

**ACT 7**

H.B. NO. 1547

A Bill for an Act Relating to Towing.

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

SECTION 1. The purpose of this Act is to address the increased costs of towing which is reflected in the increase in gasoline prices, employee overhead, and general inflation.

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

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

- (1) Charge not more than [~~\$50~~] \$55 for a tow, or [~~\$60~~] \$65 for a tow using a dolly, plus a mileage charge of [~~\$5~~] \$6.50 per mile towed and \$15 per day or fraction thereof for storage for the first seven days and \$10 per

day thereafter. When the tow occurs between the hours of six o'clock p.m. and six o'clock a.m., from Monday through Thursday and from Friday six o'clock p.m. to Monday six o'clock a.m., the towing company shall be entitled to an overtime charge of \$15. If the vehicle is in the process of being hooked up to the tow truck and the owner appears on the scene before the vehicle has been moved by the tow truck, the towing company shall unhook the vehicle upon payment by the owner of an "unhooking" fee of not more than \$50. If the owner is unwilling or unable to pay the "unhooking" fee, the vehicle may be towed. In the case of a difficult hookup, meaning an above or below ground hookup in a multilevel facility, a towing surcharge of [~~\$25~~] \$30 shall be applicable;

- (2) Determine the name of the legal owner and the registered owner of the vehicle from the department of transportation or the county department of finance. The legal owner and the registered owner shall be notified in writing at the address on record with the department of transportation or with the county department of finance by registered or certified mail of the location of the vehicle, together with a description of the vehicle, within a reasonable period not to exceed twenty days following the tow. The notice shall state:
  - (A) The maximum towing charges and fees allowed by law;
  - (B) The telephone number of the consumer information service of the department of commerce and consumer affairs; and
  - (C) That if the vehicle is not recovered within thirty days after the mailing of the notice, the vehicle shall be deemed abandoned and will be sold or disposed of as junk.

Where the owners have not been so notified, then the owner may recover the owner's car from the towing company without paying tow or storage fees; provided that the notice need not be sent to a legal or registered owner or any person with an unrecorded interest in the vehicle whose name or address cannot be determined. Absent evidence to the contrary, a notice shall be deemed received by the legal or registered owner five days after the mailing. A person, including but not limited to the owner's or driver's insurer, 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 the damages and reasonable attorney's fees together with the cost of suit;

- (3) Provide, when a vehicle is recovered by the owner before written notice is sent by registered or certified mail, the owner with a receipt stating:
  - (A) The maximum towing charges and fees allowed by law; and
  - (B) The telephone number of the consumer information service of the department of commerce and consumer affairs; and
- (4) Accommodate payment by the owner for charges under paragraph (1) by cash and by either credit card or automated teller machine located on the premises."

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

SECTION 4. This Act shall take effect on July 1, 2001.

(Approved April 6, 2001.)