

## ACT 141

H.B. NO. 1677

A Bill for an Act Relating to the Bureau of Conveyances.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 502, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**§502- Rules.** The department of land and natural resources may adopt rules pursuant to chapter 91 necessary for the purposes of this chapter.”

SECTION 2. Section 501-218, Hawaii Revised Statutes, is amended to read as follows:

“**§501-218 Schedule of fees.** (a) Except where otherwise provided by the supreme court of the State of Hawaii [which] that shall be empowered to amend or add to the schedule from time to time, or [as to paragraphs (3), (20), (21), (22), (23), (25), (30) and (31) hereof] fees for services by the bureau of conveyances set by rules adopted by the department of land and natural resources, pursuant to chapter 91, the fees payable under this chapter are as follows:

- (1) For every application filed pursuant to this chapter, including indexing and recording the [same,] application, and transmitting to registrar, when filed with assistant registrar, \$3.
- (2) For every plan filed, \$1.
- [(3) For indexing any instrument recorded while application for registration is pending, \$1.

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- (4) (3) For examining title, \$10 and two-tenths of one per cent of the assessed value of the land and improvements on the basis of the last assessment for taxation, or the value of the [same] land as determined under section 501-211 when the land was not separately assessed.
- [(5)] (4) For verifying and checking map on the ground, for lots of one acre or less, \$25; an addition of \$1 an acre or fraction thereof for all area over one acre and up to one hundred acres; an addition of 50 cents an acre or fraction thereof for all area over one hundred acres and up to [five hundred acres; an addition of 50 cents an acre or fraction thereof for all area over five hundred acres and up to] one thousand acres; an addition of 25 cents an acre or fraction thereof for all area over one thousand acres.
- [(6)] (5) For checking survey and map as to form and mathematical correctness, but not on the ground, \$3 an hour.
- [(7)] (6) For approving subdivision of registered land, and for checking [same as to] the form and mathematical correctness, but not on the ground, \$3 an hour.
- [(8)] (7) For all services by a sheriff or other police officer under this chapter, the same fees as are now provided by law for [like services] each service.
- [(9)] (8) For each instrument affecting a title not reported in applicant's filed abstract of title, \$2.
- [(10)] (9) For filing an amended application, \$1.
- [(11)] (10) For each notice by publication, 25 cents.
- [(12)] (11) For entering any general default, \$1.
- [(13)] (12) For filing any answer, \$1, to be paid by the party filing the [same] answer.
- [(14)] (13) For every subpoena, \$1.
- [(15)] (14) For swearing each witness, 10 cents.
- [(16)] (15) For entering any discontinuance, \$1.
- [(17)] (16) For filing notice of appeal, \$30.
- [(18)] (17) For entry of order dismissing application, or decree of registration, and sending memorandum to assistant registrar, \$1.
- [(19)] (18) For copy of decree of registration, \$1.
- [(20)] For entry of original certificate of title, or for making and entering a new certificate of title, \$25 if contained within four pages. For each additional page or fraction thereof, \$1.
- (21) For a certified copy of any certificate of title, \$2 if contained within one page. For each additional page or fraction thereof, \$1.
- (22) For the registration or recording of every instrument, including entering, indexing, filing or recording, attesting registration, and making and attesting memorandum on certificates not in excess of four, \$20, except where herein otherwise provided, and \$1 for each additional memorandum on certificates in excess of four required by any one instrument.
- (23) For a copy of any instrument, authenticated by the assistant registrar's seal of office, or for a copy of any instrument, or a portion of any instrument not authenticated by the assistant registrar's seal of office, \$1 per page or fraction thereof.
- (24) For filing or recording and registering an adverse claim, \$20.
- (25) For recording of an order for a suggestion of death, fact of marriage, divorce, subdivision, or notice of issue of an order in bankruptcy, \$20.
- (26) (19) For filing any petition after original registration, \$1; an addition of 25 cents for each exhibit attached.

- [(27)] (20) For filing any order after original registration, \$5.
- [(28)] (21) In all cases not expressly provided for by law, the fees of all public officers for any official duty or service under this chapter shall be at a rate established by the court.
- [(29)] (22) For any application made by or in the name of the State, or any political subdivision [thereof,] of the State, any proceedings [had] upon [such] the application or any dealing with registered land by the State, or any political subdivision [thereof,] of the State, as owner, no fees shall be charged.
- [(30)] For a daily copy of the magnetic tapes containing computerized data of the daily entry record, \$100 per month.
- (31) For inquiring into computerized data of the land court automated title system, \$100 per month plus hookup and per minute charges.]
- (b) For recordation of the document of which the United States, State of Hawaii, or any county of the State of Hawaii, is the grantee, no fees shall be charged."

SECTION 3. Section 502-25, Hawaii Revised Statutes, is amended to read as follows:

"§502-25 Fees. (a) [Unless] Except when otherwise provided, fees for services rendered under this chapter shall be established by rules adopted by the department of land and natural resources, pursuant to chapter 91[, the registrar is entitled to demand and receive the following fees:

- (1) For the registry or recording of any instrument required by law to be recorded, or presented for record, except that no fee shall be required of any county presenting a document for record, wherein the county is the grantee, \$20;
- (2) For taking any acknowledgment preparatory to registry or recording, \$4 for each party signing;
- (3) For every copy of any instrument recorded in the registrar's office, authenticated by the registrar's seal of office, or for a copy of any instrument or portion thereof not authenticated by the registrar's seal of office, \$1 per page;
- (4) For searching the records, when personnel is available for searching, and giving the certificate required by law, \$25 for each year searched and also \$1 for each page in the certificate;
- (5) For copy of plan of land, authenticated by the registrar's seal of office, \$1 for the first square foot and additional 10 cents for each additional square foot or fraction thereof in the size of the plan;
- (6) For photographing instruments, etc., for any federal, state, or county agency, the cost of the materials used therein, such fees to be used by the registrar for the purchase of necessary materials used in such photographing process;
- (7) For a daily copy of the magnetic tapes containing the computerized daily entry record, \$100 per month;
- (8) For the registrar's certificate pursuant to the Uniform Commercial Code, section 490:9-407, \$25 plus \$5 for each financing statement and for each statement of assignment reported therein.

(b) All fees collected under this section shall be deposited in the state treasury to the credit of the general fund].

(b) For recordation of the document of which the United States, State of Hawaii, or any county of the State of Hawaii, is the grantee, no fees shall be charged."

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SECTION 4. Section 502-26, Hawaii Revised Statutes, is amended to read as follows:

**“§502-26 Copies of instruments, certificates.** The registrar [shall], when applied to [thereof], shall furnish an attested copy of any instrument or document recorded in the registrar’s office, or of any fact appearing upon the registrar’s records. The registrar may also issue nonattested portions of any instrument or document recorded in the registrar’s office. The registrar may issue certificates of search or incumbrance when personnel is available for the making [thereof.] of the certificate. [The fees specified in section 502-25 shall be collected.]”

SECTION 5. Section 502-51, Hawaii Revised Statutes, is amended to read as follows:

**“§502-51 Exemption of instruments offered on behalf of United States.** In the case of any deed, lease, mortgage, lien, notice, agreement, or other instrument offered for recordation by any judicial, executive, or administrative officer of the United States, acting in the officer’s official capacity, or by any duly authorized officer or agent of any agency or instrumentality of the United States created by or under [the laws thereof,] federal or state law, acting in the officer’s or agent’s official capacity, it shall not be necessary that [such] the instrument, where the [same] instrument is required to be signed by [any such] the officer or agent, be acknowledged before a notary public by [such] the officer or agent, and the registrar of conveyances shall accept the instrument for recordation, when the signature of the duly authorized officer or agent [thereunto duly authorized], together with the official seal, if any, is attached [thereto.

No fees shall be charged by the registrar for the recordation of any instrument offered for recordation by any officer of the United States, acting in the officer’s official capacity, or by any officer or agent of any agency or instrumentality of the United States created by or under the laws thereof, acting in the officer’s or agent’s official capacity.] to the instrument for recordation.”

SECTION 6. Section 502-101, Hawaii Revised Statutes, is amended to read as follows:

**“§502-101 Veterans certificates[; photographing of].** The bureau of conveyances, upon request of a veteran, resident in Hawaii, or the veteran’s next of kin, shall [photograph] record any honorable discharge certificate or other separation or discharge document from the military or naval service of the United States of [such] the veteran [and establish and maintain a record and an index of photographic copies of all certificates and documents of which such photographs may be made].

No charge shall be made for [such photographing but no certificate shall be photographed more than once. The person requesting the photograph shall be furnished with such copies of such photograph, at a charge of 25 cents per copy, as shall be requested and paid for by such person at the time of the request for photographing.] the recording.”

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 8. This Act shall take effect on July 1, 1993.

(Approved May 21, 1993.)

**Note**

1. Edited pursuant to HRS §23G-16.5.