

ACT 122

H.B. NO. 1978

A Bill for an Act Relating to Towing.

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

SECTION 1. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§291C- Towing by consent; payment. Notwithstanding any other law to the contrary, towing companies engaged by the registered owner of a vehicle

for towing services, including storage if any, shall release the towed vehicle to the registered owner, legal owner, insurer, or a designated representative upon payment of fees for towing services and storage of the vehicle; provided that payment may be made in cash or by debit card, credit card, insurance company check, commercial check, or automated teller machine located on the premises.”

SECTION 2. Section 290-11, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) Notwithstanding any law or ordinance to the contrary, including subsection (g), and section 46-20.5, any towing company engaged in towing in a county with a population greater than five hundred thousand ~~[shall not be entitled to any overtime charge under subsection (b)(1) if]~~ shall offer towing services to consumers ~~[are not offered]~~ twenty-four hours per day every day of the week~~[-]; provided that a towing company shall file their hours of operation with the police department in a county with a population greater than five hundred thousand-], which services shall include the release of vehicles kept in storage to a registered owner, legal owner, insurer, or a designated representative.~~”

SECTION 3. Section 291C-135, Hawaii Revised Statutes, is amended to read as follows:

“**§291C-135 Tow trucks; signage and insurance requirements.** Notwithstanding any other law to the contrary, the registered owner or lessee of a tow truck shall:

- (1) Permanently affix on each door of the truck a sign with the name and telephone number of the tow business. The letters and numbers used in the sign shall be no less than two inches in height; and
- (2) Maintain insurance ~~[coverage sufficient]~~ in the following amounts:
 - (A) Bodily injury of not less than \$500,000;
 - (B) Property damage of not less than \$200,000; and
 - (C) On-hook coverage of not less than \$175,000; or
 - (D) A combined single limit of liability of not less than \$1,000,000.

to protect owners of towed vehicles in the event of vehicle loss or damage due to towing~~[-]~~ or bodily injury in the course of towing. If a tow operator fails to comply with the insurance requirements of this section, no charges, including storage charges, may be collected by the tow operator as a result of the tow or as a condition of the release of the towed vehicle. Any person, including the registered owner, lien holder, or insurer of the vehicle, who has been injured by the tow operator’s failure to comply with this section is entitled to sue for damages sustained. If a judgment is obtained by the plaintiff, the court shall award the plaintiff a sum of not less than \$1,000 or threefold damages sustained by the plaintiff, whichever sum is greater, and reasonable attorney’s fees and costs.

This section shall not apply to a county that has adopted ordinances regulating towing operations.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved May 19, 2010.)

Note

1. Edited pursuant to HRS §23G-16.5.