
A BILL FOR AN ACT

RELATING TO TOWING COMPANIES.

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 [~~\$75~~]:

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 [~~\$85~~]

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; provided that if the tow involves an
9 overturned vehicle, the towing company shall be
10 entitled to an additional charge of [~~no~~] not more than
11 \$35. For purposes of this paragraph, "difficult
12 hookup" shall mean an above or below ground hookup in
13 a multilevel facility;

14 (2) If the vehicle is in the process of being hooked up,
15 meaning up to the point when the tow truck is driving
16 away, and the vehicle owner appears on the scene, the
17 tow company shall release the vehicle to the vehicle
18 owner at a location that ensures the safety of all
19 persons and property involved, regardless of whether
20 the release occurs on the scene or if the vehicle must
21 be removed from the scene to be safely released;



1 provided that no fee will be charged to the vehicle
2 owner under this paragraph;

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

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

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

19 (C) That if the vehicle is not recovered within
20 thirty days after the mailing of the notice, the



1 vehicle shall be deemed abandoned and will be
2 sold or disposed of as junk.

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

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

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

15 (A) The maximum towing charges and fees allowed by
16 law; and

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

20 (5) Accept payment by the vehicle owner for charges under
21 paragraph (1) by cash, credit card, and debit card;



1 provided that no towing company shall direct an
2 individual to use an on-site automated teller machine
3 in lieu of accepting payment by credit card and debit
4 card.

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

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



1 transportation or the county department of finance, the balance
2 shall be deposited with the State's unclaimed property program
3 administered by the department of budget and finance and shall
4 be paid out to the legal owner or last registered owner of the
5 vehicle if a proper claim is filed therefor within one year from
6 the execution of the sales agreement. If no claim is made
7 within the year allowed, the money shall become a state
8 realization.

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

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

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



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

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

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

10 (i) Any company engaged in towing or parking management
11 shall not install on a vehicle any device that is designed to
12 immobilize the vehicle.

13 [~~(i)~~] (j) As used in this section:

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

20 "Scene" means the location of the vehicle while it is in
21 the process of being hooked up, or the location where it was



1 hooked up, and anywhere within a fifty foot radius of that
2 location.

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

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

14 "Vehicle parked without authorization" shall not include:

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



1 (2) A vehicle otherwise parked in compliance with the
2 notice required by subsection (a) where the vehicle
3 owner has received authorization from an owner,
4 occupant, or person in charge of the property and
5 placed the placard, permit, or written authorization,
6 if any, anywhere on or in the vehicle and the placard,
7 permit, or written authorization is visible from the
8 outside of the vehicle."

9 SECTION 2. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Towing Companies; Fees

Description:

Changes the fees that a towing company may charge to tow vehicles left unattended on private and public property. Prohibits a towing company or parking management company from installing immobilization devices on motor vehicles. Effective 7/1/2050. (SD1)

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