

ACT 158

H.B. NO. 821

A Bill for an Act Relating to Abandoned Vehicles.

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

SECTION 1. **Findings.** The committee on derelict and abandoned vehicles was created by the legislature during the 1987 Regular Session in Senate Resolution No. 101, S.D. 1, to study the aesthetic, safety, environmental, and financial problems caused by the proliferation of abandoned vehicles on Oahu. The committee, which was comprised of representatives from the city and county of Honolulu, the

State of Hawaii, and the federal government, issued its findings and recommendations in A Report to the State Legislature: The Problem of Derelict and Abandoned Vehicles on Oahu. This Act implements the changes recommended by the committee in its report.

SECTION 2. Section 249-10, Hawaii Revised Statutes, is amended to read as follows:

“§249-10 Delinquent penalties; seizure and sale for tax. (a) Any tax imposed by sections 249-1 to 249-13 for any year and not paid before April 1 of [such] that year, or at any subsequent date when due, shall become delinquent and a penalty shall be added to, and become a part of, the delinquent tax. The amount of the delinquency penalty shall be established by the county’s legislative body. Any vehicle not having the number plates required by sections 249-1 to 249-13, or any vehicle upon which taxes are delinquent as [hereinbefore] provided[,] in this section, may be seized, wherever found, by the director of finance or by any police officer, and held for a period of ten days, during which time the vehicle shall be subject to redemption by its owner by payment of the taxes due, together with the delinquent penalties and the cost of storage and other charges incident to the seizure of the vehicle. The director of finance, chief of police, or any police officer shall be deemed to have seized and taken possession of any vehicle, after having securely sealed it where located and posted a notice upon the vehicle, setting forth the fact that it has been seized for taxes and warning all other persons from molesting it under penalty provided by section 249-11.

(b) All vehicles [so] seized and sealed shall remain at the place of seizure or at such other place as the director of finance may direct, at the expense and risk of the owner. If the owner of the vehicle fails to redeem it within ten days after seizure, the vehicle may be sold by the director of finance at public auction to the highest bidder for cash, after giving ten days public notice [thereof] in a newspaper of general circulation published in the county, or by posting notices [thereof] in at least three public places in the district where the vehicle was seized[.]; provided that the requirements of public auction may be waived when the appraised value of any vehicle is less than \$250 as determined by the director of finance or authorized representative, in which case the vehicle may be disposed of in the same manner as when a vehicle is put up for public auction and for which no bid is received. The amount realized at the sale, less the amount of the tax and penalty due, together with all costs incurred in advertising, storing, and selling the vehicle and all other charges incident to the seizure and sale, shall be paid to the owner of the vehicle. If no claim for the surplus is filed with the director of finance within sixty days from the date of the sale, the surplus shall be paid into the county treasury as a government realization and all claim to such sum shall thereafter be forever barred.

(c) The owner of any antique motor vehicle shall be exempt from the tax and delinquent penalty imposed under this chapter for the entire period of nonuse; provided that the owner of the antique motor vehicle shall first present to the director of finance a signed and sworn certificate attesting to the antique motor vehicle’s period of nonuse.”

SECTION 3. Section 290-2, Hawaii Revised Statutes, is amended to read as follows:

“§290-2 Notice to owner. Upon taking custody of any [such] abandoned vehicle, a written notice shall immediately be sent by registered or certified mail, with a return receipt, to the legal and registered owner of the 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 the vehicle if not repossessed within [twenty] ten days after the mailing of the notice. A notice need not be sent to a legal or registered owner or any person with an unrecorded interest in the vehicle whose name or address cannot be determined.”

SECTION 4. Section 290-5, Hawaii Revised Statutes, is amended to read as follows:

“§290-5 Waiver of public auction requirements. The requirements of public auction may be waived when the appraised value of any vehicle is less than [\$100] \$250 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.] the director of finance or authorized representative. In that event the vehicle [may], after public advertisement has been made once in a newspaper of general circulation, may be disposed of in the same manner as when a vehicle is put up for public auction and for which no bid is received.”

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

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

(Approved June 7, 1989.)