
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 291C-165.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§291C-165.5 Motor vehicle towing and storage;**
4 **settlement[-]; disabled vehicles.** (a) Notwithstanding any
5 other provision of this chapter, any vehicle identified for
6 removal pursuant to any county ordinance ordering removal of
7 motor vehicles by any county police department for traffic
8 violations, or any vehicle involved in a motor vehicle accident
9 that cannot be moved under its own power or is otherwise
10 disabled, including a vehicle which constitutes an obstruction
11 or hazard to traffic, may be towed away at the expense of the
12 registered owner of the vehicle, as provided by this section.

13 (b) The towing company shall determine the name of the
14 lien holder and the registered owner of the vehicle from the
15 department of transportation or the county department of
16 finance. The lien holder and the registered owner shall be
17 notified by the towing company in writing at the address on



1 record with the department of transportation or with the county
2 department of finance by registered or certified mail of the
3 location of the vehicle, together with a description of the
4 vehicle, within a reasonable period not to exceed twenty days
5 following the tow. The notice shall state:

- 6 (1) The maximum towing charges and fees allowed by law;
- 7 (2) The telephone number of the county finance department
8 that arranged for or authorized the tow; and
- 9 (3) That if the vehicle is not recovered within thirty
10 days after the mailing of the notice, the vehicle
11 shall be deemed abandoned and will be sold or disposed
12 of as junk.

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



1 the notice required by this section was not sent within twenty
2 days after the tow, neither the registered owner nor the lien
3 holder shall be required to pay the tow and storage charges. No
4 notice shall be sent to a legal or registered owner or any
5 person with any unrecorded interest in the vehicle whose name or
6 address cannot be determined. A person, including but not
7 limited to the owner's or driver's insurer, who has been charged
8 in excess of the charges permitted under this section may sue
9 for damages sustained, and, if the judgment is for the
10 plaintiff, the court shall award the plaintiff a sum not to
11 exceed the amount of these damages and reasonable attorney's
12 fees together with the cost of the suit.

13 (c) When a vehicle is recovered by the owner or lien
14 holder before written notice is sent by registered or certified
15 mail, the towing company shall provide the owner or lien holder
16 with a receipt stating the maximum towing charges and fees
17 allowed by law and the telephone number of the county finance
18 department that arranged for or authorized the tow.

19 (d) When a vehicle is not recovered within thirty days
20 after the mailing of the notice, it shall be deemed abandoned
21 and the owner of the towing company, or the owner of the towing



1 company's authorized representative, after one statewide public
2 notice as required in section 1-28.5, may negotiate a sale of
3 the vehicle or dispose of it as junk.

4 (e) The authorized seller of the vehicle shall be entitled
5 to the proceeds of the sale to the extent that compensation is
6 due to the authorized seller for services rendered in respect to
7 the vehicle, including reasonable and customary charges for
8 towing, handling, storage, and the cost of the notices and
9 advertising required by this part. Any remaining balance shall
10 be forwarded to the registered owner or lien holder of the
11 vehicle if the registered owner or lien holder is found. If the
12 registered owner or lien holder cannot be found, the balance
13 shall be deposited with the director of finance of the State and
14 shall be paid out to the registered owner or lien holder of the
15 vehicle if a proper claim is filed therefor within one year from
16 the execution of the sales agreement. The lien holder shall
17 have first priority to the funds to the extent of the lien
18 holder's claim. If no claim is made within the year allowed,
19 the money shall escheat to the State.

20 (f) The transfer of title and interest by sale under this
21 section is a transfer by operation of law; provided that if the



1 certificate of ownership or registration is unavailable, a bill
2 of sale executed by an authorized seller is satisfactory
3 evidence authorizing the transfer of the title or interest.

4 (g) In the event that a motor vehicle is involved in an
5 accident and cannot be moved under its own power or is otherwise
6 disabled and constitutes an obstruction or hazard to traffic,
7 and the vehicle has not been ordered to be towed by the
8 applicable county police department, the towing of such vehicle
9 and the towing and storage expenses shall be subject to the
10 provisions of section 290-11(b).

11 ~~[(g)]~~ (h) This section shall not apply to a county that
12 has adopted ordinances regulating towing operations. This
13 section shall not apply to automobile clubs or towing companies
14 operating under a contract with an automobile club, insurer, or
15 motor vehicle manufacturer. For purposes of this subsection,
16 "automobile club" means a legal entity that, in consideration of
17 dues, assessments, or periodic payments of money, promises to
18 assist its members or subscribers in matters relating to motor
19 travel or the operation, use, or maintenance of a motor vehicle
20 by supplying services that may include but are not limited to
21 towing services and emergency road service."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect on September 1,
4 2020.



Report Title:

Motor Vehicles; Disabled Vehicles; Towing Expenses

Description:

Authorizes any vehicle involved in a motor vehicle accident that cannot be moved under its own power or is otherwise disabled to be towed away at the expense of the registered owner. Specifies the applicable requirements and fees for towing motor vehicles involved in accidents under certain circumstances. Exempts certain automobile clubs or towing companies from motor vehicle towing and storage requirements. Effective 9/1/2020. (HD2)

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

