

JAN 17 2020

A BILL FOR AN ACT

RELATING TO ABANDONED VEHICLES.

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

1 SECTION 1. Chapter 290, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§290- Responsibility of last registered owner. The
5 abandonment of any vehicle'creates a prima facie presumption
6 that the last legal or registered owner on record was
7 responsible for the abandonment and such person shall be liable
8 to the county for expenses incurred in removing, storing, and
9 disposing of the abandoned vehicle."

10 SECTION 2. Section 290-7, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§290-7 Disposition of proceeds. (a) [All] Net proceeds,
13 if any, from the sale of vehicles shall be deposited into the
14 general fund of the county[-] except an equivalent amount of the
15 expenses incurred by the county to remove, store, and dispose of
16 the vehicle when the legal or registered owner does not pay for
17 those expenses prior to the sale of the vehicle. In that



1 circumstance, any net proceeds not to exceed an amount
2 equivalent to the expenses incurred by the county shall be
3 deposited into the highway beautification and disposal of
4 abandoned or derelict vehicles revolving fund established
5 pursuant to section 286-51.

6 (b) In cases where, pursuant to section 290- , the legal
7 or registered owner of the vehicle pays to the county an
8 equivalent amount of the expenses incurred by the county to
9 remove, store, and dispose of the vehicle prior to the sale of
10 the vehicle, the legal or registered owner shall be entitled to
11 recover the gross proceeds from the sale of the vehicle.

12 (c) [~~The legal or registered owner is entitled to~~ To
13 recover [~~the excess of the~~ any proceeds from the sale [~~over~~
14 expenses, if the claim is filed] of the vehicle, the legal or
15 registered owner shall file a claim with the county within one
16 year from the execution of the sales agreement. The registered
17 owner shall receive priority of payment to the extent of the
18 registered owner's lien on the vehicle. The county [~~may~~] shall
19 file a claim within the same period against the legal or
20 registered owner or person with an unrecorded interest for the
21 deficiencies between the sale proceeds and expenses."



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

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: Abhi Galbel

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S.B. NO. 2763

Report Title:

Abandoned Vehicles; Last Legal or Registered Owner;
Responsibility; Expenses; Highway Beautification

Description:

Creates a prima facie presumption that the last legal or registered owner is responsible for the abandonment of any vehicle and requires the last legal or registered owner to pay for expenses incurred in removing, storing, and disposing of the abandoned vehicle. Requires a portion of the proceeds to be diverted to the highway beautification and disposal of abandoned or derelict vehicles revolving fund in certain circumstances.

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

