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# A BILL FOR AN ACT

RELATING TO SERVICE OF PROCESS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 342D-9, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3           "(a) If the director determines that any person has  
4 violated or is violating this chapter, any rule adopted pursuant  
5 to this chapter, or any permit or variance issued pursuant to  
6 this chapter, the director:  
7           (1) Shall cause written notice to be served upon the  
8           alleged violator or violators. The notice shall  
9           specify the alleged violation and may contain an order  
10           specifying a reasonable time during which that person  
11           shall be required to take any measures that may be  
12           necessary to correct the violation and to give  
13           periodic progress reports; provided that if all  
14           attempts of service of process upon the alleged  
15           violator or violators are unsuccessful by personal  
16           delivery and by certified, registered, or express  
17           mail, notice may be given via a posting on a



1           searchable government website and a sign conspicuously  
2           posted on the property, if appropriate;

3           (2) May require that the alleged violator or violators  
4           appear before the director for a hearing at a time and  
5           place specified in the notice and answer the charges  
6           complained of; and

7           (3) May impose penalties as provided in section 342D-31 by  
8           sending written notice, either by certified mail or by  
9           personal service, to the alleged violator or violators  
10          describing the violation."

11          SECTION 2. Section 342H-7, Hawaii Revised Statutes, is  
12          amended by amending subsection (a) to read as follows:

13          "(a) If the director determines that any person has  
14          violated or is violating any provision of this chapter, any rule  
15          adopted pursuant to this chapter, or any term or condition of a  
16          permit issued pursuant to this chapter, the director may do any  
17          one or more of the following:

18          (1) Issue an order assessing an administrative penalty for  
19          any past or current violation; provided that if all  
20          attempts of service of process upon the person who has  
21          been or is in violation are unsuccessful by personal



1           delivery and by certified, registered, or express  
2           mail, notice may be given via a posting on a  
3           searchable government website and a sign conspicuously  
4           posted on the property, if appropriate;

5           (2) Require compliance immediately or within a specified  
6           time; and

7           (3) Commence a civil action in the circuit environmental  
8           court in the circuit in which the violation occurred  
9           or the person resides or maintains the person's  
10          principal place of business for appropriate relief,  
11          including a temporary, preliminary, or permanent  
12          injunction, the imposition and collection of civil  
13          penalties, or other relief."

14          SECTION 3. New statutory material is underscored.

15          SECTION 4. This Act shall take effect on January 1, 2017.



**Report Title:**

Service of Process; Water Pollution; Solid Waste Pollution;  
Notice

**Description:**

Allows notice of a water pollution and solid waste pollution violation to be given via a posting on a searchable government website and a sign conspicuously posted on the property, if appropriate, when attempts to serve the notice in person and by mail have been unsuccessful. (SB2163 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

