
A BILL FOR AN ACT

RELATING TO PERSONAL PROPERTY STORED ON PUBLIC LAND.

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

1 SECTION 1. Chapter 322, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . PERSONAL PROPERTY STORED ON PUBLIC LAND**

5 **§322-A Definitions.** As used in this part:

6 "Department" means the department of health.

7 "Personal property" means any tangible property, including
8 tents, tarps, structures, goods, materials, merchandise,
9 furniture, equipment, fixtures, clothing, and household items;
10 provided that personal property shall not include any vehicle as
11 defined in section 291C-1 or any vessel as defined in section
12 200-23.

13 "Public land" means any land that is owned, managed, or
14 maintained by the State or a county.

15 **§322-B Stored personal property; structures; prohibition.**

16 (a) No person shall store personal property on public land
17 without approval from the State, county, or its designees.



1 (b) Personal property placed on public land shall be
2 deemed to be stored personal property if it has not been removed
3 from public land within twenty-four hours of written notice
4 pursuant to section 322-C. Personal property that is moved to
5 another location on public property after written notice
6 pursuant to section 322-C is served on the owner or placed on
7 the personal property shall not be considered removed from
8 public land for purposes of this part.

9 (c) Stored personal property may be impounded by the
10 department.

11 (d) This part shall not apply to personal property that is
12 placed or constructed on public lands pursuant to statute,
13 ordinance, permit, regulation, or other authorization by the
14 county or State, including camping permits and event permits.

15 **§322-C Written notice.** (a) Proper notice shall be
16 deemed to have been served if a copy of the written notice is
17 served on the person storing the personal property or is posted
18 prominently and conspicuously on the stored personal property.

19 (b) The written notice shall contain the following:



- 1 (1) A description of the personal property to be removed;
2 provided that a description may refer to one or more
3 attached photographs;
- 4 (2) The location of the personal property;
- 5 (3) The date and time the written notice was posted or
6 served;
- 7 (4) Reference to this part;
- 8 (5) A statement that the personal property will be
9 impounded if not removed within twenty-four hours;
- 10 (6) The location where the removed property will be
11 stored;
- 12 (7) A statement that impounded property will be sold or
13 otherwise disposed of if not claimed within thirty
14 days after impoundment; and
- 15 (8) A statement that the property owner shall be
16 responsible for all costs of removal, storage, and
17 disposal.

18 **§322-D Storage and disposal.** (a) Impounded personal
19 property shall be moved to a place of storage and the owner
20 shall be assessed moving, storage, and other related fees and
21 costs. The owner of impounded personal property shall bear the



1 responsibility for the risk of any loss or damage to the
2 impounded property.

3 (b) At least thirty days prior to disposal of any
4 impounded personal property, the department shall serve notice
5 in writing apprising the owner of the personal property of the
6 description and location of the impounded personal property and
7 of the intent of the department to sell, donate, or otherwise
8 dispose of the impounded property. Service of written notice
9 shall be by personal service or by certified mail, return
10 receipt requested, to the last known address of the owner of the
11 impounded property if the owner is known or can be determined.
12 If the identity or the address of the owner is unknown or cannot
13 be determined through the exercise of reasonable diligence, the
14 notice shall be posted for three consecutive days on the public
15 land where the personal property was stored or seized. If
16 notice cannot be posted as provided, then the notice shall be
17 posted on the website of the department for three consecutive
18 days.

19 (c) If any item of impounded personal property has an
20 estimated value of \$1,000 or more, the department shall also
21 give public notice of its disposal, including a brief



1 description of the property, details of the time and place of
2 the auction, and giving notice to all persons interested in
3 claiming the property that unless claims are made by persons who
4 can provide satisfactory proof of ownership before a specified
5 date, the property will be sold at public auction to the highest
6 bidder. The public notice shall be published at least once in a
7 publication of statewide circulation or in a publication of
8 local circulation where the property was impounded; provided
9 that the disposal shall not take place less than five days after
10 public notice has been given. Following proper notices as
11 provided in subsection (b) and this subsection, any item of
12 impounded personal property having an estimated value of \$1,000
13 or more shall be disposed of by public auction, through oral
14 tenders, or by sealed bids. Where no bid is received, the
15 impounded personal property may be sold by negotiation, disposed
16 of, sold as junk, kept by the department, or donated to another
17 government agency or charitable organization.

18 (d) The requirement for public notice and public auction
19 shall not apply when the estimated value of the impounded
20 personal property is less than \$1,000. In that event, the
21 impounded personal property may be sold by negotiation, disposed



1 of, sold as junk, kept by the department, or donated to another
2 government agency or charitable organization.

3 (e) Any impounded property of a perishable nature may be
4 disposed of immediately in any manner without notice after
5 impoundment by the department.

6 (f) The department shall maintain a record of the date and
7 method of disposal of the impounded personal property, including
8 the consideration received for the property, if any, and the
9 name and address of the person taking possession of the
10 property. The record shall be kept as a public record for a
11 period of not less than one year from the date of disposal of
12 the property.

13 **§322-E Repossession.** The owner or any other person
14 entitled to the impounded personal property may repossess the
15 personal property prior to its disposal by submitting
16 satisfactory proof of ownership or entitlement and payment of
17 all unpaid rent, debts, and charges owing and all handling,
18 storage, appraisal, advertising, and other expenses incurred by
19 the department in connection with the proposed disposal of the
20 impounded property.



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1 **§322-F Proceeds of sale.** All fees, unpaid rent, debts,
 2 charges, expenses of handling, storage, appraisal, advertising,
 3 and other sale expenses incurred by the department shall be
 4 deducted from the proceeds of any sale of the impounded
 5 property. Any amount remaining shall be held in trust for the
 6 owner of the property for thirty days after sale, after which
 7 time the proceeds shall be paid into the general fund.

8 **§322-G State not liable.** The State, its officers,
 9 employees, and agents shall not be liable to the owner of
 10 impounded personal property owner or any other person entitled
 11 to the impounded personal property because of any disposal of
 12 the property made pursuant to this part. All remedies available
 13 to the owner of impounded property shall be limited to those
 14 provided in this part."

15 SECTION 2. This Act shall take effect on July 1, 2020.

16

INTRODUCED BY:  _____

JAN 22 2020



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Report Title:

Stored Personal Property; Public Land; Prohibited

Description:

Prohibits the storing of personal property on public land without a permit or other approval from the State or a county.

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