

JAN 25 2006

S.B. NO. 2736

A BILL FOR AN ACT

RELATING TO VEHICLES.

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

1 SECTION 1. Abandoned vehicles on Hawaii's roads is a
2 problem that few can ignore. These vehicles impair the beauty
3 of our physical environment, decrease visibility for drivers,
4 create hazards for walkers and bicyclists, leak hazardous
5 materials, and often serve as breeding grounds for pests.

6 The situation is particularly aggravating when vehicles are
7 abandoned on private roads whose owners are unknown or cannot be
8 located, since current law allows abandoned vehicle removal by
9 the counties only from public roads and public property.

10 The purpose of this Act is to allow a private road to be
11 deemed "public" for abandoned vehicle removal purposes when the
12 owners of the private road are unknown or cannot be found.

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

15 "**§290-1 Disposition by counties of certain abandoned**
16 **vehicles.** (a) The counties may cause vehicles that have been
17 abandoned to be taken into custody and disposed of. For the
18 purposes of this subsection, a vehicle is "abandoned" if it is



1 defined to be abandoned by an ordinance of the county in which
2 the vehicle is located. In the absence of such an ordinance, a
3 vehicle is "abandoned" if it is left unattended for a continuous
4 period of more than twenty-four hours and it is unlawfully
5 parked on any public highway or other public property or private
6 lands defined as a setback, shoulder, easement, or right of way
7 that is adjacent to or part of a public highway. The mayors of
8 the several counties may designate an agency within their
9 counties to carry out the functions and requirements of this
10 section. The term "agency" means any office, department, or
11 other governmental unit of the county.

12 (b) The housing and community development corporation of
13 Hawaii may cause vehicles that have been abandoned on any public
14 housing property owned, managed, or administered by the housing
15 and community development corporation of Hawaii to be taken into
16 custody and disposed of. For the purposes of this subsection, a
17 vehicle is "abandoned" if it is left unattended for a continuous
18 period of more than twenty-four hours after a notice is
19 conspicuously posted on the vehicle that the vehicle is subject
20 to disposal pursuant to this subsection.

21 (c) At the request of the landowner, a county may cause
22 vehicles to be taken into custody and disposed of that have been

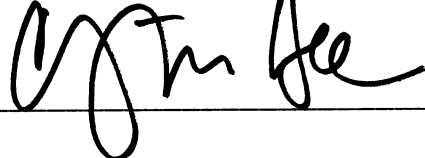


1 abandoned on roads for which dedication to the State or county
 2 is pending. For purposes of this subsection, a vehicle is
 3 deemed abandoned if it is left unattended for a continuous
 4 period of more than twenty-four hours after a notice is
 5 conspicuously posted on the vehicle stating that the vehicle is
 6 subject to disposal pursuant to this subsection.

7 (d) For purposes of this section, a private road may be
 8 deemed to be public if the owner of the private road is unknown
 9 or cannot be located; provided that in so doing, no county shall
 10 incur any liability to maintain or for failing to maintain the
 11 road."

12 SECTION 3. New statutory material is underscored.

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

14 INTRODUCED BY: 



Report Title:

Abandoned Vehicles; Derelict Vehicles; Private Roads

Description:

Allows a private road to be deemed "public" for removal of abandoned vehicle purposes if the owner of the road is unknown or cannot be located.

