
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 290-11, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Towing companies engaged by the owner, occupant, or
4 person in charge of the property shall:

5 (1) Charge not more than \$65 for a tow, or \$75 for a tow
6 using a dolly, plus a mileage charge of \$7.50 per mile
7 towed and \$25 per day or fraction thereof for storage
8 for the first seven days and \$20 per day thereafter.

9 If the vehicle is in the process of being hooked up to
10 the tow truck and the owner appears on the scene
11 before the vehicle has been moved by the tow truck,
12 the towing company shall unhook the vehicle[~~-~~] and
13 shall not charge any fee to the owner of the vehicle.

14 In the case of a difficult hookup, meaning an above or
15 below ground hookup in a multilevel facility, a towing
16 surcharge of \$30 shall be applicable;

17 (2) Determine the name of the legal owner and the
18 registered owner of the vehicle from the department of



1 transportation or the county department of finance.
2 The legal owner and the registered owner shall be
3 notified in writing at the address on record with the
4 department of transportation or with the county
5 department of finance by registered or certified mail
6 of the location of the vehicle, together with a
7 description of the vehicle, within a reasonable period
8 not to exceed fifteen days following the tow. The
9 notice shall state:

10 (A) The maximum towing charges and fees allowed by
11 law;

12 (B) The telephone number of the consumer information
13 service of the department of commerce and
14 consumer affairs; and

15 (C) That if the vehicle is not recovered within
16 thirty days after the mailing of the notice, the
17 vehicle shall be deemed abandoned and will be
18 sold or disposed of as junk.

19 Where the owners have not been so notified, then the
20 owner may recover the owner's car from the towing
21 company without paying tow or storage fees; provided
22 that the notice need not be sent to a legal or



1 registered owner or any person with an unrecorded
2 interest in the vehicle whose name or address cannot
3 be determined. Absent evidence to the contrary, a
4 notice shall be deemed received by the legal or
5 registered owner five days after the mailing. A
6 person, including but not limited to the owner's or
7 driver's insurer, who has been charged in excess of
8 the charges permitted under this section may sue for
9 damages sustained and, if the judgment is for the
10 plaintiff, the court shall award the plaintiff a sum
11 not to exceed the amount of the damages and reasonable
12 attorney's fees together with the cost of suit;

13 (3) Provide, when a vehicle is recovered by the owner
14 before written notice is sent by registered or
15 certified mail, the owner with a receipt stating:

16 (A) The maximum towing charges and fees allowed by
17 law; and

18 (B) The telephone number of the consumer information
19 service of the department of commerce and
20 consumer affairs; and



1 (4) Accommodate payment by the owner for charges under
2 paragraph (1) by cash and by either credit card or automated
3 teller machine located on the premises."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Transportation; Abandoned Vehicles; Tow Truck Fees.

Description:

Prohibits a towing company from charging the owner of a vehicle targeted for towing if the owner of the vehicle appears on the scene before the vehicle has been moved by the tow truck.

(HB509 HD1)

