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# 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 criteria  
2 for classifying a vehicle parked on a public roadway as a  
3 derelict vehicle does not allow for the efficient disposal of  
4 such vehicles. It also does not comply with the holding in *Wong*  
5 *v. City and County of Honolulu*, 333 F. Sup. 2d 942 (D. Hawaii  
6 2004), in which United States District Court Senior Judge Alan  
7 C. Kay ruled that disposing of a vehicle deemed derelict under  
8 current law because it is ten model years or older, without  
9 providing notice to the owner, violates procedural due process.

10           The purpose of this Act is to permit the fair and efficient  
11 removal and disposal of derelict vehicles by deleting the  
12 references to "previous registration" and to "ten model years  
13 and older" vehicles from the definition of a derelict vehicle in  
14 section 290-8, Hawaii Revised Statutes. This Act also changes  
15 the references to the Housing and Community Development  
16 Corporation of Hawaii to the Hawaii Public Housing  
17 Administration.



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

3 "**§290-8 Derelict vehicle.** A vehicle shall be deemed a  
4 derelict vehicle by the administrative head of the county agency  
5 designated to carry out section 290-1, or by the executive  
6 director or a representative of the executive director of the  
7 [~~housing and community development corporation of~~] Hawaii public  
8 housing administration in the case of a vehicle [~~which~~] that has  
9 been abandoned on property owned, managed, or administered by  
10 the [~~corporation,~~] administration, if major parts have been  
11 removed or material damage to the vehicle has rendered the  
12 vehicle inoperable and one of the following conditions exists:

- 13 (1) The vehicle is registered for the current registration  
14 period and the registered and legal owners no longer  
15 reside at the addresses on record with the county  
16 director of finance;
- 17 (2) The vehicle has been registered for the current [~~or~~  
18 ~~previous~~] registration period and the registered and  
19 legal owners disclaim ownership;
- 20 (3) The vehicle identification number and license plates  
21 have been removed so as to nullify efforts to locate  
22 or identify the current registered and legal owners;

1 (4) The vehicle has not been registered for the current  
2 [~~or previous~~] registration periods; or

3 (5) The vehicle registration records of the county  
4 director of finance contain no record that the vehicle  
5 has ever been registered in the county [~~or~~

6 ~~(6) The vehicle is ten model years old or older].~~

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

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

19 SECTION 4. This Act shall take effect on July 1, 2006.

S.B. NO. 2049

**Report Title:**

Derelict Vehicle

**Description:**

Amends the derelict vehicle law to delete from the criteria of derelict vehicle those vehicles that are ten years or older.

(HD1)

