

JAN 26 2009

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# A BILL FOR AN ACT

RELATING TO THE BUREAU OF CONVEYANCES.

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

1           SECTION 1. The purpose of this Act is to allow the  
2 redaction of social security numbers on judgments, decrees, and  
3 court orders so that the documents may be recorded at the bureau  
4 of conveyances.

5           SECTION 2. Section 501-151, Hawaii Revised Statutes, is  
6 amended to read as follows:

7           "**§501-151 Pending actions, judgments; recording of,**  
8 **notice.** No writ of entry, action for partition, or any action  
9 affecting the title to real property or the use and occupation  
10 thereof or the buildings thereon, and no judgment, nor any  
11 appeal or other proceeding to vacate or reverse any judgment,  
12 shall have any effect upon registered land as against persons  
13 other than the parties thereto, unless a full memorandum  
14 thereof, containing also a reference to the number of  
15 certificate of title of the land affected is filed or recorded  
16 and registered. Except as otherwise provided, every judgment  
17 shall contain or have endorsed on it the State of Hawaii general



1 excise taxpayer identification number, the federal employer  
2 identification number, or the last four digits only of the  
3 social security number for persons, corporations, partnerships,  
4 or other entities against whom the judgment is rendered. If the  
5 judgment debtor has no social security number, State of Hawaii  
6 general excise taxpayer identification number, or federal  
7 employer identification number, or if that information is not in  
8 the possession of the party seeking registration of the  
9 judgment, the judgment shall be accompanied by a certificate  
10 that provides that the information does not exist or is not in  
11 the possession of the party seeking registration of the  
12 judgment. Failure to disclose or disclosure of an incorrect  
13 social security number, State of Hawaii general excise taxpayer  
14 identification number, or federal employer identification number  
15 shall not in any way adversely affect or impair the lien created  
16 upon recording of the judgment. This section does not apply to  
17 attachments, levies of execution, or to proceedings for the  
18 probate of wills, or for administration in a probate court;  
19 provided that in case notice of the pendency of the action has  
20 been duly registered it is sufficient to register the judgment  
21 in the action within sixty days after the rendition thereof.



1 As used in this chapter "judgment" includes an order or  
2 decree having the effect of a judgment.

3 Notice of the pendency of an action in a United States  
4 District Court, as well as a court of the State of Hawaii, may  
5 be recorded.

6 The party seeking registration of a judgment may redact the  
7 first five digits of any social security number by blocking the  
8 numbers out on the copy of the judgment to be filed or  
9 recorded."

10 SECTION 3. Section 636-3, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§636-3 Judgment, orders, decrees; lien when.** Any money  
13 judgment, order, or decree of a state court or the United States  
14 District Court for the District of Hawaii shall be a lien upon  
15 real property when a copy thereof, certified as correct by a  
16 clerk of the court where it is entered, is recorded in the  
17 bureau of conveyances. No such lien shall continue beyond the  
18 length of time the underlying judgment, order, or decree is in  
19 force. Except as otherwise provided, every judgment shall  
20 contain or have endorsed on it the Hawaii tax identification  
21 number, the federal employer identification number, or the last  
22 four digits only of the social security number for persons,



1 corporations, partnerships, or other entities against whom the  
2 judgment, order, or decree is rendered. If the debtor has no  
3 social security number, Hawaii tax identification number, or  
4 federal employer identification number, or if that information  
5 is not in the possession of the party seeking registration of  
6 the judgment, order, or decree, the judgment, order, or decree  
7 shall be accompanied by a certificate that provides that the  
8 information does not exist or is not in the possession of the  
9 party seeking recordation of the judgment. Failure to disclose  
10 or disclosure of an incorrect social security number, Hawaii tax  
11 identification number, or federal employer identification number  
12 shall not in any way adversely affect or impair the lien created  
13 upon recordation of the judgment, order, or decree. When any  
14 judgment, order, or decree is fully paid, the creditor or the  
15 creditor's attorney of record in the action shall, at the  
16 expense of the debtor, execute, acknowledge, and deliver to the  
17 debtor a satisfaction thereof, which may be recorded in the  
18 bureau. Every satisfaction or assignment of judgment, order, or  
19 decree shall contain a reference to the book and page or  
20 document number of the registration of the original judgment.  
21 The recording fees for a judgment, order, or decree and for each



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

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

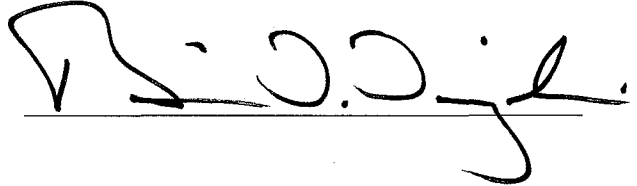
5 The party seeking to record or register a judgment, order,  
6 or decree may redact the first five digits of any social  
7 security number by blocking the numbers out on the copy of the  
8 judgment, order, or decree to be recorded or registered."

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:



**Report Title:**

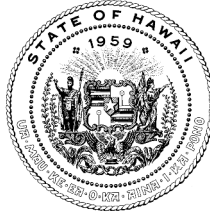
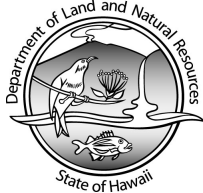
Bureau of Conveyances; Social Security Numbers

**Description:**

Authorizes the redaction of social security numbers on judgments, decrees, and court orders for filing at the bureau of conveyances.



LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of**  
**LAURA H. THIELEN**  
**Chairperson**

**Before the Senate Committee on**  
**COMMERCE AND CONSUMER PROTECTION**

**Tuesday, February 17, 2009**  
**8:30 AM**  
**State Capitol, Conference Room 229**

**In consideration of**  
**SENATE BILL 1130**  
**RELATING TO THE BUREAU OF CONVEYANCES**

Senate Bill 1130 proposes a party seeking recordation of a judgment at the Bureau of Conveyances (Bureau) be allowed to redact the first five digits of any social security number by blocking the numbers out on the copy of the judgment prior to recordation. The Department of Land and Natural Resources (Department) supports this measure with amendment.

Currently, the Assistant Registrar of the Land Court and the Registrar of the Bureau do not accept for registration or recordation any document which indicates the full nine digits of a social security number. Many judgments include all nine digits of the social security number. These judgments are not accepted at the Bureau without redaction of the first five digits. As the Courts in Hawaii do not redact these numbers prior to certifying a copy of a judgment, it is necessary for the party attempting to record or register the document to do so.

The Department suggests the following amendment to this bill in order to maintain consistent authority for documents filed in both the Land Court and Regular System at the Bureau:

**“§502-33 Identification of reference to registration of original.** The registrar shall not record any instrument requiring a reference to a prior recorded instrument, unless the same contains a reference to the book and page or document number of the registration of the original recorded instrument or a statement that the original instrument is unrecorded, as the case may be. Except as otherwise provided, every judgment shall contain or have endorsed on it the State of Hawaii general excise taxpayer identification number, the federal employer identification number, or the last four digits only of the social security number for persons, corporations, partnerships, or other entities against whom the judgment is rendered. If the judgment debtor has no social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number, or if that information is not in the possession of the party seeking registration of the judgment, the judgment shall be accompanied by a certificate that

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CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

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**KEN C. KAWAHARA**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

provides that the information does not exist or is not in the possession of the party seeking registration of the judgment. Failure to disclose or disclosure of an incorrect social security number, State of Hawaii general excise taxpayer identification number, or federal employer identification number shall not in any way adversely affect or impair the lien created upon registration of the judgment. No amendment, continuation statement, termination statement, statement of assignment, or statement of release relating to security interests in goods which are or are to become fixtures shall be filed unless it complies with the requirements of part 5 of Article 9 of the Uniform Commercial Code. This section does not apply to any document mentioned herein executed prior to April 13, 1915.

The party seeking recordation of a judgment shall redact the first five digits of any social security number by blocking the numbers out on the copy of the judgment to be filed or recorded.”