

In the Matter of the Amendment
of the
Hawai i Civil Traffic Rules

ORDER AMENDING RULE 20
OF THE HAWAII I CIVIL TRAFFIC RULES
(By: Moon, C.J.; Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that Rule 20 of the Hawai i Civil Traffic Rules is amended, effective for all judgments that remain unpaid as of March 31, 2005, or that are entered on or after March 31, 2005, as follows (deleted material is bracketed and stricken, new material is underlined):

RULE 20. ASSESSMENT OF SERVICE CHARGE

(a) Dishonored Instruments. The court shall assess and collect a service charge for any check, draft, or other negotiable instrument dishonored for any reason. The court shall require payment of the service charge in cash or by certified or cashier's check or by bank or postal money order. The service charge shall be deposited in the State General Fund unless otherwise governed by statute.

(b) Delinquency Charge. [~~Unless waived by the court for good cause, upon each judgment there shall be assessed a delinquency charge of:~~
~~—— (i) 5% of the judgment amount when the final payment is made within 31 to 60 days;~~
~~or~~
~~—— (ii) 10% of the judgment amount when the final payment is made within 61 to 120 days;~~
~~or~~
~~—— (iii) 15% of the judgment amount when the final payment is made within 121 to 180~~

days; or

~~(iv) 20% of the judgment amount when the final payment is made within 181 to 365 days; or~~

~~(v) 25% of the judgment amount when the final payment is made after 365 days.] The court may assess a delinquent charge of~~

~~(i) \$10 upon any judgment of \$500 or less if payment of the judgment is received more than 90 days after entry of the judgment.~~

~~(ii) \$25 upon any judgment of more than \$500 if payment of the judgment is received more than 180 days after entry of the judgment.~~

(c) Judgments; Collection Referral.

Each judgment shall include all court-ordered penalties, fines/monetary assessments, restitution, sanctions, and court costs, including juvenile monetary assessments.

The Clerk or Court Administrator shall refer for collection judgments of \$500 or less that have not been paid within 90 days after entry without further order of the court.

The Clerk or Court Administrator shall refer for collection judgments of more than \$500 that have not been paid within 180 days after entry without further order of the court.

(d) Other Actions to Enforce. Nothing herein shall affect the court's ability to take such other action as necessary to enforce its judgment.

DATED: Honolulu, Hawaii, February 16, 2005.