

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendment and Compilation of Chapter 13-16
Hawaii Administrative Rules
January 13, 2017

SUMMARY

1. §§13-16-1 to 13-16-4 are amended.
2. §13-16-4.5 is adopted.
3. §13-16-5 to 13-16-8 are amended.
4. §§13-16-9 to 13-16-16 are repealed.
5. §13-16-17 is amended.
6. §§13-16-18 to 13-16-20 are repealed.
7. §§13-16-21 to 13-16-22 are amended.
8. §13-16-23 to 13-16-25 are repealed.
9. §§13-16-26 to 13-16-30 are amended.
10. §§13-16-32 is amended.
11. Chapter 16 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

CHAPTER 16

RULES RELATING TO CONVEYANCES

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§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. [Eff 7/1/91; comp 1/18/97; comp 4/5/99; am and comp FEB 10 2017] (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 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.

"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 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

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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.

"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, 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 FEB 10 2017] (Auth: HRS chapter 502) (Imp: HRS chapter 502)

§13-16-3 Office hours. 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. [Eff 7/1/91; am and comp 1/18/97; am and comp 4/5/99; am and comp FEB 10 2017] (Auth: HRS §502-4) (Imp: HRS §502-32)

§13-16-4 Recording. (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 FEB 10 2017] (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 FEB 10 2017] (Auth: HRS §§502-4, 502-123, 501-108) (Imp: HRS §§502-122, 502-123, 501-108)

§13-16-5 Time of recordation. 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

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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 FEB 10 2017] (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. [Eff 7/1/91; am 7/25/94; comp 1/18/97; am and comp 4/5/99; am and comp FEB 10 2017] (Auth: HRS §502-4) (Imp: HRS §502-33)

§13-16-7 Endorsements. 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. 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 FEB 10 2017] (Auth: HRS §§502-4, 502-31, 501-108) (Imp: HRS §§502-31, 502-34, 501-108)

§13-16-8 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 FEB 10 2017] (Auth: §§502-4, 502-31, HRS chapter 456) (Imp: §§502-41 -

502-54, HRS chapter 456)

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| §13-16-9 | REPEALED. | [R | FEB 10 2017 |] |
| §13-16-10 | REPEALED. | [R | FEB 10 2017 |] |
| §13-16-11 | REPEALED. | [R | FEB 10 2017 |] |
| §13-16-12 | REPEALED. | [R | FEB 10 2017 |] |
| §13-16-13 | REPEALED. | [R | FEB 10 2017 |] |
| §13-16-14 | REPEALED. | [R | FEB 10 2017 |] |
| §13-16-15 | REPEALED. | [R | FEB 10 2017 |] |
| §13-16-16 | REPEALED. | [R | FEB 10 2017 |] |

§13-16-17 File plans. (a) Plans of land shall be prepared in accordance with chapter 502, HRS.

(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.

(c) The document shall otherwise comply with the requirements for recordation under this rule.

(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 FEB 10 2017] (Auth: §502-4) (Imp: §§502-17 - 502-24)

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| §13-16-18 | REPEALED. | [R | FEB 10 2017 |] |
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§13-16-19 REPEALED. [R FEB 10 2017]

§13-16-20 REPEALED. [R FEB 10 2017]

§13-16-21 Copies of plans. The registrar or assistant registrar may authorize the state land survey administrator of the department of accounting and general services to furnish copies of maps or plans. [Eff 7/1/91; am and comp 1/18/97; am and comp 4/5/99; am and comp FEB 10 2017] (Auth: §§502-4, 502-25) (Imp: HRS §502-22)

§13-16-22 Fees. (a) Except as provided in subsections (b) and (c), the registrar or assistant registrar may charge fees as follows:

(1) For recording any instrument entitled by law to be recorded, not including veteran's certificates, \$35 for documents up to and including 50 pages;

(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;

(4) For each additional memorandum on certificates required by any one instrument, \$5;

(5) For entry of original certificate of title, or for making and entering a new certificate of title, \$50;

(6) For a certified copy of any certificate of title, \$10;

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

(8) For an uncertified copy of any instrument recorded or filed in the registrar's or assistant registrar's office, when the copy is made by the

person on a duplicating machine provided by the registrar, \$1 per page;

(9) For searching the records, when personnel is available for searching, \$50.00 per hour;

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

(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.

(e) Except as otherwise provided by law, all fees collected under this section shall be deposited 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 FEB 10 2017] (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 REPEALED. [R FEB 10 2017]

§13-16-24 REPEALED. [R FEB 10 2017]

§13-16-25 REPEALED. [R FEB 10 2017]

§13-16-26 Judgments. 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

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7/1/91; comp 1/18/97; comp 4/5/99; am and
comp FEB 10 2017] (Auth: §§502-4, 501-102)
(Imp: §§502-33, 504-1, 636-3, 636C-3)

§13-16-27 Tax liens. 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 FEB 10 2017] (Auth:
§§502-4, 501-102) (Imp: §§231-33, 505-1, 505-3)

§13-16-28 Releases. Certificates of release or of
partial discharges of any lien containing a reference
to the book and page or document number of the
registration of the original lien are entitled to be
recorded 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 FEB 10 2017] (Auth: §§502-4, 501-102)
(Imp: §§502-33, 505-3)

§13-16-29 Condominium property regime. 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 FEB 10 2017] (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 FEB 10 2017] (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 FEB 10 2017] (Auth: §502-4) (Imp: HRS chapter 490)

§13-16-32 Sale of electronic information. 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 FEB 10 2017] (Auth: HRS §§502-4, 502-25) (Imp: HRS §502-25)