



GOV. MSG. NO. 580

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 19, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 19, 2010, the following bill was signed into law:

HB1978 HD2 SD2 CD1

A BILL FOR AN ACT
RELATING TO TOWING.
ACT 122 (10)

Sincerely,



LINDA LINGLE

Approved by the Governor

on MAY 19 2010

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

ACT 122

H.B. NO.

1978
H.D. 2
S.D. 2
C.D. 1

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

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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.

APPROVED this 19 day of MAY, 2010



GOVERNOR OF THE STATE OF HAWAII

