

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the Amendments
of the
Hawaii Rules of Court

ORDER AMENDING THE HAWAII RULES OF COURT
(By: Moon, C.J.; Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that the rules of court identified below are deleted, added, or amended as indicated (new material is underlined; bracketed and stricken material is deleted), effective July 01, 2005:

1. Rule 77(e) of the Hawaii Rules of Civil Procedure is deleted and reserved.
2. New Rule 2.2 is added to the Rules of the Circuit Courts:

Rule 2.2. COSTS AND FEES TO BE COLLECTED BY THE CLERK.

The clerk shall collect costs and fees provided by Chapter 607 of the Hawaii Revised Statutes except that the clerk shall collect the amounts specified herein as follows:

- (1) For copies of any document in any public record:
 - (i) maintained by the clerk and stored in the clerk's office:
 - \$1.00 for the first page
 - \$.50 for each additional page
 - (ii) in off-site storage:
 - Usual copying charge plus \$5.00
 - (iii) on microfilm:
 - (A) by clerk:
 - \$1.00 per page plus \$5.00
 - (B) self-service:
 - \$1.00 per page
 - (iv) to be telefaxed:
 - Usual copying charge plus:

- (A) within Hawai i:
 - \$2.00 first page
 - \$1.00 each additional page
- (B) outside Hawai i, within the United States
 - \$5.00 first page
 - \$2.00 each additional page
- (C) outside of the United States:
 - \$10.00 first page
 - \$5.00 each additional page
- (D) rush requests (copy made within 4 hours if request received before noon):
 - \$10.00 plus all other applicable charges.
- (v) audio tapes, electronic copy of any document: \$10.00
- (vi) video tape: cost of production
- (2) Parties to a pending case shall not be charged for the first copy of the court order, opinion, judgment or any other item entered in the case by the court, whether provided on paper or electronically.
- (3) The clerk shall charge the actual cost of mailing paper copies of any item, provided that the parties to a pending case shall not be charged for the mailing of the first paper copy of a court order, opinion, or other item entered in the case by the court.
- (4) Transfer of an action to circuit court from district court, in addition to district court fees: \$125.00
- (5) Certification under seal of a copy of a pleading or other paper subsequent to the initial filing of the pleading or paper, except the record on appeal: \$2.00
- (6) Making of copy; comparing of copy with original; certification or authentication of notaries: \$3.00
- (7) Ex officio filing (in addition to the usual filing fee): \$10.00
- (8) Exemplification, instead of item (26) in HRS § 607-5(c): \$4.00
- (9) Filing of notary commission: \$6.00
- (10) Filing of initial paper under HRS § 507-43 by person asserting mechanic's or materialman's lien (this fee to be additional to the fee prescribed by part I of HRS

§ 607-5 for bringing an action under HRS
§ 507-47): \$30.00

(11) Notice of completion of contract:
\$5.00

(12) Objection to notice of dismissal
"Civil Compliance": \$30.00.

(13) Search of records by the clerk:
\$5.00.

(14) Retrieval of files from storage:
\$5.00.

(15) The court may waive costs and fees
for good cause shown. In lieu of copying and
mailing fees, the administrative judge or the
senior judge of the family court division may
authorize the clerk to provide copies of
orders, opinions, or other items to
publishing companies in exchange for
published materials for the benefit of the
court or the judiciary.

3. Rule 77(e) of the District Court Rules of Civil
Procedure is deleted and reserved.

4. New Rule 2.1 is added to the Rules of the District
Courts and reserved.

5. New Rule 2.2 is added to the Rules of the District
Courts.

**Rule 2.2. COSTS AND FEES TO BE COLLECTED BY
THE CLERK.**

The clerk shall collect costs and fees
provided by Chapter 607 of the Hawaii
Revised Statutes except that the clerk shall
collect the amounts specified herein as
follows:

(1) For copies of any document in any
public record:

(i) maintained by the clerk and stored
in the clerk's office:

\$1.00 for the first page

\$.50 for each additional page

(ii) in off-site storage:

Usual copying charge plus \$5.00

(iii) on microfilm:

(A) by clerk:

\$1.00 per page plus \$5.00

(B) self-service:

\$1.00 per page

- (iv) to be telefaxed:
 - Usual copying charge plus:
 - (A) within Hawaii:
 - \$2.00 first page
 - \$1.00 each additional page
 - (B) outside Hawaii, within the United States:
 - \$5.00 first page
 - \$2.00 each additional page
 - (C) outside the United States:
 - \$10.00 first page
 - \$5.00 each additional page
 - (D) rush requests (copy provided within 4 hours if request received before noon):
 - \$10.00 plus all other applicable charges.
 - (v) audio tapes, electronic copy of any document:
 - \$10.00
 - (vi) video tape: cost of production
- (2) Parties to a pending case shall not be charged for the first copy of the court order, opinion, judgment or any other item entered in the case by the court, whether provided on paper or electronically.
- (3) The clerk shall charge the actual cost of mailing paper copies of any document, provided that parties to a pending case shall not be charged for the mailing of the first paper copy of a court order, opinion, or other item entered in the case by the court.
- (4) Ex officio filing (in addition to the usual filing fee): \$10.00
- (5) Certification under seal of a copy of a pleading or other paper subsequent to the initial filing of the pleading or paper, except the record on appeal: \$2.00.
- (6) The court may waive costs and fees for good cause shown. In lieu of copying and mailing fees, the administrative judge may authorize the clerk to provide copies of orders, opinions, or other items to publishing companies in exchange for published materials for the benefit of the court or the judiciary.

6. Rule 77(f) of the Hawaii Family Court Rules is

deleted and reserved.

7. Rule 45(e) of the Hawaii Rules of Appellate Procedure is amended as follows:

Rule 45. DUTIES OF APPELLATE CLERKS.

* * *

(e) Costs and fees to be collected by the appellate clerk. The appellate clerk shall collect costs and fees provided by Chapter 607 of the Hawaii Revised Statutes except that the appellate clerk shall collect the amounts specified herein as follows:

(1) For copies of any document in any public record:

(i) maintained by the clerk and stored in the appellate clerk's office:

\$1.00 for the first page

\$.50 for each additional page

(ii) in off-site storage:

Usual copying charge plus \$5.00

(iii) on microfilm:

(A) by the appellate clerk: \$1.00 per page plus \$5.00

(B) self-service: \$1.00 per page

(iv) to be telefaxed:

Usual copying charge plus:

(A) within Hawaii: \$2.00 first page, \$1.00 each additional page

(B) outside Hawaii, within the United States: \$5.00 first page, \$2.00 each additional page

(C) outside the United States: \$10.00 first page, \$5.00 each additional page

(D) rush requests (copy provided within 4 hours if request received before noon): \$10.00 plus all other applicable charges

(v) audio tapes, electronic copy of any document [~~computer diskette (per hearing or document, in the appellate court's format, if available and appellate court or clerical staff can make the copy)~~]: \$10.00

(2) Parties to a pending case shall not be charged for [~~a~~] the first [paper] copy of the appellate court's order, opinion, judgment or any other item entered in the case by the appellate court, whether provided on paper or electronically.

(3) The appellate clerk shall charge the actual cost of mailing copies of any item, provided that parties to a pending case shall not be charged for the mailing of [~~a~~] the first paper copy of an order, opinion, or other item entered in the case by the appellate court.

(4) Certification of qualification.
\$5.00

(5) Supreme Court filing fee: \$100.00

(6) Ex officio filing (in addition to the usual filing fee): \$10.00

(7) The appellate court, or any judge or justice thereof, may waive costs and fees for good cause shown. In lieu of copying and mailing fees, the Chief Justice may authorize the appellate clerk to provide copies of orders, opinions, or other items to publishing companies in exchange for published materials for the benefit of the appellate court or the judiciary.

DATED: Honolulu, Hawaii, June 15, 2005