
A BILL FOR AN ACT

RELATING TO TIMESHARE CONVEYANCES.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 **TIMESHARE COMMISSIONER OF DEEDS**

6 § -1 **Appointment.** The governor may, in the governor's
7 discretion, appoint and commission such number of commissioners
8 of deeds as the governor deems necessary for the public good and
9 convenience. The term of office of a commissioner of deeds
10 shall be four years from the date of the commissioner of deeds'
11 appointment, unless sooner removed by the governor.

12 § -2 **Oath, seal, and bond.** (a) A commissioner of deeds
13 shall, within three months of the commissioner of deeds'
14 appointment:

15 (1) Cause an official seal to be prepared, upon which
16 shall appear the commissioner of deeds' name and the
17 words "Commissioner of Deeds for Hawaii"; and



1 (2) Take and subscribe an oath to faithfully perform the
2 duties of the commissioner of deeds' office, which
3 shall be taken and subscribed before:

4 (A) A notary public commissioned in this State or any
5 other state;

6 (B) Any officer of the United States diplomatic or
7 consular service, resident in any foreign country
8 or port, when certified by the officer under the
9 officer's seal of office; or

10 (C) Any person authorized by the law of any foreign
11 country to take such acknowledgement or proof,
12 when such acknowledgement or proof is accompanied
13 by a certificate to the effect that the person
14 taking the same is duly authorized to do so and
15 that such acknowledgement or proof is in the
16 manner prescribed by the laws of the foreign
17 country or by treaty or international agreement
18 of the United States.

19 (3) File and maintain with the chairperson of the board of
20 land and natural resources a bond, payable to any
21 victim harmed as a result of a breach of duty by the
22 commissioner of deeds acting in the commissioner of



1 deeds' official capacity, in the amount of
2 \$. . The form of the bond shall be approved
3 by the chairperson of the board of land and natural
4 resources.

5 (b) All bonds required by this section shall be issued by
6 a surety company authorized to do business in the State, and
7 shall run to the State. The bond shall be conditioned that the
8 commissioner of deeds will faithfully perform the duties of the
9 commissioner of deeds' office.

10 (c) In addition to any other remedy, the chairperson of
11 the board of land and natural resources or any person claiming
12 to have sustained damage by reason of any breach of the duties
13 of the commissioner of deeds may bring an action on the bond for
14 the recovery of any damages sustained therefrom. The liability
15 of the surety shall not exceed the amount of the bond issued to
16 the commissioner of deeds for whom the bond was issued.

17 (d) Termination, cancellation, or expiration shall not be
18 effective, unless notice thereof is delivered by the surety to
19 the chairperson of the board of land and natural resources at
20 least sixty days prior to the date of termination, cancellation,
21 or expiration. The chairperson of the board of land and natural
22 resources shall give notice to the affected commissioner of



1 deeds that notice of termination, cancellation, or expiration
2 has been received and that the commissioner of deeds shall be
3 suspended from performing any duties relating to the
4 commissioner of deeds' office, unless prior thereto, a new bond
5 has been filed with the chairperson of the board of land and
6 natural resources.

7 (e) The certificate required under subsection (a)(2)(c)
8 may be made by:

9 (1) A diplomatic or consular officer of the United States
10 under the seal of the officer's office;

11 (2) A diplomatic or consular officer of the foreign
12 country under the seal of the officer's office with
13 the signature or facsimile of the signature of the
14 diplomatic or consular officer of the United States;

15 or

16 (3) Apostille in the case of a foreign country that is
17 party to the Hague Convention Abolishing the
18 Requirement of Legalisation for Foreign Public
19 Documents.

20 (f) The commissioner of deeds' oath of office, the
21 commissioner of deeds' signature, and impression of the



1 commissioner of deeds' official seal shall be transmitted to and
2 filed with the office of the lieutenant governor.

3 (g) As used in this section, "diplomatic or consular
4 officer" means any minister, consul, vice consul, charge
5 d'affaires, consular or commercial agent, or vice consular or
6 vice commercial agent.

7 **§ -3 Powers; charges.** A commissioner of deeds shall
8 have the authority, in any foreign country, in international
9 waters, or in any possession, territory or commonwealth of the
10 United States outside of the fifty states, to administer oaths,
11 and to take acknowledgements and proofs of execution in
12 connection with the execution of any deed, assignment of lease,
13 apartment deed and ground lease, condominium conveyance
14 document, mortgage, deed of trust, contract, power of attorney,
15 or any other writing to be used or recorded in this State in
16 connection with a timeshare interest, any property subject to a
17 timeshare plan, or the operation of a timeshare plan that
18 includes any property located within this State where such
19 instrument or writing is executed outside the United States.
20 Such oaths, acknowledgements, and proofs of execution shall be
21 taken or made in accordance with law, including sections 502-42,
22 502-43, and 502-48, and certified by the commissioner of deeds



1 under the commissioner of deeds' official seal. The
2 certification shall be endorsed on or annexed to the instrument
3 or writing aforesaid and shall have the same effect as if made
4 or taken in the State by a notary public commissioned in the
5 State. Charges made by commissioners of deeds for services
6 rendered shall be at the rates authorized by law for similar
7 services rendered by notaries within the jurisdictions in which
8 the services are performed.

9 **§ -4 Records.** Each commissioner of deeds shall keep a
10 record of every acknowledgement, oath, and proof of execution in
11 a book of records. Each record shall set forth, at minimum, the
12 date of the acknowledgement, the parties to the instrument, the
13 persons making the acknowledgement, and some detail of the
14 instrument acknowledged. For oaths and affidavits, each record
15 shall set forth, at minimum, the name or names of the party or
16 parties making the oath or affidavit, the date and nature of the
17 instrument, and the date on which the oath was administered.

18 **§ -5 Instructions.** The lieutenant governor shall
19 prepare and forward to the commissioner of deeds instructions
20 and forms in conformity with law and a copy of this chapter."

21 SECTION 2. This Act shall take effect on July 1, 2112.



Report Title:

Timeshares; Commissioner of Deeds

Description:

Authorizes the Governor to appoint Commissioners of Deeds to take acknowledgments, proofs of execution, or oaths in specified jurisdictions related to the conveyance of timeshare properties located within the State. Effective July 1, 2112. (HB424 HD1)

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

