
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 (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 When the tow occurs between the hours of six o'clock
10 p.m. and six o'clock a.m., from Monday through
11 Thursday and from six o'clock p.m. Friday to six
12 o'clock a.m. Monday, the towing company shall be
13 entitled to an overtime charge of \$15. If the vehicle
14 is in the process of being hooked up or is hooked up
15 to the tow truck and the owner appears on the scene,
16 the towing company shall unhook the vehicle and shall
17 not charge any fee to the owner of the vehicle. In
18 the case of a difficult hookup, meaning an above or



1 below ground hookup in a multilevel facility, a towing
2 surcharge of \$30 shall be applicable;

3 (2) Determine the name of the legal owner and the
4 registered owner of the vehicle from the department of
5 transportation or the county department of finance.

6 The legal owner and the registered owner shall be
7 notified in writing at the address on record with the
8 department of transportation or with the county
9 department of finance by registered or certified mail
10 of the location of the vehicle, together with a
11 description of the vehicle, within a reasonable period
12 not to exceed fifteen days following the tow. The
13 notice shall state:

14 (A) The maximum towing charges and fees allowed by
15 law;

16 (B) The telephone number of the consumer information
17 service of the department of commerce and
18 consumer affairs; and

19 (C) That if the vehicle is not recovered within
20 thirty days after the mailing of the notice, the
21 vehicle shall be deemed abandoned and will be
22 sold or disposed of as junk.



1 Where the owners have not been so notified, then the
2 owner may recover the owner's car from the towing
3 company without paying tow or storage fees; provided
4 that the notice need not be sent to a legal or
5 registered owner or any person with an unrecorded
6 interest in the vehicle whose name or address cannot
7 be determined. Absent evidence to the contrary, a
8 notice shall be deemed received by the legal or
9 registered owner five days after the mailing. A
10 person, including but not limited to the owner's or
11 driver's insurer, who has been charged in excess of
12 the charges permitted under this section may sue for
13 damages sustained and, if the judgment is for the
14 plaintiff, the court shall award the plaintiff a sum
15 not to exceed the amount of the damages and reasonable
16 attorney's fees together with the cost of suit;

17 (3) Provide, when a vehicle is recovered by the owner
18 before written notice is sent by registered or
19 certified mail, the owner with a receipt stating:

20 (A) The maximum towing charges and fees allowed by
21 law; and



1 (B) The telephone number of the consumer information
2 service of the department of commerce and
3 consumer affairs; and
4 (4) Accommodate payment by ~~[the owner]~~ a registered owner,
5 legal owner, insurer, or a designated representative
6 for charges under paragraph (1) by cash [and by
7 either], credit card, debit card, insurance company
8 check, commercial check, or automated teller machine
9 located on the premises."

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

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



1 designated representative. Payment of fees for towing services
2 and storage of the vehicle may be made in cash or by debit card,
3 credit card, insurance company check, or commercial check issued
4 by a licensed towing company dispatched by the registered or
5 legal owner or insurer."

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

8 **"§291C-135 Tow trucks; signage and insurance requirements.**

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

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

15 (2) Maintain insurance [~~coverage sufficient~~] in the
16 following amounts:

- 17 (A) Bodily injury of not less than \$500,000;
- 18 (B) Property damage of not less than \$200,000; and
- 19 (C) On-hook coverage of not less than \$175,000; or
- 20 (D) A combined single limit of liability of not less
21 than \$1,000,000,



1 to protect owners of towed vehicles in the event of
2 vehicle loss or damage due to towing[-] or bodily
3 injury in the course of towing. If a tow operator
4 fails to comply with the insurance requirements of
5 this section, no charges, including storage charges,
6 may be collected by the tow operator as a result of
7 the tow or as a condition of the release of the towed
8 vehicle. Any person, including the registered owner,
9 lien holder, or insurer of the vehicle, who has been
10 injured by the tow operator's failure to comply with
11 this section is entitled to sue for damages sustained.
12 If a judgment is obtained by the plaintiff, the court
13 shall award the plaintiff a sum of not less than
14 \$1,000 or threefold damages sustained by the
15 plaintiff, whichever sum is greater, and reasonable
16 attorney's fees and costs.

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

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

21 SECTION 5. This Act shall take effect on January 1, 2011.

22



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. (SD2)

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

