

JAN 22 2021

A BILL FOR AN ACT

RELATING TO TOW TRUCK PRICING.

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

1 SECTION 1. Section 290-11, Hawaii Revised Statutes, is
2 amended as follows:

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

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

6 (1) Charge not more than [~~\$65~~] \$100 for a tow, [~~or \$75~~]
7 \$125 for a tow using a dolly, or \$150 for a tow using
8 a flatbed, plus [a]:

9 (A) A mileage charge of \$7.50 per mile towed; and
10 [\$25]

11 (B) A storage charge of \$35 per day or fraction
12 thereof [for storage for the first seven days and
13 \$20 per day thereafter.], unless the vehicle
14 occupies more than one stall because of its size,
15 in which case a storage charge of \$50 per day or
16 fraction thereof.



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1 In the case of a difficult hookup, a towing surcharge
2 of \$30 shall apply. When the tow occurs between the
3 hours of six o'clock p.m. and six o'clock a.m., from
4 Monday through Thursday and from six o'clock p.m.
5 Friday to six o'clock a.m. Monday, the towing company
6 shall be entitled to an overtime charge of [~~\$15.~~] \$50.
7 If the towing company is required to clean up the road
8 at the scene of the tow, the towing company shall be
9 entitled to a clean-up charge of \$75. Unless
10 otherwise compensated pursuant to subsection (d), the
11 towing company shall be entitled to a documentation
12 fee of \$250 to comply with the written notification
13 and, if necessary, advertising, title transfer, and
14 other documentation requirements of this part. The
15 charges listed in this paragraph shall be the only
16 charges tow companies are authorized to charge vehicle
17 owners. For purposes of this paragraph, "difficult
18 hookup" shall mean an above or below ground hookup in
19 a multilevel facility;

20 (2) If the vehicle is in the process of being hooked up,
21 meaning up to the point when the tow truck is driving



1 away, and the vehicle owner appears on the scene, the
2 tow company shall release the vehicle to the vehicle
3 owner at a location that ensures the safety of all
4 persons and property involved, regardless of whether
5 the release occurs on the scene or if the vehicle must
6 be removed from the scene to be safely released;
7 provided that no fee will be charged to the vehicle
8 owner under this paragraph;

9 (3) Determine the name of the legal owner and the last
10 registered owner of the vehicle from the department of
11 transportation or the county department of finance.

12 The legal owner and the last registered owner shall be
13 notified in writing at the address on record with the
14 department of transportation or with the county
15 department of finance by registered or certified mail
16 of the location of the vehicle, together with a
17 description of the vehicle, within a reasonable period
18 not to exceed fifteen days following the tow. The
19 notice shall state:

20 (A) The maximum towing charges and fees allowed by
21 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



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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 (f) to read:

8 "(f) Notwithstanding any law or ordinance to the contrary,
9 including subsection (h) and section 46-20.5, any towing company
10 engaged in towing in a county with a population greater than
11 five hundred thousand shall offer towing services to consumers
12 twenty-four hours per day every day of the week. The towing
13 services shall include the release of vehicles kept in storage
14 to an insurer, vehicle owner, or a designated representative."

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

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

18

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Mark A. ...", is written over a horizontal line.



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Report Title:

Abandoned Vehicles; Tow Truck Pricing

Description:

Adjusts towing company charges and fees for vehicles left unattended or abandoned. Establishes a clean-up charge and documentation fee.

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

