

Rule 1.05 Hearings Subsequent To Seizure Or Impoundment Of Motor Vehicles Pursuant To Section 249-10, Hawaii Revised Statutes.

- a. RIGHT OF OWNER TO A HEARING. When a motor vehicle is seized or impounded pursuant to Section 249-10, H.R.S., the Director of Finance shall immediately notify the owner thereof that his vehicle has been seized or impounded and shall afford the owner a hearing thereon.
- b. NOTICE; CONTENTS. In addition to notifying the owner of the seizure or impoundment of his vehicle as provided in paragraph (a) above, the notice shall advise the owner that he has the opportunity to be heard within seventy-two (72) hours after the seizure or impoundment or the receipt of notice thereof.
- c. HEARING PROCEDURES. The Director or his duly authorized representative shall conduct the hearing in conformance with the applicable provisions of Chapter 91, H.R.S.
- d. DECISION AND ORDER. Upon consideration of the facts adduced at the hearing, the Director or his duly authorized representative shall enter one of the following orders:

- (1) If the Director finds that the seizure or impoundment of the vehicle is lawful and warranted, he shall order that the vehicle be held for a period of ten (10) days from the date of seizure or impoundment, during which time the vehicle shall be subject to redemption by its owner upon payment of taxes due, together with the delinquent penalties and the cost of storage and other charges incident to the seizure or impoundment. If the vehicle is not redeemed within ten (10) days, the Director may order that the vehicle be sold at auction in accordance with the provisions of Chapter 249-10, H.R.S.
- (2) If the Director finds that the seizure or impoundment of the vehicle is unlawful or unwarranted, he shall order that the vehicle be returned to the owner at no cost.

Each decision and order adverse to the owner shall be in writing and shall be accompanied by separate findings of fact and conclusions of law. If any party to the proceeding has filed proposed findings of fact, the Director shall incorporate in his decision a ruling upon each finding presented. Parties to the proceeding shall be notified by delivery or mailing of a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party or to his attorney of record.

- e. JUDICIAL REVIEW. Judicial review of the decision and order of the ruling rendered in the hearing shall be provided in Chapter 91, H.R.S.

I, Alfred C. Lardizabal, in my capacity as Director of the Department of Finance of the County of Kauai, do hereby certify:

1. That the foregoing is a full, true and correct copy of the Kauai County Finance Department Rule 1.05 which was adopted by the Department of Finance on April 28, 1978; and

2. That the notice of public hearing on the foregoing Rules of the Kauai County Finance Department 1.05, which notice included the substance of such rules, was published in The Garden Island on April 7, 1978.

*Alfred C. Lardizabal*  
ALFRED C. LARDIZABAL  
DIRECTOR OF FINANCE

APPROVED AS TO FORM AND LEGALITY

*Michael J. Bell*  
2ND DEP. COUNTY ATTORNEY

APPROVED THIS 12th DAY OF MAY, 1978

*Eduardo E. Malapit*  
EDUARDO E. MALAPIT  
MAYOR, COUNTY OF KAUAI

RECEIVED THIS 12th DAY OF May, 1978.

*Jan L. Merri*  
COUNTY CLERK

*End*