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# A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1 SECTION 1. Section 291C-165.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§291C-165.5 Motor vehicle towing and storage; settlement.**

4 (a) Notwithstanding any other provision of this chapter, any  
5 vehicle identified for removal pursuant to any county ordinance  
6 ordering removal of motor vehicles by any county police  
7 department for traffic violations, including a vehicle [~~which~~  
8 that constitutes an obstruction or hazard to traffic, may be  
9 towed away at the expense of the registered owner of the  
10 vehicle, as provided by this section.

11 (b) The towing company shall determine the name of the  
12 lien holder and the registered owner of the vehicle from the  
13 department of transportation or the county department of  
14 finance. The lien holder and the registered owner shall be  
15 notified by the towing company in writing at the address on  
16 record with the department of transportation or with the county  
17 department of finance by registered or certified mail of the  
18 location of the vehicle, together with a description of the



1 vehicle, within a reasonable period not to exceed twenty days  
2 following the tow. The notice shall state:

- 3 (1) The maximum towing charges and fees allowed by law;
- 4 (2) The telephone number of the county finance department  
5 that arranged for or authorized the tow; and
- 6 (3) That if the vehicle is not recovered within thirty  
7 days after the mailing of the notice, the vehicle  
8 shall be deemed abandoned and will be sold or disposed  
9 of as junk.

10 Any towing company engaged in towing pursuant to this section  
11 shall comply with the requirements of section 291C-135. When  
12 the vehicle is recovered after the tow by the registered owner  
13 or lien holder, the party recovering the vehicle shall pay the  
14 tow and storage charges which shall not exceed the charges as  
15 provided by section 290-11(b) or the rates agreed upon with the  
16 respective counties, whichever is lower, except that tow  
17 operators may charge additional reasonable amounts for  
18 excavating vehicles from off-road locations; provided that if  
19 the notice required by this section was not sent within twenty  
20 days after the tow, neither the registered owner nor the lien  
21 holder shall be required to pay the tow and storage charges. No  
22 notice shall be sent to a legal or registered owner or any



1 person with any unrecorded interest in the vehicle whose name or  
2 address cannot be determined. A person, including but not  
3 limited to the owner's or driver's insurer, who has been charged  
4 in excess of the charges permitted under this section may sue  
5 for damages sustained, and, if the judgment is for the  
6 plaintiff, the court shall award the plaintiff a sum not to  
7 exceed the amount of these damages and reasonable attorney's  
8 fees together with the cost of the suit.

9 (c) When a vehicle is recovered by the owner or lien  
10 holder before written notice is sent by registered or certified  
11 mail, the towing company shall provide the owner or lien holder  
12 with a receipt stating the maximum towing charges and fees  
13 allowed by law and the telephone number of the county finance  
14 department that arranged for or authorized the tow.

15 (d) Notwithstanding any other law to the contrary, and  
16 except when releasing a damaged or recovered-theft vehicle to a  
17 licensed salvage processor or body shop, or otherwise at the  
18 direction of an insurer, a towing company shall not release a  
19 motor vehicle towed pursuant to this section unless the party  
20 recovering the vehicle provides proof that the vehicle is  
21 currently registered pursuant to chapter 286.



1        [~~(d)~~] (e) When a vehicle is not recovered within thirty days  
2 after the mailing of the notice, it shall be deemed abandoned  
3 and the owner of the towing company, or the owner of the towing  
4 company's authorized representative, after one statewide public  
5 notice as required in section 1-28.5, may negotiate a sale of  
6 the vehicle or dispose of it as junk.

7        [~~(e)~~] (f) The authorized seller of the vehicle shall be  
8 entitled to the proceeds of the sale to the extent that  
9 compensation is due to the authorized seller for services  
10 rendered [~~in~~] with respect to the vehicle, including reasonable  
11 and customary charges for towing, handling, storage, and the  
12 cost of the notices and advertising required by this part. Any  
13 remaining balance shall be forwarded to the registered owner or  
14 lien holder of the vehicle if the registered owner or lien  
15 holder is found. If the registered owner or lien holder cannot  
16 be found, the balance shall be deposited with the director of  
17 finance of the State and shall be paid out to the registered  
18 owner or lien holder of the vehicle if a proper claim is filed  
19 therefor within one year from the execution of the sales  
20 agreement. The lien holder shall have first priority to the  
21 funds to the extent of the lien holder's claim. If no claim is



1 made within the year allowed, the money shall escheat to the  
2 State.

3 ~~[(f)]~~ (g) The transfer of title and interest by sale under  
4 this section is a transfer by operation of law; provided that if  
5 the certificate of ownership or registration is unavailable, a  
6 bill of sale executed by an authorized seller is satisfactory  
7 evidence authorizing the transfer of the title or interest.

8 ~~[(g)]~~ (h) This section shall not apply to a county that has  
9 adopted ordinances regulating towing operations~~[-]~~; provided  
10 that the county ordinances conform to the requirements of  
11 subsection (d)."

12 SECTION 2. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 3. This Act shall take effect on July 1, 2112.



**Report Title:**

Motor Vehicle Towing and Storage

**Description:**

Prohibits a towing operator from releasing a motor vehicle unless the party recovering the vehicle provides proof that the motor vehicle is currently registered. Requires county ordinances that regulate towing operations to include this prohibition. Effective July 1, 2112. (HB602 HD2)

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

