

ACT 96

H.B. NO. 531

A Bill for an Act Relating to Nonconsensual Common Law Liens.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 507D-5, Hawaii Revised Statutes, is amended to read as follows:

**“§507D-5 [~~Liens against public officers and employees.~~] Requirement of certified court order.** (a) Any claim of lien against a federal, state, or county officer or employee based on the performance or nonperformance of that officer’s or employee’s duties shall designate in the pleading header that the claim is directed to a federal, state, or county officer or employee, and shall be invalid unless accompanied by a certified order from a state or federal court of competent jurisdiction authorizing the filing of such lien.

**(b) Any claim of nonconsensual common law lien against a private party in interest shall be invalid unless accompanied by a certified order from a state or**

federal court of competent jurisdiction authorizing the filing of nonconsensual common law lien.

~~(b)~~ (c) The registrar shall not accept for filing a claim for nonconsensual common law lien unless the claim is accompanied by a certified state or federal court order authorizing the filing of the lien.”

SECTION 2. Section 507D-6, Hawaii Revised Statutes, is amended to read as follows:

~~“[§507D-6]~~ **Filing a notice of invalid lien.** (a) If a claim of lien [as described in] not in conformity with section ~~[507D-5]~~ 507D-5(a) has been accepted for filing, the registrar shall accept for filing a notice of invalid lien signed and submitted by the assistant United States attorney representing the federal agency of which the individual is an official or employee, or the attorney representing the state or county department, agency, board, authority, or commission of which the individual is an officer or employee. A copy of the notice of invalid lien shall be mailed by the government attorney to the lien claimant at his or her last known address.

(b) If a claim of nonconsensual common law lien not in conformity with section 507D-5(b) has been accepted for filing, the registrar shall accept for filing a notice of invalid lien signed and submitted by the party in interest.

(c) The registrar or registrar’s assistants shall not be liable for accepting for filing either a claim of lien as described in section 507D-5 or a notice of invalid lien pursuant to this section.”

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

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

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

(Approved May 18, 2001.)