
A BILL FOR AN ACT

RELATING TO REAL PROPERTY.

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

1 SECTION 1. The legislature finds that the State uses two
2 systems for recording legal documents pertaining to the
3 ownership of property, the regular system (via the bureau of
4 conveyances) and the land court. In general, property is
5 recorded in either the regular system or the land court;
6 however, in some circumstances, property is recorded in both
7 systems. The regular system and the land court have different
8 requirements for recording documents. The land court creates
9 barriers to access in the form of delay and increased expenses
10 resulting from the complicated procedures and requirements in
11 the land court. No new properties have been registered in the
12 land court since 1989, which indicates sharp public preference
13 for the regular system.

14 The legislature further finds that the regular system is a
15 "race-notice" land registration system and does not make any
16 independent determination about the priority or ownership of
17 interests in the property. This is one of the reasons why the



1 regular system is preferred by the public. On the other hand,
2 the land court system is a "Torrens" system of land
3 registration, which means one must "race" to the land court to
4 record a document ahead of another possible prior claimant to
5 the property.

6 The legislature also finds that Act 120, Session Laws of
7 Hawaii 2009, amended chapter 501, Hawaii Revised Statutes, in an
8 attempt to ease the backlog in the bureau of conveyances. Among
9 other things, the amendments allowed owners of interest in land
10 registered in the land court system to transfer the interest to
11 the regular system.

12 Accordingly, the purpose of this Act is to:

- 13 (1) Simplify the land registration process by repealing
14 the land court system and transitioning all recorded
15 documents to the regular system;
- 16 (2) Establish a working group to recommend reforms to
17 effectively eliminate the land court;
- 18 (3) Require the working group to submit a report to the
19 legislature; and
- 20 (4) Appropriate funds.



1 SECTION 2. The subpart entitled "Land Court; Personnel",
2 of chapter 501, Hawaii Revised Statutes, consisting of sections
3 501-1 to 501-13, Hawaii Revised Statutes, is repealed.

4 SECTION 3. No later than January 1, 2030, the
5 administrative judge of the circuit court of the first circuit,
6 subject to the direction of the chief justice as provided by
7 section 601-2(b), Hawaii Revised Statutes, and assistant
8 registrar of the bureau of conveyances, shall confer and
9 determine the date that no new applications for registration of
10 title shall be made in the land court.

11 SECTION 4. (a) There is established within the judiciary
12 for administrative purposes a working group to recommend the
13 implementation of specific reforms to effectively eliminate the
14 land court.

15 (b) The working group shall consist of the following
16 individuals:

17 (1) A member of the judiciary, to be designated by the
18 chief justice, who shall serve as chair of the working
19 group;

20 (2) A member of the senate, to be designated by the
21 president of the senate;



- 1 (3) A member of the house of representatives, to be
- 2 designated by the speaker of the house of
- 3 representatives;
- 4 (4) The chairperson of the board of land and natural
- 5 resources, or the chairperson's designee;
- 6 (5) The attorney general, the attorney general's deputy,
- 7 or the attorney general's designee;
- 8 (6) The state land surveyor, or the state land surveyor's
- 9 designee;
- 10 (7) One or more members of the Hawaii State Bar
- 11 Association, to be designated by its president, whom
- 12 the chair shall invite to participate;
- 13 (8) A representative from a bank, mortgage, or lending
- 14 company doing business in Hawaii, whom the chair shall
- 15 invite to participate;
- 16 (9) A large landowner or estate landowner of real property
- 17 located in Hawaii, such as Kamehameha Schools, whom
- 18 the chair shall invite to participate;
- 19 (10) A representative from the Hawaii Association of
- 20 REALTORS, whom the chair shall invite to participate;
- 21 and



1 (11) A representative from the Hawaii Land Title
2 Association, whom the chair shall invite to
3 participate.

4 (c) The working group shall submit a report of its
5 findings and recommendations, including any proposed
6 legislation, to the legislature no later than twenty days prior
7 to the convening of the regular session of 2029. The report
8 shall identify and analyze operational issues with the land
9 court and bureau of conveyances and shall make a recommendation
10 to implement specific reforms to effectively eliminate the land
11 court.

12 SECTION 5. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so
14 much thereof as may be necessary for fiscal year 2026-2027 for
15 the land court to inform registered owners of any interest in
16 property registered or pending in land court of the requirement
17 for deregistration of property.

18 The sum appropriated shall be expended by the land court
19 for the purposes of this Act.

20 SECTION 6. This Act shall take effect on July 1, 3000;
21 provided that:



- 1 (1) Section 2 shall take effect on July 1, ; and
- 2 (2) Section 5 shall take effect on July 1, .



Report Title:

Judiciary; Department of Land and Natural Resources; Land Court;
Bureau of Conveyances; Real Property; Working Group; Report;
Appropriation

Description:

Establishes a working group to recommend the implementation of
specific reforms to effectively eliminate the Land Court.
Requires a report to the Legislature. Appropriates funds.
Effective 7/1/3000. (HD1)

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