

ACT 65

S.B. NO. 25

A Bill for an Act Relating to Abandoned Vehicles.

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

SECTION 1. Purpose. The purpose of this Act is to facilitate the disposal of abandoned vehicles by the counties by requiring that a notice be deemed received by the legal or registered owner five days after mailing rather than requiring a mail receipt signed by the registered owner. This will resolve a problem that occurs when a registered or legal owner of the vehicle refuses to accept the certified mail.

SECTION 2. Section 290-2, Hawaii Revised Statutes, is amended to read as follows:

**“§290-2 Notice to owner.** Upon taking custody of any abandoned vehicle, a written notice 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 ten days after the mailing of the notice. A 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 cannot be determined. Absent evidence to the contrary, a notice shall be deemed received by the legal or registered owner five days after the mailing.”

SECTION 3. Section 290-11, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Towing companies engaged by the owner, occupant, or person in charge of the property shall charge not more than \$35 a tow, \$40 for a tow using a dolly, plus \$1 a mile for any towing mileage over five miles, and \$6 for each twenty-four hour period of storage or fraction thereof. The towing company shall determine the name of the legal owner and the registered owner of the vehicle from the department of transportation or the county department of finance. The legal owner and the registered owner shall be notified in writing at the address on record with the department of transportation or with the county department of finance by registered or certified mail of the location of the vehicle, together with a description of the vehicle, within a reasonable period not to exceed twenty days following the tow. The notice shall state that if the vehicle is not recovered within

thirty days after the mailing of the notice, the vehicle shall be deemed abandoned and will be sold or disposed of as junk. Where the owners have not been so notified, then the owner may recover the owner's car from the towing company without paying tow or storage fees; provided that 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 cannot be determined. [A mail receipt signed by the registered owner is prima facie evidence of notification.] Absent evidence to the contrary, a notice shall be deemed received by the legal or registered owner five days after the mailing. A person who has been charged in excess of the charges permitted under this section may sue for damages sustained, and, if the judgment is for the plaintiff, the court shall award the plaintiff a sum not to exceed the amount of such damages and reasonable attorney's fees together with the cost of suit."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved April 29, 1991.)