of an unencumbered interest the value of which is at least double the amount of the bail bond.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2004.

(Approved May 13, 2004.)