

ACT 184

H.B. NO. 2129-86

A Bill for an Act Relating to Property Abandoned or Seized on State Land.
Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§171- Disposition of abandoned or seized property. (a) The department may sell, donate, or otherwise dispose of property abandoned or seized on land owned by the State upon compliance with the requirements of this section.

(b) The department shall send notice by certified mail, at least thirty days prior to disposition of the abandoned or seized property, to the address of the owner of said property abandoned or seized if the owner is known or can be determined. The notice shall apprise the owner of the identity and location of the property abandoned or seized and of the intent of the department to sell, donate, or otherwise dispose of the property. Where the identity or the address of the owner is unknown or cannot be determined, the notice shall be posted on the premises where the property was abandoned or seized.

(c) The department shall also advertise the disposition at least once in a newspaper of general circulation in the county where the property was abandoned or seized; provided that the disposition shall not take place less than five days after advertising the intent to dispose of the property.

(d) The sale of property abandoned or seized shall be by public auction through oral tenders in the county where the property was abandoned or seized. Where no bid is received, the property may be sold by negotiation, disposed of or sold as junk, kept by the department, or donated to any other government agency or a charitable organization.

(e) Any person entitled to the property abandoned or seized may repossess the property prior to its disposition upon proof of entitlement and payment of all unpaid rent, debts, charges, and fines owing and all handling, storage, appraisal, advertising, and any other expenses incurred in connection with the proposed disposition of the property abandoned or seized.

(f) The requirement of advertisement and public auction shall not apply when the value of the property abandoned or seized is less than \$100. In that event, the property may be sold by negotiation, disposed of or sold as junk, kept by the department, or donated to any other government agency or a charitable organization.

(g) The proceeds of the sale at public auction of property abandoned or seized, after deduction of all charges and fines and all expenses of handling, storage, appraisal, advertising, and other sale expenses, shall be held in trust for the owner of the property for thirty days, after which time the proceeds shall be paid into the general or appropriate special fund.

(h) The remedies available to the owner of abandoned or seized property are limited to those provided in subsections (e) and (g) of this section. The State, its officers, employees, and agents shall not be liable to the owner of property abandoned or seized because of any disposition of the property made pursuant to this section.

(i) For purposes of this section, "department" includes the department of land and natural resources and any other state department or agency which manages land owned or controlled by the State."

SECTION 2. Section 171-1, Hawaii Revised Statutes, is amended by adding new definitions to be appropriately inserted and to read as follows:

"Abandoned property" or "property abandoned" means any and all property, including personal property, items, materials, equipment, fixtures, motor vehicles, or vessels, that has been left unattended on land owned or controlled by the State without authority for a continuous period of more than twenty-four hours.

"Seized property" or "property seized" means any and all property, including personal property, items, materials, equipment, fixtures, motor vehicles, or vessels, that has been seized by the State as the result of an unauthorized use of or encroachment on land owned or controlled by the State."

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved May 17, 1986.)

Note

1. Edited pursuant to HRS §23G-16.5.