

H.B. NO. 1138

A BILL FOR AN ACT

RELATING TO COPIES IN THE BUREAU OF CONVEYANCES.

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

1 SECTION 1. Section 502-21, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§502-21 Recording of plans unlawful.** It shall not be
4 lawful for the registrar to accept for record any plan of land,
5 whether attached to, made a part of, or independent of, any
6 deed, certified copy of judgment of condemnation, or other
7 instrument; to the end and purpose that there shall be no plans
8 recorded in the record books, but in substitution therefor there
9 shall be a single method of filing plans in the archives of the
10 bureau of conveyances; provided that where sketches, blueprints,
11 or plans of land of a size not larger than 8 1/2 inches by 14
12 inches which legibly reproduces under photographic, electronic,
13 or electrostatic methods are attached to instruments and made a
14 part thereof by reference to the same in the instrument, the
15 registrar may record the same in the record books by means of
16 the photographic recorder, on payment of the fee as provided in
17 section 502-25."

1 SECTION 2. Section 502-22, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§502-22 Copies of plans furnished by registrar.** The
4 registrar shall furnish, when so requested, copies of any map or
5 plan filed in accordance with sections 502-17 to 502-21, duly
6 certified by the registrar's seal of office, upon payment of the
7 fee hereinafter mentioned. In addition, the registrar may
8 authorize the department of accounting and general services to
9 furnish, when so requested, copies of such maps or plans,
10 subject to the payment of fees applicable to maps or plans
11 furnished by the registrar. These copies of maps or plans may
12 be furnished in photographic, electronic, or electrostatic
13 form."

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

16 **"§502-26 Copies of instruments, certificates.** The
17 registrar, when applied to, shall furnish an attested copy of
18 any instrument or document recorded in the registrar's office,
19 or of any fact appearing upon the registrar's records. The
20 registrar may also issue nonattested documents or portions of
21 any instrument or document recorded in the registrar's office[-]
22 in photographic, electronic, or electrostatic form. The

1 registrar may issue certificates of search or incumbrance when
2 personnel is available for the making of the certificate."

3 SECTION 4. Section 502-92, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§502-92 Copies of old records.** The registrar shall
6 prepare photographic, electronic, or electrostatic copies of the
7 records and record books in the bureau of conveyances which by
8 reason of age, usage, or otherwise are in such condition that
9 they can no longer be conveniently used or consulted without
10 danger of destruction thereof, and certify to the correctness of
11 such copies. The certified copies, and prints made from them
12 and similarly certified, may be read in evidence with the same
13 force and effect as the original instrument. The correctness of
14 such copies is not conclusive but may be rebutted. All such
15 records and record books from which the copies are made shall be
16 deposited with the department of accounting and general services
17 in its public archives. The registrar may convert into
18 electronic form information or documents recorded before the
19 registrar began to record electronic documents."

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

Calvin K. Ay

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BY REQUEST

JAN 26 2009

Report Title:

Copies; Bureau of Conveyances

Description:

Clarifies the authority of the Bureau of Conveyance on accepting copies of documents.

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO COPIES IN THE BUREAU OF CONVEYANCES.

PURPOSE: To clarify the authority of the Bureau of Conveyances (Bureau) on accepting copies of documents.

MEANS: Amend sections 502-21, 502-22, 502-26, and 502-92, Hawaii Revised Statutes.

JUSTIFICATION: Presently, the Bureau is required to archive documents in photographic or electrostatic format. This requires documents to be stored in microfilm format.

This bill will allow for faster return of the documents to the public due to the elimination of the step to microfilm the documents in lieu of a cost efficient digital format.

Impact on the public: Timely availability of documents as a result of using digital format.

Impact on the department and other agencies: The Bureau will be able to eliminate the step of microfilming documents for archiving, which will assist in a faster and more effective operation.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: LNR 111.

OTHER AFFECTED AGENCIES: Judiciary/Land Court.

EFFECTIVE DATE: Upon approval.