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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 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.

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

9       "(a) The counties [~~may~~] shall cause vehicles that have  
10 been abandoned to be taken into custody [~~and disposed of.~~]  
11 within ten business days of abandonment. For the purposes of  
12 this subsection, a vehicle is "abandoned" if it is defined to be  
13 abandoned by an ordinance of the county in which the vehicle is  
14 located. In the absence of such an ordinance, a vehicle is  
15 "abandoned" if it is left unattended for a continuous period of  
16 more than twenty-four hours and it is unlawfully parked on any  
17 public highway or other public property or private lands defined



1 as a setback, shoulder, easement, or right of way that is  
2 adjacent to or part of a public highway. The mayors of the  
3 several counties may designate an agency within their counties  
4 to carry out the functions and requirements of this section.  
5 The term "agency" means any office, department, or other  
6 governmental unit of the county."

7 SECTION 3. Section 290-2, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9 "(a) Upon taking custody of any abandoned vehicle[7] that  
10 has been reported stolen, a written notice shall immediately be  
11 sent by registered or certified mail to the legal and registered  
12 owner of the vehicle at the address on record at the vehicle  
13 licensing division. The notice shall contain a brief  
14 description of the vehicle, the location of custody, and  
15 intended disposition of the vehicle if not repossessed within  
16 ten days after the mailing of the notice, or in the case where  
17 the address of the registered owner on record at the vehicle  
18 licensing division is an out-of-state address, within twenty  
19 business days after the mailing of the notice. A notice need  
20 not be sent to a legal or registered owner or any person with an  
21 unrecorded interest in the vehicle whose name or address cannot



1 be determined. Absent evidence to the contrary, a notice shall  
2 be deemed received by the legal or registered owner five days  
3 after the mailing."

4 SECTION 4. Section 290-8, Hawaii Revised Statutes, is  
5 amended to read as follows:

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

15 (1) The vehicle is registered for the current registration  
16 period and the registered and legal owners no longer  
17 reside at the addresses on record with the county  
18 director of [~~finanee~~] customer services;

19 (2) The vehicle has been registered for the current or  
20 previous registration period and the registered and  
21 legal owners disclaim ownership~~[+]~~, or a Notice of



Transfer has been submitted by the registered and  
legal owners and recorded with the director of  
customer services and the new owner has not  
transferred the title or registration into the new  
owner's name within thirty days of release;

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

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

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

Prior to authorizing the removal of a derelict vehicle, the  
administrative head of the county agency designated to carry out  
section 290-1 or the executive director or a representative of  
the executive director of the Hawaii public housing authority in  
the case of vehicles that have been abandoned on property owned,  
managed, or operated by the authority, shall notify the county



1 chief of police only if the vehicle is reported stolen or  
2 otherwise needed for police investigation."

3 SECTION 5. Section 290-3, Hawaii Revised Statutes, is  
4 repealed.

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

14 SECTION 6. The department of transportation shall adopt  
15 rules pursuant to chapter 91, Hawaii Revised Statutes, necessary  
16 to carry out the purposes of this chapter.

17 SECTION 7. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 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 abandoned vehicles on public roads 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 those abandoned vehicles that have been reported stolen. Amends the conditions that constitute a derelict vehicle under section 290-8, Hawaii Revised Statutes. Repeals section 290-3, Hawaii Revised Statutes, requiring the disposal of abandoned vehicles by public auction. (SD1)

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

