

JAN 27 2010

A BILL FOR AN ACT

RELATING TO TOWING.

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 (f) to read as follows:

3 "(f) Notwithstanding any law or ordinance to the contrary,
4 including subsection (g), and section 46-20.5, any towing
5 company engaged in towing [~~in a county with a population greater~~
6 ~~than five hundred thousand shall not be entitled to any overtime~~
7 ~~charge under subsection (b)(1) if] shall offer towing services
8 to consumers [~~are not offered] twenty-four hours per day every~~
9 day of the week [~~; provided that a towing company shall file~~
10 ~~their hours of operation with the police department in a county~~
11 ~~with a population greater than five hundred thousand]."~~~~

12 SECTION 2. Section 291C-135, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§291C-135 Tow trucks; signage and insurance requirements.

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

17 (1) Permanently affix on each door of the truck a sign

18 with the name and telephone number of the tow



1 business. The letters and numbers used in the sign
2 shall be no less than two inches in height; and
3 (2) Maintain insurance [~~coverage sufficient~~] to cover
4 liability of not less than \$1,000,000 to protect
5 owners of towed vehicles in the event of vehicle loss
6 or damage due to towing. If a tow operator fails to
7 comply with the insurance requirements of this
8 section, no charges, including storage charges, may be
9 collected by the tow operator as a result of the tow
10 or as a condition of the release of the towed vehicle.
11 Any person, including the registered owner, lien
12 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 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

A. Ke. G. R.
(B.R.)



Report Title:

Motor Vehicle Towing; Hours of Operation; Insurance

Description:

Requires towing companies to be in operation twenty-four hours per day, seven days a week. Requires tow operators to maintain, at minimum, liability insurance coverage of \$1,000,000.

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

