

JAN 19 2007

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## A BILL FOR AN ACT

RELATING TO ABANDONED 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 subsections (b) and (c) 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 [~~\$55~~] \$65 for a tow, or [~~\$65~~] \$75  
6 for a tow using a dolly, plus a mileage charge of  
7 [~~\$6.50~~] \$7.50 per mile towed and [~~\$20~~] \$25 per day or  
8 fraction thereof for storage for the first seven days  
9 and [~~\$15~~] \$20 per day thereafter. When the tow occurs  
10 between the hours of six o'clock p.m. and six o'clock  
11 a.m., from Monday through Thursday and from Friday six  
12 o'clock p.m. to Monday six o'clock a.m., the towing  
13 company shall be entitled to an overtime charge of  
14 [~~\$15-~~] \$20. If the vehicle is in the process of being  
15 hooked up to the tow truck and the owner appears on  
16 the scene before the vehicle has been moved by the tow  
17 truck, the towing company shall unhook the vehicle



1 upon payment by the owner of an "unhooking" fee of not  
2 more than \$50. If the owner is unwilling or unable to  
3 pay the "unhooking" fee, the vehicle may be towed. In  
4 the case of a difficult hookup, meaning an above or  
5 below ground hookup in a multilevel facility, a towing  
6 surcharge of \$30 shall be applicable;

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

17 The notice shall state:

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

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



1 (C) That if the vehicle is not recovered within  
2 [thirty] ten days after the mailing of the  
3 notice, the vehicle shall be deemed abandoned and  
4 will be 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           (c) When a vehicle is not recovered within [~~thirty~~] ten  
13           days after the mailing of the notice, it shall be deemed  
14           abandoned and the owner of the towing company, or the owner of  
15           the towing company's authorized representative, after one public  
16           advertisement in a newspaper of general circulation in the  
17           State, may negotiate a sale of the vehicle or dispose of it as  
18           junk."

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

1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 



**Report Title:**

Motor Vehicles; Abandoned Vehicles; Tow Charges

**Description:**

Increases the allowable tow and storage charges for abandoned vehicles.

