

JAN 18 2019

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§46- Seizure of motor vehicles; absence of insurance
5 card. (a) Notwithstanding any other law to the contrary, if a
6 person fails to display a valid motor vehicle or liability
7 insurance identification card upon demand of a police officer as
8 required under section 286-116(a), the police officer shall
9 seize the motor vehicle. The applicable county shall hold the
10 vehicle for not longer than ten days, subject to subsection (b),
11 during which time the motor vehicle shall be subject to
12 redemption by its owner upon payment of the cost of storage and
13 other charges incident to the seizure of the motor vehicle;
14 provided that the owner shall also display a valid insurance
15 identification card as required under section 286-116(a). The
16 county shall be deemed to have seized and taken possession of
17 any motor vehicle after having securely sealed it where located



1 and posted a notice upon the motor vehicle, setting forth the
2 fact that it has been seized for failure to display a valid
3 insurance identification card as required under section 286-
4 116(a), and warning all other persons from tampering with the
5 vehicle. Any person who tampers with or disturbs any motor
6 vehicle that has been seized pursuant to this section shall be
7 fined not more than \$500.

8 (b) All vehicles seized and sealed pursuant to this
9 section shall remain at the place of seizure, or at any other
10 place that the county may direct, at the expense and risk of the
11 owner. If the owner of the motor vehicle fails to redeem it
12 within ten days after seizure, the motor vehicle may be sold by
13 the county at public auction to the highest bidder for cash
14 after giving ten days' notice to the general public in the
15 county and by posting notices in at least three public places in
16 the district where the vehicle was seized; provided that the
17 requirements of public auction may be waived when the appraised
18 value of any motor vehicle is less than \$250, as determined by
19 the county, in which case the vehicle may be disposed of in the
20 same manner as when a motor vehicle is put up for public auction
21 and no bid is received. The amount realized at the sale, less



S.B. NO. 110

1 the costs incurred in giving public notice, storing and selling
 2 the vehicle, and all other charges incident to the seizure and
 3 sale, shall be paid to the owner of the motor vehicle. If no
 4 claim for the surplus is filed with the county within sixty days
 5 from the date of the sale, the surplus shall be paid into the
 6 county treasury as a government realization and all claim to
 7 that sum shall thereafter be forever barred.

8 (c) Any vehicle seized pursuant to this section shall be
 9 released forthwith to the registered owner, without payment of
 10 the applicable cost of storage and other charges incident to the
 11 seizure of the vehicle, if the interests of justice so require."

12 SECTION 2. This Act does not affect rights and duties that
 13 matured, penalties that were incurred, and proceedings that were
 14 begun before its effective date.

15 SECTION 3. New statutory material is underscored.

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

17

INTRODUCED BY: 



S.B. NO. 110

Report Title:

Motor Vehicles; Insurance; Seizure; Counties

Description:

Authorizes and sets forth procedures for impounding a motor vehicle if a person operating the vehicle fails to display a valid insurance card.

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

