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## A BILL FOR AN ACT

RELATING TO UNATTENDED VEHICLES.

**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 (b) to read as follows:  
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~~]  
6           \$ \_\_\_\_\_ for a tow using a dolly, plus a mileage charge  
7           of [~~\$7.50~~] \$ \_\_\_\_\_ per mile towed and [~~\$25~~] \$ \_\_\_\_\_ per  
8           day or fraction thereof for storage for the first  
9           seven days and [~~\$20~~] \$ \_\_\_\_\_ per day thereafter. When  
10           the tow occurs between the hours of six o'clock p.m.  
11           and six o'clock a.m., from Monday through Thursday  
12           [and], or from six o'clock p.m. Friday to six o'clock  
13           a.m. Monday, the towing company shall be entitled to  
14           an overtime charge of [~~\$15-~~] \$ \_\_\_\_\_. If the vehicle  
15           is in the process of being hooked up or is hooked up  
16           to the tow truck and the owner appears on the scene,  
17           the towing company shall unhook the vehicle and shall



1 not charge any fee to the owner of the vehicle. In  
2 the case of a difficult hookup, meaning an above or  
3 below ground hookup in a multilevel facility, a towing  
4 surcharge of [~~\$30~~] \$\_\_\_\_\_ shall be applicable;

5 (2) Determine the name of the legal owner and the  
6 registered owner of the vehicle from the department of  
7 transportation or the county department of finance.  
8 The legal owner and the registered owner shall be  
9 notified in writing at the address on record with the  
10 department of transportation or with the county  
11 department of finance by registered or certified mail  
12 of the location of the vehicle, together with a  
13 description of the vehicle, within a reasonable period  
14 not to exceed fifteen days following the tow. The  
15 notice shall state:

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

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



1 (C) That if the vehicle is not recovered within  
2 thirty days after the mailing of the notice, the  
3 vehicle shall be deemed abandoned and will be  
4 sold or disposed of as junk.

5 Where the owners have not been so notified, then the  
6 owner may recover the owner's car from the towing  
7 company without paying tow or storage fees; provided  
8 that the notice need not be sent to a legal or  
9 registered owner or any person with an unrecorded  
10 interest in the vehicle whose name or address cannot  
11 be determined. Absent evidence to the contrary, a  
12 notice shall be deemed received by the legal or  
13 registered owner five days after the mailing. A  
14 person, including but not limited to the owner's or  
15 driver's insurer, who has been charged in excess of  
16 the charges permitted under this section may sue for  
17 damages sustained and, if the judgment is for the  
18 plaintiff, the court shall award the plaintiff a sum  
19 not to exceed the amount of the damages and reasonable  
20 attorney's fees together with the cost of suit;



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- 1           (3) Provide, when a vehicle is recovered by the owner  
 2           before written notice is sent by registered or  
 3           certified mail, the owner with a receipt stating:  
 4           (A) The maximum towing charges and fees allowed by  
 5           law; and  
 6           (B) The telephone number of the consumer information  
 7           service of the department of commerce and  
 8           consumer affairs; and  
 9           (4) Accommodate payment by the owner for charges under  
 10           paragraph (1) by cash and by either credit card or  
 11           automated teller machine located on the premises."

12           SECTION 2. This Act does not affect rights and duties that  
 13           matured, penalties that were incurred, and proceedings that were  
 14           begun before its effective date.

15           SECTION 3. Statutory material to be repealed is bracketed  
 16           and stricken. New statutory material is underscored.

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

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INTRODUCED BY: \_\_\_\_\_

*T. Steiner*

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JAN 17 2019



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**Report Title:**

Transportation; Tow Trucks; Fees

**Description:**

Amends the maximum charges imposed for tow truck services.

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

