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H.B. NO. 1577

A Bill for an Act Relating to Motor Vehicle Towing Fees.

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:

- (1) Charge not more than ~~[\$65]~~ \$75 for a tow, or ~~[\$75]~~ \$85 for a tow using a dolly, plus a mileage charge of \$7.50 per mile towed and \$25 per day or fraction thereof for storage for the first seven days and \$20 per day thereafter. In the case of a difficult hookup, a towing surcharge of \$30 shall apply. When the tow occurs between the hours of six o'clock p.m. and six o'clock a.m., from Monday through Thursday and from six o'clock p.m. Friday to six o'clock a.m. Monday, the towing company shall be entitled to an overtime charge of \$15. The charges listed in this paragraph shall be the only charges tow companies are authorized to charge vehicle owners[-]; provided that if the tow involves an overturned vehicle, the towing company shall be entitled to an additional charge of no more than \$35. For purposes of this paragraph, “difficult hookup” shall mean an above or below ground hookup in a multilevel facility;
- (2) If the vehicle is in the process of being hooked up, meaning up to the point when the tow truck is driving away, and the vehicle owner appears on the scene, the tow company shall release the vehicle to the vehicle owner at a location that ensures the safety of all persons and property involved, regardless of whether the release occurs on the scene or if the vehicle must be removed from the scene to be safely released; provided that no fee will be charged to the vehicle owner under this paragraph;
- (3) Determine the name of the legal owner and the last registered owner of the vehicle from the department of transportation or the county

department of finance. The legal owner and the last 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 fifteen days following the tow. The notice shall state:

- (A) The maximum towing charges and fees allowed by law;
- (B) The telephone number of the consumer information service of the department of commerce and consumer affairs; and
- (C) 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 legal owner and the last registered owner have not been notified pursuant to this paragraph, the vehicle may be recovered by the vehicle owner from the towing company without paying tow or storage fees. The notice need not be sent to a legal owner or last 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 owner or last registered owner five days after the mailing;

- (4) Provide, when a vehicle is recovered by the vehicle owner the vehicle owner with a receipt stating:
 - (A) The maximum towing charges and fees allowed by law; and
 - (B) The telephone number of the consumer information service of the department of commerce and consumer affairs; and
- (5) [Accommodate] Accept payment by the vehicle owner for charges under paragraph (1) by cash, credit card, ~~or~~ and debit card[-]; provided that no towing company shall direct an individual to use an on-site automated teller machine in lieu of accepting payment by credit card and debit card.

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

“(b) The towing company shall determine the name of the lien holder and the last registered owner of the vehicle from the department of transportation or the county department of finance. The lien holder and the registered owner shall be notified by the towing company 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 county finance department that arranged for or authorized the tow; 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.

Any towing company engaged in towing pursuant to this section shall comply with the requirements of section 291C-135. When the vehicle is recovered after the tow by the last registered owner or lien holder, the party recovering the vehicle shall pay the tow and storage charges which shall not exceed the charges as provided by section 290-11(b) or the rates agreed upon with the respective counties, whichever is lower, except that tow operators may charge additional reasonable amounts for excavating vehicles from off-road locations[;] and any

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additional amount allowed by section 290-11(b) for overturned vehicles; provided that if the notice required by this section was not sent within twenty days after the tow, neither the last registered owner nor the lien holder shall be required to pay the tow and storage charges. No notice shall be sent to a legal or last registered owner or any person with any unrecorded interest in the vehicle whose name or address cannot be determined. Any person who violates any provision of this section shall be deemed to have:

- (1) Engaged in an unfair or deceptive act or practice in the conduct of any trade or commerce within the meaning of section 480-2 and subject to the penalties and remedies of chapter 480; and
- (2) Furnished services without a license within the meaning of section 487-13 and subject to penalties and remedies under chapter 487.”

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

SECTION 4. This Act shall take effect on July 1, 2024.

(Approved June 21, 2024.)