

HB 1422, HD 1

DEPARTMENT OF CUSTOMER SERVICES
CITY & COUNTY OF HONOLULU
DIVISION OF MOTOR VEHICLE, LICENSING AND PERMITS
ADMINISTRATION
P.O. BOX 30300
HONOLULU, HAWAII 96820-0300

MUFI HANNEMANN
MAYOR



DANA TAKAHARA-DIAS
DIRECTOR

DENNIS A KAMIMURA
LICENSING ADMINISTRATOR

March 13, 2009

The Honorable J. Kalani English, Chair
and Committee Members
Committee on Transportation, International
and Intergovernmental Affairs
The Senate
State of Hawaii
State Capitol, Room 205
Honolulu, Hawaii 96813

Dear Chair English and Committee Members:

Subject: H.B. No. 1422 H.D.1, Relating to Abandoned Vehicles

The City and County of Honolulu, with the concurrence of Hawaii, Kauai and Maui counties, has concerns with H.B. No. 1422 H.D. 1 which will require the counties to remove possible abandoned vehicles from private roads.

Section 290-11, Hawaii Revised Statutes, already provides legal authority for private property owners to remove vehicles abandoned on their private property.

If it is the intent of the Legislature to require the counties to remove inoperable vehicles from a private roadway, we recommend the following amendments to prevent the removal of operable vehicles that are parked by unsuspecting vehicle owners:

Page 1, Line 17. (A) It is a derelict as defined in section 290-8; and

Page 2, Line 1. (B) There is a sign placed in a location reasonably calculated to call the sign to the attention of potential parkers prohibiting vehicles to park on the property without authorization.

The owner or at least one of the co-owners of the private road shall request, in writing, to the appropriate county authority for the removal of the vehicle. The owner of a private road requesting the removal of an abandoned vehicle shall pay the county for the removal of the vehicle and is deemed to agree to indemnify and hold the county harmless for any claims against the county for the removal and disposal of the vehicle. All such vehicles shall be disposed in accordance with section 290-9.

The Honorable J. Kalani English, Chair
and Committee Members
March 13, 2009
Page 2

Finally, in order to provide sufficient time for the owners of the private road to place the appropriate signage and the counties to develop the forms that will be used by the owner of the private road, we recommend that the effective date be January 1, 2010.

Sincerely,

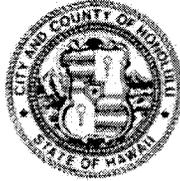
A handwritten signature in black ink, appearing to read "Dennis A. Kamimura". The signature is fluid and cursive, with a prominent initial "D".

DENNIS A. KAMIMURA
Licensing Administrator

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET - HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 - INTERNET: www.honolulu-pd.org

MUFI HANNEMANN
MAYOR



BOISSE P. CORREA
CHIEF

PAUL D. PUTZULU
KARL A. GODSEY
DEPUTY CHIEFS

OUR REFERENCE TK-MK

March 18, 2009

The Honorable J. Kalani English, Chair
and Members
Committee on Transportation, International and
Intergovernmental Affairs
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair English and Members:

Subject: House Bill No. 1422, H.D. 1, Relating to Abandoned Vehicles

I am Captain Terrence Kong of District 5 (Kalihi) of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes House Bill No. 1422, H.D. 1, Relating to Abandoned Vehicles. This bill would add private roads as areas where the counties would be authorized to tow abandoned vehicles.

The counties would be severely impacted with the responsibility to tow the numerous vehicles that may be abandoned on private roads, including the isolated agricultural roads on all of the islands. The proper disposal of abandoned vehicles on private roads should remain the responsibility of the owner(s) of the road.

Thank you for the opportunity to provide testimony on this bill.

Sincerely,

Handwritten signature of Terrence Kong in cursive script.

TERRENCE KONG, Captain
District 5

APPROVED:

for: Handwritten signature of Boisse P. Correa in cursive script.
BOISSE P. CORREA
Chief of Police

Testimony in Support of H.B. No. 1422
A Bill for an Act, Relating to Abandoned Vehicles
February 24, 2009

House of Representative
Twenty-Fifth Legislature, 2009
State of Hawaii

Dear Representatives,

Subject: H.B. No. 1422 A Bill for an Act, Relating to Abandoned Vehicles

I support and sincerely request that you approve H.B. No. 1422. Your approval of H.B. No 1422 will allow for a lawful procedure to remove abandoned vehicles that are parked on the “**private lanes**”. Such laws are already in place for public streets. Are not private lanes that are accessed by more then just the owner not public?

I think it is time we addressed this issue, since there is no regulation addressing these lanes in Hawaii and many people have expressed frustration at this problem. We hear the concerns of the Dept. of Transportation, and we are not asking for them or the city, to take on more expense and burden. Without regulation, in this area, a person has no control over situations at their homes, and we all want to rectify the difficulties, and this will give us the ability to do so.

I would like to explain how this bill can only **help the living environments of Hawaii**. The abandoned vehicles on my lane have been there since 1980. I own a house at 3443A Wela St.in a very nice,clean, older neighborhood. I live on a lane that is between two streets Wela and Edna ... I have been told because the lane is Private the City and County can do nothing about this situation...as follows:

Our neighbor who lives on Wela St. (not on the lane) has been using our lane to dump his broken down (2) junk cars since 1982. Needless to say that if you do not move a car for over 20 years, not even an inch, basically they are immovable now, falling apart where they sit...(see attached photos). They are rusted, no tires and he also uses them to store other garbage which **creates a health and safety hazard** for the 8 children that live on our lane. There are 4 houses down our lane and **we have all asked the owner to move the cars** (we are even are willing to assist in the removal given the OK) because it prevents access to our lane fully from the Wela St. side. This has caused **delays in medical response** for my neighbor, Mr. Kubo who broke his hip and had to be rushed to the hospital, but the ambulance could not get down the lane, so they had to use a gurney to carry him down the bumpy lane. This also happened to me when I had a major sickness and the ambulance had to come and used a gurney to take me down the lane, while it was raining, to the ambulance. A bad situation for anyone. We have to go to the Edna St. side to access our homes. Because the cars are falling apart and rusting ... there is oil, rusty parts falling off the car into the lane cause **environmental issues and health hazards**. Every weekend I have to go clean up all the metal and rusty parts that have fallen off the cars. Not to mention it is a **safety hazard and danger** to the children on that block. It brings the entire neighborhood value down. It also makes our neighborhood look like a junk yard, = you cannot fully imagine the extent of this unless you actually see the situation. I have explained it to several people and when they saw it in person, they expressed concern for the situation we all have to live in...

I called the police about the abandoned cars, but because this is on a " private" lane they cannot touch the cars. The policeman told me to talk to the Department of Environmental Quality **because it is causing rats from garbage he stores inside the cars, gas and battery acid seeping out and going into our sewer system...**So I did. They said they could not help. They told me to contact Department of Motor Vehicles since the cars have **not been running nor registered since 1982**, maybe they could help which I did and now I am back to square one ...it is a "private" lane so they can't do anything..I am only concerned about the common area , just to make our neighborhood livable.-.we pay taxes just as everyone does, but if someone was to abandon a car in front of your home on a "public" street, it would be removed. It should be at the owner's expense or at least shared by the owner.

We have no authority to take action on our own street. Requests have been made to the owner of the vehicles on behalf of the common area owners of the private lane, to remove the derelict vehicles with no success. Accordingly, your **approval of H.B. No. 1422** would benefit the health and safety of our family and neighbors, as well as the many citizens living in similar situations. This will allow us to solve these problems.

Thank you very much for your consideration on this matter.

Sincerely,

Francine Summers
3443-A Wela Street
Honolulu, Hawaii 96815



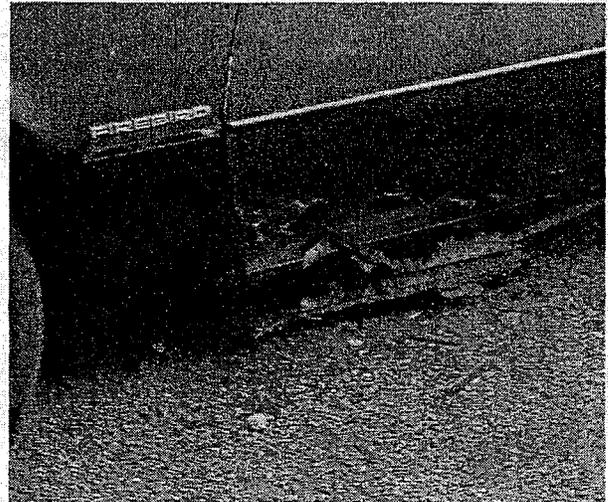




TAG MARKS



Beer Bottles



I have to live next to this bringing my property value down with no way to change it