

ACT 92

S.B. NO. 2082

A Bill for an Act Relating to Land Court.

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

SECTION 1. The purpose of this Act is to clarify that the fee schedule in section 501-218, Hawaii Revised Statutes, is not intended to be a comprehensive schedule of all fees payable under chapter 501, Hawaii Revised Statutes, but may be supplemented by fee schedules established by court rule.

This Act also allows the department of accounting and general services to establish and maintain a schedule of fees for the services performed by the state land surveyor under chapter 501, Hawaii Revised Statutes. This Act incorporates language similar to current section 501-218, Hawaii Revised Statutes, which allows the department of land and natural resources to adopt administrative rules on behalf of the bureau of conveyances.

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

~~“§501-218 Schedule of fees[-]; authority to amend. (a) [Except where otherwise provided by the supreme court of the State of Hawaii that shall be empowered to amend or add to the schedule from time to time, or 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] The fees payable under this chapter are as follows:

- (1) For every application filed pursuant to this chapter, including indexing and recording the application, and transmitting to registrar, when filed with assistant registrar, \$3[-];
- (2) For every plan filed, \$1[-];
- (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 land as determined under section 501-211 when the land was not separately assessed[-];
- (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 one thousand acres; an addition of 25 cents an acre or fraction thereof for all area over one thousand acres[-];
- (5) For checking survey and map as to form and mathematical correctness, but not on the ground, \$3 an hour[-];
- (6) For approving subdivision of registered land, and for checking the form and mathematical correctness, but not on the ground, \$3 an hour[-];
- (7) For all services by a sheriff or other police officer under this chapter, the same fees as are now provided by law for each service[-];
- (8) For each instrument affecting a title not reported in applicant's filed abstract of title, \$2[-];
- (9) For filing an amended application, \$1[-];
- (10) For each notice by publication, 25 cents[-];
- (11) For entering any general default, \$1[-];
- (12) For filing any answer, \$1, to be paid by the party filing the answer[-];
- (13) For every subpoena, \$1[-];
- (14) For swearing each witness, 10 cents[-];
- (15) For entering any discontinuance, \$1[-];
- (16) For filing notice of appeal, \$30[-];
- (17) For entry of order dismissing application, or decree of registration, and sending memorandum to assistant registrar, \$1[-];
- (18) For copy of decree of registration, \$1[-];
- (19) For filing any petition after original registration, \$1; an addition of 25 cents for each exhibit attached[-];
- (20) For filing any order after original registration, \$5[-];
- (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[-]; and
- (22) For any application made by or in the name of the State, or any political subdivision of the State, any proceedings upon the application or any dealing with registered land by the State, or any political subdivision of the State, as owner, no fees shall be charged.
 - (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.
 - (c) The supreme court, by rule of court, from time to time, may revise, amend, add to, or eliminate any fees payable under subsection (a), or prescribe additional fees as it deems reasonable, for services provided by the office of the registrar of the land court as may be required under this chapter.

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(d) The department of land and natural resources, by rule adopted pursuant to chapter 91, from time to time, may revise, amend, add to, or eliminate any fees payable under subsection (a) for services provided by assistant registrars in the bureau of conveyances under this chapter.

(e) The department of accounting and general services, by rule adopted pursuant to chapter 91, from time to time, may revise, amend, add to, or eliminate any fees payable under subsection (a) for services provided by the state land surveyor for checking and processing land court maps and other services as may be required under this chapter."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2014.

(Approved June 16, 2014.)