
A BILL FOR AN ACT

RELATING TO GOVERNMENT IMPOUNDMENT OR DISPOSAL OF PERSONAL
PROPERTY.

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

1 SECTION 1. Chapter 26, Hawaii Revised Statutes, is amended
2 by adding a new section to part II to be appropriately
3 designated and to read as follows:

4 "§26- Impoundment or disposal of personal property
5 stored on state property; state immunity from civil liability.

6 (a) No state entity shall engage in the impoundment or disposal
7 of personal property stored on state property unless the state
8 entity provides prior written notices thereof to the owner or
9 possessor of the personal property as follows:

10 (1) A written notice provided no later than seven days in
11 advance of the impoundment or disposal; and

12 (2) Another written notice provided on the day immediately
13 preceding the date of the impoundment or disposal, but
14 no later than twenty-four hours in advance.

15 (b) Pursuant to section 662-15(1), the State shall not be
16 liable for the torts of its employees in connection with the



1 impoundment or disposal of personal property stored on state
2 property in accordance with this section.

3 (c) No state employee shall be liable in any civil action
4 for damage, injury, or loss caused by or resulting from an act
5 or omission of the employee in connection with the impoundment
6 or disposal of personal property stored on state property in
7 accordance with this section; provided that the act or omission:

8 (1) Occurred within the employee's scope of employment or
9 official duties with the State; and

10 (2) Did not result from the intentional or wilful and
11 wanton misconduct of the employee.

12 (d) For the purposes of this section:

13 "Employee" means:

14 (1) Any public employee of the State, including a
15 probationary or provisional employee; and

16 (2) Any employee under contract with the State, including
17 an employee of a contractor or subcontractor
18 undertaking the execution of a contract with the
19 State.

20 "Impoundment or disposal of personal property stored on
21 state property" means the impoundment or disposal by the State



1 of any tangible personal property that is unlawfully stored on
2 any property owned or controlled by the State."

3 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
4 by adding a new section to part V to be appropriately designated
5 and to read as follows:

6 "§46- Impoundment or disposal of personal property
7 stored on county property; county immunity from civil liability.

8 (a) No county entity, including an employee, shall be liable in
9 any civil action for damage, injury, or loss caused by or
10 resulting from an act or omission of an employee in the
11 enforcement of any law that provides for the impoundment or
12 disposal of personal property stored on county property;
13 provided that:

14 (1) The impoundment or disposal giving rise to the civil
15 action was preceded by prior written notices thereof
16 provided by the appropriate county to the owner or
17 possessor of the personal property and consisting of:

18 (A) A written notice provided no later than seven
19 days in advance of the impoundment or disposal;
20 and



1 (B) Another written notice provided on the day
2 immediately preceding the date of the impoundment
3 or disposal, but no later than twenty-four hours
4 in advance; and

5 (2) The act or omission:

6 (A) Occurred within the employee's scope of
7 employment or official duties with the county;
8 and

9 (B) Did not result from the intentional or wilful and
10 wanton misconduct of the employee.

11 (b) For the purposes of this section:

12 "Employee" means:

13 (1) Any public employee of a county, including a
14 probationary or provisional employee; and

15 (2) Any employee under contract with a county, including
16 an employee of a contractor or subcontractor
17 undertaking the execution of a contract with the
18 county.

19 "Impoundment or disposal of personal property stored on
20 county property" means the impoundment or disposal, by a county
21 and as provided by law, of any tangible personal property that



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1 is unlawfully stored on any property owned or controlled by the
2 county."

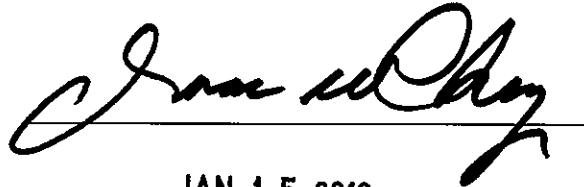
3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 4. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.

8

INTRODUCED BY:



JAN 15 2016



H.B. NO. 1598

Report Title:

Impoundment or Disposal of Personal Property Unlawfully Stored on Public Property; Civil Immunity for Government Entities

Description:

Provides the State, each county, and their employees with immunity from civil liability arising from the impoundment or disposal of personal property unlawfully stored on public property, if prior notice requirements are met.

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

