
A BILL FOR AN ACT

RELATING TO TOWING.

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

1 SECTION 1. The legislature finds that state law requires
2 tow truck operators to unhook a vehicle if the owner of the
3 vehicle appears on the scene while the car is being towed. The
4 legislature also finds that according to the Hawaii Census
5 Bureau, Hawaii residents own an average of two vehicles per
6 household and that the number of people per household in Hawaii
7 exceeds three people per household. Thus, it is common for
8 vehicles to be shared between multiple drivers who may not be
9 the legal owners of the vehicle.

10 The legislature further finds that due to the high cost of
11 living in Hawaii, many residents do not have savings available
12 to cover unexpected costs, including the cost of retrieving a
13 towed vehicle. Pursuant to state law the tow itself is \$65.
14 There is an additional charge of \$7.50 per mile and a storage
15 charge of \$20-\$25 per day. A twenty-eight-mile tow would cost a
16 minimum of \$295 dollars. Many Hawaii residents do not have the



1 savings to cover a towing cost and would experience financial
2 hardship as a result.

3 The legislature further finds that state law does not
4 address situations in which a vehicle is being towed and an
5 authorized driver, who is not the owner, appears on the scene.
6 The legislature believes that these authorized drivers should
7 also be allowed to avoid the expense of a vehicle tow.

8 The legislature further finds a recent study ranked Hawaii
9 as having the nation's second-largest homeless population. An
10 unexpected emergency like paying for vehicle towing charges
11 could be a detrimental setback to a resident with no savings and
12 could even contribute to lack of ability to pay rent or a
13 mortgage. To avoid creating unnecessary misfortune, the purpose
14 of this bill is to require towing companies to release a vehicle
15 to an authorized driver who appears on the scene at the time the
16 vehicle is being hooked up to be towed.

17 SECTION 2. Section 290-11, Hawaii Revised Statutes, is
18 amended as follows:

19 1. By amending subsection (b) to read:

20 "(b) Towing companies engaged by the owner, occupant, or
21 person in charge of the property shall:



- 1 (1) Charge not more than \$65 for a tow, or \$75 for a tow
2 using a dolly, plus a mileage charge of \$7.50 per mile
3 towed and \$25 per day or fraction thereof for storage
4 for the first seven days and \$20 per day thereafter.
5 In the case of a difficult hookup, a towing surcharge
6 of \$30 shall apply. When the tow occurs between the
7 hours of six o'clock p.m. and six o'clock a.m., from
8 Monday through Thursday and from six o'clock p.m.
9 Friday to six o'clock a.m. Monday, the towing company
10 shall be entitled to an overtime charge of \$15. The
11 charges listed in this paragraph shall be the only
12 charges tow companies are authorized to charge vehicle
13 owners. For purposes of this paragraph, "difficult
14 hookup" shall mean an above or below ground hookup in
15 a multilevel facility;
- 16 (2) If the vehicle is in the process of being hooked up,
17 meaning up to the point when the tow truck is driving
18 away, and the vehicle owner or authorized driver
19 appears on the scene, the tow company shall release
20 the vehicle to the vehicle owner or authorized driver
21 at a location that ensures the safety of all persons



1 and property involved, regardless of whether the
2 release occurs on the scene or if the vehicle must be
3 removed from the scene to be safely released; provided
4 that no fee will be charged to the vehicle owner or
5 authorized driver under this paragraph;

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

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



1 (B) The telephone number of the consumer information
2 service of the department of commerce and
3 consumer affairs; and

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

8 Where the legal owner and the last registered owner
9 have not been notified pursuant to this paragraph, the
10 vehicle may be recovered by the vehicle owner from the
11 towing company without paying tow or storage fees.

12 The notice need not be sent to a legal owner or last
13 registered owner or any person with an unrecorded
14 interest in the vehicle whose name or address cannot
15 be determined. Absent evidence to the contrary, a
16 notice shall be deemed received by the legal owner or
17 last registered owner five days after the mailing;

18 (4) Provide, when a vehicle is recovered by the vehicle
19 owner the vehicle 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 (5) Accommodate payment by the vehicle owner for charges
5 under paragraph (1) by cash, credit card, or debit
6 card."

7 2. By amending subsection (i) to read:

8 "(i) As used in this section:

9 "Authorized driver" means a licensed driver who has
10 received oral or written consent from the vehicle owner to
11 operate the vehicle without the vehicle owner present.

12 "Hooked up" means completely and securely attached and
13 fastened to the tow truck by means of clamps, couplings, straps,
14 tow bars, and other mechanical devices that are specifically
15 designed to prevent the vehicle from dropping off or detaching
16 from the tow truck in any way or otherwise shifting in any
17 manner.

18 "Scene" means the location of the vehicle while it is in
19 the process of being hooked up, or the location where it was
20 hooked up, and anywhere within a fifty foot radius of that
21 location.



1 "Vehicle owner" means any person, other than the towing
2 company, who has possession of or any other interest in the
3 vehicle, including but not limited to the legal or last
4 registered owner of the vehicle, the insurance company insuring
5 the vehicle, the person renting the vehicle pursuant to chapter
6 437D or any other law authorizing a person to operate the
7 vehicle, or any person in possession of the key or remote
8 keyless ignition system device to the vehicle.

9 "Vehicle parked without authorization" means any vehicle
10 left unattended on private or public property that is not parked
11 in compliance with the notice required by subsection (a).

12 "Vehicle parked without authorization" shall not include:

13 (1) A vehicle otherwise parked in compliance with the
14 notice required by subsection (a) where the vehicle
15 owner has prepaid for parking and placed a payment
16 receipt, placard, or permit anywhere on or in the
17 vehicle and the payment receipt, placard, or permit is
18 visible from outside the vehicle; or

19 (2) A vehicle otherwise parked in compliance with the
20 notice required by subsection (a) where the vehicle
21 owner has received authorization from an owner,



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1 occupant, or person in charge of the property and
2 placed the placard, permit, or written authorization,
3 if any, anywhere on or in the vehicle and the placard,
4 permit, or written authorization is visible from the
5 outside of the vehicle."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

9

INTRODUCED BY:

RLM

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Report Title:

Towing; Authorized Drivers

Description:

Requires towing companies to release vehicles, without a fee, to an authorized driver if the authorized driver appears at the scene of the towing. Defines "authorized driver."

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