

NOTICE

AGENT FOR SERVICE OF PROCESS Chapter 486P, Hawaii Revised Statutes Directory; Service of Process on Nonparticipating Manufacturers

Legislation in connection with tobacco directory and service of process upon nonparticipating manufacturers was passed in the 2003 Regular Legislative Session and signed by Governor Lingle. Effective date is May 20, 2003.

A nonresident or foreign nonparticipating manufacturer that has not registered to do business in this State as a foreign corporation or business entity shall, as a condition precedent to being listed in the tobacco directory, appoint an agent for the service of process on whom all process, arising out of the enforcement of Chapter 486P or Chapter 675, may be served in any manner authorized by law.

§486P-4 UNREGISTERED NONRESIDENT OR FOREIGN NONPARTICIPATING MANUFACTURER; AGENT; NOTICE.

(a) A nonresident or foreign nonparticipating manufacturer that has not registered to do business in this State as a foreign corporation or business entity shall, as a condition precedent to having its brand families listed or retained in the directory established under [section] 486P-6, appoint and continually engage without interruption the services of an agent in the United States to act as an agent for the service of process on whom all process, and any action or proceeding against the manufacturer concerning or arising out of the enforcement of this chapter or chapter 675, may be served in any manner authorized by law. Service pursuant to this section shall constitute legal and valid service of process on the nonparticipating manufacturer.

(b) The nonparticipating manufacturer shall provide to the satisfaction of the attorney general, notice of:

- (1) The name, address, phone number, and proof of the appointment and availability of the manufacturer's agent;
- (2) Termination of the authority of an agent by the manufacturer, thirty calendar days prior to termination, and proof of the appointment of a new agent to the satisfaction of the attorney general no less than five calendar days prior to the termination of an existing agent appointment; and
- (3) The termination of the authority of an agent by the agent, within five calendar days of the termination, and at the same time, proof of the appointment of a new agent to the satisfaction of the attorney general.

Questions concerning this law should be directed to:

State of Hawaii
Department of the Attorney General
Criminal Justice Division - Tobacco Enforcement Unit
425 Queen Street
Honolulu, Hawaii 96813
(808) 586-1203