
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 to read as follows:

3 **"§290-11 Vehicles left unattended on private and public**
4 **property; sale or disposition of abandoned vehicles. (a)**

5 Notwithstanding any other provision of this chapter, any vehicle
6 left unattended on private or public property without
7 authorization of the owner or occupant of the property, may be
8 towed away at the expense of the vehicle owner, by order of the
9 owner, occupant, or person in charge of the property; provided
10 that there is posted a notice prohibiting vehicles to park on
11 the property without authorization. The notice shall clearly
12 state, in not less than two-inch high, light reflective letters
13 on a contrasting background, that the vehicle parked without
14 authorization will be towed and held at the expense of the
15 vehicle owner, as well as the name, address, and a telephone
16 number of the facility where the vehicle will be towed and held.
17 The notice shall be of [~~such~~] a size and be placed in a location



1 that is clearly visible to the driver of a vehicle approaching
2 any individual marked or unmarked parking space; provided that
3 where an entire parking lot consists of restricted parking
4 spaces, placement of the notice at each entrance of the parking
5 lot shall suffice.

6 (b) Towing companies engaged by the owner, occupant, or
7 person in charge of the property shall:

8 (1) Charge not more than [~~\$65~~]:

9 (A) \$ _____ for a tow[~~7~~] occurring between the
10 hours of six o'clock a.m. and six o'clock p.m.,
11 from Monday through Friday;

12 (B) \$ _____ for a tow occurring between the hours
13 of six o'clock p.m. and six o'clock a.m., from
14 Monday through Thursday or from six o'clock p.m.
15 Friday to six o'clock a.m. Monday; or [~~\$75~~]

16 (C) \$ _____ for a tow using a dolly,
17 plus a mileage charge of [~~\$7.50~~] \$ _____ per mile
18 towed and [~~\$25~~] \$ _____ per day or fraction
19 thereof for storage for the first seven days and [~~\$20~~]
20 \$ _____ per day thereafter. In the case of a
21 difficult hookup, a towing surcharge of [~~\$30~~]



1 \$ _____ shall apply. [~~When the tow occurs between~~
2 ~~the hours of six o'clock p.m. and six o'clock a.m.,~~
3 ~~from Monday through Thursday and from six o'clock p.m.~~
4 ~~Friday to six o'clock a.m. Monday, the towing company~~
5 ~~shall be entitled to an overtime charge of \$15.] The~~
6 charges listed in this paragraph shall be the only
7 charges tow companies are authorized to charge vehicle
8 owners. For purposes of this paragraph, "difficult
9 hookup" shall mean an above or below ground hookup in
10 a multilevel facility;

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



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

12 (A) The maximum towing charges and fees allowed by
13 law;

14 (B) The telephone number of the consumer information
15 service of the department of commerce and
16 consumer affairs; and

17 (C) That if the vehicle is not recovered within
18 thirty days after the mailing of the notice, the
19 vehicle shall be deemed abandoned and will be
20 sold or disposed of as junk.



1 Where the legal owner and the last registered owner
2 have not been notified pursuant to this paragraph, the
3 vehicle may be recovered by the vehicle owner from the
4 towing company without paying tow or storage fees.

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

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

13 (A) The maximum towing charges and fees allowed by
14 law; and

15 (B) The telephone number of the consumer information
16 service of the department of commerce and
17 consumer affairs; and

18 (5) [~~Accommodate~~] Accept payment by the vehicle owner for
19 charges under paragraph (1) by cash, credit card, [~~or~~]
20 and debit card[-]; provided that no towing company
21 shall direct an individual to use an on-site automated



1 teller machine in lieu of accepting payment by credit
2 card and debit card.

3 (c) When a vehicle is not recovered within thirty days
4 after the mailing of the notice, it shall be deemed abandoned
5 and the owner of the towing company, or the owner of the towing
6 company's authorized representative, after one public
7 advertisement in a newspaper of general circulation in the
8 State, may negotiate a sale of the vehicle or dispose of it as
9 junk.

10 (d) The authorized seller of the vehicle shall be entitled
11 to the proceeds of the sale to the extent that compensation is
12 due the authorized seller for services rendered in respect to
13 the vehicle, including reasonable and customary charges for
14 towing, handling, storage, and the cost of the notices and
15 advertising required by this part. Any remaining balance shall
16 be forwarded to the legal owner or last registered owner of the
17 vehicle if the legal owner or last registered owner can be
18 found. If the legal owner or last registered owner cannot be
19 found at the address on record at the department of
20 transportation or the county department of finance, the balance
21 shall be deposited with the State's unclaimed property program



1 administered by the department of budget and finance and shall
2 be paid out to the legal owner or last registered owner of the
3 vehicle if a proper claim is filed therefor within one year from
4 the execution of the sales agreement. If no claim is made
5 within the year allowed, the money shall become a state
6 realization.

7 (e) The transfer of title and interest by sale under this
8 part is a transfer by operation of law, pursuant to the
9 requirements under section 286-52(f).

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

17 (g) Any person who violates any provision of this section
18 shall be deemed to have:

19 (1) Engaged in an unfair or deceptive act or practice in
20 the conduct of any trade or commerce within the



1 meaning of section 480-2 and subject to penalties and
2 remedies under chapter 480; and

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

6 (h) This section shall not apply to a county that has
7 adopted ordinances regulating towing operations.

8 (i) Any company engaged in towing or parking management
9 may charge a maximum of \$ _____ for parking control or the
10 placement or removal of any device upon a vehicle designed to
11 immobilize the vehicle; provided that the company engaged in
12 towing or parking management shall accept payment by the vehicle
13 owner for charges under this subsection by cash, credit card,
14 and debit card; provided further that no towing company or
15 parking management company shall direct an individual to use an
16 on-site automated teller machine in lieu of accepting payment by
17 credit card and debit card.

18 (j) Notwithstanding any other law to the contrary, a
19 minimum of twelve hours shall pass before a company engaged in
20 towing or parking management may issue a fine and commence a tow
21 of the motor vehicle for any violation occurring in a legal



1 parking stall open to the public, unless directed by law
2 enforcement in the event of an emergency.

3 [~~(i)~~] (k) As used in this section:

4 "Hooked up" means completely and securely attached and
5 fastened to the tow truck by means of clamps, couplings, straps,
6 tow bars, and other mechanical devices that are specifically
7 designed to prevent the vehicle from dropping off or detaching
8 from the tow truck in any way or otherwise shifting in any
9 manner.

10 "Scene" means the location of the vehicle while it is in
11 the process of being hooked up, or the location where it was
12 hooked up, and anywhere within a fifty foot radius of that
13 location.

14 "Vehicle owner" means any person, other than the towing
15 company, who has possession of or any other interest in the
16 vehicle, including but not limited to the legal or last
17 registered owner of the vehicle, the insurance company insuring
18 the vehicle, the person renting the vehicle pursuant to
19 chapter 437D or any other law authorizing a person to operate
20 the vehicle, or any person in possession of the key or remote
21 keyless ignition system device to the vehicle.



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

4 "Vehicle parked without authorization" shall not include:

5 (1) A vehicle otherwise parked in compliance with the
6 notice required by subsection (a) where the vehicle
7 owner has prepaid for parking and placed a payment
8 receipt, placard, or permit anywhere on or in the
9 vehicle and the payment receipt, placard, or permit is
10 visible from outside the vehicle; or

11 (2) A vehicle otherwise parked in compliance with the
12 notice required by subsection (a) where the vehicle
13 owner has received authorization from an owner,
14 occupant, or person in charge of the property and
15 placed the placard, permit, or written authorization,
16 if any, anywhere on or in the vehicle and the placard,
17 permit, or written authorization is visible from the
18 outside of the vehicle."

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



1 "(b) The towing company shall determine the name of the
2 lien holder and the last registered owner of the vehicle from
3 the department of transportation or the county department of
4 finance. The lien holder and the registered owner shall be
5 notified by the towing company in writing at the address on
6 record with the department of transportation or with the county
7 department of finance by registered or certified mail of the
8 location of the vehicle, together with a description of the
9 vehicle, within a reasonable period not to exceed twenty days
10 following the tow. The notice shall state:

- 11 (1) The maximum towing charges and fees allowed by law;
12 (2) The telephone number of the county finance department
13 that arranged for or authorized the tow; and
14 (3) That if the vehicle is not recovered within thirty
15 days after the mailing of the notice, the vehicle
16 shall be deemed abandoned and will be sold or disposed
17 of as junk.

18 Any towing company engaged in towing pursuant to this section
19 shall comply with the requirements of section 291C-135. When
20 the vehicle is recovered after the tow by the last registered
21 owner or lien holder, the party recovering the vehicle shall pay



1 the tow and storage charges which shall not exceed the charges
2 as provided by section 290-11(b) or the rates agreed upon with
3 the respective counties, whichever is lower, except that tow
4 operators may charge additional reasonable amounts for
5 excavating vehicles from off-road locations[?] and any
6 additional amount allowed by section 290-11(b) for overturned
7 vehicles; provided that if the notice required by this section
8 was not sent within twenty days after the tow, neither the last
9 registered owner nor the lien holder shall be required to pay
10 the tow and storage charges. No notice shall be sent to a legal
11 or last registered owner or any person with any unrecorded
12 interest in the vehicle whose name or address cannot be
13 determined. Any person who violates any provision of this
14 section shall be deemed to have:

- 15 (1) Engaged in an unfair or deceptive act or practice in
16 the conduct of any trade or commerce within the
17 meaning of section 480-2 and subject to the penalties
18 and remedies of chapter 480; and
- 19 (2) Furnished services without a license within the
20 meaning of section 487-13 and subject to penalties and
21 remedies under chapter 487."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Tow Operators; Overturned Vehicles; Vehicle Immobilization Devices; Parking Control; Additional Fees; Payment Methods

Description:

Authorizes tow operators to charge an additional amount for overturned vehicles identified for removal pursuant to section 291C-165.5, Hawaii Revised Statutes. Changes the fees that a towing company may charge to tow vehicles left unattended on private and public property. Authorizes a towing company or parking management company to charge a fee for the placement or removal of vehicle immobilization devices. Requires that a towing company that charges fees to tow vehicles left unattended on private and public property, or a towing company or parking management company that charges fees for the placement or removal of vehicle immobilization devices, to accept payment by the vehicle owner for charges by cash, credit card, and debit card and not direct an individual to use an on-site automated teller machine in lieu of accepting payment by credit card and debit card. Requires a minimum period of twelve hours before the issuance of a violation or towing of a motor vehicle parked in a legal public stall, unless otherwise directed by law enforcement in the case of an emergency. Effective 7/1/3000.
(SD1)

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