



**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:

SENATE COMMITTEE ON TRANSPORTATION

DATE: Wednesday, March 11, 2020 **TIME:** 1:15 p.m.

LOCATION: State Capitol, Room 225

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

Chair Inouye 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.

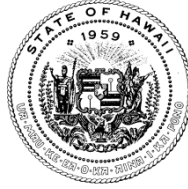
A misdemeanor offense may be punishable by up to one year incarceration pursuant to section 706-663, Hawaii Revised Statutes (HRS), which would in turn trigger the right to a jury trial pursuant to article I, section 14 of the Hawai'i State Constitution and section 806-60, HRS (Jury of twelve required).

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.



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

March 11, 2020
1:15 P.M.
State Capitol, Room 225

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

Senate Committee on Transportation

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.



DEREK S. K. KAWAKAMI
Mayor

MICHAEL A. DAHLIG
Managing Director

POLICE DEPARTMENT COUNTY OF KAUAI

3990 KAANA STREET, SUITE 200
LIHUE, HAWAII 96766-1268
TELEPHONE (808) 241-1600
FAX (808) 241-1604
www.kauai.gov/police



TODD G. RAYBUCK
Chief of Police

Testimony of Todd G. Raybuck
Chief of Police
Kaua'i Police Department

Before the
Senate Committee on Transportation
March 11, 2020; 1:15 pm
Conference Room 225

In consideration of
House Bill 2556 HD1
Relating to Vehicles

Honorable Chair Inouye, Honorable Vice Chair Harimoto and Members of the
Committee:

The Kaua'i Police Department (KPD) **strongly supports** House Bill 2556 HD1, which authorizes the withholding and revocation of vehicle registrations and driver's licenses for those who abandon a vehicle under specified conditions and authorizes the assessment and collection of charges relating to abandoned and derelict vehicles.

In recent years, the County of Kauai has experienced an exponential increase in abandoned vehicles. Until recently, one person within the KPD managed the coordination and processing of abandoned and derelict vehicles. Due to the overwhelming volume of reported abandoned and derelict vehicles, the KPD created a new position and recently hired a second abandoned vehicle coordinator.

The KPD agrees with the statement that "existing laws allow motor vehicle owners to abandon vehicles with impunity." It is very difficult to hold motor vehicles owners who abandoned vehicles accountable. The cost to locate and recover monies from such owners is fiscally ineffectual and a burden to taxpayers.

Allowing the Director of Finance of each County to withhold or revoke vehicle registrations and driver's licenses for those who abandoned a vehicle and to assess and



collect charges relating to abandoned and derelict vehicles will be of great benefit to each County. It will in time reduce the number of abandoned and derelict vehicles reported each year, hold accountable those who abandon vehicles and allow the Counties to recoup a portion of the cost of processing abandoned vehicles, thereby reducing the burden on taxpayers.

For these reasons the Kauai Police Department **strongly supports** House Bill 2556 HD1.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Todd G. Raybuck". The signature is stylized with a large, looped "R" and a long horizontal stroke at the end.

Todd G. Raybuck
Chief of Police
Kaua'i Police Department



Testimony of the
Hawaii State Association of Counties
on
H.B. No. 2556, H.D.1
Relating to Registration of Vehicles
Committee on Transportation
Wednesday, March 11, 2020, 1:15 p.m.
Room 225

The Hawaii State Association of Counties (HSAC) supports H.B. No. 2556, H.D. 1, with a proposed amendment.

H.B. No. 2556, H.D.1:

- Authorizes a county director of finance to withhold the issuance or renewal of a certificate of registration for a motor vehicle until the county is reimbursed for the costs of the disposition of an abandoned vehicle;
- Makes it a misdemeanor to abandon a vehicle on any roadway or property without the consent of the owner or lessee of the property;
- Requires a court to report to the county director of finance any conviction for abandoning a vehicle and prohibits the convicted person from operating a vehicle; and
- Authorizes the county to assess and collect fees and penalties for actions relating to the disposition of abandoned vehicles.

HSAC supports the intent of H.B. No. 2556, H.D.1, which will help in addressing the problem of abandoned and derelict vehicles. The more immediate problem are the costs for the removal and disposal of abandoned or derelict vehicles, which in many cases, are absorbed by the county. These costs may vary from county to county depending upon the availability of towing resources, storage areas for the vehicles, operating funds, recycling options for the vehicles, etc.

Kauai Police Department, for example, has testified that, "In the last quarter alone, we towed 247 abandoned or derelict vehicles. Towing charges for that quarter totaled \$66,462.

To address the problem, the Department of Customer Service, City and County of Honolulu, has requested that the cap on the fee that a county may impose to defray the cost in the disposition and other related activities of abandoned or derelict vehicles be removed to address the rising number of abandoned vehicles.

HSAC requests that H.B. No. 2556, H.D.1, be further amended by amending subsection (b) of section 286-51, HRS, to delete the cap on the fee that a county may impose to defray the costs to remove and dispose of abandoned or derelict vehicles. As amended, the subsection would read:

"(b) This part shall be administered by the director of finance in conjunction with the requirements of sections 249-1 to 249-13 and shall entail no

additional expense or charge to the person registering the ownership of a motor vehicle other than as provided by this section or by other laws; provided that for each new certificate of ownership issued by the director of finance under section 286-52, the director of finance may charge a fee which shall be deposited in the general fund. The fees charged to issue a new certificate of ownership shall be established by the county's legislative body.

Notwithstanding any other law to the contrary, an additional fee of not more than \$1 for each certificate of registration for a U-drive motor vehicle and \$2 for each certificate of registration for all other motor vehicles may be established by ordinance and collected annually by the director of finance of each county, to be used and administered by each county:

- (1) For the purpose of beautification and other related activities of highways under the ownership, control, and jurisdiction of each county; and
- (2) To defray the additional cost in the disposition and other related activities of abandoned or derelict vehicles as prescribed in chapter 290. For the purposes of this paragraph, other related activities shall include but need not be limited to any and all storage fees that are negotiated between each county and a towing company contracted by the county to remove and dispose of abandoned or derelict vehicles.

The \$2 fee established pursuant to this subsection for certificates of registration for motor vehicles other than U-drive motor vehicles may be increased by ordinance ~~[up to a maximum of \$10]~~; provided that all amounts received from any fee increase over \$2 shall be expended only for the purposes of paragraph (2). The moneys so assessed and collected shall be placed in a revolving fund entitled, "the highway beautification and disposal of abandoned or derelict vehicles revolving fund."

This amendment will authorize each county to determine their costs associated with the removal and disposal of abandoned or derelict vehicles and to set the charge for that county.

With this amendment, HSAC supports H.B. 2556.

Thank you for the opportunity to submit testimony on this legislation.



DEPARTMENT OF FINANCE
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

REIKO MATSUYAMA
DIRECTOR

MICHELLE L. LIZAMA
DEPUTY DIRECTOR

Testimony of Reiko Matsuyama
Director of Finance, County of Kauai

Before the
Senate Committee on Transportation
March 11, 2020; 1:15 pm
Conference Room 225

In consideration of
House Bill 2556 HD1
Relating to Vehicles

Honorable Chair Inouye, Vice Chair Harimoto, and Members of the Committee:

The Finance Department of the County of Kauai **strongly supports** HB 2556 HD1, which provides leverage by the director of finance of a county to restrict issuance of a driver's license or registration. Accountability is a serious issue when it comes to addressing the root cause of abandoned/derelict vehicles. Rather than increase fees that will burden the entire community, we would rather address the problem and take action on those who are the contributors to the problem.

The County of Kauai, like many other jurisdictions, has a major issue with abandoned and derelict vehicles. While our Kauai Police Department (KPD) is faced with addressing the towing and removal of these vehicles, the motor vehicle division is trying to work closely with KPD to address the root cause of the issue.

In preliminary discussions with KPD, they have a difficult time enforcing the collection of outstanding towing and related costs. In addition, there are recurring offenders who litter our island with cars. When their names were mentioned in our meetings, our motor vehicle staff indicated that they are regularly in the DMV transferring and registering vehicles.

If we were able to turn away these recurring offenders from transferring and/or registering vehicles along with the revocation of driver's licenses, it would either force them to pay the bills that are now being absorbed by KPD or it would prevent them from improperly disposing these additional vehicles.

It is for these reasons, that we **strongly support** HB 2556 HD1. Thank you for your consideration of this testimony.

Sincerely,

Reiko Matsuyama
Finance Director

www.kauai.gov

4444 Rice Street Suite 280 • Lihu'e, Hawai'i 96766 • (808) 241-4200 (b) • (808) 241-6529 (f)
An Equal Opportunity Employer



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

March 10, 2020

TO: Honorable Chair Inouye, Vice Chair Harimoto and Members of the Committee

FROM: Yuki Lei K. Sugimura
Councilmember *Yuki Lei Kashiwa Sugimura*

DATE: March 11, 2020

SUBJECT: **HD 2556, RELATING TO VEHICLES - SUPPORT**

Thank you for this opportunity to testify in STRONG SUPPORT of this important measure. The purpose of this measure is to force accountability when disposing of vehicles.

I support this measure for the following reasons:

1. Individuals are held accountable for disposing of vehicles.
2. County directors of finance are authorized to withhold the issuance or renewal of a certificate of registration until costs associated with abandoned vehicles are recovered.
3. Fines are levied to those who abandon vehicles.

Abandoned vehicles have become a blight across the islands, costing counties significant dollars by incurring costs beyond that recovered during registration. The **current outstanding towing, removal and disposal charges for abandoned and derelict vehicles for Maui County is estimated to be \$1,448,662.** The blight distracts from the beauty of our islands and can host vermin and pests as some use the abandoned vehicles to dispose of their garbage. The abandoned vehicles further become habitats for feral cats and other animals as well as impede traffic on narrow streets. Current laws partially provide the means to collect and dispose of vehicles but do not hold individuals that abandon vehicles accountable. This measure is similar to that in force in Massachusetts that has significantly reduced the number of abandoned vehicles.

For the foregoing reasons, I respectfully request your support of this measure.

DATE: March 10, 2020

TO: Senator Lorraine Inouye
Chair, Committee on Transportation
Submitted Via Capitol Website

FROM: Matt Tsujimura

RE: **H.B. 2556, H.D.1 Relating to Vehicles**
Hearing Date: Monday, March 11, 2020, 1:15 p.m.
Conference Room: 225

Dear Chair Inouye, Vice Chair Harimoto, and Members of the Senate Committee on Transportation:

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, H.D.1, 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, H.D.1 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.

In the alternative, Enterprise would propose that the language on page 3 line 19 to page 4 line 4 be inserted into § 290-12 to read as follows:

“§290-12 Leaving abandoned or derelict vehicles. (a) The registered owner of an abandoned vehicle, as defined in section 290-1, or a derelict vehicle, as defined in

section 290-8, found on any roadway, alley, street, way, lane, trail, bridge, or highway or other public property or on private property without authorization of the owner or occupant shall be fined not more than \$1,000; provided that the registered owner shall not be fined if the abandoned or derelict vehicle has been stolen or taken from the registered owner without permission or authorization.

(b) The registered owner of an abandoned vehicle, as defined in section 290-1, or a derelict vehicle, as defined in section 290-8, found on any roadway, alley, street, way, lane, trail, bridge, or highway or other public property or on private property without authorization of the owner or occupant shall be assessed by the county, all fees, fines, and penalties relating to the towing, storage, processing and disposal of abandoned vehicles, including those vehicles deemed to be derelict vehicles; provided that if the registered owner is the lessor of a rental or U-drive motor vehicle and if the vehicle is leased at the time of the violation, the lessee at the time of the violation shall be assessed the fees, fines, and penalties."

Thank you for the opportunity to submit this testimony.

HB-2556-HD-1

Submitted on: 3/10/2020 12:09:36 PM

Testimony for TRS on 3/11/2020 1:15:00 PM

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

Comments:

HB-2556-HD-1

Submitted on: 3/10/2020 12:12:18 PM

Testimony for TRS on 3/11/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kalani	Individual	Support	No

Comments:

LATE

HB-2556-HD-1

Submitted on: 3/11/2020 9:44:26 AM

Testimony for TRS on 3/11/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rayne	Individual	Oppose	No

Comments: