

ACT 267

H. B. 583.

A Bill for an Act Relating to the Disposition of Abandoned Vehicles by the Counties and Amending Section 138-32 of the Revised Laws of Hawaii 1955, as Amended.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 138-32 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“Sec. 138-32. Disposition by counties of certain abandoned vehicles. The counties of Hawaii, Kauai and Maui and the city and county of Honolulu may cause to be taken into custody, and to dispose of the same,

vehicles which have been left unattended for a continuous period of more than twenty-four hours and which are unlawfully on any public highway or other public property, or which have been left on private property without authorization of the owner or occupant of such property. The chairman of the board of supervisors of the counties of Hawaii, Kauai and Maui and the mayor of the city and county of Honolulu are authorized and empowered to designate an agency within their counties to carry out the functions and requirements of this section. The term "agency" shall mean any office, department or other governmental unit of the county.

Upon taking custody of any such vehicle, a written notice shall immediately be sent by registered or certified mail, with a return receipt, to the legal and registered owner of such vehicle at the address on record at the vehicle licensing division. The notice shall contain a brief description of the vehicle, the location of custody and intended disposition of such vehicle if not repossessed within 20 days after the mailing of such notice. A notice need not be sent to a legal and/or registered owner or any person with an unrecorded interest in such vehicle whose name or address cannot be determined.

If the vehicle is not repossessed within the time limits hereinabove provided, the vehicle shall be disposed of by public auction, through oral tenders or by sealed bids, after public advertisement has been made once in a newspaper of general circulation; provided that the public auction shall not be held less than five days after the publication has been made. Where no bid is received, the vehicle may be either sold by negotiation, disposed of or sold as junk or donated to any governmental agency.

Any person entitled to the vehicle may repossess the same prior to the date of public auction upon payment of all towing, handling, storage, appraisal, advertising and any other expenses incurred in connection with said vehicle. If the person claiming the vehicle is not the legal or registered owner, he may repossess the vehicle upon paying the foregoing expenses and posting adequate security not to exceed the value of the vehicle. Such security, if not forfeited, shall be returned two years from receipt.

The requirements of public auction may be waived when the appraised value of any vehicle is less than \$100.00 as determined by an independent appraiser who has had at least one year of experience in the sale or purchase of motor vehicles as a licensed motor vehicle salesman. In that event such vehicle may, after public advertisement has been made once in a newspaper of general circulation, be disposed of in the same manner for which the vehicle is put up for public auction and no bid is received.

The transfer of title and interest by sale hereunder shall be considered a transfer by operation of law and shall be governed by provisions applicable thereto; provided that in the event the certificate of ownership or registration is unavailable, the bill of sale executed by the authorized county officer shall be satisfactory evidence authorizing the transfer of such title or interest.

All proceeds from the sale of vehicles shall be deposited into the general fund of the county. The legal or registered owner shall be entitled to recover

the excess of the proceeds from the sale over expenses, if a claim is filed with the county within one year from the execution of the sales agreement. The registered owner shall receive priority of payment to the extent of his lien on the vehicle. The county may file a claim within the same period against the legal or registered owner or person with an unrecorded interest for the deficiencies between the sale proceeds and expenses.”

SECTION 2. This Act shall take effect upon its approval.

(Approved June 7, 1967.)