

ACT 147

H.B. NO. 2503

A Bill for an Act Relating to Derelict Vehicle.

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

SECTION 1. The legislature finds that the current law that permits disposal of a derelict vehicle without notice to the owner because the vehicle is “ten model years old or older” does not comply with the holding in *Wong v. City and County of Honolulu*, 333 F. Supp. 2d 942 (D. Hawaii 2004). In that case, United States District Court Senior Judge Alan C. Kay ruled that disposing of a vehicle deemed derelict under current law, without providing notice to the owner, simply because it is ten model years old or older violates constitutional guarantees of procedural due process.

The purpose of this Act is to delete the reference to vehicles that are “ten model years old or older” from the list of conditions in section 290-8, Hawaii Revised Statutes, which permit a derelict vehicle to be disposed of without notice to the owner. This Act also changes the references to the housing and community development corporation of Hawaii to the Hawaii public housing administration to reflect changes made by Act 196, Session Laws of Hawaii 2005, that take effect on July 1, 2006.

SECTION 2. Section 290-8, Hawaii Revised Statutes, is amended to read as follows:

“**§290-8 Derelict vehicle.** A vehicle shall be deemed a derelict vehicle by the administrative head of the county agency designated to carry out section 290-1, or by the executive director or a representative of the executive director of the ~~[housing and community development corporation of]~~ Hawaii public housing administration in the case of a vehicle ~~[which]~~ that has been abandoned on property

owned, managed, or administered by the ~~[corporation,] administration~~, if major parts have been removed or material damage to the vehicle has rendered the vehicle inoperable and one of the following conditions exists:

- (1) The vehicle is registered for the current registration period and the registered and legal owners no longer reside at the addresses on record with the county director of finance;
- (2) The vehicle has been registered for the current or previous registration period and the registered and legal owners disclaim ownership;
- (3) The vehicle identification number and license plates have been removed so as to nullify efforts to locate or identify the current registered and legal owners;
- (4) The vehicle has not been registered for the current or previous registration periods; or
- (5) The vehicle registration records of the county director of finance contain no record that the vehicle has ever been registered in the county[; or
- (6) ~~The vehicle is ten model years old or older].~~

Prior to authorizing the removal of a derelict vehicle, the administrative head of the county agency designated to carry out section 290-1 or the executive director or a representative of the executive director of ~~[the housing and community development corporation of Hawaii]~~ the Hawaii public housing administration in the case of vehicles ~~[which]~~ that have been abandoned on property owned, managed, or operated by the ~~[corporation,] administration~~, shall notify the county chief of police only if the vehicle is reported stolen or otherwise needed for police investigation.’’

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 26, 2006.)