

Honolulu, Hawaii

Ag. 127, 2006

RE: H.B. No. 2899
H.D. 1
S.D. 1
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2899, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO JUDGMENT LIENS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to change the requirement that a judgment debtor's full social security number be included on a judgment, order, or decree that is being recorded for lien purposes. The bill requires only the last four digits of the social security number, also states that liens do not continue beyond the time period that the underlying judgment, order, or decree is in force, and clarifies that liens apply to judgments, including their underlying orders and decrees.



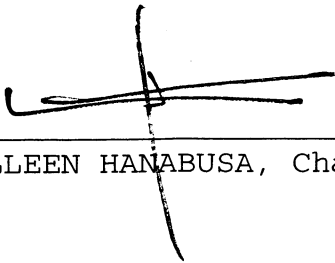
Your Committee on Conference has amended this bill by:

- (1) Deleting the amendments pertaining to the requirement that the judgment debtor's social security number be included on the recorded judgment, to allow this issue to be considered by the task force created by Act 65, Session Laws of Hawaii 2005, currently known as the Hawaii Anti-Phishing Task Force, and proposed to be renamed the Identity Theft Task Force under H.B. No. 3244, H.D. 1, S.D. 2; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2899, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2899, H.D. 1, S.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE



COLLEEN HANABUSA, Chair

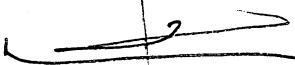
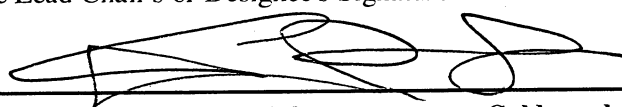
ON THE PART OF THE HOUSE



SYLVIA LUKE, Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 2899, HD 1, SD 1					Date/Time: 4/20/06 2:25pm				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HANABUSA, Colleen, Chr.	✓				LUKE, Sylvia, Chr.	✓			
CHUN OAKLAND, Suzanne	✓				CALDWELL, Kirk	✓			
WHALEN, Paul	✓				THIELEN, Cynthia				✓
TOTAL	3	-	-	-	TOTAL	2	-	-	1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution:									
Original		Yellow			Pink		Goldenrod		
File with Conference Committee Report		House Clerk's Office			Senate Clerk's Office		Drafting Agency		

A BILL FOR AN ACT

RELATING TO JUDGMENT LIENS.

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

1 SECTION 1. Section 636-3, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§636-3 Judgment, orders, decrees; lien when.** Any money
4 judgment, order, or decree of a state court or the United States
5 District Court for the District of Hawaii shall be a lien upon
6 real property when a copy thereof, certified as correct by a
7 clerk of the court where it is entered, is recorded in the
8 bureau of conveyances. No such lien shall continue beyond [~~ten~~
9 ~~years after the date of the judgment.~~] the length of time the
10 underlying judgment, order, or decree is in force. Except as
11 otherwise provided, every judgment shall contain or have
12 endorsed on it the social security number, [~~State of~~] the Hawaii
13 [~~general excise taxpayer~~] tax identification number, or the
14 federal employer identification number for persons,
15 corporations, partnerships, or other entities against whom the
16 judgment, order, or decree is rendered. If the [~~judgment~~]
17 debtor has no social security number, [~~State of~~] Hawaii [~~general~~



1 ~~excise taxpayer]~~ tax identification number, or federal employer
2 identification number, or if that information is not in the
3 possession of the party seeking registration of the judgment,
4 order, or decree, the judgment, order, or decree shall be
5 accompanied by a certificate that provides that the information
6 does not exist or is not in the possession of the party seeking
7 recordation of the judgment. Failure to disclose or disclosure
8 of an incorrect social security number, [~~State of~~] Hawaii
9 [~~general excise taxpayer]~~ tax identification number, or federal
10 employer identification number shall not in any way adversely
11 affect or impair the lien created upon recordation of the
12 judgment[~~-,~~] order, or decree. When any [~~such~~] judgment, order,
13 or decree is fully paid, the creditor or the creditor's attorney
14 of record in the action shall, at the expense of the debtor,
15 execute, acknowledge, and deliver to the debtor a satisfaction
16 thereof, which may be recorded in the bureau. Every
17 satisfaction or assignment of judgment, order, or decree shall
18 contain a reference to the book and page or document number of
19 the registration of the original judgment. The recording fees
20 for a judgment, order, or decree and for each assignment or



1 satisfaction of judgment, order, or decree shall be as provided
2 by section 502-25.

3 In the case of registered land, section 501-102 and
4 sections 501-241 to 501-248 shall govern."

5 SECTION 2. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.



HB 2899 HD1
SD1
CD1

Report Title:
Judgment Liens

Description:

Clarifies that liens do not continue beyond the time period that the underlying judgment, order, or decree is in force.

Clarifies that liens apply to judgments, orders, and decrees.
(HB2899 CD1)

