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# 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 (f) to read as follows:  
3 "(f) Notwithstanding any law or ordinance to the contrary,  
4 including subsection (g), and section 46-20.5, any towing  
5 company engaged in towing in a county with a population greater  
6 than five hundred thousand [~~shall not be entitled to any~~  
7 ~~overtime charge under subsection (b)(1) if~~] shall offer towing  
8 services to consumers [are not offered] twenty-four hours per  
9 day every day of the week[; ~~provided that a towing company shall~~  
10 ~~file their hours of operation with the police department in a~~  
11 ~~county with a population greater than five hundred thousand.],~~  
12 which services shall include the release of vehicles kept in  
13 storage to a registered owner, legal owner, insurer, or a  
14 designated representative. Payment of fees for towing services  
15 and storage of the vehicle may be made in cash or by debit card,  
16 credit card, insurance company check, or commercial check issued  
17 by a licensed towing company dispatched by the registered or  
18 legal owner or insurer."



1 SECTION 2. Section 291C-135, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§291C-135 Tow trucks; signage and insurance requirements.**

4 Notwithstanding any other law to the contrary, the registered  
5 owner or lessee of a tow truck shall:

6 (1) Permanently affix on each door of the truck a sign  
7 with the name and telephone number of the tow  
8 business. The letters and numbers used in the sign  
9 shall be no less than two inches in height; and

10 (2) Maintain insurance [~~coverage sufficient~~] in the  
11 following amounts:

12 (A) Bodily injury of not less than \$500,000;

13 (B) Property damage of not less than \$200,000;

14 (C) On-hook coverage of not less than \$175,000; or

15 (D) A combined single limit of liability of not less  
16 than \$1,000,000,

17 to protect owners of towed vehicles in the event of  
18 vehicle loss or damage due to towing[-] or bodily  
19 injury in the course of towing. If a tow operator  
20 fails to comply with the insurance requirements of  
21 this section, no charges, including storage charges,  
22 may be collected by the tow operator as a result of



1 the tow or as a condition of the release of the towed  
2 vehicle. Any person, including the registered owner,  
3 lien holder, or insurer of the vehicle, who has been  
4 injured by the tow operator's failure to comply with  
5 this section is entitled to sue for damages sustained.  
6 If a judgment is obtained by the plaintiff, the court  
7 shall award the plaintiff a sum of not less than  
8 \$1,000 or threefold damages sustained by the  
9 plaintiff, whichever sum is greater, and reasonable  
10 attorney's fees and costs.

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

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

15 SECTION 4. This Act shall take effect on January 1, 2011.

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**Report Title:**

Motor Vehicle Towing; Hours of Operation; Insurance

**Description:**

Requires towing companies to be in operation twenty-four hours per day, 7 days a week in a county with a population greater than 500,000 persons. Requires tow companies open for twenty-four hours to offer services that include the release of vehicles in storage. Requires tow operators to maintain, at minimum, \$500,000 bodily injury coverage, \$200,000 property damage insurance, \$175,000 on-hook coverage insurance, or a combined single limit of liability insurance coverage of \$1,000,000. Specifies means of payment of towing fees. Effective 1/1/2011. (SD1)

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

