

ACT 224

H.B. NO. 1180

A Bill for an Act Relating to Abandoned Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 290-11, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Towing companies engaged by the owner, occupant, or person in charge of the property shall charge not more than [~~\$35~~] \$40 for a tow, [\$40] or \$50 for a tow using a dolly, plus [\$1 a mile for any towing mileage over five miles] a mileage charge of \$4 per mile towed¹ and [\$6 for each twenty-four hour period of storage or fraction thereof.] \$10 per day or fraction thereof for storage for the first seven days and \$5 per day thereafter. When the tow occurs between the hours of six o'clock p.m. and six o'clock a.m. the towing company shall be entitled to an overtime charge of \$10. If the vehicle is in the process of being hooked up to the tow truck and the owner appears on the scene before the vehicle has been moved by the tow truck, the towing company shall be entitled to an “unhooking” fee of not more than \$40. The towing company shall determine the name of the legal owner and the registered owner of the vehicle from the department of transportation or the county department of finance. The legal owner and the registered owner shall be notified in writing at the address on record with the department of transportation or with the county department of finance by registered or certified mail of the location of the vehicle, together with a description of the vehicle, within a reasonable period not to exceed twenty days following the tow. The notice shall state:

- (1) The maximum towing charges and fees allowed by law;
- (2) The telephone number of the consumer information service of the department of commerce and consumer affairs; and
- (3) That if the vehicle is not recovered within thirty days after the mailing of the notice, the vehicle shall be deemed abandoned and will be sold or disposed of as junk.

Where the owners have not been so notified, then the owner may recover the owner's car from the towing company without paying tow or storage fees; provided that the notice need not be sent to a legal or registered owner or any person with an unrecorded interest in the vehicle whose name or address cannot be determined. Absent evidence to the contrary, a notice shall be deemed received by the legal or registered owner five days after the mailing. A person who has been charged in excess of the charges permitted under this section may sue for damages sustained, and, if the judgment is for the plaintiff, the court shall award the

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plaintiff a sum not to exceed the amount of such damages and reasonable attorney's fees together with the cost of suit."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 17, 1992.)

Note

1. Prior to amendment " ;" appeared here.