

JAN 24 2013

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## A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1           SECTION 1. Section 290-11, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§290-11 Vehicles left unattended on private and public**  
4 **property; sale or disposition of abandoned vehicles[-]; tire**  
5 **boots.** (a) Notwithstanding any other provision of this  
6 chapter, any vehicle left unattended on private or public  
7 property without authorization of the owner or occupant of the  
8 property, may be towed away at the expense of the owner of the  
9 vehicle, by order of the owner, occupant, or person in charge of  
10 the property; provided that there is posted a notice prohibiting  
11 vehicles to park on the property without authorization. The  
12 notice shall state that the vehicle will be towed and held at  
13 the expense of the vehicle owner, as well as the name, address,  
14 and a telephone number of the facility where the vehicle will be  
15 towed and held. The notice shall be of such size and be placed  
16 in a location that is clearly visible to the driver of a vehicle  
17 approaching any individual marked or unmarked parking space;  
18 provided that where an entire parking lot consists of restricted



1 parking spaces, placement of the notice at each entrance of the  
2 parking lot shall suffice.

3 (b) Towing companies engaged by the owner, occupant, or  
4 person in charge of the property shall:

5 (1) Charge not more than \$65 for a tow, or \$75 for a tow  
6 using a dolly, plus a mileage charge of \$7.50 per mile  
7 towed and \$25 per day or fraction thereof for storage  
8 for the first seven days and \$20 per day thereafter.  
9 When the tow occurs between the hours of six o'clock  
10 p.m. and six o'clock a.m., from Monday through  
11 Thursday and from six o'clock p.m. Friday to six  
12 o'clock a.m. Monday, the towing company shall be  
13 entitled to an overtime charge of \$15. If the vehicle  
14 is in the process of being hooked up or is hooked up  
15 to the tow truck and the owner appears on the scene,  
16 the towing company shall unhook the vehicle and shall  
17 not charge any fee to the owner of the vehicle. In  
18 the case of a difficult hookup, meaning an above or  
19 below ground hookup in a multilevel facility, a towing  
20 surcharge of \$30 shall be applicable;

21 (2) Determine the name of the legal owner and the  
22 registered owner of the vehicle from the department of



1 transportation or the county department of finance.  
2 The legal owner and the registered owner shall be  
3 notified in writing at the address on record with the  
4 department of transportation or with the county  
5 department of finance by registered or certified mail  
6 of the location of the vehicle, together with a  
7 description of the vehicle, within a reasonable period  
8 not to exceed fifteen days following the tow. The  
9 notice shall state:

- 10 (A) The maximum towing charges and fees allowed by  
11 law;
- 12 (B) The telephone number of the consumer information  
13 service of the department of commerce and  
14 consumer affairs; and
- 15 (C) That if the vehicle is not recovered within  
16 thirty days after the mailing of the notice, the  
17 vehicle shall be deemed abandoned and will be  
18 sold or disposed of as junk.

19 Where the owners have not been so notified, then the  
20 owner may recover the owner's car from the towing  
21 company without paying tow or storage fees; provided  
22 that the notice need not be sent to a legal or

1 registered owner or any person with an unrecorded  
2 interest in the vehicle whose name or address cannot  
3 be determined. Absent evidence to the contrary, a  
4 notice shall be deemed received by the legal or  
5 registered owner five days after the mailing. A  
6 person, including but not limited to the owner's or  
7 driver's insurer, who has been charged in excess of  
8 the charges permitted under this section may sue for  
9 damages sustained and, if the judgment is for the  
10 plaintiff, the court shall award the plaintiff a sum  
11 not to exceed the amount of the damages and reasonable  
12 attorney's fees together with the cost of suit;

13 (3) Provide, when a vehicle is recovered by the owner  
14 before written notice is sent by registered or  
15 certified mail, the owner with a receipt stating:

16 (A) The maximum towing charges and fees allowed by  
17 law; and

18 (B) The telephone number of the consumer information  
19 service of the department of commerce and  
20 consumer affairs; and



1           (4) Accommodate payment by the owner for charges under  
2           paragraph (1) by cash and by either credit card or  
3           automated teller machine located on the premises.

4           (c) When a vehicle is not recovered within thirty days  
5 after the mailing of the notice, it shall be deemed abandoned  
6 and the owner of the towing company, or the owner of the towing  
7 company's authorized representative, after one public  
8 advertisement in a newspaper of general circulation in the  
9 State, may negotiate a sale of the vehicle or dispose of it as  
10 junk.

11           (d) The authorized seller of the vehicle shall be entitled  
12 to the proceeds of the sale to the extent that compensation is  
13 due the authorized seller for services rendered in respect to  
14 the vehicle, including reasonable and customary charges for  
15 towing, handling, storage, and the cost of the notices and  
16 advertising required by this part. Any remaining balance shall  
17 be forwarded to the legal or registered owner of the vehicle if  
18 the legal or registered owner can be found. If the legal or  
19 registered owner cannot be found, the balance shall be deposited  
20 with the director of finance of the State and shall be paid out  
21 to the legal or registered owner of the vehicle if a proper  
22 claim is filed therefor within one year from the execution of



1 the sales agreement. If no claim is made within the year  
2 allowed, the money shall become a state realization.

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

8 (f) Notwithstanding any law or ordinance to the contrary,  
9 including subsection [~~(g)~~] (h), and section 46-20.5, any towing  
10 company engaged in towing in a county with a population greater  
11 than five hundred thousand shall offer towing services to  
12 consumers twenty-four hours per day every day of the week, which  
13 services shall include the release of vehicles kept in storage  
14 to a registered owner, legal owner, insurer, or a designated  
15 representative.

16 (g) Any person or entity, excluding a towing company, that  
17 applies a wheel boot to any vehicle situated on property owned,  
18 rented, or leased by that person or entity may charge the  
19 vehicle owner or driver a fee for unlocking the boot; provided  
20 that the charge shall not exceed \$25 and shall not be shared  
21 with other persons or entities; provided further that the person





**Report Title:**

Car Booting; Counties; Wheel Boot; Tire Lock

**Description:**

Allows any person or entity, other than a towing company, that has applied a wheel boot, tire lock, denver boot, wheel clamp, or wheel immobilizer on any vehicle that is left unattended without authorization on a property owned, leased, or rented by that person or entity to charge the vehicle owner or driver a fee for unlocking the boot. Prohibits the charge from exceeding \$25 and from being shared with other persons or entities.

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