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# A BILL FOR AN ACT

RELATING TO TOWING.

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

1           SECTION 1. Chapter 291C, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§291C- Towing by consent; payment. Notwithstanding any  
5 other law to the contrary, towing companies engaged by the  
6 registered owner of a vehicle for towing services, including  
7 storage if any, shall release the towed vehicle to the  
8 registered owner, legal owner, insurer, or a designated  
9 representative upon payment of fees for towing services and  
10 storage of the vehicle; provided that payment may be made in  
11 cash or by debit card, credit card, insurance company check,  
12 commercial check, or automated teller machine located on the  
13 premises."

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

16           "(f) Notwithstanding any law or ordinance to the contrary,  
17 including subsection (g), and section 46-20.5, any towing  
18 company engaged in towing in a county with a population greater



1 than five hundred thousand [~~shall not be entitled to any~~  
2 ~~overtime charge under subsection (b)(1) if~~] shall offer towing  
3 services to consumers [~~are not offered~~] twenty-four hours per  
4 day every day of the week [~~provided that a towing company shall~~  
5 ~~file their hours of operation with the police department in a~~  
6 ~~county with a population greater than five hundred thousand.~~],  
7 which services shall include the release of vehicles kept in  
8 storage to a registered owner, legal owner, insurer, or a  
9 designated representative."

10 SECTION 3. Section 291C-135, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§291C-135 Tow trucks; signage and insurance requirements.**

13 Notwithstanding any other law to the contrary, the registered  
14 owner or lessee of a tow truck shall:

15 (1) Permanently affix on each door of the truck a sign  
16 with the name and telephone number of the tow  
17 business. The letters and numbers used in the sign  
18 shall be no less than two inches in height; and

19 (2) Maintain insurance [~~coverage sufficient~~] in the  
20 following amounts:

21 (A) Bodily injury of not less than \$500,000;

22 (B) Property damage of not less than \$200,000; and



1           (C) On-hook coverage of not less than \$175,000; or

2           (D) A combined single limit of liability of not less  
3           than \$1,000,000,

4           to protect owners of towed vehicles in the event of  
5           vehicle loss or damage due to towing[-] or bodily  
6           injury in the course of towing. If a tow operator  
7           fails to comply with the insurance requirements of  
8           this section, no charges, including storage charges,  
9           may be collected by the tow operator as a result of  
10          the tow or as a condition of the release of the towed  
11          vehicle. Any person, including the registered owner,  
12          lien holder, or insurer of the vehicle, who has been  
13          injured by the tow operator's failure to comply with  
14          this section is entitled to sue for damages sustained.  
15          If a judgment is obtained by the plaintiff, the court  
16          shall award the plaintiff a sum of not less than  
17          \$1,000 or threefold damages sustained by the  
18          plaintiff, whichever sum is greater, and reasonable  
19          attorney's fees and costs.

20        This section shall not apply to a county that has adopted  
21        ordinances regulating towing operations."



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

3 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Motor Vehicle Towing; Hours of Operation; Insurance

**Description:**

Requires towing companies to be in operation twenty-four hours per day, 7 days a week in a county with a population greater than 500,000 persons. Requires tow companies open for twenty-four hours to offer services that include the release of vehicles in storage. Requires tow operators to maintain, at minimum, \$500,000 bodily injury coverage, \$200,000 property damage insurance, \$175,000 on-hook coverage insurance, or a combined single limit of liability insurance coverage of \$1,000,000. Specifies means of payment of towing fees for consensual tows. Effective upon approval. (HB1978 CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

