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## 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 for a tow, or \$75 for a tow  
6 using a dolly, plus a mileage charge of \$7.50 per mile  
7 towed and \$25 per day or fraction thereof for storage  
8 for the first seven days and \$20 per day thereafter.

9           In the case of a difficult hookup, a towing surcharge  
10 of \$30 shall apply. When the tow occurs between the  
11 hours of six o'clock p.m. and six o'clock a.m., from  
12 Monday through Thursday and from six o'clock p.m.

13 Friday to six o'clock a.m. Monday, the towing company  
14 shall be entitled to an overtime charge of \$15. The  
15 charges listed in this paragraph shall be the only  
16 charges tow companies are authorized to charge vehicle  
17 owners[-]; provided that if the tow involves an



1 overturned vehicle, the tow company may charge  
2 additional reasonable amounts. For purposes of this  
3 paragraph, "difficult hookup" shall mean an above or  
4 below ground hookup in a multilevel facility;

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

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



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1 of the location of the vehicle, together with a  
2 description of the vehicle, within a reasonable period  
3 not to exceed fifteen days following the tow. The  
4 notice shall state:

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

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

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

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

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



1 notice shall be deemed received by the legal owner or  
2 last registered owner five days after the mailing;

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

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

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

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

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

15 "(b) The towing company shall determine the name of the  
16 lien holder and the last registered owner of the vehicle from  
17 the department of transportation or the county department of  
18 finance. The lien holder and the registered owner shall be  
19 notified by the towing company in writing at the address on  
20 record with the department of transportation or with the county  
21 department of finance by registered or certified mail of the



1 location of the vehicle, together with a description of the  
2 vehicle, within a reasonable period not to exceed twenty days  
3 following the tow. The notice shall state:

4 (1) The maximum towing charges and fees allowed by law;

5 (2) The telephone number of the county finance department  
6 that arranged for or authorized the tow; and

7 (3) That if the vehicle is not recovered within thirty  
8 days after the mailing of the notice, the vehicle  
9 shall be deemed abandoned and will be sold or disposed  
10 of as junk.

11 Any towing company engaged in towing pursuant to this section  
12 shall comply with the requirements of section 291C-135. When  
13 the vehicle is recovered after the tow by the last registered  
14 owner or lien holder, the party recovering the vehicle shall pay  
15 the tow and storage charges which shall not exceed the charges  
16 as provided by section 290-11(b) or the rates agreed upon with  
17 the respective counties, whichever is lower, except that tow  
18 operators may charge additional reasonable amounts for  
19 excavating vehicles from off-road locations[+] or for overturned  
20 vehicles; provided that if the notice required by this section  
21 was not sent within twenty days after the tow, neither the last



1 registered owner nor the lien holder shall be required to pay  
2 the tow and storage charges. No notice shall be sent to a legal  
3 or last registered owner or any person with any unrecorded  
4 interest in the vehicle whose name or address cannot be  
5 determined. Any person who violates any provision of this  
6 section shall be deemed to have:

7 (1) Engaged in an unfair or deceptive act or practice in  
8 the conduct of any trade or commerce within the  
9 meaning of section 480-2 and subject to the penalties  
10 and remedies of chapter 480; and

11 (2) Furnished services without a license within the  
12 meaning of section 487-13 and subject to penalties and  
13 remedies under chapter 487."

14 SECTION 3. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: \_\_\_\_\_



JAN 16 2024



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**Report Title:**

Tow Operators; Overturned Vehicles; Additional Fees

**Description:**

Authorizes tow operators to charge additional reasonable amounts for overturned vehicles.

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

