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# A BILL FOR AN ACT

RELATING TO ABANDONED VEHICLES.

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

1           SECTION 1. The legislature finds that abandoned vehicles  
2 on public roads are a widespread environmental disaster that can  
3 adversely impact human health and safety.

4           The purpose of this Act is to require the counties to  
5 remove and dispose of abandoned vehicles on public roads within  
6 ten business days of abandonment.

7           SECTION 2. Chapter 290, Hawaii Revised Statutes, is  
8 amended by adding a new section to be appropriately designated  
9 and to read as follows:

10           "§290- Rules. The department of transportation shall  
11 adopt rules pursuant to chapter 91 necessary to carry out the  
12 purposes of this chapter."

13           SECTION 3. Section 290-1, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15           "(a) The counties [~~may~~] shall cause vehicles that have  
16 been abandoned to be taken into custody [~~and disposed of.~~]  
17 within ten business days of abandonment. For the purposes of



1 this subsection, a vehicle is "abandoned" if it is defined to be  
2 abandoned by an ordinance of the county in which the vehicle is  
3 located. In the absence of such an ordinance, a vehicle is  
4 "abandoned" if it is left unattended for a continuous period of  
5 more than twenty-four hours and it is unlawfully parked on any  
6 public highway or other public property or private lands defined  
7 as a setback, shoulder, easement, or right of way that is  
8 adjacent to or part of a public highway. The mayors of the  
9 several counties may designate an agency within their counties  
10 to carry out the functions and requirements of this section.  
11 [~~The term~~] For the purposes of this subsection, "agency" means  
12 any office, department, or other governmental unit of the  
13 county."

14 SECTION 4. Section 290-2, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§290-2 Notice to owner.** (a) Upon taking custody of any  
17 abandoned vehicle[7] that has been reported stolen, a written  
18 notice shall immediately be sent by registered or certified mail  
19 to the legal and registered owner of the vehicle at the address  
20 on record at the vehicle licensing division. The notice shall  
21 contain a brief description of the vehicle, the location of



1 custody, and intended disposition of the vehicle if not  
2 repossessed within ten days after the mailing of the notice, or  
3 in the case where the address of the registered owner on record  
4 at the vehicle licensing division is an out-of-state address,  
5 within twenty business days after the mailing of the notice. A  
6 notice need not be sent to a legal or registered owner or any  
7 person with an unrecorded interest in the vehicle whose name or  
8 address cannot be determined. Absent evidence to the contrary,  
9 a notice shall be deemed received by the legal or registered  
10 owner five days after the mailing.

11 (b) The county agency designated by the mayor to carry out  
12 the functions and requirements of section 290-1 shall adopt  
13 rules pursuant to chapter 91 regarding notification of vehicle  
14 owners.

15 [~~(b)~~] (c) For purposes of this section, "business days"  
16 shall exclude Saturdays, Sundays, and state holidays. A notice  
17 need not be sent to a legal or registered owner or any person  
18 with an unrecorded interest in the vehicle whose name or address  
19 cannot be determined. Absent evidence to the contrary, a notice  
20 shall be deemed received by the legal or registered owner five  
21 days after the mailing."



1 SECTION 5. Section 290-8, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§290-8 Derelict vehicle.** A vehicle shall be deemed a  
4 derelict vehicle by the administrative head of the county agency  
5 designated to carry out section 290-1, or by the executive  
6 director or a representative of the executive director of the  
7 Hawaii public housing authority in the case of a vehicle that  
8 has been abandoned on property owned, managed, or administered  
9 by the authority, if a major [parts have] part has been removed  
10 or material damage to the vehicle has rendered the vehicle  
11 inoperable and one of the following conditions exists:

- 12 (1) The vehicle is registered for the current registration  
13 period and the registered and legal owners no longer  
14 reside at the addresses on record with the county  
15 director of finance;
- 16 (2) The vehicle has been registered for the current or  
17 previous registration period and the registered and  
18 legal owners disclaim ownership[+], or a notice of  
19 transfer has been submitted by the registered and  
20 legal owners and recorded with the director of finance  
21 and the new owner has not transferred the title or



1           registration into the new owner's name within thirty  
2           days of release;

3           (3) The vehicle identification number and license plates  
4           have been removed so as to nullify efforts to locate  
5           or identify the current registered and legal owners;

6           (4) The vehicle has not been registered for the [~~current~~  
7           ~~or~~] previous [~~registration periods,~~] twelve month  
8           period; or

9           (5) The vehicle registration records of the county  
10           director of finance contain no record that the vehicle  
11           has ever been registered in the county.

12 Prior to authorizing the removal of a derelict vehicle, the  
13 administrative head of the county agency designated to carry out  
14 section 290-1 or the executive director or a representative of  
15 the executive director of the Hawaii public housing authority in  
16 the case of vehicles that have been abandoned on property owned,  
17 managed, or operated by the authority, shall notify the county  
18 chief of police only if the vehicle is reported stolen or  
19 otherwise needed for police investigation."

20           SECTION 6. Section 290-3, Hawaii Revised Statutes, is  
21 repealed.



1           [ "~~§290-3 Public auction.~~ If the vehicle is not  
2   ~~repossessed within the time limits provided in section 290-2,~~  
3   ~~the vehicle shall be disposed of by public auction, through oral~~  
4   ~~tenders, or by sealed bids, after public advertisement has been~~  
5   ~~made once in a newspaper of general circulation, provided that~~  
6   ~~the public auction shall not be held less than five days after~~  
7   ~~the publication has been made. Where no bid is received, the~~  
8   ~~vehicle may be either sold by negotiation, disposed of or sold~~  
9   ~~as junk, or donated to any governmental agency." ]~~

10           SECTION 7. Statutory material to be repealed is bracketed  
11   and stricken. New statutory material is underscored.

12           SECTION 8. This Act shall take effect upon its approval.



**Report Title:**

Abandoned Vehicles; Removal and Disposal; Counties; Public Roads

**Description:**

Requires the counties to take into custody any abandoned vehicle on a public road within ten business days. Specifies that the requirement to provide written notice to the registered owner of an abandoned vehicle under section 290-2, Hawaii Revised Statutes, applies only to abandoned vehicles that have been reported stolen. Amends the conditions that constitute a derelict vehicle. Repeals the requirement that abandoned vehicles be disposed of by public auction. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

