

ACT 229

H.B. NO. 1413

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 there has been a rise in abandoned vehicles within the State, necessitating a large amount of funding for the counties to dispose of the abandoned vehicles. To offset the costs, charges and fines are levied against individuals who abandon their vehicles. However, there is no current mechanism that requires the individuals to pay the charges within a reasonable timeframe, resulting in numerous outstanding cases within the State.

Accordingly, the purpose of this Act is to:

- (1) Authorize the director of finance of a county to require payment of outstanding charges and fines relating to the disposition of an abandoned vehicle before issuing a certificate of registration or completing a transfer of ownership, except under certain circumstances; and
- (2) Require a county director of finance to notify the appropriate county examiner of drivers of the individuals who have outstanding charges and fines owed to the county relating to the disposition of an abandoned vehicle for the purposes of suspending, revoking, or prohibiting the renewal of their driver's licenses.

SECTION 2. Chapter 290, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§290- Abandoned vehicles; prohibition on transfer; suspension, revocation, or prohibition of renewal of driver's license; notification. (a) The county director of finance shall deny issuance of a certificate of registration, in accordance with section 286-51, and prohibit completion of any transfer of ownership, in accordance with sections 286-52 and 286-52.5, of an abandoned vehicle whose registered owner has outstanding charges and fines relating to the disposition of the abandoned vehicle, including for costs related to towing, storage, processing, and disposal.

(b) The county director of finance shall notify the appropriate county examiner of drivers of any registered owners of abandoned vehicles in the county who have outstanding charges and fines relating to the disposition of an abandoned vehicle. The county examiner of drivers shall then suspend, revoke, or prohibit the renewal of the registered owner's driver's license in accordance with sections 286-107 and 286-119.”

SECTION 3. Section 286-51, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The certificate of registration for each motor vehicle in the counties of the State shall be renewed on a staggered basis as established by each county. The director of finance of each county may adopt rules to carry out the purposes stated in this section and shall expend the ~~[necessary]~~ funds from the director’s operating funds as may be necessary for these purposes; provided that ~~[the director of finance,]~~ if the director has ascertained as of the date of the application that ~~[the]~~:

- (1) ~~The registered owner has not deposited or paid bail with respect to any summons or citation issued to the registered owner for stopping, standing, or parking in violation of traffic ordinances within the county[-or the];~~
- (2) ~~The registered owner of a motor carrier vehicle, as defined in section 286-201, has not resolved any outstanding federal operations out-of-service orders issued by the United States Secretary of Transportation[-]; or~~
- (3) ~~The registered owner has outstanding charges and fines owed to the county relating to the disposition of an abandoned vehicle, including for costs related to towing, storage, processing, and disposal.~~

the director may require, as a condition precedent to the renewal, that the registered owner deposit or pay bail with respect to all such summonses or citations, ~~[or]~~ resolve all federal operations out-of-service orders[-], or pay all outstanding charges and fines relating to the disposition of the abandoned vehicle. The payment of all outstanding charges or fines relating to the disposition of the abandoned vehicle shall not be a condition precedent to the transfer if the abandoned vehicle was stolen or taken from the registered owner without permission or authorization and a police report for the abandoned vehicle is filed within a period of time, to be determined by the director of finance of each county, after discovery of the abandoned vehicle. The certificates of registration issued hereunder shall show, in addition to all information required under section 286-47, the serial number of the tag or emblem and shall be valid during the registration year only for which they are issued. Any certificate of registration belonging to a motor carrier shall be suspended or revoked when that motor carrier has been issued any federal operations out-of-service orders by the United States Secretary of Transportation and that certificate of registration shall remain suspended or revoked until all the federal operations out-of-service orders are resolved. The certificates of ownership need not be renewed annually but shall remain valid as to any interest shown therein until canceled by the director of finance as provided by law or replaced by new certificates of ownership as hereinafter provided.”

SECTION 4. Section 286-52, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Subsection (b), requiring a transferee to forward the certificate of ownership after endorsement to the director of finance, shall not apply to the transferee of a vehicle who was not intending to and does not drive the vehicle or permit the vehicle to be driven upon the public highways, but every such transferee, upon transferring the transferee’s interest or title to another, shall give notice of the transfer to the director of finance and endorse the certificate of ownership to the new legal owner and the certificate of registration to the new owner~~[- provided that if]~~. If the director of finance has ascertained as of the date of the application that the registered owner has not deposited or paid bail with respect to any summons or citation issued to the registered owner for stopping, standing, or parking in violation of traffic ordinances within the county[-] or has

outstanding charges and fines owed to the county relating to the disposition of an abandoned vehicle under the registered owner, including for costs related to towing, storage, processing, and disposal, the director may require, as a condition precedent to the transfer, that the registered owner deposit or pay bail with respect to all such summons or citations[-] or pay all outstanding charges and fines relating to the disposition of the abandoned vehicle; provided that payment of all outstanding charges and fines relating to the disposition of the abandoned vehicle shall not be a condition precedent to the transfer if the abandoned vehicle was stolen or taken from the registered owner without permission or authorization and a police report for the abandoned vehicle is filed within a period of time, to be determined by the director of finance of each county, after discovery of the abandoned vehicle.”

SECTION 5. Section 286-52.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) If the director of finance has ascertained as of the date of the application that the registered owner has not deposited or paid bail with respect to any summons or citation issued to the registered owner for stopping, standing, or parking in violation of traffic ordinances within the county[-] or has outstanding charges and fines owed to the county relating to the disposition of an abandoned vehicle under the registered owner, including for costs related to towing, storage, processing, and disposal, the director may require, as a condition precedent to the transfer, that the registered owner deposit or pay bail with respect to all such summonses or citations[-] or pay all outstanding charges and fines relating to the disposition of the abandoned vehicle; provided that payment of all outstanding charges and fines relating to the disposition of the abandoned vehicle shall not be a condition precedent to the transfer if the abandoned vehicle was stolen or taken from the registered owner without permission or authorization and a police report for the abandoned vehicle is filed within a period of time, to be determined by the director of finance of each county, after discovery of the abandoned vehicle.”

SECTION 6. Section 286-107, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) No driver’s license shall be renewed by the examiner of drivers unless:

- (1) The examiner of drivers is satisfied of the applicant’s fitness to continue to operate a motor vehicle;
- (2) The fee required by subsection (d) is tendered together with the application for renewal; ~~and~~
- (3) The applicant complies with section 286-102.5[-]; and
- (4) The examiner of drivers is satisfied that the applicant does not have outstanding charges and fines relating to the disposition of an abandoned vehicle.”

SECTION 7. Section 286-110, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

“(h) Notwithstanding any other law to the contrary, the examiner of drivers may issue an instruction permit to an applicant with a disability who has completed a medical review with this State, and as a condition to licensure is required to pass a road test, but has failed the road test on the applicant’s first attempt. The instruction permit issued under this subsection may be renewed no more than thirty days prior to or ninety days after the expiration date of the instruction permit upon receiving an updated medical report. Subsections (b)(2)

and (3) shall not apply to the issuance or renewal of an instruction permit issued under this subsection.

For the purposes of this subsection, “applicant with a disability” means an applicant who the examiner of drivers has reasonable cause to believe may have a mental or physical infirmity or disability that would make it unsafe to operate a motor vehicle pursuant to section ~~[286-119]~~ 286-119(a)(1) and has been medically evaluated by the medical advisory board established pursuant to section 286-4.1.”

SECTION 8. Section 286-119, Hawaii Revised Statutes, is amended to read as follows:

“§286-119 Authority of examiner of drivers to suspend or revoke licenses.

(a) The examiner of drivers may suspend any driver’s license without hearing when the examiner ~~[has]~~:

- (1) Has reasonable cause to believe that the licensee is incompetent to operate the type of motor vehicle for which the licensee holds a license or is afflicted with mental or physical infirmities or disabilities which would make it unsafe for the licensee to operate a motor vehicle of the type for which the licensee is licensed~~[-]; or~~
- (2) Is notified by the appropriate county director of finance that the licensee has outstanding charges and fines relating to the disposition of an abandoned vehicle, as provided pursuant to section 290-__.

(b) When the examiner of drivers suspends a license under this section, the examiner shall immediately notify the licensee and afford the licensee a hearing. After the hearing, the examiner of drivers may rescind the suspension, or the examiner may suspend the license for a further period or revoke the license. Any person whose license has been suspended or revoked under this section may appeal under section 286-129.”

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 10. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.