

ACT 228

H.B. NO. 1412

A Bill for an Act Relating to Abandoned Vehicles.

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

SECTION 1. The legislature finds that abandoned vehicles continue to overrun neighborhoods across the State. The prevalence of abandoned vehicles on public streets has created widespread environmental issues, as well as unsafe and unhealthy conditions for Hawaii residents. The legislature further finds that existing law is silent regarding the distance a vehicle must be moved in order to no longer be classified as abandoned. This loophole can create problems in the disposition of an abandoned vehicle if a vehicle that was once deemed abandoned can no longer be classified as abandoned if it merely moves an inch or two from the location where it was deemed abandoned. The legislature believes that it should be clear as to how much a vehicle must be moved and when it must be moved in order to no longer be classified as abandoned.

Accordingly, the purpose of this Act is to require the counties to provide a minimum distance a vehicle must be moved within a specified timeframe after a vehicle is initially inspected for abandonment to avoid an official classification of abandonment.

SECTION 2. Section 290-1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The counties shall cause vehicles that have been abandoned to be taken into custody within ten business days of abandonment. 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[-]; provided that the ordinance shall provide a minimum distance and timeframe in which a vehicle must be moved after the initial inspection in order to not be classified as being abandoned. If the vehicle has not moved the minimum distance within the specified timeframe as required by the county ordinance after the initial inspection, the agency designated to carry out the functions and requirements of this section shall provide notice that the vehicle must be moved the minimum distance within the specified timeframe or the vehicle shall be classified as abandoned and subject to removal as provided by this chapter. 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 public highway or other public property or private lands defined as a setback, shoulder, easement, or right of way that is adjacent to or part of a public highway. The mayors of the several counties may designate an agency within their counties to carry out

the functions and requirements of this section. For the purposes of this subsection, “agency” means any office, department, or other governmental unit of the county.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

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

(Approved June 27, 2022.)