

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

ON THE FOLLOWING MEASURE:

S.B. NO. 3025, RELATING TO MOTOR VEHICLES.

BEFORE THE:

SENATE COMMITTEE ON TRANSPORTATION

DATE: Monday, February 10, 2020 **TIME:** 2:30 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.

This bill provides for the immediate towing by the Department of Transportation and county police when the parked motor vehicle is not properly registered or does not display a valid safety inspection sticker or is otherwise parked or stopped in violation of any state traffic law.

The seizure of private property must satisfy due process requirements as guaranteed by the Fifth Amendment to the United States Constitution and Article I, section 5 of the Hawai'i State Constitution. *Stypmann v. City and County of San Francisco*, 557 F.2d 1338, 1342 (9th Cir. 1977) (due process protections apply to the detention of private automobiles because the private interest in the uninterrupted use of an automobile is substantial).

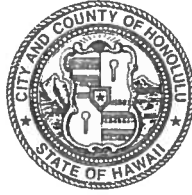
In general, due process requires notice and an opportunity to be heard before government deprives a person of property or liberty. *Brown v. Thompson*, 91 Hawai'i 1, 10, 979 P.2d 586, 595 (1999) (adequate notice must inform the affected parties of the action to be taken against them and of procedures available for challenging that action). As written, the bill does not provide adequate notice to the registered owner or any lien holder that may be deprived of the property by the immediate towing of the parked vehicle.

Thank you for the opportunity to provide comments.

LATE

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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February 10, 2020

The Honorable Lorraine R. Inouye, Chair
and Members
Committee on Transportation
Hawaii State Capitol, Room 225
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Inouye and Members:

SUBJECT: Senate Bill No. 3025, Relating to Motor Vehicles

I am Gerald Kaneshiro, Major of the Communications Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 3025, Relating to Motor Vehicles.

This bill authorizes the county police departments to immediately tow a vehicle that does not have a valid registration or a valid safety inspection sticker. There are provisions for the City and County of Honolulu in Revised Ordinances of Honolulu Section 15-13.9, Authority to store vehicles, that authorize such vehicles to be towed by the Honolulu Police Department or by the Customer Services Department.

The HPD opposes this bill due to towing a vehicle immediately. Police officers respond to many types of cases daily and the towing of any vehicle is prioritized. Most often, vehicles involved in a motor vehicle collision or causing a traffic hazard require towing immediately.

The HPD opposes ~~to~~ Senate Bill No. 3025.

Thank you for the opportunity to testify.

APPROVED:

Handwritten signature of Susan Ballard in cursive.

Susan Ballard
Chief of Police

Sincerely,

Handwritten signature of Gerald Kaneshiro in cursive.
Gerald Kaneshiro, Major
Communications Division

SB-3025

Submitted on: 2/9/2020 1:47:33 AM

Testimony for TRS on 2/10/2020 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:

The vehicles often get stripped and torched. This is dangerous for people and detrimental to the environment. No need to talk about anything else. You can imagine that.

SB-3025

Submitted on: 2/9/2020 11:01:51 AM

Testimony for TRS on 2/10/2020 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan P. Armstrong	Individual	Support	No

Comments:

SB-3025

Submitted on: 2/9/2020 12:13:04 PM

Testimony for TRS on 2/10/2020 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamalani Keliikuli	Individual	Support	No

Comments:

SB-3025

Submitted on: 2/9/2020 2:07:13 PM

Testimony for TRS on 2/10/2020 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelly LumHo	Individual	Support	No

Comments:

I agree that any illegally parked vehicles should be towed immediately especially ones that are not up to date with the proper stickers.

LATE

SB-3025

Submitted on: 2/10/2020 2:28:18 AM
Testimony for TRS on 2/10/2020 2:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeanette Grace	Individual	Support	No

Comments:

I support SB3025.

With the ever increasing amount of vehicles on our roadways, vehicle owners needs to be held responsible to keep their vehicles updated with current registration and safety inspections. Those vehicles that are either operated on or parked on public roadways should be subject to tow and impound.

Our police departments needs to enforce this bill to reduce the amount of vehicles that have expired tags to be taking up valuable parking spaces for those vehicle owners that do abide by the law.

In addition to vehicles to be subject to tow, enforcement also needs to be taken to have these vehicle registrations and safety inspections updated prior to being bailed out of the various tow lots back onto our streets. For those vehicle owners that are unable to update their registrations and or safety checks, plates should be taken off and vehicle placed in storage. The bailed out vehicle will then need to be towed out of the tow lot and stored on private property (off of public streets) until the vehicle is able to be updated. This will reduce the amount of vehicles operating with expired tags on our roadways and parking on the streets in addition to increasing the intake of vehicle taxes that will be paid.