
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1 SECTION 1. Significant increases in the number of
2 abandoned and derelict vehicles being discarded on Hawaii's
3 roadways degrade the beauty of our island state and pose a
4 danger to the public by creating unsafe driving conditions on
5 our highways. While towing companies provide a valuable public
6 service for Hawaii's motorists by removing many of these
7 vehicles in a timely manner, increased costs in operating a
8 towing service, along with increased "scrapping" costs for the
9 disposal of unclaimed or derelict vehicles, has caused tow
10 operators to incur financial hardships. Moreover, the current
11 notification process required by law for the disposition of a
12 motor vehicle that has been towed and determined to be abandoned
13 or derelict is lengthy. In some instances, the process has
14 taken upwards of three months. This increases costs incurred by
15 the towing company for storage of the towed vehicle.

16 While the county in which the towing company is located is
17 most often the requestor for the towing company to remove these
18 abandoned and derelict motor vehicles, the county only pays for



1 the initial towing service and does not pay for any storage fees
2 incurred with the towed motor vehicle even though the storage of
3 the vehicle may be of considerable cost to the towing company.
4 A possible solution to this growing problem is to use funds from
5 the highway beautification and disposal of abandoned or derelict
6 vehicles revolving fund to defray some of the costs associated
7 with storage of abandoned or derelict vehicles until they can be
8 sold at auction or scrapped.

9 Removal of these vehicles should be accomplished as rapidly
10 as possible. Providing the county and tow companies with the
11 tools necessary to take custody and properly dispose of
12 abandoned vehicles in a more efficient manner will aid in this
13 task.

14 Accordingly, the purpose of this Act is to:

- 15 (1) Allow counties to increase registration fees and
16 thereby increase deposits into the highway
17 beautification and disposal of abandoned or derelict
18 vehicles revolving fund to defray costs associated with
19 the storage of abandoned or derelict vehicles;
- 20 (2) Increase towing and storage fees that towing companies
21 are currently allowed to charge;



1 (3) Decrease the number of days required to notify the
2 owner of a towed motor vehicle; and

3 (4) Decrease the number of days the owner of a towed motor
4 vehicle is allowed to recover the motor vehicle before
5 it is deemed abandoned.

6 SECTION 2. Section 286-51, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) This part shall be administered by the director of
9 finance in conjunction with the requirements of sections 249-1
10 to 249-13 and shall entail no additional expense or charge to
11 the person registering the ownership of a motor vehicle other
12 than as provided by this section or by other laws; provided that
13 for each new certificate of ownership issued by the director of
14 finance under section 286-52, the director of finance may charge
15 a fee which shall be deposited in the general fund. The fees
16 charged to issue a new certificate of ownership shall be
17 established by the county's legislative body.

18 Notwithstanding any other law to the contrary, an
19 additional fee of not more than \$1 for each certificate of
20 registration for a U-drive motor vehicle and \$2 for each
21 certificate of registration for all other motor vehicles may be
22 established by ordinance and collected annually by the director



1 of finance of each county, to be used and administered by each
2 county:

3 (1) For the purpose of beautification and other related
4 activities of highways under the ownership, control,
5 and jurisdiction of each county; and

6 (2) To defray the additional cost in the disposition and
7 other related activities of abandoned or derelict
8 vehicles as prescribed in chapter 290. For the
9 purposes of this paragraph, other related activities
10 shall include but not be limited to any and all
11 storage fees that are negotiated between each county
12 and a towing company contracted by the county for the
13 removal and disposition of abandoned or derelict
14 vehicles.

15 The \$2 fee established pursuant to this subsection for
16 certificates of registration for motor vehicles other than U-
17 drive motor vehicles may be increased by ordinance up to a
18 maximum of [~~\$5~~] \$ _____; provided that all amounts received from
19 any fee increase over \$2 shall be expended only for the purposes
20 of paragraph (2). The moneys so assessed and collected shall be
21 placed in a revolving fund entitled, "the highway beautification
22 and disposal of abandoned or derelict vehicles revolving fund".



1 SECTION 3. Section 290-11, Hawaii Revised Statutes, is
2 amended by amending subsections (b) and (c) 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 [~~\$55~~] \$65 for a tow, or [~~\$65~~] \$75
6 for a tow using a dolly, plus a mileage charge of
7 [~~\$6.50~~] \$7.50 per mile towed and [~~\$20~~] \$25 per day or
8 fraction thereof for storage for the first seven days
9 and [~~\$15~~] \$20 per day thereafter. When the tow occurs
10 between the hours of six o'clock p.m. and six o'clock
11 a.m., from Monday through Thursday and from Friday six
12 o'clock p.m. to Monday six o'clock a.m., the towing
13 company shall be entitled to an overtime charge of
14 [~~\$15.~~] \$20. If the vehicle is in the process of being
15 hooked up to the tow truck and the owner appears on
16 the scene before the vehicle has been moved by the tow
17 truck, the towing company shall unhook the vehicle
18 upon payment by the owner of an "unhooking" fee of not
19 more than \$50. If the owner is unwilling or unable to
20 pay the "unhooking" fee, the vehicle may be towed. In
21 the case of a difficult hookup, meaning an above or



1 below ground hookup in a multilevel facility, a towing
2 surcharge of \$30 shall be applicable;

3 (2) Determine the name of the legal owner and the
4 registered owner of the vehicle from the department of
5 transportation or the county department of finance.

6 The legal owner and the registered owner shall be
7 notified in writing at the address on record with the
8 department of transportation or with the county
9 department of finance by registered or certified mail
10 of the location of the vehicle, together with a
11 description of the vehicle, within a reasonable period
12 not to exceed [~~twenty~~] fifteen days following the tow.

13 The notice shall state:

14 (A) The maximum towing charges and fees allowed by
15 law;

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

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



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

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

20 (A) The maximum towing charges and fees allowed by
21 law; and



1 (B) The telephone number of the consumer information
2 service of the department of commerce and
3 consumer affairs; and

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

7 (c) When a vehicle is not recovered within [~~thirty~~] ten
8 days after the mailing of the notice, it shall be deemed
9 abandoned and the owner of the towing company, or the owner of
10 the towing company's authorized representative, after one public
11 advertisement in a newspaper of general circulation in the
12 State, may negotiate a sale of the vehicle or dispose of it as
13 junk."

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.
17

INTRODUCED BY:

[Handwritten signatures and names]
D.W. L. -
Cindy Evans
~~[Signature]~~
Staci Hancock
Alex M. Lawrence
~~[Signature]~~
Marilyn B. Lee
Art Johnson



Report Title:

Abandoned vehicle; towing fees; towing companies

Description:

Allows counties to increase vehicle registration fees. Increases towing and storage fees tow companies are allowed to charge. Decreases the number of days required to notify a motor vehicle owner. Decreases the number of days the motor vehicle owner has to claim the motor vehicle.

