

ACT 172

S.B. NO. 2784-80

A Bill for an Act Relating to Motor and Other Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 290-11, Hawaii Revised Statutes, shall be amended as follows:

“Sec. 290-11 Vehicles left unattended on private and public property. (a) Notwithstanding any other provision of this chapter, any vehicle left unattended on private or public property without authorization of the owner or occupant of the property, may be towed away at the expense of the owner of the vehicle, by order of the owner, occupant, or person in charge of the property; provided that there is posted a notice prohibiting vehicles to park on the property without authorization. The notice shall be of such size and be placed in a location reasonably calculated to call the sign to the attention of potential parkers.

(b) Towing companies engaged by the owner, occupant, or person in charge of the property shall charge no more than \$25 a tow, \$37.50 for a tow using a dolly and \$2 for each 24-hour period of storage or fraction thereof. Such vehicle may be disposed of in accordance with this chapter for the disposition of abandoned vehicles. The towing company shall determine the name of the legal owner and the registered owner of the vehicle from the department of transportation or the motor vehicle licensing division, and may use section 286-172(a)(3)† for this purpose. The legal owner and the registered owner shall be notified in writing by registered or certified mail of the location of the vehicle within a reasonable period not to exceed 15 days of the tow. Where the owners have not been so notified then the owner may recover his

†The section reference is to a provision which would have been enacted by H.B. 2680-80, H.D. 1, S.D. 2, vetoed by the governor.

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car from the towing company without paying tow or storage fees. A mail receipt signed by the registered owner is prima facie evidence of notification. A person who has been charged in excess of the charges permitted under this section may sue for damages sustained, and, if the judgment is for the plaintiff, the court shall award the plaintiff a sum not to exceed the amount of said damages and reasonable attorney's fees together with the cost of suit.

(c) Each county by ordinance may enact additional restrictions to this section or may enact criminal sanctions in this area as required.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.*

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

(Approved May 29, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.