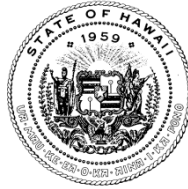


DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 13, 2020
2:05 P.M.
State Capitol, Room 325



H.B. 2556, H.D. 1
RELATING TO VEHICLES

House Committee on Judiciary

The Department of Transportation is providing **comments** on H.B. 2556, H.D. 1, which authorizes the withholding and revocation of vehicle registrations and driver's licenses for those who abandon a vehicle under specified conditions. In addition, it authorizes the assessment and collection of charges relating to abandoned and derelict vehicles.

The current statute, 286-51(b), HRS, established a special fund, The Highway Beautification and Disposal of Abandoned or Derelict Vehicles Revolving Fund, that provides the funding for the counties to remove and dispose of abandoned and derelict vehicles from public and certain private roadways. Registered owners currently pay a highway beautification fee each time they register their motor vehicle that is deposited into this fund and the rate may be set by each county up to a maximum of \$10.

The amendment proposes that the registered owner's driver's license be revoked if the registered owner is convicted of abandoning their vehicle. In order to correctly match the registered owner with their driver's license record other pieces of the driver's information will need to be captured in the motor vehicle registration (MVR) record.

In addition, the registered owner's name in the MVR system is not required to be a legal name and may not exactly match the name in the driver's license database. As an illustration, currently drivers are matched under nationwide systems by last name, first name, driver's license number or social security number, and birth date. The motor vehicle registration system and Department of Motor Vehicle procedures and database would need to be modified to capture these other non-name types of identity matching fields. Failure to do so will result in the counties not being able to match the registered owner with the driver's license record.

Thank you for the opportunity to provide testimony.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

ON THE FOLLOWING MEASURE:

H.B. NO. 2556, H.D. 1, RELATING TO VEHICLES.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

LATE

DATE: Thursday, February 13, 2020 **TIME:** 2:05 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Clare E. Connors, Attorney General, or
Reuel S. Toyama, Deputy Attorney General

Chair Lee and Members of the Committee:

The Department of the Attorney General offers the following comments on this bill.

The purposes of this bill are to: (1) create a new misdemeanor offense punishable by a fine of \$250 to \$500 for a person who abandons any vehicle on any public or private roadway or property without the permission of the owner or lessee of the property; (2) allow the county to withhold the issuance or renewal of a certificate of registration for a person convicted of that offense; (3) require the court to report the conviction to the county director of finance for appropriate action; and (4) allow the county to withhold the issuance of any certificate of registration for any vehicle until the county is reimbursed for costs, charges, and fines related to the abandoned vehicle.

A misdemeanor offense may be punishable by up to one year incarceration pursuant to section 706-663, Hawaii Revised Statutes (HRS), which would in turn trigger the right to a jury trial pursuant to article I, section 14 of the Hawai'i State Constitution and section 806-60, HRS (Jury of twelve required).

If the intent of this bill is to create an offense to be adjudicated by the court and that the court "shall report the conviction to the appropriate county director of finance," without specifying the possibility of incarceration and thus not statutorily triggering the right to a jury trial, then (1) at section 1 on page 2, line 1, the word "misdemeanor" should be replaced with "violation"; (2) at section 3 on page 3, line 4, the word

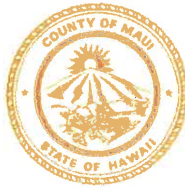
“misdemeanor” should be replaced with “violation”; and (3) at section 3 on page 3, lines 9-10, the wording “guilty of a misdemeanor and” should be replaced with “convicted of a violation.”

The suggested amendments would be consistent with not grading the offense as a crime but as a violation pursuant to section 701-107(1), (5), (6), and (7), HRS.

Thank you for the opportunity to comment on this bill.

Michael P. Victorino
Mayor

Sananda K. Baz
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

February 12, 2020

TESTIMONY OF MICHAEL P. VICTORINO
MAYOR
COUNTY OF MAUI

A handwritten signature in black ink, appearing to read "Michael P. Victorino".

BEFORE THE HOUSE COMMITTEE ON JUDICIARY
Thursday, February 13, 2020, 2:05PM
Conference Room 325

HB 2556 HD1 RELATING TO VEHICLES

Honorable Chris Lee, Chair
Honorable Joy A. San Buenaventura, Vice Chair
Honorable members of the Committee on Judiciary

Thank you for this opportunity to testify in **SUPPORT** of HB 2556 HD1.

The purpose of this bill is to authorize the withholding and revocation of vehicle registrations and driver's licenses for those who abandon a vehicle under specified conditions. It also authorizes the assessment and collection of charges relating to abandoned and derelict vehicles.

Multiple bills relating to abandoned and derelict vehicles are slated for discussion and I appreciate your attention to this matter, as improper disposal of vehicles is an ongoing challenge statewide. Abandoned and derelict vehicles pose environmental risks and are an eyesore for residents and visitors. Counties are burdened with the towing, removal and disposal of these vehicles.

This bill would help Maui County recoup costs related to the removal of abandoned vehicles, and increase accountability for owners of the vehicles. Increased accountability may deter both first-time and repeat offenders.

I urge you to pass this measure, HB 2556 HD1.

MICHAEL P. VICTORINO
Mayor
ERIC A. NAKAGAWA, P.E.
Director
SHAYNE R. AGAWA, P.E.
Deputy Director
MICHAEL P. RATTE
Solid Waste Division
SCOTT R. ROLLINS, P.E.
Wastewater Reclamation Division
TAMARA L. FARNSWORTH
Environmental Protection &
Sustainability Division



**COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**
2050 MAIN STREET, SUITE 2B
WAILUKU, MAUI, HAWAII 96793

February 12, 2020

LATE

TESTIMONY OF TAMARA FARNSWORTH

ENVIRONMENTAL PROTECTION & SUSTAINABILITY DIVISION

BEFORE THE COMMITTEE ON JUDICIARY

Thursday, February 13, 2020, 2:05PM
Conference Room 325

HB2556 RELATING TO VEHICLES

Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair
Honorable members of the Committee on Judiciary

Thank you for this opportunity to testify in **STRONG SUPPORT** of HB2556, with amendments.

The purpose of this bill is to allow the director of finance of a county to require payment of outstanding charges owed to the county for the towing, removal, or disposal of an abandoned or derelict vehicle within the county before issuing a motor vehicle certificate of registration.

There is a major issue with abandoned and derelict vehicles statewide. Particularly, some individuals and entities intentionally abandon vehicles on roads and highways. The majority of these individuals make no attempt to pay their outstanding charges, making it difficult for Maui County (and all counties) to recoup the costs associated with the towing, removal and disposal of abandoned and derelict vehicles.

The current outstanding towing, removal and disposal charges for abandoned and derelict vehicles for Maui County is estimated to be \$1,448,662. Requiring the costs of towing, removal and disposal to be paid as condition precedent to registration of a vehicle will assist in recouping these costs for all counties. Additionally, it is our belief that this initiative will serve as a major deterrent to offenders from abandoning their vehicles, and will greatly reduce financial and administrative burdens on counties, which deal with thousands of vehicles every year.

However, we recommend that Section 3, lines 4 through 18, in reference to “the revocation of the violator’s driver’s license” *for any period time* be discussed, amended or removed, as this does not support the intent of the bill and may present a significant challenge for the finance director to implement.

I strongly urge you to pass this measure, HB2556, with amendments.

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 12, 2020

LATE

To: The Honorable Chair Chris Lee
The Honorable Vice Chair Joy A. San Buenaventura
House Committee on Judiciary

Fr: Councilmember Yuki Lei Sugimura
Maui County Council

Yuki Lei Sugimura

RE: HEARING ON FEBRUARY 13, 2020
TESTIMONY TO SUPPORT, HB 2556, HD 1
RELATING TO VEHICLES

Thank you for the opportunity to support this important measure. Maui County has experienced huge problems with abandoned vehicles.

Abandoned vehicles are increasingly creating a blight along our roadways as well as private properties. Current programs that provide one (1) disposal of vehicles by the Counties are not working. Vehicle owners are not taking personal responsibility of their vehicles to take them to authorized disposal centers when they are ready to be junked. This will give "teeth" to the growing problem and cause the County strengthen its enforcement of this growing problem.

I support HB 2556, HD 1.

,

Councilmember

February 12, 2020
Page 2

cc:



SanHi

GOVERNMENT STRATEGIES

A LIMITED LIABILITY LAW PARTNERSHIP

DATE: February 12, 2020

TO: Representative Chris Lee
Chair, Committee on Judiciary
Submitted Via Capitol Website

FROM: Matt Tsujimura

RE: **H.B. 2556 HD1 Relating to Vehicles**
Hearing Date: Thursday, February 13, 2020, 2:05 p.m.
Conference Room: 325

Dear Chair Lee, Vice Chair San Buenaventura, and Members of the House Committee on Judiciary:

We submit this testimony on behalf of Enterprise Holdings (“Enterprise”), which includes Enterprise Rent-A-Car, Alamo Rent-A-Car, National Car Rental, Enterprise CarShare and Enterprise Commute (Van Pool).

Enterprise **submits comments** H.B. 2556 HD1, which would, among other things, authorize the county to assess and collect fees, fines, and penalties for actions relating to the disposition of abandoned vehicles.

Enterprise is concerned that H.B. 2556 HD1 and Hawaii Revised Statutes § 286-51 are duplicative. § 286-51 imposes a fee for motor vehicle registrations to be used only for “beautification and other related activities of highways under the ownership, control, and jurisdiction of each county; and to defray the additional cost in the disposition and other related activities of abandoned or derelict vehicles.” If the counties are allowed to create additional rules to collect for the cost of disposal, this would negate the need for § 286-51.

Enterprise appreciates the intent to keep our roads clean and safe. If the committee is compelled to pass the measure, we would request that the cap on the beautification fee in § 286-51 be amended rather than allowing counties to create more duplicative fees.

Thank you for the opportunity to submit this testimony.

HB-2556-HD-1

Submitted on: 2/13/2020 9:56:47 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
J Ashman	Individual	Support	No

Comments:

HB-2556-HD-1

Submitted on: 2/13/2020 11:51:05 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Mae Nakahata	Individual	Support	No

Comments:

LATE

HB-2556-HD-1

Submitted on: 2/13/2020 12:02:51 PM
Testimony for JUD on 2/13/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carol Reimann	Individual	Support	No

Comments: