

S.B. NO. 1129

JAN 24 2013

A BILL FOR AN ACT

RELATING TO PARKED VEHICLES.

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

1 SECTION 1. Section 291C-112, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§291C-112 Certain uses of parked vehicles prohibited**
4 **between 6:00 p.m. and 6:00 a.m.; definition; exceptions.** (a)

5 No person shall use any vehicle for purposes of human
6 habitation, whether or not the vehicle is designed or equipped
7 for that purpose, while the vehicle is parked on any roadway,
8 street, or highway or other public property between the hours of
9 6:00 p.m. and 6:00 a.m. or while the vehicle is parked on
10 private property without authorization of the owner or occupant
11 authorizing both the parking of the vehicle there and its use
12 for purposes of human habitation.

13 (b) As used in this section, "purposes of human
14 habitation" includes use as a dwelling place, living abode, or
15 sleeping place.

16 (c) This section does not apply to the parking of vehicles
17 and their use for purposes of human habitation in parks, camps,
18 and other recreational areas in compliance with law and

S . B . NO . 1129

1 applicable rules and regulations, or under emergency conditions
2 in the interest of vehicular safety.

3 ~~[(d) The department of health shall promulgate rules and~~
4 ~~regulations, pursuant to chapter 91, necessary for the~~
5 ~~administration of this section.]"~~

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken.

8 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

Gene Drecodski

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BY REQUEST

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S.B. NO. 1129

Report Title:

Human Habitation in Parked Vehicles

Description:

Removes the Department of Health's authority to promulgate rules pertaining to people living in parked vehicles.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO PARKED VEHICLES.

PURPOSE: To repeal the Department of Health's authority to promulgate rules pertaining to human habitation within parked vehicles.

MEANS: Amend section 291C-112, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Department of Health rules are unnecessary. Section 291C-112 HRS, already bans living in vehicles, with an exception for camping areas and other similar places. Currently, the county and state law enforcement agencies enforce rules regarding parked vehicles on public and private property in response to public safety concerns. There is no need for more rules.

The main issue is homelessness and should be addressed more comprehensively, as the State is attempting now.

Impact on the public: No impact to the public is anticipated. Existing laws are sufficient.

Impact on the department and other agencies: This bill has no impact. Existing laws are sufficient.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED

AGENCIES: State Department of Land and Natural Resources, State Department of Transportation - Highways Division, City and County of Honolulu, and Counties of Kauai, Maui, and Hawaii - Police Departments.

EFFECTIVE DATE: Upon approval.