

---

---

# A BILL FOR AN ACT

RELATING TO LIENS.

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

1           SECTION 1. The purpose of this Act is to impose a clear  
2 deadline by which to enforce bonds filed with the courts to  
3 discharge a mechanics' or materialmen's lien.

4           SECTION 2. Section 507-45, Hawaii Revised Statutes, is  
5 amended to read as follows:

6           "§507-45 Discharge of lien. Any mechanics' and  
7 materialmen's lien may be discharged at any time by the owner,  
8 lessee, principal contractor or intermediate subcontractor  
9 filing with the clerk of the circuit court of the county in  
10 which the property is located or with the assistant registrar of  
11 the land court (if registered land is affected except when the  
12 lien attaches solely to the interest of the lessees in one or  
13 more leasehold time share interests as described in section 501-  
14 20), cash or a bond for twice the amount of the sum for which  
15 the claim for the lien is filed, conditioned for the payment of  
16 any sum for which the claimant may obtain judgment upon the  
17 claimant's claim[-]; provided that:



1        (1) The claimant shall file an enforcement action upon the  
2                    bond within three months of filing the cash or bond;  
3                    and

4        (2) If an enforcement action is not filed within three  
5                    months of filing the cash or bond, the court shall  
6                    promptly refund the cash or discharge the bond."

7                SECTION 3. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun before its effective date.

10               SECTION 4. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

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

13

INTRODUCED BY: ~~AM~~ *AR Fuchs*  
*W*  
*J. Smith*  
*P. Z*  
*H. K. Luma*

JAN 21 2011



**Report Title:**

Mechanics' and Materialmen's Liens; Discharge by Bonds

**Description:**

Requires enforcement of bonds for mechanics' and materialmen's liens within three months of its posting.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

