

A Bill for an Act Relating to Motor Vehicles Abandoned on Premises of Persons in the Business of Repairing Motor Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 290, Hawaii Revised Statutes, is amended by adding a new part to read as follows:

**“PART II. VEHICLES ABANDONED ON BUSINESS PREMISES
OF PERSONS ENGAGED IN MOTOR VEHICLE REPAIR BUSINESS**

Sec. 290- . Disposition of vehicles by persons in motor repair business. When any person abandons a motor vehicle upon the premises of a motor vehicle repair business, the owner of the business or his authorized representative may sell or dispose of the vehicle in accord with this part.

Sec. 290- . When vehicle deemed abandoned. A motor vehicle shall be deemed to be abandoned upon satisfaction of the following conditions:

(1) The service requested or required by a person whose vehicle is towed or brought to a motor vehicle repair business, such as towing and rendering estimates of the cost of repairs has been performed; and

(2) No authorization is given to perform any further service respecting the vehicle but the vehicle is left on the repair business premises; and

(3) The owner of the repair business or his authorized representative has given notice by registered or certified mail to the legal and registered owner of the motor vehicle at the addresses on record in the vehicle licensing division stating that, if the vehicle is not repossessed within thirty days after the mailing of the notice, it will be sold or disposed of as junk. The notice also shall contain a description of the vehicle and its location. The notice need not be sent to a legal or registered owner or any person with an unrecorded interest in the vehicle whose name or address can not be determined; and

(4) The vehicle is not repossessed within the above mentioned thirty-day period.

Sec. 290- . Sale or disposition of vehicle. When a vehicle is abandoned, the owner of the vehicle repair business, or his authorized representative, after one public advertisement in a newspaper of general circulation in the State, may negotiate a sale of the vehicle or dispose of it as junk.

Sec. 290- . Disposition of proceeds. The authorized seller of the ve-

hicle shall be entitled to the proceeds of the sale to the extent that compensation is due him for services rendered in respect of the vehicle, including reasonable and customary charges for towing, handling, storage, and the cost of the notices and advertising required by this part. Any remaining balance shall be forwarded to the legal or registered owner of the vehicle if he can be found. If he cannot be found, the balance shall be deposited with the director of finance of the State and shall be paid out to the legal or registered owner of the vehicle if a proper claim is filed therefor within one year from the execution of the sales agreement. If no claim is made within the year allowed, the money shall become a state realization.

Sec. 290- . Effect of transfer of title. The transfer of title and interest by sale under this part is a transfer by operation of law; provided that if the certificate of ownership or registration is unavailable, a bill of sale executed by an authorized seller is satisfactory evidence authorizing the transfer of the title or interest.”

SECTION 2. This Act shall take effect upon its approval.

(Approved July 11, 1969.)