



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
BUREAU OF CONVEYANCES

P.O. BOX 2867
HONOLULU HAWAII 96803

March 11, 2016

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

SUBJECT: REQUEST FOR APPROVAL TO HOLD A PUBLIC HEARING ON PROPOSED AMENDMENTS TO HAWAII ADMINISTRATIVE RULES CHAPTER 13-16 (RULES RELATING TO CONVEYANCES)

This submittal requests Board of Land and Natural Resources ("Board") approval to hold a public hearing on proposed amendments to Hawaii Administrative Rules (HAR) Chapter 13-16 (Rules Relating to Conveyances), to authorize the Chairperson to appoint a hearing master, and to authorize the Chairperson to designate the date and time for the public hearing.

HAR Chapter 13-16 was adopted in 1991 pursuant to Hawaii Revised Statutes (HRS) Chapter 502, which authorizes the Board of Land and Natural Resources to make rules relating to the recording of instruments. These rules were last amended in 1999. The Bureau of Conveyances ("Bureau") proposes amendments to HAR Chapter 13-16 to provide for electronic recording as authorized by HRS Chapter 502, to update the current fee schedule, and to make technical changes to reduce restatement of the underlying statutes.

The full text of the proposed amendments to HAR Chapter 13-16, in Ramseyer format, is included as Attachment A. A tabular summary of the proposed changes, with a short explanation of the reasoning for the change, is included as Attachment B. The proposed amendments have been reviewed by the Bureau's staff and by attorneys in the Land/Transportation Division of the Attorney General, were presented informally for stakeholder comment through the HLTA (Hawaii Land Title Association), and are now presented to the Board for approval to go out to public hearing.

Upon Board approval, the proposed rule amendments will be submitted to the Governor for approval to go out to public hearing. In this submittal, the Bureau further requests the Board to authorize the Chairperson to designate a hearing master and to set the date and time of the public hearing, so that the Bureau can proceed after the Governor has approved the proposed rule amendments for public hearing.

ITEM G-1

RECOMMENDATION:

That the Board:

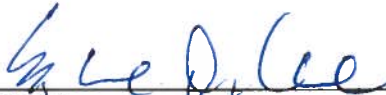
- 1) give approval to proceed with amending HAR Chapter 13-16, including permission to hold public hearing;
- 2) authorize the Chairperson to appoint a hearing master for the public hearing; and
- 3) authorize the Chairperson to set the date and time for the public hearing.

Respectfully submitted,



NICKI ANN THOMPSON, Registrar
Bureau of Conveyances

APPROVED FOR SUBMITTAL:



SUZANNE CASE, Chairperson
Board of Land and Natural Resources

Attachment A: Ramseyer Format Public Hearing Draft HAR § 13-16
Attachment B: HAR § 13-16 Summary of Changes

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Rules Amending Title 13
Hawaii Administrative Rules

(Date of Board meeting where adopted)

1. Chapter 16 of Title 13, Hawaii Administrative Rules, entitled "Rules Relating to Conveyances" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

CHAPTER 16

RULES RELATING TO CONVEYANCES

§13-16-1	Purpose
§13-16-2	Definitions
§13-16-3	Office hours
§13-16-4	Recording
§13-16-4.5	Electronic recording standards
§13-16-5	Time of recordation
§13-16-6	Reference to original book and page or document number
§13-16-7	Endorsements
§13-16-8	Acknowledgements
§13-16-9	Repealed
§13-16-10	Repealed
§13-16-11	Repealed
§13-16-12	Repealed
§13-16-13	Repealed
§13-16-14	Repealed
§13-16-15	Repealed
§13-16-16	Repealed
§13-16-17	File plans
§13-16-18	Repealed
§13-16-19	Repealed
§13-16-20	Repealed
§13-16-21	Copies of plans furnished by registrar
§13-16-22	Fees

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§13-16-23	Repealed
§13-16-24	Repealed
§13-16-25	Repealed
§13-16-26	Judgments
§13-16-27	Tax liens
§13-16-28	Releases
§13-16-29	Condominium property regime
§13-16-30	Time sharing plans
§13-16-31	Uniform Commercial Code
§13-16-32	Sale of electronic information

§13-16-1 Purpose. The purpose of these rules is to regulate the recordation and filing of instruments in the bureau of conveyances and office of the assistant registrar. [These rules shall apply to all persons recording instruments in the bureau of conveyances.] [Eff 7/1/91; comp 1/18/97; comp 4/5/99; am and comp](Auth: HRS chapters 231, 490, 502, 504, 505, 514A, 514B, 514E, 634, 636, 636C, 667) (Imp: HRS chapters 231, 490, 502, 504, 505, 514A, 514B, 514E, 634, 636, 636C, 667)

§13-16-2 Definitions. As used in these rules unless context requires otherwise:

"Approved eRecording Vendor" means those vendors who have agreed to comply with the laws and rules of the state of Hawaii and warrants that any document submitted for eRecording is a true, exact, complete, and unaltered copy of the originating paper document or electronic document.

"Assistant registrar" means [the assistant registrar of the land court of the bureau of conveyances in the department of land and natural resources]the registrar of the bureau of conveyances and the registrar's deputy, authorized by section 501-9, HRS, to carry out the duties of recording and registration required under chapter 501.

"Board" means the Board of Land and Natural Resources.

"Bureau" means the bureau of conveyances in the department of land and natural resources.

"Document" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

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"Electronic" means relating to technology having electric, digital, magnetic, wireless, optical, electromagnetic, or similar properties.

"Electronic document" means a document that is stored in an electronic medium.

"Electronic signature" means an electronic sound, symbol, or process, attached to or logically associated with a document and executed or adopted by a person with the intent of affixing a signature on the document.

"eRecording" means electronic recording.

"Flysheet" or "cover sheet" means a page attached to the front of an instrument to conform the instrument to the formatting and content requirements provided by Chapter 501 or 502 and these rules.

"Grantee" means a party that acquires interest in real property.

"Grantor" means a party that conveys or transfers interest in real property.

"HRS" means Hawaii Revised Statutes, as amended.

"Instrument" means documents and maps [required to be] presented for recordation or filing or recorded or filed with the bureau or office. Instruments include but are not limited to deeds, mortgages, assignments, modifications, reconveyances, notices of liens, judgments and decrees from courts, federal and state tax liens, satisfactions and releases of liens, agreements of sale, notices of pendency of civil actions, notices of default and intentions to foreclose, condominium property regime declarations, powers of attorney, UCC financing statements, veteran's certificates, and other items as allowed by Chapter 501 and 502.

"Office" means the office of assistant registrar located at the bureau of conveyances where the duties of recording and registration and related activities authorized by section 501-9, HRS, are carried out.

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"Paper document" means a document that is inscribed on a tangible medium such as paper.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

"Record," "recorded," "recordation," or "recording" means the act of entering instruments into the public records.

"Registrar" means the registrar of the bureau of conveyances appointed by the board of land and natural resources.

"Signature" means the name of a person as written by the individual, [or] the affixing of a mark or fingerprint or toeprint, or electronic signature.

[Eff 7/25/94; am and comp 1/18/97; am and comp 4/5/99; am and comp](Auth: HRS chapter 502) (Imp: HRS chapter 502)

§13-16-3 Office hours[; hours of recordation]. The bureau shall be open from 7:45 a.m. until 4:30 p.m. every day of the year, except on Saturdays, Sundays, and holidays established by law[, but instruments shall only be recorded between the hours of 8:01 a.m. and 3:29 p.m. Every instrument presented for recordation shall be examined by the registrar in the order it is presented for that purpose and if the instrument is entitled by law to be recorded, it shall be recorded:

(1) at 8:01 a.m. if the instrument was presented to the registrar before 8:01 a.m.;

(2) As of the time it is accepted by the registrar if the instrument was presented to the registrar between 8:01 a.m. and 3:29 p.m.;

(3) At 8:01 a.m. the next day the registrar's office is open if the person requesting recordation so requests;

(4) At 8:01 a.m. the next day the registrar's office is open if the instrument was presented after 3:29 p.m.; or

(5) On the date and at a time between 8:01 a.m. and 3:29 p.m. pursuant to terms contained in any written agreement with the registrar relating to prechecking and

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recording of instruments]. [Eff 7/1/91; am and comp
1/18/97; am and comp 4/5/99; am and comp](Auth:
HRS §502-4) (Imp: HRS §502-32)

§13-16-4 [Recording Method.]Recording. [(a) The registrar shall make or cause to be made an entire literal copy of all instruments, with their original signature, recorded in the bureau, and the registrar shall certify its correspondence with the original, after which the registrar shall certify upon the exterior, or endorse upon the recorded instrument with the original signature, the date and time of its registry and a document number.

(b) All names of all natural persons signing in their individual capacity in the instrument shall be typewritten, stamped, or printed manually, or by some other mechanical or electrical printing method beneath all original signatures. No discrepancy in the name shall exist between the name, as it appears in either 1) in the body of the instrument, 2) beneath the original signature, or 3) in the notary's certificate of acknowledgement. All aliases must also be included within the three aforementioned areas. When using generic form acknowledgment pursuant to section 502-41(6), HRS, the name of the person signing in their individual capacity must be typewritten, stamped, or printed manually, or by some other mechanical or electrical printing method beneath the original signature. The provisions of this paragraph shall not apply to any deed or other instrument executed prior to January 1, 1990.

(c) The registrar may refuse to record any instrument of a size larger than eight and one-half inches by eleven inches, or which contains a schedule, inventory, or exhibit in excess of such size. If an instrument consists of more than one page, each page shall be single-sided sheets of written text numbered consecutively, beginning with number one, or the total number of pages contained in the document must be referenced on the first page thereof, without any papers or materials secured or attached in any manner that may conceal any written text, and it shall be stapled once in the upper left corner or fastened and shall not have a cover or backer attached. The registrar shall be permitted to remove any rivets affixed to any instrument. In addition, the first page shall identify and include, if possible, all names of the grantors and all names and addresses of the grantees, the type of document, and the tax map key number. The provisions of this paragraph shall not apply to any instrument executed prior to January 1,

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1990.

(d) The registrar may refuse to record all instruments, papers or notices that will not reproduce legibly under photographic or electrostatic methods.]

(a) Every instrument presented for recordation shall be prepared in accordance with chapter 502, HRS.

(b) Notwithstanding any other rule to the contrary, the registrar or assistant registrar may accept an electronic signature in lieu of an original signature if the electronic signature is attached to or logically associated with the document.

(c) The registrar or assistant registrar may refuse to record any instrument that:

(1) has missing or incomplete information required by law;

(2) is submitted without payment of all required fees;

(3) will not reproduce legibly under photographic, electronic, or electrostatic methods;

(4) contains interlineations, erasures or changes that are not initialed in accordance with section 502-63, HRS; or

(5) does not satisfy the requirements of subsection (a). [Eff 7/1/91; am 7/25/94; am and comp 1/18/97; am and comp 4/5/99; am and comp] (Auth: HRS §§502-4, 502-31, 501-108) (Imp: HRS §502-31, 501-108)

§13-16-4.5 Electronic recording standards. (a) Notwithstanding any rule to the contrary, the registrar or assistant registrar may accept an electronic document for recording in place of an original paper document.

(b) To keep the standards and practices of eRecording in the state in harmony with the standards and practices of other jurisdictions, with the most recent standards adopted by national standard setting bodies, and with industry best practices, the registrar or assistant registrar may identify approved eRecording vendors authorized to submit electronic documents for recording. [Eff and comp] (Auth: HRS §§502-4, 502-123, 501-108) (Imp: HRS §§502-122, 502-123, 501-108)

§13-16-5 [Instrument recorded as of time of delivery] Time of recordation. [Every instrument entitled by law to be recorded shall be recorded in the order and as of the time when the same is delivered and approved by the registrar for that purpose, and shall be considered as

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recorded from the time of such delivery and approval, provided that the registrar may enter into a written agreement with any person or association, which agreement authorizes an instrument to be recorded between 8:01 a.m. and 3:29 p.m. on a day subsequent to its delivery to the registrar.] Instruments shall be recorded between the hours of 8:00 a.m. and 3:30 p.m. inclusive. Every instrument presented for recordation, whether submitted electronically or in-person, shall be examined by the registrar or assistant registrar in the order it is presented for that purpose, and if after review, the instrument is accepted for recording, it shall be recorded as of the time of acceptance for recording or at 8:01 a.m. on the next business day if the acceptance occurs after 3:30 p.m., provided that the registrar or assistant registrar may enter into a written agreement with any person, which agreement authorizes an instrument to be recorded between 8:00 a.m. and 3:30 p.m. on a day subsequent to its delivery to the registrar or assistant registrar.[Eff 7/1/91; comp 1/18/97; am and comp 4/5/99; am and comp]
(Auth: HRS §§502-4, 502-123) (Imp: HRS §§502-32, 502-123)

§13-16-6 Reference to original book and page or document number. The registrar shall not record any document unless it contains a reference to the book and page or document number of the recordation of the interest acquired. [No amendment, continuation statement, termination statement, statement of assignment, or statement of release relating to security interests in goods which are or are to become fixtures shall be recorded unless it complies with the requirements of chapter 490, HRS. This rule does not apply to any document mentioned herein which refers to an unrecorded mortgage or lease, if such fact be recited therein.] [Eff 7/1/91; am 7/25/94; comp 1/18/97; am and comp 4/5/99; am and comp]
(Auth: HRS §§502-4) (Imp: HRS §§502-33)

§13-16-7 Endorsements [permitted]. The registrar or assistant registrar shall not record any document unless it contains or has endorsed upon it the address of the grantee, the type of document, and total page count. [This rule does not apply to any document executed prior to July 1, 1951.] Endorsements may be made on a conforming flysheet. [Eff 7/1/91; am 7/25/94; am and comp 1/18/97; am and comp 4/5/99; am and comp] (Auth: HRS §§502-4, 502-31,

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501-108) (Imp: HRS §502-31, 502-34, 501-108)

§13-16-8 [Notary's acknowledgement. Except as provided by sections 502-50 to 502-52, a notary's acknowledgement may be in any form or in a form provided in any of sections 502-41, 502-43, 502-45, or 502-47, HRS but shall include the following:

(1) Individuals, Venue (state or country), date, name of person, statement person is known or proved identity, appeared and signed the instrument before the notary, notary's signature and expiration (if applicable).

(2) Corporations or partnerships. Same as individuals in addition to the following statement: in the capacity shown, having been duly authorized to execute such instrument in such capacity.] Acknowledgments. Where required by law, instruments shall be accompanied by acknowledgments prepared in accordance with applicable law. [Eff 7/1/91; am 7/25/94; am and comp 1/18/97; am and comp 4/5/99; am and comp](Auth: §§502-4, 502-31, HRS chapter 456) (Imp: §§502-41 – 502-54, HRS chapter 456)

[§13-16-9 Notary's initials. (a) No instrument acknowledged in the State of Hawaii which contains interlineations, erasures, or changes shall be recorded by the registrar, unless the same are duly initialed by the officer or officers taking the acknowledgement or acknowledgements to the same.

(b) No instrument acknowledged outside the state of Hawaii which contains interlineations, erasures, or changes shall be recorded by the registrar, unless the same are duly initialed by either the parties to the instrument or the officer or officers taking the acknowledgment or acknowledgments to the same.][Eff 7/1/91; am 7/25/94; am and comp 4/5/99; R]

[§13-16-10 Acknowledgments not required of certain state officers. In the case of an official signature entitled to be judicially noticed pursuant to rule 901 or 902, Hawaii Rules of Evidence, Chapter 626, HRS, the official signature shall suffice to show due execution by the officer signing the instrument and the officer is not required to acknowledge the instrument in order to entitle it to be recorded.] [Eff 7/1/91; comp 4/5/99; R]

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[§13-16-11 Acknowledgments not required of officers acting on behalf of the United States. When any instrument offered for recordation by any judicial, executive, or administrative officer of the United States, acting in the officer's official capacity, or by any duly authorized officer or agent of any agency or instrumentality of the United States created by or under federal or state law, acting in the officer's or agent's official capacity, it shall not be necessary that the instrument, where the same is required to be signed by the officer or agent, be acknowledged before a notary public by the officer or agent, and the registrar shall accept the instrument for recordation when the signature of the duly authorized officer or agent together with the official seal, if any, is attached to the instrument for recordation.] [Eff 7/1/91; am 7/25/94; am and comp 4/5/99; R]

[§13-16-12 Acknowledgment outside the United States; by members of the armed forces. (a) Acknowledgments of deeds or other instruments in order to entitle the same to be recorded, when made outside the United States may be made by:

- (1) Any officer now authorized by the laws of the State;
- (2) Any officer of the United States diplomatic or consular officer under the officer's seal of office; and
- (3) Any person authorized by the law of any foreign country to take such acknowledgement, when such acknowledgment is accompanied by a certificate to the effect that the person taking the same is duly authorized thereto and that such acknowledgment is in the manner prescribed by the laws of the foreign country or by treaty or international agreement of the United States. The certificate may be made by a diplomatic or consular officer of the United States under the seal of his office or by a diplomatic or consular officer of the foreign country, resident in the State, under the seal of his office with the signature or facsimile of the signature of the diplomatic or consular officer of the United States.

(b) Acknowledgments may also be made by any person in the armed forces of the United States, or by any person without the United States, before any officer of the armed forces authorized by Congress to exercise the powers of a notary public. The signature without seal of any officer acting as such notary public is prima facie evidence of the

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officer's authority.] [Eff 7/1/91; comp 1/18/97; am and
comp 4/5/99; R]

[§13-16-13 Judgment lien; satisfaction. Any judgment or decree of a court of competent jurisdiction, whether a federal court or a court of the State of Hawaii if certified as correct by a clerk of the court where it is entered, may be recorded with the registrar. Every judgment lien must contain the defendant's social security number, State of Hawaii general excise taxpayer identification number, or if that information is not in the possession of the party seeking registration of the judgment, a statement that the information does not exist or is not in the possession of the party seeking registration of the judgment. Judgments pursuant to eminent domain proceedings will not require the social security number or general excise taxpayer identification number. The effect of such recordation as creating a lien and the duration of any such lien shall be as provided by section 636-3, HRS.][Eff 7/1/91; am 7/25/94; am and comp 1/18/97; am and comp 4/5/99; R]

[§13-16-14 Foreign judgment; satisfaction. A certified copy of any judgment decree or order of a court of the United States or of any other court which is entitled to full faith and credit in this State, when filed in the office of the clerk of the appropriate court of this State may be recorded with the registrar. The effect of such recordation and the enforceability or satisfaction of the recorded judgment shall be as provided by chapter 636C, HRS. Every judgment lien must contain the defendant's social security number, State of Hawaii general excise taxpayer identification number or federal employer identification number or if that information is not in the possession of the party seeking registration of the judgment, a statement that the information does not exist or is not in the possession of the party seeking registration of the judgment.] [Eff 7/1/91; am 7/25/94; am and comp 1/18/97; am and comp 4/5/99; R]

[§13-16-15 Power of attorney, etc. All articles of marriage settlement and powers of attorney for the transfer of real property within the State shall be recorded in the Bureau. The effect of the death, disability or incapacity

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of the principal shall be as provided by section 560:5-502 HRS and common law.] [Eff 7/1/91; comp 1/18/97; am and comp 4/5/99; R]

[§13-16-16 Entry record. The registrar shall make and keep in such form and manner as is prescribed by the board a permanent record of the receipt of every document left for record, and every plan filed, and shall note on the record, in addition to a description sufficient to identify the document, the date of its receipt and such other acts as are prescribed by the board.] [Eff 7/1/91; comp 1/18/97; am and comp 4/5/99; R]

§13-16-17 File plans. [(a) The registrar shall accept and file in the registrar's office, upon the payment of the fee as provided in section 13-16-22, any plan of land prepared in the manner prescribed in section 502-17, HRS.

(b) The plan shall first be referred to the state land surveyor in the department of accounting and general services who shall cause the same to be checked as to form and mathematical correctness but not on the ground. If the plan is drawn in accordance with sections 502-17, 502-18, and 502-19, HRS, the department shall endorse its approval of the plan on the face thereof, after which the plan may be filed of record.

(c) On receipt for recordation of a transfer or separate description document concerning a lot in a subdivision, the registrar shall accept and file the document with:

(1) A metes and bounds description, either solely or as part of the document; and

(2) A certified plat map; or

(3) A letter from a registered professional surveyor, certifying that the metes and bounds description confirms to the accompanying plat map. (a) Plans of land shall be prepared in accordance with chapter 502, HRS.

[(d)](b) Any file plan may be amended by recording an affidavit executed by the surveyor, owner, or owner's attorney-at-law. The document number of the amendment will be noted on the file plan.

[(e)](c) The document shall otherwise comply with the requirements for recordation under this rule. [Any parcel created or subdivided prior to the effective date of this subdivision laws of the respective counties is exempt from the provisions of this subsection.]

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(d) The registrar may refuse to accept and file any plan that does not satisfy the requirements of subsection (a). [Eff 7/1/91; am and comp 1/18/97; am and comp 4/5/99; am and comp] (Auth: §502-4) (Imp: §§502-17 – 502-24)

[§13-16-18 Description; lot subdivisions. A metes and bounds description of the exterior boundaries of a parcel or parcels of land sought to be registered as a file plan shall be prepared in accordance with section 502-18, HRS and shall be written upon the plan, or printed or typewritten on unruled good quality white paper of a size not larger than eight and one-half inches by eleven inches. The description shall be filed in duplicate with the file plan, and shall be dated and signed by the surveyor making the field survey, or under whose supervision the field survey was executed. Any printed or typewritten description filed separately with the file plan shall be recorded with the registrar and the book and page or document number thereof noted on the file plan. Recordation expenses shall be charged to the owner.] [Eff 7/1/91; am and comp 1/18/97; am and comp 4/5/99; R]

[§13-16-19 Plans on tracing cloth; size; scale. All plans must be on tracing cloth of good quality, and shall be of one of the following sizes, the figures indicating inches: 10 x 15; 15 x 21; 21 x 32; 30 x 36; 36 x 42; 48, or 54 inches wide without restrictions as to length; which plans shall be prepared and drawn according to one of the following scales: 10, 20, 30, 40, 50, 100, 200, 300, 400, 500, 1000, 2000, 3000, 4000, or 5000 feet to an inch.] [Eff 7/1/91; comp 1/18/97; am and comp 4/5/99; R]

[§13-16-20 Recording of plans unlawful. The registrar shall not record any plan of land, whether attached to, made a part of, or independent of, any instrument; to the end and purpose that there shall be no plans recorded in the record books, but in substitution therefor there shall be a single method of filing plans in the bureau; provided that where sketches, blueprints, or plans of land of a size not larger than eight and one-half inches by eleven inches which legibly reproduce under photographic or electrostatic methods are attached to instruments and made a part thereof by reference to the same in the instrument, the registrar

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may record the same in the record books by means of the photographic recorder, on payment of the fee as provided in section 13-16-22.] [Eff 7/1/91; am and comp 1/18/97; comp 4/5/99; R]

§13-16-21 Copies of plans [furnished by registrar.]
[The registrar shall furnish, when so requested, copies of any map or plan filed in the registrar's or assistant registrar's office duly certified by the registrar's office or assistant registrar's seal of office, upon payment of the fee provided in section 13-16-22. In addition, the] The registrar or assistant registrar may authorize the state land survey administrator of the department of accounting and general services to furnish[, when so requested,] copies of [such] maps or plans[, subject to the payment of fees applicable to maps or plans furnished by the registrar]. [Eff 7/1/91; am and comp 1/18/97; am and comp 4/5/99; am and comp](Auth: §§502-4, 502-25)
(Imp: HRS §502-22)

§13-16-22 Fees. (a)[The] Except as provided in subsections (b) and (c), the registrar or assistant registrar [is entitled to demand] may charge fees [set by the board and receive payment by cash, check, bank draft, cashier's check, money order, or Visa/Master/Discover charge. No fees shall be charged for the recordation of any instrument in which the United States, State of Hawaii, or any county of the State of Hawaii, is the grantee, lessee, mortgagee, assignee, vendee, licensee, permittee] as follows:

(1) For recording any instrument entitled by law to be recorded, [including releases or partial releases of State tax liens] not including veteran's certificates, [\$25] \$35 for documents up to and including 50 pages [for the first twenty pages and \$1 for each additional page or fraction thereof and for instruments executed after June 30, 1995, not conforming to eight and one-half inches by eleven inches, an additional fee of \$20];

(2) For recording any instrument of 51 pages or more, entitled by law to be recorded, \$100;

(3) For recording any honorable discharge certificate or other separation or discharge document from the military or naval service of the United States, upon request of a veteran, resident in Hawaii, or the veteran's next of kin, \$0;

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[(2)](4) For each additional memorandum on certificates [in excess of four] required by any one instrument, [~~\$1~~]\$5;

[(3)](5) For entry of original certificate of title, or for making and entering a new certificate of title, [~~\$25~~]\$50 [if contained within one page. For each additional page or fraction thereof, \$1];

[(4)](6) For a certified copy of any certificate of title, [~~\$2~~]. For each additional page or fraction thereof, \$1] \$10;

[(5)] For taking any acknowledgment preparatory to registry, \$4 for each party signing;]

[(6)](7) For [every] a certified copy of any instrument recorded or filed in the registrar's or assistant registrar's office, \$10 plus \$1 per page;

[(7)](8) For [every] an uncertified copy of any instrument recorded or filed in the registrar's or assistant registrar's office, [not attested by the registrar's or assistant registrar's seal of office] when the copy is made by the person [desiring same on a self service] duplicating machine provided by the registrar, [50 cents per page or fraction thereof] \$1 per page;

[(8)](9) For searching the records, when personnel is available for searching, \$50.00 per [name for the first year of search, and \$25 per name thereafter for each additional year of search] hour;

[(9)] For a copy of a plan of land, attested by the registrar's or assistant registrar's seal of office, \$3 for the first square foot and 15 cents for each additional square foot or fraction thereof in the size of the plan, effective July 1, 1997; \$4.50 for the first square foot plus 15 cents per additional square foot, effective January 1, 1998; \$6 for the first square foot plus 15 cents per additional square foot, effective January 1, 1999;

(10) For photographing instruments, etc., for any federal, state or county agency, the cost of the materials used therein, such fees to be used by the registrar for the purchase of necessary materials used in such photographing process;

(11) For a copy of any recorded veteran's honorable discharge or other separation document, 50 cents;

[(12)](10) For the registrar's certificate pursuant to section [490:9-407]490-5:525, HRS, \$25 plus \$5 for each financing statement and for each statement of assignment reported therein[;].

[(13)] For a copy of any recorded financing statement or statement of assignment, \$1 per page;

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(14) For a copy of the daily microfiche index, \$1 per sheet;

(15) For a daily copy of the magnetic tapes containing the computerized daily entry record, \$100 per month provided the requesting party furnishes the magnetic tape; or

(16) For indexing an instrument recorded while application is pending, \$1.]

(b) No fees shall be charged for the recordation of any instrument in which the United States, State of Hawaii, or any county of the State of Hawaii is the grantee, lessee, mortgagee, assignee, vendee, licensee, or permittee.

(c) The registrar or assistant registrar may reduce or waive fees for copies requested by federal, state, or county agencies.

(d) Only methods of payment approved by the registrar or assistant registrar may be used.

[(b)](e) [All] Except as otherwise provided by law, all fees collected under this section shall be deposited [in the state treasury to the credit of the general fund] in the bureau of conveyances special fund. [Eff 7/1/91; am 7/25/94; am and comp 1/18/97; am and comp 4/5/99; am and comp] (Auth: HRS §§490:9-525, 501-107, 501-218, 502-4, 502-8, 502-25, 502-27, 502-101, 505-4, 636-3) (Imp: HRS §§490:9-525, 501-107, 501-218, 502-8, 502-25, 502-27, 502-101, 505-4, 636-3)

[\$13-16-23 Copies of instruments, certificates of searches. The registrar or assistant registrar shall, when applied to therefor, furnish an attested copy of any instrument or document recorded in the registrar's or assistant registrar's office, or of any fact appearing upon the registrar's or assistant registrar's records. The registrar or assistant registrar may also issue non-attested portions of any instrument or document recorded in the registrar's or assistant registrar's office. The registrar may issue certificates of search or encumbrance when personnel is available for the making thereof.] [Eff 7/1/91; comp 1/18/97; am and comp 4/5/99; R]

[\$13-16-24 Copies of microfilm, charges. The registrar or assistant registrar may authorize any person or agency to use original microfilms of documents recorded in the registrar's office or recorded in the office of the

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assistant registrar for the purpose of making duplicates of such microfilms. A charge of two cents per frame for each duplicate film shall be paid to the State; provided that no such charge shall be assessed against any agency of the State of Hawaii or counties thereof. In addition, all costs for duplicating said microfilm shall be borne by the person or agency requesting the use of microfilms. If any person or agency requests rental of the microfilm, the charge will be the costs for duplicating said microfilm.] [Eff 7/1/91; am and comp 1/18/97; am and comp 4/5/99; R]

[§13-16-25 Veteran's certificates. The registrar, upon request of a veteran, resident in Hawaii, or the veteran's next of kin, shall record any honorable discharge certificate or other separation or discharge certificate from the military or naval service of the United States of the veteran. No charge shall be made for such recording but no certificate shall be recorded more than once.] [Eff 7/1/91; am 7/25/94; comp 1/18/97; comp 4/5/99; R]

§13-16-26 [Federal judgments, recordation] Judgments. [Judgments of United States courts may be registered, recorded, docketed, and indexed in the bureau in the same manner as judgments of the courts of the State.] Judgments of a court of competent jurisdiction may be recorded by the registrar or assistant registrar in accordance with this chapter where applicable and also in accordance with chapters 501, 502, 504, 636, and 636C, HRS. [Eff 7/1/91; comp 1/18/97; comp 4/5/99; am and comp](Auth: §§502-4, 501-102) (Imp: §§502-33, 504-1, 636-3, 636C-3)

§13-16-27 [Federal Tax lien, recordation] Tax liens. [Notices of liens for internal revenue taxes payable to the United States may be recorded in the bureau upon payment of the fee provided in section 13-16-22(1).] Instruments relating to tax liens may be recorded by the registrar or assistant registrar in accordance with this chapter where applicable and also in accordance with chapters 231 and 505, HRS. [Eff 7/1/91; comp 1/18/97; am and comp 4/5/99; am and comp](Auth: §§502-4, 501-102) (Imp: §§231-33, 505-1, 505-3)

§13-16-28 [Federal Tax lien,]Releases. Certificates

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of release or of partial discharges of any [tax] lien containing a reference to the book and page or document number of the registration of the original [tax] lien are entitled to be recorded [in the bureau] by the registrar or assistant registrar upon payment of the fee provided in section 13-16-22(1). [Eff 7/1/91; comp 1/18/97; am and comp 4/5/99; am and comp](Auth: §§502-4, 501-102) (Imp: §§502-33, 505-3)

§13-16-29 Condominium property regime. [The declaration of condominium property regime and by-laws presented for recordation in the bureau shall be accompanied by a map of the land submitted to the condominium property regime, no larger than twenty-two x thirty-four inches (if reduced, reduction size) depicting the layout, location, apartment numbers and dimensions of the apartments, elevations and registered architect's or professional engineer's certificate referenced in section 514A-12, HRS.] A declaration of condominium property regime may be recorded by the registrar or assistant registrar in accordance with this chapter where applicable and also in accordance with chapters 514A or 514B, HRS, as applicable. [Eff 7/1/91; am and comp 1/18/97; comp 4/5/99; am and comp](Auth: §502-4) (Imp: §§514A-11, 514B-31)

§13-16-30 Time sharing plans. Time share interests shall be identified by time share periods and recordable with the registrar or assistant registrar in accordance with this chapter where applicable and also in accordance with chapter 514E, HRS. [Eff 7/1/91; am and comp 1/18/97; am and comp 4/5/99; comp] (Auth: §502-4) (Imp: §§514E-1, 514E-21)

§13-16-31 Uniform commercial code. Instruments perfecting security interests under the uniform commercial code shall be recordable with the registrar in accordance with the provisions of this chapter where applicable and also in accordance with chapter 490, HRS. [Eff 7/1/91; am 7/25/94; comp 1/18/97; comp 4/5/99; comp] (Auth: §502-4) (Imp: HRS chapter 490)

§13-16-32 Sale of [computerized] electronic information. [Any party interested in subscribing to

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computerized information through remote (dial-up) means or magnetic tapes shall be charged \$100 per month, plus a per minute charge after the first five minutes of each log on. An additional charge for printing information at the subscriber's workplace will be included with the per month charge. If subscription is for magnetic tapes the magnetic tapes required to furnish the information shall be provided by the subscriber. Any party requiring special programming to extract certain information onto a magnetic tape shall be charged \$100 plus a minimum of \$100 for each month that the party subscribes to computerized information. It is understood by the subscribed that the raw data provided shall not be sold, nor shall exact copies or duplicates of the raw data or portions thereof be sold or otherwise disseminated without the express written permission of the registrar or assistant registrar. This does not prohibit the sale for profit by the subscriber of a value-added information product which incorporates, or is derived from, the raw data.]The registrar or assistant registrar may contract with third parties to sell electronic versions of recorded information." [Eff 7/1/91; am 7/25/94; comp 1/18/97; comp 4/5/99; am and comp] (Auth: HRS §§502-4, 502-25) (Imp: HRS §502-25)

2. Material, except source notes, to be repealed is bracketed. New material is underscored.
3. Additions to update source notes to reflect these amendments are not underscored.
4. These amendments to and compilation of chapter 13-16, Hawaii Administrative Rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

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I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on 2016, and filed with the Office of the Lieutenant Governor.

SUZANNE CASE
Chairperson, Board of Land
and Natural Resources

APPROVED AS TO FORM:

Deputy Attorney General

Attachment B:
Title 13, Chapter 16 Rules Relating to Conveyances
SUMMARY OF CHANGES MADE
February 2016

Section	Title	Comment
13-16-1	Purpose	Amended. Added “and filing” since BOC both records items and files items (e.g. plans, UCC statements are called “filed” by HRS 490). Added reference to “office of the assistant registrar” to clarify these rules apply to Land Court documents. Removed the sentence stating the rules apply to all persons as unnecessary
13-16-2	Definitions	Amended. Added the following definitions: Approved eRecording Vendor Document (source: compilation of internet resources) Electronic (source: HRS 502) electronic document (source: HRS 502) electronic signature (source: HRS 502) Flysheets (source: common practice) grantor Office paper document (source: HRS 502) person (source: HRS 502) Modified the following definitions: Assistant registrar: for clarification. Instrument: added examples of instruments. Signature: added reference to electronic signature
13-16-3	Office hours	Amended. Deleted “hours of recordation” from title, since this topic is covered in subsection 13-16-5. Deleted language detailing when items are recorded, since overly detailed and covered in 13-16-5.
13-16-4	Recording	Amended. Retitled from “Recording Method” since the section really covers recording, not methods of recording. Deleted the existing section as much of the detail is covered by statute, and instead referenced statute directly. Retained most important criteria for acceptance (e.g., accompanied by required fees, etc.).
13-16-4.5	Electronic recording standards	New section. Authorizes Registrar to accept electronic documents for recording and to identify approved eRecording vendors authorized to submit electronic documents for recording.

Section	Title	Comment
13-16-5	Time of recordation	Amended. Retitled from “Instrument recorded as of time of delivery” to “Time of recordation”. Improves clarity, while maintaining existing practice, and addresses e-documents.
13-16-6	Reference to original book and page or document number	Amended. Deleted references to UCC documents as not really related to title.
13-16-7	Endorsements	Amended. Retitled to “Endorsements” for clarity. Added reference to “assistant registrar;” added type of document and total page count to required endorsement, and specifically allows conforming flysheets.
13-16-8	Acknowledgements	Amended. Retitled to Acknowledgement and replaces details with reference to applicable law to ensure consistency with future changes to HRS Chapter 502 and notary law.
13-16-9	(Notary's initials)	Repealed. Restates 502-63; incorporated reference into 13-16-4(c)(6).
13-16-10	(Acknowledgments not required of certain state officers)	Repealed. Restates 502-52. Covered by revised 13-16-8.
13-16-11	(Acknowledgments not required of officers acting on behalf of the US)	Repealed. Restates 502-51. Covered by revised 13-16-8.
13-16-12	(Acknowledgments outside the US by members of the armed forces)	Repealed. Restates 502-47. Covered by revised 13-16-8.
13-16-13	(Judgment lien; satisfaction)	Repealed. Covered by 13-16-26.
13-16-14	(Foreign judgment; satisfaction)	Repealed. Covered by 13-16-26.

Section	Title	Comment
13-16-15	(Power of attorney, etc.)	Repealed. Restates 502-84.
13-16-16	(Entry record)	Repealed. Restates 502-11.
13-16-17	File Plans	Amended. Modified to reduce restatement of statute, and instead reference HRS Chapter 502 directly.
13-16-18	(Description; lot subdivisions)	Repealed. Restates 502-18; covered by 13-16-17.
13-16-19	(Plans on tracing cloth; size; scale)	Repealed. Restates 502-19; covered by 13-16-17.
13-16-20	(Recording of plans unlawful)	Repealed. Restates 502-21; covered by 13-16-17.
13-16-21	Copies of plans	Amended. Reflects existing practice that requests for copies of plans and maps are made through the Land Survey division of DAGS rather than through the Bureau.
13-16-22	Fees	Amended. Re-organized for clarity. Updated fees listed in (a). Added new subsection (c) authorizing the registrar to reduce or waive fees for copies requested by other governmental agencies. Removed specific listing of payment methods and replaced with “methods of payment approved by the registrar” as new (d). Amended (e) to reflect fees are deposited into the BOC special fund.
13-16-23	(Copies of instruments, certificates of searches)	Repealed. Restates 502-26 and covered by 13-16-22.
13-16-24	(Copies of microfilm)	Repealed. Does not reflect current practice and not relevant with the digitization of Bureau records.
13-16-25	(Veteran's certificates)	Repealed. Restates 502-101, and (no charge) incorporated into 13-16-22 (fees).
13-16-26	Judgments	Amended. Retitled to cover all judgments, whether by state court, federal court, or out-of-state court – and used language of 13-16-30 (time share plans) as model – to reference the underlying statutes.

Section	Title	Comment
13-16-27	Tax liens	Amended. Retitled to cover all tax liens (both federal and state) – and used language of 13-16-30 as model.
13-16-28	Releases	Amended. Retitled and modified to cover releases of liens, not limited to federal tax liens.
13-16-29	Condominium property regime	Amended. Modified, so that language similar to 13-16-26, 13-16-27, 13-16-30.
13-16-30	Time sharing plans	Amended. Added reference to 'assistant registrar'
13-16-31	Uniform Commercial Code	Compiled. No change made.
13-16-32	Sale of electronic information	Amended. Retitled to current terminology; modified language to more accurately reflect anticipated future practice (e.g., contracting with HIC to provide electronic information to interested parties).
General comment		Updated the Implementing and Authorizing sections [(Imp:)(Auth:)] throughout to update references to underlying statutes.