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# A BILL FOR AN ACT

RELATING TO NOTARIES PUBLIC.

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

1           SECTION 1. The legislature finds that deed fraud  
2 devastates property owners across the State, as well as their  
3 heirs, purchasers, realtors, lenders, and the public.  
4 Currently, the only remedy is to hire an attorney and petition  
5 the court to expunge the fraudulent deed, an expensive and time-  
6 consuming process that never completely restores the financial  
7 loss of the property owner. The legislature believes that  
8 protections for state property owners may be enhanced by  
9 empowering notaries to act as a safeguard to the integrity and  
10 responsibility of deeds and other recorded instruments.

11           Accordingly, the purpose of this Act is to require the  
12 bureau of conveyances to:

13           (1) Notify affected parties of any recorded instrument  
14           that was purportedly fraudulently notarized when  
15           attested to the bureau by the purported notary public;



1 (2) Allow affected parties of purportedly fraudulently  
2 notarized record instruments to void the instruments;  
3 and

4 (3) Allow title holders to suspend additional recordings  
5 on their title, unless given prior authorization by  
6 the title holder, subject to certain limitations.

7 SECTION 2. Chapter 502, Hawaii Revised Statutes, is  
8 amended by adding two new sections to part V to be appropriately  
9 designated and to read as follows:

10 **"§502-A Fraudulent notarial acts; notice; opportunity to**  
11 **void.** The bureau of conveyances shall notify any party to a  
12 recorded deed or interest in real property that contains a  
13 fraudulent notarial act or seal if the purported notary public  
14 whose notarial act or seal was fraudulently used attests to the  
15 bureau of conveyances that the notarial act or seal was  
16 fraudulently administered, authorized, or authenticated. The  
17 party notified pursuant to this section may void the purportedly  
18 fraudulently notarized deed or interest in real property.

19 **§502-B Notice of attempted recording; suspension of**  
20 **recording.** The bureau of conveyances shall allow a holder of  
21 title to real property to suspend the recording of any notarized



1 document affecting the title, except liens or judgments against  
2 the subject real property or the title holder, until the title  
3 holder releases the suspension. For a real property title that  
4 is suspended, the bureau of conveyances shall notify any holder  
5 of title to real property of any attempt to record a notarized  
6 document affecting the title. This suspension shall be lifted  
7 automatically if the real property is foreclosed upon."

8 SECTION 3. Section 456-26, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "[~~f~~]**\$456-26[+]** **Validity of notarial acts.** Except as  
11 otherwise provided in [~~section~~] sections 456-14(b) [7] and 502-A,  
12 the failure of a notary public to perform a duty or meet a  
13 requirement specified in this chapter does not validate or  
14 invalidate a notarial act performed by the notary public. The  
15 validity of a notarial act under this chapter does not prevent  
16 an aggrieved person from seeking to invalidate the document or  
17 transaction that is the subject of the notarial act or from  
18 seeking other remedies based on the laws of this State other  
19 than this chapter or based on the laws of the United States.  
20 This section shall not be deemed to validate a purported



1 notarial act performed by a person who does not have the  
2 authority to perform notarial acts."

3 SECTION 4. In codifying the new sections added by  
4 section 1 of this Act, the revisor of statutes shall substitute  
5 appropriate section numbers for the letters used in designating  
6 the new sections in this Act.

7 SECTION 5. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

Notary Public; Bureau of Conveyances; Fraudulently Notarized  
Recorded Instruments

**Description:**

Requires the Bureau of Conveyances to notify an affected party when any recorded instrument was purportedly fraudulently notarized, when attested to by the purported notary public. Requires the Bureau of Conveyances to allow an affected party to void the recorded instrument that was purportedly fraudulently notarized. Requires the Bureau of Conveyances to allow title holders to suspend additional recordings on their title, unless given prior authorization by the title holder, subject to certain limitations. Effective 7/1/2050. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

