

JAN 17 2020

A BILL FOR AN ACT

RELATING TO TOWING.

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 shall not initiate a tow unless
4 engaged by the owner, occupant, or person in charge of the
5 property and shall:

6 (1) Charge not more than \$65 for a tow, or \$75 for a tow
7 using a dolly, plus a mileage charge of \$7.50 per mile
8 towed and \$25 per day or fraction thereof for storage
9 for the first seven days and \$20 per day thereafter.
10 When the tow occurs between the hours of six o'clock
11 p.m. and six o'clock a.m., from Monday through
12 Thursday and from six o'clock p.m. Friday to six
13 o'clock a.m. Monday, the towing company shall be
14 entitled to 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) Obtain specific documented approval by the property
6 owner, occupant, or person in charge of the private or
7 public property authorizing removal of vehicles parked
8 on the property without permission. The documentation
9 shall identify the name and contact information for
10 the person providing the towing company with
11 authorization to remove the vehicle;

12 [~~2~~] (3) Determine the name of the legal owner and the
13 registered owner of the vehicle from the department of
14 transportation or the county department of finance.
15 The legal owner and the registered owner shall be
16 notified in writing at the address on record with the
17 department of transportation or with the county
18 department of finance by registered or certified mail
19 of the location of the vehicle, together with a
20 description of the vehicle, within a reasonable period



1 not to exceed fifteen days following the tow. The
2 notice shall state:

3 (A) The maximum towing charges and fees allowed by
4 law;

5 (B) The telephone number of the consumer information
6 service of the department of commerce and
7 consumer affairs; and

8 (C) That if the vehicle is not recovered within
9 thirty days after the mailing of the notice, the
10 vehicle shall be deemed abandoned and will be
11 sold or disposed of as junk.

12 Where the owners have not been so notified, then the
13 owner may recover the owner's car from the towing
14 company without paying tow or storage fees; provided
15 that the notice need not be sent to a legal or
16 registered owner or any person with an unrecorded
17 interest in the vehicle whose name or address cannot
18 be determined. Absent evidence to the contrary, a
19 notice shall be deemed received by the legal or
20 registered owner five days after the mailing. A
21 person, including but not limited to the owner's or



1 driver's insurer, who has been charged in excess of
2 the charges permitted under this section may sue for
3 damages sustained and, if the judgment is for the
4 plaintiff, the court shall award the plaintiff a sum
5 not to exceed the amount of the damages and reasonable
6 attorney's fees together with the cost of suit;

7 ~~[(3)]~~ (4) Provide, when a vehicle is recovered by the owner
8 before written notice is sent by registered or
9 certified mail, the owner with a receipt stating:

10 (A) The maximum towing charges and fees allowed by
11 law; and

12 (B) The telephone number of the consumer information
13 service of the department of commerce and
14 consumer affairs; and

15 ~~[(4)]~~ (5) Accommodate payment by the owner for charges
16 under paragraph (1) by cash and by either credit card
17 or automated teller machine located on the premises."

18 SECTION 2. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.


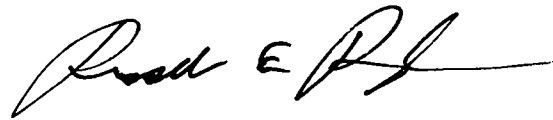
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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

A large, stylized handwritten signature, possibly initials, consisting of a circle with a vertical line and a horizontal line.A handwritten signature written over a horizontal line.A handwritten signature consisting of a few bold, sweeping strokes.A handwritten signature consisting of several overlapping, curved strokes.A handwritten signature that appears to read "Fred E. P." followed by a long horizontal line.

S.B. NO. 2202

Report Title:

Motor Vehicle; Automobile; Towing; Predatory Towing

Description:

Prevents predatory towing by requiring documented approval authorizing removal of a vehicle from private property by the property owner or a designated representative.

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

