

JAN 26 2022

A BILL FOR AN ACT

RELATING TO STORAGE FEES.

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

1 SECTION 1. The legislature finds that the costs for towed
2 vehicle storage do not accurately reflect the amount of time the
3 vehicle is stored. Specifically, vehicles stored for just one
4 hour could incur the same fee as a vehicle stored for a full two
5 days. While Act 41, Session Laws of Hawaii 2020, clarified
6 towing fees to better protect consumers from predatory towing
7 practices, additional action is needed.

8 The purpose of this Act is to further clarify fees that may
9 be charged for storage of a towed vehicle by establishing a
10 maximum hourly rate.

11 SECTION 2. Section 290-11, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

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

15 (1) Charge not more than:

16 (A) \$65 for a tow, or \$75 for a tow using a dolly,
17 plus mileage charge of \$7.50 per mile towed;



1 (B) ~~[and \$25 per day or fraction thereof]~~ \$1.50 per
2 each full one-hour period for storage for the
3 first ~~[seven]~~ three days; and

4 (C) ~~[\$20]~~ \$30 per day, or fraction thereof,
5 thereafter.

6 In the case of a difficult hookup, a towing surcharge
7 of \$30 shall apply. When the tow occurs between the
8 hours of six o'clock p.m. and six o'clock a.m., from
9 Monday through Thursday and from six o'clock p.m.
10 Friday to six o'clock a.m. Monday, the towing company
11 shall be entitled to an overtime charge of \$15. The
12 charges listed in this paragraph shall be the only
13 charges tow companies are authorized to charge vehicle
14 owners. For purposes of this paragraph, "difficult
15 hookup" shall mean an above or below ground hookup in
16 a multilevel facility;

17 (2) If the vehicle is in the process of being hooked up,
18 meaning up to the point when the tow truck is driving
19 away, and the vehicle owner appears on the scene, the
20 tow company shall release the vehicle to the vehicle
21 owner at a location that ensures the safety of all



1 persons and property involved, regardless of whether
2 the release occurs on the scene or if the vehicle must
3 be removed from the scene to be safely released;
4 provided that no fee will be charged to the vehicle
5 owner 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 The legal owner and the last registered owner shall be
10 notified in writing at the address on record with the
11 department of transportation or with the county
12 department of finance by registered or certified mail
13 of the location of the vehicle, together with a
14 description of the vehicle, within a reasonable period
15 not to exceed fifteen days following the tow. The
16 notice shall state:

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

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



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

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

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

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

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

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



1 (5) Accommodate payment by the vehicle owner for charges
2 under paragraph (1) by cash, credit card, or debit
3 card."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

7

INTRODUCED BY:

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

S.B. NO. 3238

Report Title:

Tow Trucks; Storage Fees; Hourly

Description:

Requires that towing companies charge an hourly rate for storage of a vehicle.

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

