
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to part I to be appropriately designated
3 and to read as follows:

4 "§46- Regulation of wheel booting operations. (a) Any
5 law to the contrary notwithstanding, the council of any county
6 may adopt and provide for the enforcement of ordinances
7 regulating wheel booting operations, including but not limited
8 to ordinances relating to rates, equipment standards, hours of
9 operation, records retention and inspection, insurance
10 requirements, vehicle operator requirements, and tax clearances;
11 provided that an ordinance shall not be effective to the extent
12 that it is inconsistent with any law or department of health
13 rule governing solid waste salvage facilities.

14 (b) For purposes of this section, "wheel boot" shall have
15 the same meaning as provided in section 290-A."

16 SECTION 2. Chapter 290, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:



1 "§290-A Immobilization of vehicles left unattended on
2 private and public property; sale or disposition of immobilized
3 vehicles; wheel boots. (a) Notwithstanding any other provision
4 of this chapter, any vehicle left unattended on private or
5 public property without authorization of the owner or occupant
6 of the property, may have a wheel boot applied at the expense of
7 the owner of the vehicle, by order of the owner, occupant, or
8 person in charge of the property; provided that there is posted
9 a notice prohibiting vehicles to park on the property without
10 authorization.

11 The notice shall state that the vehicle may be immobilized
12 by having a wheel boot applied at the expense of the vehicle
13 owner, as well as the name, address, and a telephone number of
14 the company that will apply the wheel boot. The notice shall be
15 of such size and be placed in a location that is clearly visible
16 to the driver of a vehicle approaching any individual marked or
17 unmarked parking space; provided that where an entire parking
18 lot consists of restricted parking spaces, placement of the
19 notice at each entrance of the parking lot shall suffice.

20 (b) Wheel booting companies engaged by the owner,
21 occupant, or person in charge of the property shall:



- 1 (1) Charge no more than \$25 for unlocking a boot; provided
2 that the charge shall not be shared with other persons
3 or entities; provided further that the booting company
4 shall be subject to all applicable taxes for any
5 amounts received to remove the boot; and provided
6 further that if the vehicle owner appears on the scene
7 while the boot is being applied, the booting company
8 shall release the vehicle and shall not charge any fee
9 to the owner of the vehicle;
- 10 (2) Affix a written notice on the vehicle, which shall
11 state:
- 12 (A) The name and telephone number of the company
13 responsible for removing the wheel boot;
- 14 (B) The maximum booting charges and fees allowed by
15 law;
- 16 (C) The telephone number of the consumer information
17 service of the department of commerce and
18 consumer affairs; and
- 19 (D) That if the company responsible for applying the
20 wheel boot is not contacted within thirty days
21 after the date of the written notice, the vehicle



1 shall be deemed abandoned and will be sold or
2 disposed of as junk.

3 Where the vehicle owner has not been so notified, the
4 owner may have the wheel boot unlocked without paying
5 any fee for unlocking the wheel boot.

6 (c) Notwithstanding any law or ordinance to the contrary,
7 including subsection (d), and section 46-20.5, any wheel booting
8 company engaged in wheel booting in a county with a population
9 greater than five hundred thousand shall offer booting services,
10 as applicable, to a registered owner, legal owner, insurer, or a
11 designated representative to remove a wheel boot applied by that
12 company twenty-four hours per day every day of the week.

13 (d) This section shall not apply to a county that has
14 adopted ordinances regulating wheel booting operations.

15 (e) For purposes of this section, "wheel boot" includes a
16 tire lock, denver boot, wheel clamp, or wheel immobilizer."

17 SECTION 3. Chapter 291C, Hawaii Revised Statutes, is
18 amended by adding a new section to part XII to be appropriately
19 designated and to read as follows:

20 "§291C- Operators of wheel boots; insurance

21 requirements. (a) Notwithstanding any other law to the



1 contrary, the operator of a wheel boot shall maintain insurance
2 in the following amounts:

- 3 (1) Bodily injury of not less than \$500,000;
4 (2) Property damage of not less than \$200,000; or
5 (3) A combined single limit of liability of not less than
6 \$1,000,000,

7 to protect owners of wheel booted vehicles in the event of
8 vehicle loss or damage due to wheel booting or bodily injury in
9 the course of wheel booting. If a wheel boot operator fails to
10 comply with the insurance requirements of this section, no
11 charges may be collected by the wheel boot operator as a result
12 of the application of the wheel boot or as a condition of the
13 release of the wheel boot.

14 (b) This section shall not apply to a county that has
15 adopted ordinances regulating wheel booting operations.

16 (c) For purposes of this section, "wheel boot" shall have
17 the same meaning as provided in section 290-A."

18 SECTION 4. In codifying the new section added by section 2
19 of this Act, the revisor of statutes shall substitute
20 appropriate section numbers for the letters used in designating
21 the new sections in this Act.



- 1 SECTION 5. New statutory material is underscored.
- 2 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Car Booting; Counties; Wheel Boot; Tire Lock

Description:

Regulates wheel booting operations by providing for situations when a wheel boot may be applied, limiting the charge for unlocking the wheel boot to \$25, and establishing notification, signage, insurance, and release requirements. (HB1100 HD1).

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

