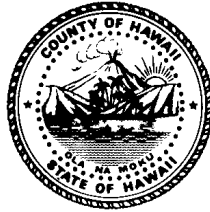


Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director



Ramzi I. Mansour
Director

Brenda D. Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanā'oa Street, Suite 41 • Hilo, Hawai'i 96720

(808) 961-8083 • Fax (808) 961-8086

<http://www.hawaiicounty.gov/environmental-management/>

DERELICT/ABANDONED VEHICLES PROCEDURES

Outlined below are the procedures for the processing and handling of derelict/abandoned vehicles pursuant to Hawai'i Revised Statutes ("HRS") Chapter 290.

1. To report an abandoned vehicle, call Police Dispatch at 935-3311.

The County Abandoned Vehicle Coordinator cannot plan for removal of the vehicle until a police report is received.
2. A Police Officer locates the vehicle and attaches a notice advising the owner to remove the vehicle within 24 hours.
 - If the vehicle is removed within 24 hours, no report is initiated.
 - If the vehicle remains at the scene 24 hours later, a police report is initiated. As per HRS 290-1
3. Once the police report is approved by the supervising officer, the police report is sent to the Traffic Services Section (TSS) of the Police Department. TSS forwards the police report to the DAV Section. The DAV Section reviews the police report to ensure eligibility to be towed under the Section. Under section HRS 290-1 and County Bill 154, Section 2; vehicles parked on a public highway, public property, or private lands defined as a setback, shoulder, easement or right of way that is adjacent to or part of a public highway and publicly traveled private roads that are located on or within 10 feet of the edge of the roadway.

To check the status of an abandoned vehicle that has already been reported, please call TSS at 961-2226 or 961-2227.

4. Once the police report is received and the vehicle is checked by the DAV Coordinator, the DAV Coordinator will plan with the towing service contractor to remove the vehicle within 72 hours of the DAV Sections issuing of a tow request.
 - If the vehicle is derelict, may be hauled directly to the metal recovery site from the location it was abandoned.
 - If the vehicle is not derelict, it is hauled to the County impound site, and the DAV Section will attempt to notify the registered owner and or lien

holder by certified mail. The registered owner may be charged for the towing and storage of the vehicle. If the registered owner does not claim the vehicle, the registered owner may be charged for the disposal cost as well as all other costs, including the towing, handling, storage, appraisal, advertising, and any other expenses incurred in connection with the vehicle being impounded from the location it was abandoned.

5. If the vehicle is not at the location indicated on the police report when the towing service contractor arrives, the case is closed, and no further action is taken.

Attachment: HRS 290-41

**[PART I. VEHICLES ABANDONED ON PUBLIC AND PRIVATE PROPERTY
GENERALLY]**

§290-1 Disposition by counties of certain abandoned vehicles. (a) The counties may cause vehicles that have been abandoned to be taken into custody and disposed of. For the purposes of this subsection, a vehicle is "abandoned" if it is defined to be abandoned by an ordinance of the county in which the vehicle is located. In the absence of such an ordinance, a vehicle is "abandoned" if it is left unattended for a continuous period of more than twenty-four hours and it is unlawfully parked on any public highway or other public property or private lands defined as a setback, shoulder, easement, or right of way that is adjacent to or part of a public highway. The mayors of the several counties may designate an agency within their counties to carry out the functions and requirements of this section. The term "agency" means any office, department, or other governmental unit of the county.

(b) The Hawaii public housing authority may cause vehicles that have been abandoned on any public housing property owned, managed, or administered by the Hawaii public housing authority to be taken into custody and disposed of. For the purposes of this subsection, a vehicle is "abandoned" if it is left unattended for a continuous period of more than twenty-four hours after a notice is conspicuously posted on the vehicle that the vehicle is subject to disposal pursuant to this subsection.

(c) At the request of the landowner, a county may cause vehicles to be taken into custody and disposed of that have been abandoned on roads for which dedication to the State or county is pending. For purposes of this subsection, a vehicle is deemed abandoned if it is left unattended for a continuous period of more than twenty-four hours after a notice is conspicuously posted on the vehicle stating that the vehicle is subject to disposal pursuant to this subsection. [L 1949, c 194, pt of §1; RL 1955, pt of §138-32; am L 1967, c 267, pt of §1; HRS §290-1; am L 1984, c 261, §1; am L 1992, c 238, §1; am L 1997, c 350, §14; am L 2005, c 162, §1 and c 196, §26; am L 2006, c 180, §16; am L 2009, c 193, §§1, 4]

Attachment: County Bill 154, Section 2

BILL NO. 154

SECTION 2. Chapter 20, article 3, section 20- 38, of the Hawai`i County Code 1983 (2016 Edition, as amended), is amended to read as follows:

Section 20- 38. Prohibition; disposition of abandoned or derelict vehicles.

a) No person shall leave, abandon, or place any wrecked or nonoperational automobile or construction equipment or part or portion of a wrecked or nonoperational automobile or construction equipment, or scrap iron, or other similar material, upon any part of a public highway, public property, or private property of another.

b) The department shall take into custody and dispose of abandoned or derelict vehicles in accordance with chapter 290, Hawai`i Revised Statutes.

c) The removal of abandoned or derelict vehicles shall be subject to the following:

- 1) The department shall only remove abandoned or derelict vehicles that are located on or within ten feet from the edge of any public or private road;
- 2) The department shall not remove abandoned or derelict vehicles from any area, if the director determines that the area is unsafe for a tow truck to traverse; and
- 3) All decisions to tow shall be subject to the discretion of the director.

d) The director shall develop and implement a public outreach program to educate residents, community associations, road corporations, tow companies, and the public about the disposition of abandoned or derelict vehicles including the procedures for reporting abandoned or derelict vehicles.

e) The department shall adopt rules regarding the disposition of abandoned or derelict vehicles, that are in accord with chapter 290, Hawaii Revised Statutes."