
In the Matter of the Amendment
of the
RULES OF THE CIRCUIT COURTS OF THE
STATE OF HAWAII I

ORDER AMENDING RULE 2.2 OF THE RULES OF THE
CIRCUIT COURTS OF THE STATE OF HAWAII I

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that Rule 2.2 of the Rules of the Circuit Courts of the State of Hawaii i is amended, effective January 1, 2006, as follows (deleted material is bracketed and stricken; new material is double underscored):

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 i Revised Statutes except that the clerk shall collect the amounts specified herein as follows:

~~[(1)]~~ 1. For copies of any document in any public record maintained by the clerk:

~~[(i)]~~ a. [~~maintained by the clerk and stored~~] in the clerk's office:

i. \$1.00 for the first page

ii. \$.50 for each additional page

~~[(ii)]~~ b. in an off-site storage location: [_____]

~~Usual copying charge plus~~ \$5.00 plus usual copying charge

~~[(iii)]~~ c. on microfilm:

~~[(A) by clerk:~~

~~\$1.00 per page plus \$5.00]~~

i. \$5.00 when provided by the clerk plus \$1.00 per page

~~[(B) self-service:~~

\$1.00 per page]

ii. \$1.00 per page when obtained via self-service

~~[(iv)]~~ to be telefaxed:

~~Usual copying charge plus:]~~

2. For telefaxing of any document in any public record, the applicable charges plus:

~~[(A)]~~ i. within Hawai i:

\$2.00 first page

\$1.00 each additional page

~~[(B)]~~ ii. outside Hawai i, within the United States:

\$5.00 first page

\$2.00 each additional page

~~[(C)]~~ iii. outside of the United States:

\$10.00 first page

\$5.00 each additional page

3. For copies of audio tapes, electronic copy of any document:
\$10.00

4. For copies of video tapes: cost of production

~~[(D)]~~ 5. For any expedited or rush requests (copy(ies) provided [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)]~~ 6. Transfer of an action to circuit court from district court, in addition to district court fees: \$125.00

~~[(5)]~~ 7. 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)]~~ 8. Making of copy; comparing of copy with original; certification or authentication of notaries: \$3.00

~~[(7)]~~ 9. Ex officio filing (in addition to the usual filing fee):
\$10.00

~~[(8)]~~ 10. Exemplification, instead of item (26) in HRS § 607-5(c):
\$4.00

~~[(9)]~~ 11. Filing of notary commission: \$6.00

~~[(10)]~~ 12. Filing of initial paper under HRS § 507-43 by person asserting mechanic's or materialman's lien (~~[this fee to be]~~ in addition~~[at]~~ to the fee prescribed by part I of HRS § 607-5 for bringing an action under HRS § 507-47): \$30.00

~~[(11)]~~ 13. Notice of completion of contract: \$5.00

~~[(12)]~~ 14. Objection to notice of dismissal "Civil Compliance":
\$30.00.

~~[(13)]~~ 15. Search of records by the clerk: \$5.00

~~[(14)]~~ 16. Retrieval of files from storage: \$5.00

17. 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.

18. 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.

~~[(15)]~~ 19. 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.

DATED: Honolulu, Hawai i, November 23, 2005.