

ACT 49

S.B. NO. 2232-80

A Bill for an Act Relating to Airport Parking Control.

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

SECTION 1. Chapter 261, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

“Sec. 261- Parking control at airports. (a) The director may enforce airport rules pertaining to vehicle parking at airports by imposing fines not to exceed \$50 per violation or by removing the vehicle of the offender from the area within the airport’s jurisdiction, or both.

(b) Written notice of the removal of any vehicle shall immediately be sent by registered or certified mail, with a return receipt, to the legal and registered owner of the vehicle at the address on record at the vehicle licensing division. The notice shall contain a brief description of the vehicle, the location of custody, and intended disposition of the vehicle if not repossessed within thirty days after the mailing of the notice. A notice need not be sent to a legal or registered owner or to any person with an unrecorded interest in the vehicle whose name or address cannot be determined.

(c) Any vehicle not repossessed within the time limits provided in subsection (b) of this section after compliance by the department with the notice requirements provided by that subsection, shall be disposed of by public auction, through oral tenders, or by sealed bids, after public advertisement has been made once in a newspaper of general circulation; provided that the public auction shall not be held less than five days after the publication has been made. Where no bid is received, the vehicle may be either sold by negotiation, disposed of or sold as junk, or donated to any governmental agency; and further provided that the requirements of public auction may be waived when the appraised value of any vehicle is less than \$100 as determined by an independent appraiser who has had at least one year of experience in the sale or purchase of motor vehicles as a licensed motor vehicle salesman. In that event the vehicle may, after public advertisement has been made once in a newspaper of general circulation, be disposed of in the same manner as when a vehicle is put up for public auction and for which no bid is received.

(d) Any person entitled to the vehicle may repossess the same prior to the date

of public auction upon payment of all towing, handling, storage, appraisal, advertising, and any other expenses incurred in connection with the vehicle. If the person claiming the vehicle is not the legal or registered owner, the person may repossess the vehicle upon paying the foregoing expenses and posting adequate security not to exceed the value of the vehicle. The security, if not forfeited, shall be returned two years from receipt.

(e) The transfer of title and interest by sale pursuant to the provisions of this section shall be considered a transfer by operation of law and shall be governed by provisions applicable thereto; provided that in the event the certificate of ownership or registration is unavailable, the bill of sale executed by the director or the director's authorized representative is satisfactory evidence authorizing the transfer of such title or interest.

(f) All proceeds from the sale of vehicles shall be deposited into the airport revenue fund. The legal or registered owner is entitled to recover the excess of the proceeds from the sale over expenses, if the claim is filed with the department within sixty days from the execution of the sales agreement. The legal owner shall receive priority of payment to the extent of his lien on the vehicle. The department may file a claim within the same period against the legal or registered owner or person with an unrecorded interest for the deficiencies between the sale proceeds and expenses.

(g) A vehicle shall be deemed a derelict by the director under any one of the following conditions:

- (1) If the certificate of registration of the vehicle has expired and the registered and legal owner no longer resides at the address listed on the last certificate of registration on record with the county director of finance;
- (2) If the last registered and legal owner of record disclaims ownership;
- (3) If essential major parts have been removed so as to render the vehicle inoperable, and the vehicle identification numbers, license number plates, and other means of identification have been removed so as to nullify efforts to locate or identify the registered and legal owner; or
- (4) If the vehicle registration records of the county director of finance contain no record that the vehicle has ever been registered in the county.

(h) A derelict vehicle may be immediately disposed of or sold as junk without having to comply with the requirements of subsections (b) through (f) of this section."

SECTION 2. New statutory material is underscored.*

SECTION 3. This Act shall take effect upon its approval.

(Approved April 25, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.