
A BILL FOR AN ACT

RELATING TO DERELICT VEHICLE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the current law that
2 permits disposal of a derelict vehicle without notice to the
3 owner because the vehicle is "ten model years old or older" does
4 not comply with the holding in *Wong v. City and County of*
5 *Honolulu*, 333 F. Supp. 2d 942 (D. Hawaii 2004). In that case,
6 United States District Court Senior Judge Alan C. Kay ruled that
7 disposing of a vehicle deemed derelict under current law,
8 without providing notice to the owner, simply because it is ten
9 model years old or older violates constitutional guarantees of
10 procedural due process.

11 The purpose of this Act is to delete the reference to
12 vehicles that are "ten model years old or older" from the list
13 of conditions in section 290-8, Hawaii Revised Statutes, which
14 permit a derelict vehicle to be disposed of without notice to
15 the owner. This Act also changes the references to the housing
16 and community development corporation of Hawaii to the Hawaii
17 public housing administration to reflect changes made by Act



1 196, Session Laws of Hawaii 2005, that take effect on July 1,
2 2006.

3 SECTION 2. Section 290-8, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§290-8 Derelict vehicle.** A vehicle shall be deemed a
6 derelict vehicle by the administrative head of the county agency
7 designated to carry out section 290-1, or by the executive
8 director or a representative of the executive director of the
9 [~~housing and community development corporation of~~] Hawaii public
10 housing administration in the case of a vehicle [~~which~~] that has
11 been abandoned on property owned, managed, or administered by
12 the [~~corporation,~~] administration, if major parts have been
13 removed or material damage to the vehicle has rendered the
14 vehicle inoperable and one of the following conditions exists:

15 (1) The vehicle is registered for the current registration
16 period and the registered and legal owners no longer
17 reside at the addresses on record with the county
18 director of finance;

19 (2) The vehicle has been registered for the current or
20 previous registration period and the registered and
21 legal owners disclaim ownership;



- 1 (3) The vehicle identification number and license plates
2 have been removed so as to nullify efforts to locate
3 or identify the current registered and legal owners;
- 4 (4) The vehicle has not been registered for the current or
5 previous registration periods; or
- 6 (5) The vehicle registration records of the county
7 director of finance contain no record that the vehicle
8 has ever been registered in the county [~~;~~ ~~or~~
9 ~~(6) The vehicle is ten model years old or older~~].

10 Prior to authorizing the removal of a derelict vehicle, the
11 administrative head of the county agency designated to carry out
12 section 290-1 or the executive director or a representative of
13 the executive director of [~~the housing and community development~~
14 ~~corporation of Hawaii~~] the Hawaii public housing administration
15 in the case of vehicles [~~which~~] that have been abandoned on
16 property owned, managed, or operated by the [~~corporation,~~]
17 administration, shall notify the county chief of police only if
18 the vehicle is reported stolen or otherwise needed for police
19 investigation."

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

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



HB 2503 HD2

SD1

CD1

Report Title:

Derelict Vehicle; Hawaii Public Housing Administration

Description:

Removes from the list of conditions for determining whether a vehicle is deemed a "derelict" that the vehicle is ten model years old or older and replaces references to the "housing and community development corporation of Hawaii" with updated references to the "Hawaii public housing administration." (CD1)

