

ACT 193

H.B. NO. 1422

A Bill for an Act Relating to Abandoned Vehicles.

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

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

“(a) The counties may cause vehicles that have been abandoned to be taken into custody and disposed of. For the purposes of this subsection, a vehicle is “abandoned” if it is defined to be abandoned by an ordinance of the county in which the vehicle is located. In the absence of such an ordinance, a vehicle is “abandoned” if it is left unattended for a continuous period of more than twenty-four hours and it is unlawfully parked on ~~any~~:

(1) Any public highway or other public property; or

(2) Any private road or private lands defined as a setback, shoulder, easement, or right of way that is adjacent to or part of a private or public highway[-]; provided that a vehicle on a private road shall be considered unlawfully parked if:

(A) It is deemed inoperable; and

(B) The owner or at least one of the co-owners of the private road requests in writing to the appropriate county authority for the removal of the vehicle.

The owner of a private road requesting the removal of an abandoned vehicle shall pay the county for the removal of the vehicle and is deemed to agree to indemnify and hold the county harmless for any claims against the county for the removal and disposal of the vehicle. The mayors of the several counties may designate an agency within their counties to carry out the functions and requirements of this section. The term “agency” means any office, department, or other governmental unit of the county.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2009, and shall be repealed on January 1, 2010; provided that section 290-1, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act.

(Became law on July 15, 2009, without the governor's signature, pursuant to Art. III, §16, State Constitution.)