
A BILL FOR AN ACT

RELATING TO ELECTRONIC FILINGS IN THE BUREAU OF CONVEYANCES AND
THE OFFICE OF THE ASSISTANT REGISTRAR.

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

1 SECTION 1. Section 501-20, Hawaii Revised Statutes, is
2 amended as follows:

3 (1) By adding two new definitions to be appropriately
4 inserted and to read:

5 "Endorse", "endorsed", or "endorsing", or "indorse",
6 "indorsed", or "indorsing" means to write or to electronically
7 note title or memorandums.

8 "Endorsement" or "indorsement" means a written or
9 electronic notation that is made upon, attached to, or logically
10 associated with an instrument."

11 (2) By amending the definitions of "record, recorded, or
12 recording" and "signature" to read:

13 "Record", "recorded", or "recording" means [~~to make an~~
14 entire literal copy of all instruments required to be recorded.]
15 the act of entering into the public records the written
16 instruments affecting title to real property.

17 "Signature" means the name of a person as written by the

1 individual [~~or~~], the affixing of a mark or finger or toe
2 print[~~-~~], or electronic signature as that term is defined in
3 chapter 489E."

4 SECTION 2. Section 501-107, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§501-107 Entry record; duplicates and certified copies.**

7 The assistant registrar shall keep a record in which shall be
8 entered all deeds and other voluntary instruments, and all
9 copies of writs or other process filed or recorded with the
10 assistant registrar relating to registered land. The assistant
11 registrar shall note in the record the date of reception of all
12 instruments. The instruments shall be stamped [~~with~~], have
13 attached to, or have logically associated with the instrument
14 the date, hour, and minute of reception and shall be regarded as
15 registered from the date and time so noted, and the memorandum
16 of each instrument when made on the certificate of title to
17 which it refers shall bear the same date.

18 Every deed or other instrument, whether voluntary or
19 involuntary, so filed or recorded with the registrar or
20 assistant registrar shall be numbered and indexed, and indorsed
21 with a reference to the proper certificate of title. All
22 records relating to registered land in the office of the

1 registrar or of the assistant registrar shall be open to the
2 public in the same manner as probate records are open, subject
3 to such reasonable regulations as the registrar, under the
4 direction of the court, may make.

5 Certified copies of all instruments filed or recorded and
6 registered may also be obtained at any time on payment of the
7 assistant registrar's fees."

8 SECTION 3. Section 501-108, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§501-108 Conveyance of fee; procedure.** (a) An owner
11 desiring to convey in fee registered land or any portion thereof
12 shall execute a deed of conveyance, which the grantor or the
13 grantee may present to the assistant registrar in the bureau of
14 conveyances; provided that no deed, mortgage, lease, or other
15 voluntary instrument shall be accepted by the assistant
16 registrar for registration unless a reference to the number of
17 the certificate of title of the land affected by such instrument
18 is incorporated in the body of the instrument tendered for
19 registration. If the certificate reference in the instrument is
20 not current, an endorsement of the current certificate of title
21 shall be required.

22 The assistant registrar shall note upon, attach to, or

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1 logically associate with all instruments filed or recorded
2 concurrently with the recorded instrument the document number
3 and the certificate of title number [~~in the spaces provided~~
4 ~~therefor~~] wherever required.

5 The assistant registrar shall thereupon, in accordance with
6 the rules and instructions of the court, make out in the
7 registration book a new certificate of title to the grantee.
8 The assistant registrar shall note upon the original certificate
9 the date of transfer, and a reference by number to the last
10 prior certificate. The original certificate shall be stamped
11 "canceled". The deed of conveyance shall be filed or recorded
12 and endorsed with, have attached to, or have logically
13 associated with the number and place of registration of the
14 certificate of title of the land conveyed.

15 (b) On all instruments to be filed or recorded, the top
16 three and one-half inches of space of the first page shall be
17 reserved for recording information for the assistant registrar
18 on the left half of that space, and for the registrar of
19 conveyances on the right half of that space. The following one
20 inch of space shall be reserved for information showing to whom
21 the document should be returned. In addition, the first page
22 shall identify and include, if possible, all names of the

1 grantors and all names and addresses of the grantees, the type
2 of document, and the tax map key number. Endorsements, if any,
3 may be made on a conforming fly sheet. If an instrument
4 consists of more than one page, each page shall be single-sided
5 sheets of written text numbered consecutively, beginning with
6 number one, and shall be stapled once in the upper left corner.
7 No instrument shall have a cover or backer attached. The
8 assistant registrar shall be permitted to remove any rivets
9 affixed to any instrument.

10 (c) All names of all natural persons signing in their
11 individual capacity in the instrument shall be typewritten,
12 stamped, legibly printed by hand, or by a mechanical or
13 electrical printing method beneath all signatures. No
14 discrepancy in any name shall exist between the printed name, as
15 it appears either in the body of the instrument, beneath the
16 signature, or in the notary's certificate of acknowledgment.
17 The provisions of this subsection shall not apply to any deed or
18 conveyance instrument executed prior to July 1, 1989.

19 (d) The assistant registrar may refuse to file or record
20 any instrument that will not reproduce legibly under
21 photographic or electrostatic methods, or that is of a size
22 larger than eight and one-half inches by eleven inches, or that

1 contains a schedule, inventory sheet, or map in excess of that
2 size.

3 (e) The assistant registrar may accept an electronic
4 instrument in lieu of an original instrument with original
5 signatures subject to the requirements set forth in rules
6 adopted by the department of land and natural resources
7 consistent with this section and chapter 489E."

8 SECTION 4. Section 501-117, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§501-117 Procedure.** Registration of a mortgage shall be
11 made in the manner following: the mortgage shall be presented to
12 the assistant registrar who shall enter upon the original
13 certificate of title a memorandum of the purport of the
14 mortgage, the time of filing or recording, the document number
15 of the mortgage, and shall sign the memorandum. The assistant
16 registrar shall also note upon the mortgage, attach to, or
17 logically associate with the mortgage, the time of filing or
18 recording, and a reference to the volume and page of the
19 registration book where it is registered."

20 SECTION 5. Section 501-131, Hawaii Revised Statutes, is
21 amended to read as follows:

1 **"§501-131 Transfer in trust; procedure.** Whenever a deed
2 or other instrument is filed or recorded for the purpose of
3 transferring registered land in trust, or upon any equitable
4 condition or limitation expressed therein, or for the purpose of
5 creating or declaring a trust or other equitable interest in
6 land without transfer, the particulars of the trust, condition,
7 limitation, or other equitable interest shall not be entered on
8 the certificate; but a memorandum thereon shall be entered by
9 the words "in trust", or "upon condition", or other apt words,
10 and by a reference by number to the instrument authorizing or
11 creating the same. The assistant registrar shall note upon,
12 attach to, or logically associate with the original instrument
13 creating or declaring the trust or other equitable interest a
14 reference by number of the certificate of title to which it
15 relates. If the instrument creating or declaring a trust or
16 other equitable interest is already recorded in the bureau of
17 conveyances or admitted to probate, or any order of a federal
18 court creating or declaring a trust in real property has been
19 made, a certified copy may be filed or recorded by the assistant
20 registrar and registered."

21 SECTION 6. Section 502-7, Hawaii Revised Statutes, is
22 amended as follows:

1 (1) By adding two new definitions to be appropriately
2 inserted and to read:

3 "Endorse", "endorsed", or "endorsing", or "indorse",
4 "indorsed", or "indorsing" means to write or to electronically
5 note title or memorandums.

6 "Endorsement" or "indorsement" means a written or
7 electronic notation that is made upon, attached to, or logically
8 associated with an instrument."

9 (2) By amending the definition of "signature" to read:

10 "Signature" means the name of a person as written by the
11 individual or the affixing of a mark or finger or toe print. It
12 may also include an electronic signature, as defined in section
13 489E-2. The department of land and natural resources shall
14 identify by rule the form of the electronic signature that the
15 bureau of conveyances is able to accept."

16 SECTION 7. Section 502-21, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§502-21 Recording of plans unlawful.** It shall not be
19 lawful for the registrar to accept for record any plan of land,
20 whether attached to, made a part of, or independent of, any
21 deed, certified copy of judgment of condemnation, or other
22 instrument; to the end and purpose that there shall be no plans

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1 recorded in the record books, but in substitution therefor there
2 shall be a single method of filing plans in the archives of the
3 bureau of conveyances; provided that where sketches, blueprints,
4 or plans of land of a size not larger than 8 1/2 inches by 14
5 inches which legibly reproduces under photographic, electronic,
6 or electrostatic methods are attached to instruments and made a
7 part thereof by reference to the same in the instrument, the
8 registrar may record the same in the record books by means of
9 the photographic recorder, on payment of the fee as provided in
10 section 502-25."

11 SECTION 8. Section 502-22, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§502-22 Copies of plans furnished by registrar.** The
14 registrar shall furnish, when so requested, copies of any map or
15 plan filed in accordance with sections 502-17 to 502-21, duly
16 certified by the registrar's seal of office, upon payment of the
17 fee hereinafter mentioned. In addition, the registrar may
18 authorize the department of accounting and general services to
19 furnish, when so requested, copies of such maps or plans,
20 subject to the payment of fees applicable to maps or plans
21 furnished by the registrar. These uncertified copies of maps or

1 plans may be furnished in photographic, electronic, or
2 electrostatic form."

3 SECTION 9. Section 502-26, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§502-26 Copies of instruments, certificates.** The
6 registrar, when applied to, shall furnish an attested copy of
7 any instrument or document recorded in the registrar's office,
8 or of any fact appearing upon the registrar's records. The
9 registrar may also issue nonattested documents or portions of
10 any instrument or document recorded in the registrar's office[-]
11 in photographic, electronic, or electrostatic form. The
12 registrar may issue certificates of search or incumbrance when
13 personnel is available for the making of the certificate."

14 SECTION 10. Section 502-31, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§502-31 Recording, method.** The registrar shall make or
17 cause to be made an entire literal copy of all instruments, with
18 their original signatures, required to be recorded in the
19 registrar's office, and the registrar, the registrar's deputy,
20 or clerk shall certify its correspondence with the original,
21 after which the registrar, the registrar's deputy, or clerk
22 shall certify upon the exterior, or indorse upon the recorded

1 instrument with the original signature, the date of its registry
2 and the document number.

3 The registrar, for purposes of the general indexes of the
4 bureau of conveyances, shall use the names of the parties as
5 they first appear in the recorded instrument. All names of all
6 natural persons signing in their individual capacity shall be
7 typewritten, stamped, legibly printed by hand, or by a
8 mechanical or electrical printing method beneath all
9 signatures. The provisions of this paragraph shall not apply to
10 any deed or conveyance instrument executed prior to July 1,
11 1989.

12 The registrar or the registrar's deputy may refuse to
13 accept for record any document of a size larger than eight and
14 one-half inches by eleven inches, or which contains a schedule
15 or inventory sheet in excess of such size.

16 This section shall apply to all instruments presented for
17 recording in the bureau of conveyances, unless otherwise
18 provided by rules adopted by the department of land and natural
19 resources, pursuant to chapter 91.

20 All instruments to be recorded shall include the original
21 signature and the top three and one-half inches of space of the
22 first page shall be reserved for recording information for the

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1 assistant registrar on the left half of such space, and for the
2 registrar of conveyances on the right half of such space. The
3 following one inch of space shall be reserved for information
4 showing to whom the document should be returned beginning one
5 and one-half inch from the left margin and not exceeding three
6 and one-half inches per line. In addition, the first page shall
7 identify and include, if possible, all names of the grantors and
8 all names and addresses of the grantees, the type of document,
9 and the tax map key number. Indorsements, if any, may be made
10 on a conforming fly sheet. No papers or materials, written or
11 otherwise, shall be secured or attached to a page in any manner
12 that may conceal any other written text. If an instrument
13 consists of more than one page, each page shall be single-sided
14 sheets of written text numbered consecutively, beginning with
15 number one, and shall be stapled once in the upper left corner.
16 No instrument shall have a cover or backer attached. The
17 registrar of conveyances shall be permitted to remove any rivets
18 affixed to any instrument. The registrar may refuse to accept
19 all instruments, papers, or notices presented for recordation
20 that will not reproduce legibly under photographic, electronic,
21 or electrostatic methods. The registrar shall accept an
22 electronic instrument in lieu of an original instrument with

1 original signatures subject to the requirements set forth in
2 rules adopted by the department of land and natural resources
3 consistent with this section and chapter 489E. A party shall be
4 required to submit electronically, information regarding the
5 instrument, the parties to the instrument, and other information
6 required by the department of land and natural resources, in a
7 form specified by rule, together with all electronic
8 instruments."

9 SECTION 11. Section 502-92, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§502-92 Copies of old records.** The registrar shall
12 prepare photographic, electronic, or electrostatic copies of the
13 records and record books in the bureau of conveyances which by
14 reason of age, usage, or otherwise are in such condition that
15 they can no longer be conveniently used or consulted without
16 danger of destruction thereof, and certify to the correctness of
17 such copies. The certified copies, and prints made from them
18 and similarly certified, may be read in evidence with the same
19 force and effect as the original instrument. The correctness of
20 such copies is not conclusive but may be rebutted. All such
21 records and record books from which the copies are made shall be
22 deposited with the department of accounting and general services

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1 in its public archives. The registrar may convert into
2 electronic form information or documents recorded before the
3 registrar began to record electronic documents."

4 SECTION 12. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 13. This Act shall take effect upon its approval.

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INTRODUCED BY: Calvin K. H. Boy

BY REQUEST

JAN 22 2008

Report Title:

Electronic Filing

Description:

Authorizes the Registrar and Assistant Registrar of the Bureau of Conveyance to accept electronic signatures and electronically filed documents in lieu of an original document with original signatures.

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JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO ELECTRONIC FILINGS IN THE BUREAU OF CONVEYANCES AND THE OFFICE OF THE ASSISTANT REGISTRAR.

PURPOSE: To authorize the Registrar and Assistant Registrar of the Bureau of Conveyances (Bureau) and the Office of the Assistant Registrar to accept electronic instruments in lieu of original instruments with original signatures.

MEANS: Amend sections 501-20, 501-107, 501-108, 501-117, 501-131, 502-7, 502-21, 502-22, 502-26, 502-31, and 502-92, Hawaii Revised Statutes.

JUSTIFICATION: Presently, the Bureau and the Office of the Assistant Registrar accepts only original paper instruments with original signatures for recordation in the Regular System and the Land Court System. This bill will allow the Bureau and the Office of the Assistant Registrar to accept electronic documents for recordation once the Bureau and the Office of the Assistant Registrar have the capabilities to do so and the Department adopts rules specifying the format of acceptable electronic documents. An electronic cover sheet will be required to be filed together with the electronic document that will allow for faster indexing of documents.

Impact on the public: This bill will allow for faster and better processing of documents to be recorded at the Bureau and at the Office of the Assistant Registrar. People on the neighbor islands will be able to record documents electronically with the Bureau and the Office of the Assistant Registrar without the need to mail or courier documents to Honolulu.

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Impact on the department and other agencies:
The Bureau and the Office of the Assistant Registrar will be able to record and index documents faster and more efficiently through the use of electronic documents and an electronic cover sheet.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LNR 111.

OTHER AFFECTED
AGENCIES: Judiciary/Land Court.

EFFECTIVE DATE: Upon approval.