

JAN 18 2013

A BILL FOR AN ACT

RELATING TO ELECTRONIC COPIES.

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

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

4 "§1- Acceptability of electronic copies as an original
5 document. (a) An electronic copy of an original document shall
6 be:

7 (1) Construed in the same manner as an original document
8 for purposes of this chapter; and

9 (2) Acceptable for all purposes as intended by the
10 particular statute that references an original
11 document or like terms, unless otherwise provided by
12 that statute.

13 (b) As used in this section, electronic copy means:

14 (1) A paper document that has been converted to a computer
15 file; or

16 (2) A document that has been printed from a computer in
17 which the original document was composed."



1 SECTION 2. Section 40-8, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§40-8 Statements of count to be filed. The comptroller
4 shall file the original or electronic copy of the statement with
5 the governor, duplicate with the director of finance, and the
6 comptroller shall post and maintain the triplicate copy in the
7 comptroller's office for at least one month thereafter."

8 SECTION 3. Section 502-82, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§502-82 Record or copy as evidence. The record of an
11 instrument duly recorded, or a transcript thereof, duly
12 certified, may also be read in evidence, with like force and
13 effect as the original instrument. An electronic copy of an
14 original instrument shall be an acceptable recordation. Neither
15 the certificate of acknowledgment, nor the proof of any
16 instrument, is conclusive, but may be rebutted, and the force
17 and effect thereof may be contested by any party affected
18 thereby. If the party contesting the proof of an instrument
19 makes it appear that the proof was taken upon the oath of an
20 interested or incompetent witness, neither the instrument or
21 electronic copy of the instrument nor the record thereof shall



1 be received in evidence until established by other competent
2 proof."

3 SECTION 4. The revisor shall substitute the words
4 "original or electronic copy of" in place of the words "original
5 of" in sections 132-11, 150A-12, 159-55, 161-50, 171-24,
6 184-5.2, 199-5, 200-26, 200-49, 246-44, 261-17.5, 261-73,
7 266-24.1, 271-27, 286-10, 291C-165, 325-52, 328J-12, 342B-45,
8 342F-10, 414D-250, 467B-6.5, 560:3-301, 560:3-402, 560:3-706,
9 and 657D-32, Hawaii Revised Statutes.

10 SECTION 5. The revisor substitute the words "original
11 document or electronic copy of the original document" in place
12 of the words "original document" in sections 321-23.6, 414-14,
13 414-18, 414D-6, 414D-10, 421J-7.5, 425E-206, 431:8-305, 502-122,
14 711-1100, and 806-41, Hawaii Revised Statutes.

15 SECTION 6. The revisor shall substitute the words
16 "original instrument or electronic copy of the original
17 instrument" in place of the words "original instrument" in
18 sections 456-17, 501-31, 501-131, and 502-33, Hawaii Revised
19 Statutes.

20 SECTION 7. The revisor shall substitute the words
21 "original writing or transmission or electronic copy" in place



1 of the words "original writing or transmission" in sections
2 414-143 and 414D-113, Hawaii Revised Statutes.

3 SECTION 8. The revisor shall substitute the words
4 "original writing or electronic copy" in place of the words
5 "original writing" in sections 414-124, 551G-6, 576B-316,
6 583A-111, and 626-1 (rule 1002), Hawaii Revised Statutes.

7 SECTION 9. This Act, upon its approval, shall apply
8 retroactively to all original copies, original documents,
9 original instruments, and original writings filed or recorded
10 before July 1, 2013.

11 SECTION 10. New statutory material is underscored.

12 SECTION 11. This Act shall take effect on July 1, 2013.

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INTRODUCED BY:

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S.B. NO. 413

Report Title:

Documents; Electronic Copies

Description:

Clarifies that electronic copies shall be construed in the same manner as an original document for purposes of chapter 1, HRS. Requires that electronic copies are acceptable for all purposes as intended by the particular statute that references an original document or like terms, unless otherwise provided by that statute.

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

