

Honolulu, Hawaii

MAR 23 2018

RE: H.B. No. 2442
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Transportation and Energy and Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 2442, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require counties to take custody of an abandoned vehicle within ten business days;
- (2) Repeal the requirement that written notice be sent to the abandoned vehicle's owner;
- (3) Require the agency designated by the county to remove the vehicle to provide the abandoned vehicle's owner twenty business days to claim the vehicle, unless the vehicle was reported stolen;
- (4) Allow the designated county agency to waive the requirements for public auction; and
- (5) Allow the vehicle to be considered derelict immediately if there is no current registration for the vehicle.



Your Committees received testimony in support of this measure from the City and County of Honolulu Department of Customer Services, one Hawaii County councilmember, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and six individuals. Your Committees received testimony in opposition to this measure from the Maui County Mayor and County of Hawaii Department of Environmental Management.

Your Committees find that abandoned vehicles often occupy valuable parking spaces and can become an eyesore for the community. However, counties face various impediments that limit the counties' ability to quickly and efficiently remove abandoned vehicles. In many cases, the delay in removing abandoned vehicles quickly is due to wait times that counties face when following the Hawaii Revised Statutes. Allowing counties to waive some of the requirements or bypass wait times under certain conditions will lead to faster removal of abandoned vehicles.

Your Committees heard testimony concerning the counties' ability to effectively execute the requirements of this measure. Your Committees note that the companion to this measure, S.B. No. 2479, S.D. 2 (Regular Session of 2018), which was previously passed by the Senate, is a substantially similar measure that provided some flexibility for the counties. Your Committees conclude that the language in S.B. No. 2479, S.D. 2, is preferable because of the flexibility it provides the counties.

Accordingly, your Committees have amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 2479, S.D. 2, a substantially similar measure, which:
 - (A) Requires the Department of Transportation and the county agencies responsible for taking custody of abandoned vehicles to adopt rules pursuant to chapter 91, Hawaii Revised Statutes, with respect to disposing of abandoned vehicles and providing notice to owners;
 - (B) Requires written notice to an owner of an abandoned vehicle only if the vehicle has been reported stolen;



- (C) Amends the definition of a "derelict vehicle" to include vehicles for which a notice of transfer has been submitted but the new owner has not transferred the title or registration; and
 - (D) Repeals section 290-3, Hawaii Revised Statutes, which establishes the process for public auctions for abandoned vehicles; and
- (2) Inserting an effective date of January 1, 2100, to encourage further discussion.

While your Committees believe that the amendments made to this measure will address some of the concerns raised by the counties, your Committees believe the following proposals merit further discussion by your Committee on Judiciary if it should choose to hold a hearing on this measure:

- (1) Allowing a county to waive the requirement that abandoned vehicles be taken into custody within ten days, if there are circumstances beyond county's control;
- (2) Implementing stronger penalties for abandoning vehicles in order to reduce the number of vehicles abandoned in the first place; and
- (3) Requiring vehicle sellers to turn in the vehicle's license plates with the notice of transfer to the appropriate county agency, which the buyer can claim upon registering the vehicle, in order to eliminate "phantom vehicles".

As affirmed by the records of votes of the members of your Committees on Transportation and Energy and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2442, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2442, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Transportation
and Energy and Public Safety,
Intergovernmental, and Military
Affairs,

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair


Lorraine R. Inouye

LORRAINE R. INOUE, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Transportation and Energy
TRE

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2442, HDZ	TRE/PSM, JDL	3/16/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Reccommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	X			
ESPERO, Will (VC)	X			
ENGLISH, J. Kalani				X
HARIMOTO, Breene				X
SHIMABUKURO, Maile S.L.	X			
TOTAL	3			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* HB 2442, HD2	Committee Referral: TRE/PSM, JDC	Date: 3/16/18
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.				✓
IHARA, Jr., Les				✓
THIELEN, Laura H.	✓			
TOTAL	3	0	0	2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:

Distribution: Original Yellow Pink Goldenrod
 File with Committee Report Clerk's Office Drafting Agency Committee File Copy

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