

---

---

# A BILL FOR AN ACT

RELATING TO UNATTENDED VEHICLES.

**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  
6           [~~\$75~~] \$ \_\_\_\_\_ for a tow using a dolly, plus a  
7 mileage charge of [~~\$7.50~~] \$ \_\_\_\_\_ per mile towed and  
8           [~~\$25~~] \$ \_\_\_\_\_ per day or fraction thereof for  
9 storage for the first seven days and [~~\$20~~] \$ \_\_\_\_\_  
10 per day thereafter. When the tow occurs between the  
11 hours of six o'clock p.m. and six o'clock a.m., from  
12 Monday through Thursday [~~and~~], or from six o'clock  
13 p.m. Friday to six o'clock a.m. Monday, the towing  
14 company shall be entitled to an overtime charge of  
15 [~~\$15.~~] \$ \_\_\_\_\_. If the vehicle is in the process of  
16 being hooked up or is hooked up to the tow truck and  
17 the owner appears on the scene, the towing company



1 shall unhook the vehicle and shall not charge any fee  
2 to the owner of the vehicle. In the case of a  
3 difficult hookup, meaning an above or below ground  
4 hookup in a multilevel facility, a towing surcharge of  
5 [~~\$30~~] \$ \_\_\_\_\_ shall be applicable;

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

17 (A) The maximum towing charges and fees allowed by  
18 law;

19 (B) The telephone number of the consumer information  
20 service of the department of commerce and  
21 consumer affairs; and



1 (C) That if the vehicle is not recovered within  
2 thirty days after the mailing of the notice, the  
3 vehicle shall be deemed abandoned and will be  
4 sold or disposed of as junk.

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



- 1 (3) Provide, when a vehicle is recovered by the owner  
2 before written notice is sent by registered or  
3 certified mail, the owner with a receipt stating:  
4 (A) The maximum towing charges and fees allowed by  
5 law; and  
6 (B) The telephone number of the consumer information  
7 service of the department of commerce and  
8 consumer affairs; and  
9 (4) Accommodate payment by the owner for charges under  
10 paragraph (1) by cash and by either credit card or  
11 automated teller machine located on the premises."

12 SECTION 2. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

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

17 SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Transportation; Tow Trucks; Fees

**Description:**

Amends the maximum charges imposed for tow truck services.  
(HB65 HD1)

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

