
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 or
10 is hooked up to the tow truck and the owner appears on
11 the scene [~~before the vehicle has been moved by the~~
12 ~~tow truck~~], the towing company shall unhook the
13 vehicle[-] and shall not charge any fee to the owner
14 of the vehicle. In the case of a difficult hookup,
15 meaning an above or below ground hookup in a
16 multilevel facility, a towing surcharge of \$30 shall
17 be applicable;



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

12 (A) The maximum towing charges and fees allowed by
13 law;

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

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

21 Where the owners have not been so notified, then the
22 owner may recover the owner's car from the towing



1 company without paying tow or storage fees; provided
2 that the notice need not be sent to a legal or
3 registered owner or any person with an unrecorded
4 interest in the vehicle whose name or address cannot
5 be determined. Absent evidence to the contrary, a
6 notice shall be deemed received by the legal or
7 registered owner five days after the mailing. A
8 person, including but not limited to the owner's or
9 driver's insurer, who has been charged in excess of
10 the charges permitted under this section may sue for
11 damages sustained and, if the judgment is for the
12 plaintiff, the court shall award the plaintiff a sum
13 not to exceed the amount of the damages and reasonable
14 attorney's fees together with the cost of suit;

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

18 (A) The maximum towing charges and fees allowed by
19 law; and

20 (B) The telephone number of the consumer information
21 service of the department of commerce and
22 consumer affairs; [~~and~~]



1 and

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

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

7 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. (HB509 HD2)

