

JAN 15 2014

A BILL FOR AN ACT

RELATING TO LAND COURT.

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

1 SECTION 1. The purpose of this Act is to clarify that the
2 fee schedule in section 501-218, Hawaii Revised Statutes, is not
3 intended to be a comprehensive schedule of all fees payable
4 under chapter 501, Hawaii Revised Statutes, but may be
5 supplemented by fee schedules established by court rule, or by
6 administrative rules adopted pursuant to chapter 91, Hawaii
7 Revised Statutes.

8 This Act allows the department of accounting and general
9 services to establish and maintain a schedule of fees for the
10 services performed by the state land surveyor under chapter 501,
11 Hawaii Revised Statutes. This Act incorporates language similar
12 to current section 501-218, Hawaii Revised Statutes, that allows
13 the department of land and natural resources to adopt
14 administrative rules on behalf of the bureau of conveyances.

15 SECTION 2. Section 501-218, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§501-218 Schedule of fees[-]; authority to amend. (a)

18 [~~Except where otherwise provided by the supreme court of the~~



1 ~~State of Hawaii that shall be empowered to amend or add to the~~
2 ~~schedule from time to time, or fees for services by the bureau~~
3 ~~of conveyances set by rules adopted by the department of land~~
4 ~~and natural resources, pursuant to chapter 91, the] The fees~~
5 payable under this chapter are as follows:

- 6 (1) For every application filed pursuant to this chapter,
7 including indexing and recording the application, and
8 transmitting to registrar, when filed with assistant
9 registrar, \$3[-] i;
- 10 (2) For every plan filed, \$1[-] i;
- 11 (3) For examining title, \$10 and two-tenths of one per
12 cent of the assessed value of the land and
13 improvements on the basis of the last assessment for
14 taxation, or the value of the land as determined under
15 section 501-211 when the land was not separately
16 assessed[-] i;
- 17 (4) For verifying and checking map on the ground, for lots
18 of one acre or less, \$25; an addition of \$1 an acre or
19 fraction thereof for all area over one acre and up to
20 one hundred acres; an addition of 50 cents an acre or
21 fraction thereof for all area over one hundred acres
22 and up to one thousand acres; an addition of 25 cents



- 1 an acre or fraction thereof for all area over one
2 thousand acres[-] i
- 3 (5) For checking survey and map as to form and
4 mathematical correctness, but not on the ground, \$3 an
5 hour[-] i
- 6 (6) For approving subdivision of registered land, and for
7 checking the form and mathematical correctness, but
8 not on the ground, \$3 an hour[-] i
- 9 (7) For all services by a sheriff or other police officer
10 under this chapter, the same fees as are now provided
11 by law for each service[-] i
- 12 (8) For each instrument affecting a title not reported in
13 applicant's filed abstract of title, \$2[-] i
- 14 (9) For filing an amended application, \$1[-] i
- 15 (10) For each notice by publication, 25 cents[-] i
- 16 (11) For entering any general default, \$1[-] i
- 17 (12) For filing any answer, \$1, to be paid by the party
18 filing the answer[-] i
- 19 (13) For every subpoena, \$1[-] i
- 20 (14) For swearing each witness, 10 cents[-] i
- 21 (15) For entering any discontinuance, \$1[-] i
- 22 (16) For filing notice of appeal, \$30[-] i



1 (17) For entry of order dismissing application, or decree
2 of registration, and sending memorandum to assistant
3 registrar, \$1[-] i;

4 (18) For copy of decree of registration, \$1[-] i;

5 (19) For filing any petition after original registration,
6 \$1; an addition of 25 cents for each exhibit
7 attached[-] i;

8 (20) For filing any order after original registration,
9 \$5[-] i;

10 (21) In all cases not expressly provided for by law, the
11 fees of all public officers for any official duty or
12 service under this chapter shall be at a rate
13 established by the court[-] i; and

14 (22) For any application made by or in the name of the
15 State, or any political subdivision of the State, any
16 proceedings upon the application or any dealing with
17 registered land by the State, or any political
18 subdivision of the State, as owner, no fees shall be
19 charged.

20 (b) For recordation of the document of which the United
21 States, State of Hawaii, or any county of the State of Hawaii,
22 is the grantee, no fees shall be charged.



1 (c) The supreme court, by rule of court, may from time to
2 time, revise, amend, add to, or eliminate any fees payable under
3 subsection (a), or prescribe additional fees as it deems
4 reasonable, for services provided by the office of the registrar
5 of the land court prescribed in this chapter.

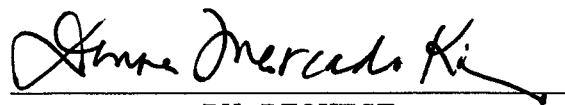
6 (d) The department of land and natural resources, by rule
7 adopted pursuant to chapter 91, may from time to time, revise,
8 amend, add to, or eliminate, any fees payable under subsection
9 (a) for services provided by assistant registrars in the bureau
10 of conveyances under this chapter.

11 (e) The department of accounting and general services, by
12 rule adopted pursuant to chapter 91, may from time to time,
13 revise, amend, add to, or eliminate, any fees payable under
14 subsection (a) for services provided by the state land surveyor
15 for checking and processing land court maps and other services
16 as may be required under this chapter."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

20
INTRODUCED BY:



BY REQUEST



S.B. NO. 2082

Report Title:

Judiciary Package; Land Court; Fees

Description:

Authorizes additional land court fees to be established by court or administrative rule.

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

