
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE TOWING FEES.

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~~] \$75 for a tow, or [~~\$75~~] \$85
6 for a tow using a dolly, plus a mileage charge of
7 \$7.50 per mile towed and \$25 per day or fraction
8 thereof for storage for the first seven days and \$20
9 per day thereafter. In the case of a difficult
10 hookup, a towing surcharge of \$30 shall apply. When
11 the tow occurs between the hours of six o'clock p.m.
12 and six o'clock a.m., from Monday through Thursday and
13 from six o'clock p.m. Friday to six o'clock a.m.
14 Monday, the towing company shall be entitled to an
15 overtime charge of \$15. The charges listed in this
16 paragraph shall be the only charges tow companies are
17 authorized to charge vehicle owners[~~-~~]; provided that



1 if the tow involves an overturned vehicle, the towing
2 company shall be entitled to an additional charge of
3 no more than \$35. For purposes of this paragraph,
4 "difficult hookup" shall mean an above or below ground
5 hookup in a multilevel facility;

6 (2) If the vehicle is in the process of being hooked up,
7 meaning up to the point when the tow truck is driving
8 away, and the vehicle owner appears on the scene, the
9 tow company shall release the vehicle to the vehicle
10 owner at a location that ensures the safety of all
11 persons and property involved, regardless of whether
12 the release occurs on the scene or if the vehicle must
13 be removed from the scene to be safely released;
14 provided that no fee will be charged to the vehicle
15 owner under this paragraph;

16 (3) Determine the name of the legal owner and the last
17 registered owner of the vehicle from the department of
18 transportation or the county department of finance.
19 The legal owner and the last registered owner shall be
20 notified in writing at the address on record with the
21 department of transportation or with the county



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

6 (A) The maximum towing charges and fees allowed by
7 law;

8 (B) The telephone number of the consumer information
9 service of the department of commerce and
10 consumer affairs; and

11 (C) That if the vehicle is not recovered within
12 thirty days after the mailing of the notice, the
13 vehicle shall be deemed abandoned and will be
14 sold or disposed of as junk.

15 Where the legal owner and the last registered owner
16 have not been notified pursuant to this paragraph, the
17 vehicle may be recovered by the vehicle owner from the
18 towing company without paying tow or storage fees.

19 The notice need not be sent to a legal owner or last
20 registered owner or any person with an unrecorded
21 interest in the vehicle whose name or address cannot



1 be determined. Absent evidence to the contrary, a
2 notice shall be deemed received by the legal owner or
3 last registered owner five days after the mailing;

4 (4) Provide, when a vehicle is recovered by the vehicle
5 owner the vehicle owner with a receipt stating:

6 (A) The maximum towing charges and fees allowed by
7 law; and

8 (B) The telephone number of the consumer information
9 service of the department of commerce and
10 consumer affairs; and

11 (5) [~~Accommodate~~] Accept payment by the vehicle owner for
12 charges under paragraph (1) by cash, credit card, [~~or~~]
13 and debit card[-]; provided that no towing company
14 shall direct an individual to use an on-site automated
15 teller machine in lieu of accepting payment by credit
16 card and debit card."

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

19 "(b) The towing company shall determine the name of the
20 lien holder and the last registered owner of the vehicle from
21 the department of transportation or the county department of



1 finance. The lien holder and the registered owner shall be
2 notified by the towing company in writing at the address on
3 record with the department of transportation or with the county
4 department of finance by registered or certified mail of the
5 location of the vehicle, together with a description of the
6 vehicle, within a reasonable period not to exceed twenty days
7 following the tow. The notice shall state:

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

15 Any towing company engaged in towing pursuant to this section
16 shall comply with the requirements of section 291C-135. When
17 the vehicle is recovered after the tow by the last registered
18 owner or lien holder, the party recovering the vehicle shall pay
19 the tow and storage charges which shall not exceed the charges
20 as provided by section 290-11(b) or the rates agreed upon with
21 the respective counties, whichever is lower, except that tow



1 operators may charge additional reasonable amounts for
2 excavating vehicles from off-road locations[+] and any
3 additional amount allowed by section 290-11(b) for overturned
4 vehicles; provided that if the notice required by this section
5 was not sent within twenty days after the tow, neither the last
6 registered owner nor the lien holder shall be required to pay
7 the tow and storage charges. No notice shall be sent to a legal
8 or last registered owner or any person with any unrecorded
9 interest in the vehicle whose name or address cannot be
10 determined. Any person who violates any provision of this
11 section shall be deemed to have:

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

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



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



Report Title:

Tow Operators; Overturned Vehicles; Additional Fees; Payment Methods

Description:

Authorizes tow operators to charge a towing surcharge of no more than \$35 if the tow involves overturned vehicles. Increases the statutory caps on certain towing charges. Requires that a towing company that charges fees to tow vehicles left unattended on private and public property to accept payment by the vehicle owner for charges by cash, credit card, and debit card and not direct an individual to use an on-site automated teller machine in lieu of accepting payment by credit card and debit card.
(CD1)

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