
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE TOWING FEES.

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 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 In the case of a difficult hookup, a towing surcharge
10 of \$30 shall apply. When the tow occurs between the
11 hours of six o'clock p.m. and six o'clock a.m., from
12 Monday through Thursday and from six o'clock p.m.

13 Friday to six o'clock a.m. Monday, the towing company
14 shall be entitled to an overtime charge of \$15. The
15 charges listed in this paragraph shall be the only
16 charges tow companies are authorized to charge vehicle
17 owners[-]; provided that if the tow involves an



1 overturned vehicle, the tow company may charge
2 additional reasonable amounts. For purposes of this
3 paragraph, "difficult hookup" shall mean an above or
4 below ground hookup in a multilevel facility;

5 (2) If the vehicle is in the process of being hooked up,
6 meaning up to the point when the tow truck is driving
7 away, and the vehicle owner appears on the scene, the
8 tow company shall release the vehicle to the vehicle
9 owner at a location that ensures the safety of all
10 persons and property involved, regardless of whether
11 the release occurs on the scene or if the vehicle must
12 be removed from the scene to be safely released;
13 provided that no fee will be charged to the vehicle
14 owner under this paragraph;

15 (3) Determine the name of the legal owner and the last
16 registered owner of the vehicle from the department of
17 transportation or the county department of finance.
18 The legal owner and the last registered owner shall be
19 notified in writing at the address on record with the
20 department of transportation or with the county
21 department of finance by registered or certified mail



1 of the location of the vehicle, together with a
2 description of the vehicle, within a reasonable period
3 not to exceed fifteen days following the tow. The
4 notice shall state:

5 (A) The maximum towing charges and fees allowed by
6 law;

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

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

14 Where the legal owner and the last registered owner
15 have not been notified pursuant to this paragraph, the
16 vehicle may be recovered by the vehicle owner from the
17 towing company without paying tow or storage fees.

18 The notice need not be sent to a legal owner or last
19 registered owner or any person with an unrecorded
20 interest in the vehicle whose name or address cannot
21 be determined. Absent evidence to the contrary, a



1 notice shall be deemed received by the legal owner or
2 last registered owner five days after the mailing;

3 (4) Provide, when a vehicle is recovered by the vehicle
4 owner the vehicle owner with a receipt stating:

5 (A) The maximum towing charges and fees allowed by
6 law; and

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

10 (5) [~~Accommodate~~] Accept payment by the vehicle owner for
11 charges under paragraph (1) by cash, credit card, [~~or~~]
12 and debit card[-]; provided that no towing company
13 shall direct an individual to use an on-site automated
14 teller machine in lieu of accepting payment by credit
15 card and debit card."

16 SECTION 2. Section 291C-165.5, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) The towing company shall determine the name of the
19 lien holder and the last registered owner of the vehicle from
20 the department of transportation or the county department of
21 finance. The lien holder and the registered owner shall be



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

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

14 Any towing company engaged in towing pursuant to this section
15 shall comply with the requirements of section 291C-135. When
16 the vehicle is recovered after the tow by the last registered
17 owner or lien holder, the party recovering the vehicle shall pay
18 the tow and storage charges which shall not exceed the charges
19 as provided by section 290-11(b) or the rates agreed upon with
20 the respective counties, whichever is lower, except that tow
21 operators may charge additional reasonable amounts for



1 excavating vehicles from off-road locations[+] and any
2 additional amount allowed by section 290-11(b) for overturned
3 vehicles; provided that if the notice required by this section
4 was not sent within twenty days after the tow, neither the last
5 registered owner nor the lien holder shall be required to pay
6 the tow and storage charges. No notice shall be sent to a legal
7 or last registered owner or any person with any unrecorded
8 interest in the vehicle whose name or address cannot be
9 determined. Any person who violates any provision of this
10 section shall be deemed to have:

11 (1) Engaged in an unfair or deceptive act or practice in
12 the conduct of any trade or commerce within the
13 meaning of section 480-2 and subject to the penalties
14 and remedies of chapter 480; and

15 (2) Furnished services without a license within the
16 meaning of section 487-13 and subject to penalties and
17 remedies under chapter 487."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Tow Operators; Overturned Vehicles; Additional Fees; Payment Methods

Description:

Authorizes tow operators to charge an additional reasonable amount if the tow involves overturned vehicles. Requires that a towing company that charges fees to tow vehicles left unattended on private and public property to accept payment by the vehicle owner for charges by cash, credit card, and debit card and not direct an individual to use an on-site automated teller machine in lieu of accepting payment by credit card and debit card. Effective 7/1/3000. (SD2)

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