



GOV. MSG. NO. 864

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 16, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: House Bill No. 1422 HD1 SD1 CD1

On July 15, 2009, House Bill No. 1422, entitled "A Bill for an Act Relating to Abandoned Vehicles" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to allow the counties to remove abandoned motor vehicles from private roads if the private road owner pays for the removal of the vehicle and agrees to indemnify and hold the county harmless for claims arising from the removal and disposal of the vehicle. This Act shall be repealed on January 1, 2010.

It can be both dangerous and frustrating to have abandoned vehicles parked on or near one's property. Many property owners and neighborhoods struggle with this issue and I can understand their concern. However, it appears that property owners already have authority under current law, Section 290-11, Hawaii Revised Statutes, to remove abandoned vehicles in certain circumstances. Based on the testimony provided on this bill, it appears there is some uncertainty as to how this provision applies and, as a result, the Legislature felt it necessary to clarify the statute through passage of this bill.

In addition, I note that this bill will only be in effect for six months. Legislation should be used for critical policy matters, not for settling short term disputes. I am concerned that changing a State statute for such a short time period calls into question whether this represents sound public policy for the State.

For the foregoing reasons, I allowed House Bill No. 1422 to become law as Act 193, effective July 15, 2009, without my signature.

Sincerely,

LINDA LINGLE

ACT 193

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

H.B. NO. 1422
H.D. 1
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO ABANDONED VEHICLES.

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

1 SECTION 1. Section 290-1, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The counties may cause vehicles that have been
4 abandoned to be taken into custody and disposed of. For the
5 purposes of this subsection, a vehicle is "abandoned" if it is
6 defined to be abandoned by an ordinance of the county in which
7 the vehicle is located. In the absence of such an ordinance, a
8 vehicle is "abandoned" if it is left unattended for a continuous
9 period of more than twenty-four hours and it is unlawfully
10 parked on [any]:

11 (1) Any public highway or other public property; or

12 (2) Any private road or private lands defined as a
13 setback, shoulder, easement, or right of way that is
14 adjacent to or part of a private or public highway[-];
15 provided that a vehicle on a private road shall be
16 considered unlawfully parked if:

17 (A) It is deemed inoperable; and



1 (B) The owner or at least one of the co-owners of the
2 private road requests in writing to the
3 appropriate county authority for the removal of
4 the vehicle.

5 The owner of a private road requesting the removal of an
6 abandoned vehicle shall pay the county for the removal of the
7 vehicle and is deemed to agree to indemnify and hold the county
8 harmless for any claims against the county for the removal and
9 disposal of the vehicle. The mayors of the several counties may
10 designate an agency within their counties to carry out the
11 functions and requirements of this section. The term "agency"
12 means any office, department, or other governmental unit of the
13 county."

14 SECTION 2. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun, before its effective date.

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 on July 1, 2009, and
20 shall be repealed on January 1, 2010; provided that section
21 290-1, Hawaii Revised Statutes, shall be reenacted in the form



1 in which it read on the day before the effective date of this
2 Act.

APPROVED this day of , 2009

GOVERNOR OF THE STATE OF HAWAII

