

DEPARTMENT OF CUSTOMER SERVICES
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
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SHERI T. KAJIWARA
DIRECTOR

RANDY M. LEONG
DEPUTY DIRECTOR

TESTIMONY OF SHERI KAJIWARA, DIRECTOR
CITY AND COUNTY OF HONOLULU, DEPARTMENT OF CUSTOMER SERVICES
Thursday, February 22, 2018, 2:00 p.m., Conference Room 325

SUPPORT OF HB 2442, HD1 , RELATING TO ABANDONED VEHICLES WITH
AMENDMENTS

TO: The Honorable Representative Scott Y. Nishimoto, Chair
And Members of the Committee on Judiciary

As the Director of the Department of Customer Service of the City and County of Honolulu (City), it is my agency that is responsible to address abandoned vehicles on Oahu's roadways.

The City supports H.B. No. 2442, HD1 but asks for amendments. We ask that the requirement to dispose of abandoned vehicles within 10 business days be removed. Although the bill eliminates the requirement to send certified notice to the registered owner, it allows 20 business days for the owner to claim the vehicle. This conflicts with the 10 day requirement for disposal.

As background, once the vehicle is identified as abandoned, as outlined by HRS 290-1, the City has imposed upon ourselves a 72 hour window for AVs to be removed from public streets. We face severe barriers. The biggest frustration is a lack of space. There is less and less open land to lease on this island. Fewer landowners are willing to lease lots for the purpose of storing vehicles. EPA and environmental concerns make it costly. Contractors are losing their current lots and struggle to find additional lots to lease. Given sufficient land and space, perhaps with help from the state, I am confident that AVs can be removed from public roads in under 10 days. What most affects space? It's the rate of disposal.

We appreciate the elimination of both the requirement of disposal by auction and the requirement for a written notice to the owner. The bill, however, does require a 20 day hold to allow the vehicle to be claimed. Currently it stands at 10 days for local addresses, 20 days for out of state addresses. This change will increase current hold time. This requirement conflicts with a 10 day disposal.

Beginning last year, we have been challenged with vehicles owned by military service members. In accordance with the provisions of 50 U.S.C. §551, Servicemembers Civil Relief Act, the City is prohibited from disposing of these vehicles without a waiver of release from the registered owner. We are required to locate the service member, majority of whom are no longer on island. In the absence of a signed waiver, the City must seek a court order allowing disposal. All this is costly, time consuming, and consumes valuable space.

We also face a salvage challenge. The State Department of Health issued approvals of just five salvage sites capable of processing disposed cars. One just lost their lease and cannot do business until a new lot is found and the state issues a new permit. That was the City's tow contractor. The other four businesses are at capacity and are turning away cars.

So running out of space to store and lacking options to process, abandoned vehicles sit.

How can the State assist in addressing this growing issue?

Assist in providing land for the storage of abandoned vehicles in various communities.

With the declining price of scrap metal, can the state offer incentives for more businesses to meet this demand.

More importantly, we seek your help to stop the illegal abandonment of vehicles. There are no strong penalties in place to deter such action. Many of the citations issued are ignored. Alternatives need to be developed for our unique island state.

Last year alone, Hawaii saw 84,051 new or transferred vehicles brought onto the islands. Last year alone, my small staff of 12 investigated 28,263 abandoned vehicle complaints and took action on 9,668 unwanted vehicles left on public property.

We also have found that many of these abandoned vehicles were not even registered as required by law. Stronger registration laws may need to be considered. It is difficult to hold someone accountable, should we choose to do so, if there is no record of ownership.

Thank you for the opportunity to convey our recommendation related to H.B. No. 2442, HD1.

HB-2442-HD-1

Submitted on: 2/20/2018 2:02:19 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

HB-2442-HD-1

Submitted on: 2/20/2018 10:41:18 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments:

We STRONGLY SUPPORT this bill. Mahalo.

HB-2442-HD-1

Submitted on: 2/21/2018 1:38:14 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

HB-2442-HD-1

Submitted on: 2/21/2018 1:48:22 PM

Testimony for JUD on 2/22/2018 2:00:00 PM

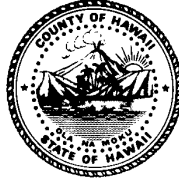
Submitted By	Organization	Testifier Position	Present at Hearing
Sara Perry	Individual	Support	No

Comments:

I am tired of the excuses that things "cannot" be done. I want the Departments to find solutions instead of spending time coming up with excuses.

Harry Kim
Mayor

Wilfred M. Okabe
Managing Director



LATE

William A. Kucharski
Director

Diane A. Noda
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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February 21, 2018

Rep. Scott Y. Nishimoto, Chair
Committee on Judiciary
State of Hawai'i House of Representatives
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Re: **Opposition to HB2442 HD1**
(Relating to Abandoned Vehicles)
Date: February 22, 2018 (Thursday)
Time: 2:00 p.m.

Dear Chairperson Nishimoto and Members of the Committee on Judiciary Protection:

1. The County of Hawaii (COH) is in opposition to HB2442 HD1.
2. Since the proposed modification to HRS 290-1 requires that an abandoned vehicle be towed and disposed within ten (10) business days from abandonment, the rights of the vehicle owner are put into significant jeopardy. Additionally, requiring an abandoned vehicle to be disposed of within ten (10) days of abandonment while allowing twenty (20) days for the owner to claim the vehicle creates an obvious conflict in these sections.
3. The proposed modification to HRS 290-1 is also in direct conflict with the obvious intent of HRS 290-4 which allows an owner to repossess the vehicle if costs are reimbursed to the County.
4. The proposed modification to HRS 290-2 removes the requirement to notify the registered owner of a towed abandoned vehicle of its whereabouts or the process to be followed to recover the vehicle. The owner has twenty (20) days to reclaim the vehicle, but there is no requirement to notify. COH does not support this removal of notification prior to sale or disposal.
5. The change from may to shall will have little or no impact on our current abandoned vehicle operations. Before an abandoned vehicle can legally be removed by COH, the vehicle must be ticketed by authorized authorities and at least 24 hours must pass to verify abandonment as described in HRS 290-1. Current practice in COH is to require towing from a hired contractor within 72 hours of official notification from the ticketing authority that a vehicle abandonment has occurred.

6. The COH does not believe that it is appropriate for HRS 290 to allow for the remove of personal property and then allow it to be sold or destroyed without any obligation to notify the owner of what may occur. A process must be put into effect whereby these vehicles can be retrieved by the lawful owner, where the owner has been appropriately notified and in a timely manner. Given that many Hawai'i residents may spend a good portion of their time on the mainland, or military personnel may be regularly deployed out of State, the lack of protection to the owners cannot be supported, especially the lack of notification obligations. In cases where there is no registered owner on record, there is no issue with the sale or destruction of such property in a short time period.

Thank you for your consideration of this testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "William A. Kucharski". The signature is fluid and cursive, with a prominent initial "W" and a long, sweeping underline.

William A. Kucharski, Director, Department Environmental Management, COH



BERNARD P. CARVALHO JR.
Mayor

WALLACE G. REZENTES JR.
Managing Director

POLICE DEPARTMENT COUNTY OF KAUAI

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Testimony before the House Committee on Judiciary HOUSE BILL 2442, HD1 Relating to Abandoned Vehicles

February 22 2018 at 2:00 PM
Conference Room 325

By Darryl D. Perry
Chief of Police, County of Kaua'i

Chair Scott Y. Nishimoto, Vice Chair Joy A. Buenaventura, Honorable Members of the Committee:

The Kauai Police Department **supports** in part and **opposes** in part the passage of House Bill No. 2442, HD1 Relating to Abandoned Vehicles.

For the County of Kaua'i, the Kaua'i Police Department is responsible for the posting and towing of abandoned vehicles. In 2017, the Kaua'i Police Department received 1,119 reported abandoned/derelect vehicles. 834 were abandoned and 365 were derelict. We have one coordinator who is responsible for the processing of abandoned and derelict vehicle complaints for entire island of Kauai.

Due to the volume of abandoned vehicle complaints it takes approximately two to four weeks for the abandoned vehicle coordinator to post and tow an abandoned vehicle from the time a complaint is made. From the point of complaint to actual "disposal", it takes approximately 45 days. 10 business days to post, tow, and dispose of an abandoned vehicle is unmanageable and unrealistic. A vehicle is considered "disposed" of when the recycling center has been given permission to either destroy the vehicle or repurpose it. Disposal takes place after notice is given to the owner(s) and the prescribed period of time lapses and the vehicle has not been claimed. Removal from a public roadway is not the same as disposal. The process of disposal takes time and not only requires notification, but reliance on private entities such as tow companies and the recycling center, which we have little control over.

The Kauai Police Department **supports** the deletion of language in the Bill on Page 2 under Section 3. lines 10 through 21 and page 3 lines 1 and 2. The removal of this language from

Hawai'i Revised Statutes (HRS) §290-2 simplifies the process; however, the new language requires that registered and legal owners be given twenty business days to claim a vehicle. This directly conflicts with the intent of the Bill and the proposed ten business days to remove and dispose of a vehicle.

The Kauai Police Department supports the removal of language on Page 3, lines 10 through 15 as this will make the disposal of vehicles quicker by not being required to go to auction. Many times vehicles that appear to be valued over \$1,000 will not fetch that kind of money at auction and the process of going to auction is more costly than the money received from auctioned vehicles. Giving the Counties the discretion will be helpful in the expediting of the disposal process.

The Kauai Police Department opposes the length of time being proposed by the Bill for the removal and disposal of abandoned vehicles. As stated, 10 business days to remove and dispose of a vehicle is unrealistic. Even with the proposed changes, we will still have to give registered and legal owners notice and 20 days to claim the vehicle, which places "disposal" of the vehicle outside of the proposed 10 business days.

We propose that the requirement of "disposal" within 10 business days be removed and the time requirement to remove a vehicle from a public roadway be extended to 15 business days. If the intent is to force the Counties to remove vehicles in a more expeditious manner, then we suggest that the language state, ***"The counties shall cause vehicles that have been abandoned to be taken into custody within fifteen business days of abandonment."*** The time frame for taking a vehicle into custody is more realistic and not being required to dispose of a vehicle within ten business days makes the proposed law actually achievable.

The Kaua'i Police Department supports in part and is opposed in part to House Bill No. 2442, HD1 and we urge you to consider our suggestions

Thank you for the opportunity to testify.

February 21, 2018

LATE

**TO: Rep. Scott Y. Nishimoto, Chair
Rep. Joy A. San Buenaventura, Vice Chair**

Committee on Judiciary

RE: Testimony in SUPPORT of HB2442 HD1: Relating To Abandoned Vehicles

SUBMITTED BY: Gail Gomes

Aloha Chair Nishimoto and Vice Chair San Buenaventura and Committee members:

My name is Gail Gomes and I am a forty plus year resident of the Wai'anae Coast. I am the editor of our local community newspaper, *Westside Stories*, however today I am submitting testimony as an individual.

I am requesting your support of HB2442 HD1. Our community has becoming a dumping ground for abandoned/derelict vehicles. Each day more and more vehicles are dumped alongside our roads, in our beach parks and in front of various businesses. Honolulu Police Department has been good in tagging these vehicles along with the City's abandoned vehicle division, BUT that's where it stops as the City claims there is no space to remove these vehicles to.

We also see commercial haulers dumping junk cars at various locations in our valleys and back roads as they claim the price of scrap metal is down and they have no place to store or remove the vehicles to.

I am urging everyone on this committee to **please support HB2442 HD1** for our Westside community and allow us to enjoy a safe, clean community again.

Mahalo,
Gail Gomes
86-232 Alamihi St
Waianae HI 96792
696-6782 (home) 696-7978 (work)