

HONOLULU POLICE DEPARTMENT

POLICY TRAFFIC OPERATIONS

April 23, 2015

Policy Number 6.12

TOWING PROCEDURES

POLICY

Towing of vehicles shall be carried out in accordance with the applicable laws of the State of Hawaii and City and County of Honolulu and the procedures of the Honolulu Police Department.

PROCEDURE

I. TOWING GUIDELINES

- A. The officer at the scene shall:
 1. Remove, or cause to be removed, a vehicle in violation of Sections 15-13.8, 15-13.9, 15-14.8, or 15-16.5 of the Honolulu Traffic Code;
 2. Issue the necessary citations;
 3. Request the services of the towing company through the Communications Division (officers should not contact towing companies directly);
 4. Inform the Communications Division of the location and license number of the vehicle, the reason for towing, and the need for any special equipment;
 5. Complete the Inventory of Towed Automobile, HPD-48 form;
 6. Remain at the scene until the vehicle is towed; and

7. Inform the Communications Division when the vehicle has been towed and provide the vehicle's description and license number and the name of the towing company.
- B. The Communications Division shall:
1. Call for the services of the towing company holding the contract for that zone;

If the towing company is unable to handle the call under the terms of the towing contract, obtain the services of another company according to the terms of the towing contract.
 2. Immediately inform the officer of any delay in the arrival of the tow truck; and
 3. Notify the Hawaii Armed Services Police when an official military vehicle is parked in a tow zone. If the vehicle is not moved within a reasonable period of time, the officer may ask the Communications Division to have the vehicle towed.
- C. Under the current towing contract, operators/owners of vehicles that are disabled or stolen and vehicles that require towing or removal because of collisions may request towing services of their choice. Officers shall relay such requests to the Communications Division.
- D. Officers may also relay private requests for towing services to the Communications Division when appropriate (e.g., from a driver whose car is stalled off the roadway). Relaying such requests is a courtesy to the public, not a requirement.
- E. Certain exceptions to standard procedures are authorized for tow-zone violations only in specified towing-contract zones; these exceptions are permitted under the city's "tag-and-go/tag-and-bag" policy.

Where authorized by the contract, the officer shall issue a citation and inform the Communications Division of the violation. It is not necessary for the officer to remain at the scene until the vehicle is towed nor is it necessary for the officer to complete an inventory form.

II. TOWING INTO POLICE CUSTODY

If towing into police custody requires the expenditure of city funds, the investigating officer shall:

- A. Assess the situation to determine if removal is warranted for:
 - 1. Protection of public health;
 - 2. Safekeeping of property; or
 - 3. Preservation of evidence in criminal proceedings.
- B. Obtain the concurrence of his or her immediate superior and then complete the appropriate police reports and a To/From report to the Finance Division.
- C. Attach the towing company's invoice to the To/From report, which shall include the following information:
 - 1. Circumstances requiring towing services;
 - 2. Applicable police report number(s);
 - 3. Name of the company providing the tow service;
 - 4. Cost of towing;
 - 5. Times of tow wagon's arrival and departure from the pickup site;
 - 6. Distance between pickup site and storage area;
 - 7. Vehicle owner's name, address, and telephone number (if known); and
 - 8. Documentation and results of attempts to locate/notify owner.

III. TOWING AS A RESULT OF AN ACTIVATED ALARM

Under Section 41-29.6, Revised Ordinances of Honolulu 1990 (ROH), a vehicle may be towed when its alarm system has been activated for at least ten minutes.

- A. The officer must make reasonable efforts to locate the owner of the vehicle to request that the alarm be silenced. If the owner does not silence the alarm or if, after reasonable efforts, the owner cannot be located, the vehicle may be towed. The general guidelines outlined in section II above apply.
- B. The officer may authorize the towing company to enter the vehicle to silence the alarm. After the alarm has been silenced by the towing company, Section 41-29.7, ROH, requires that the vehicle be towed.
- C. The owner of the vehicle is responsible for the costs of deactivating the alarm and towing the vehicle.

IV. INVENTORY OF TOWED AUTOMOBILE FORM

A. Purpose

The Inventory of Towed Automobile, HPD-48 form, is a receipt showing the condition and contents of the vehicle at the time of its release to the tow driver. Accurately completed forms may help refute charges of neglect, carelessness, or theft in the handling of towed vehicles.

B. Procedure

Except as authorized by section I F above, the officer in charge shall prepare an inventory form whenever a vehicle is towed under police supervision, but the owner is not present.

- 1. The officer shall note whether the vehicle and glove compartment were found locked or unlocked.

2. Except for the procedure outlined in section III above, locked vehicles are to remain locked. Any forced entry, if committed or witnessed by the officer, may be detrimental to the officer and the department.
3. The officer shall list all items found in the cabin of the vehicle. If possible, the officer shall also inventory and list the items found in the glove compartment and the trunk.
4. The officer shall process as found property any personal item of value (e.g., purse, wallet, money, or jewelry) if the officer feels that security of the item cannot be ensured and the item is not considered to be evidence.
5. The officer shall note the physical condition of the vehicle (e.g., dents, scratches, or flat tires) and shall indicate the manner in which it was towed (on a dolly or otherwise).
6. If the inventory form is to be attached to a police report, the officer shall note the report number in the upper right corner of the form.
7. The tow driver shall be asked to witness and sign the inventory form.

C. Distribution of Inventory Form

The officer preparing the inventory form shall distribute the copies as indicated below:

1. White copy (original):
 - a. For routine tow-zone violations, the element requesting the tow shall retain the copy for 30 days.
 - b. For other tows, the officer shall attach the copy to the original copy of the police report.

2. The yellow copy shall be given to the tow driver.
3. The pink copy shall be given to the tow driver for delivery with the towed vehicle. The driver shall be instructed to give the copy to the person in charge of the storage yard.
4. The green copy shall remain in the inventory book.

V. DISPUTES INVOLVING TOWING VEHICLES AND FEES

- A. Except for situations under the purview of Section 290-11, Hawaii Revised Statutes (HRS), all contracted tow companies are required to accept payment by credit card or cash. See Attachment 1 for a copy of the HRS.
- B. All contracted tow companies on Oahu are required to remain available 24 hours a day, every day.
- C. In some cases, a dispute arises about the tow truck driver not accepting a credit card for payment or some other complaint arises about the tow or its applicable charges. In such cases, the owner should be advised that he or she may call the Customer Services Department (see Attachment 2) to pursue a complaint with the city.
- D. Failure or refusal to pay towing charges is a civil matter between the vehicle owner and the tow company. Complainants who wish to pursue the matter should be advised to seek a civil remedy.
- E. Towing disputes on public and private properties, including an irrecoverable vehicle due to a tow company closure, shall be documented by officers on a Miscellaneous Public report.

VI. TOWING UNDER SECTION 290-11, HRS

The following applies to trespass vehicles towed under Section 290-11, HRS:

- A. Vehicles left unattended on public and private property without the authorization of the property owner or occupant may be removed, provided that the property owner or occupant has posted a notice prohibiting unauthorized parking on the property in accordance with Section 290-11, HRS. The property owner, occupant, or person in charge of the property is obligated to engage a towing company to carry out the removal, and the vehicle's owner is obligated to bear the expense.

Officers may provide standby assistance in such cases but shall not provide anything further.

- B. Tow companies are required to accept payment by credit card and cash.
- C. If a vehicle is in the process of being hooked up or is hooked up to a tow truck and the owner appears on the scene, the towing company shall unhook the vehicle and not charge any fee to the owner of the vehicle.

April 23, 2015

Policy Number 6.12
Page 8

For example, if a vehicle is hooked up and the tow truck's engine is running but the truck is waiting to enter traffic to begin transporting the vehicle to the storage location, the owner's appearance will be considered "on the scene," and the vehicle should be unhooked at no charge.


LOUIS M. KEALOHA
Chief of Police

Attachments

Post on bulletin
board for one week

Policy first issued
May 9, 2002

SECTION 290-11, HAWAII REVISED STATUTES

§290-11 Vehicles left unattended on private and public property; sale or disposition of abandoned vehicles.

(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 state that the vehicle will be towed and held at the expense of the vehicle owner, as well as the name, address, and a telephone number of the facility where the vehicle will be towed and held. The notice shall be of such size and be placed in a location that is clearly visible to the driver of a vehicle approaching any individual marked or unmarked parking space; provided that where an entire parking lot consists of restricted parking spaces, placement of the notice at each entrance of the parking lot shall suffice.

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

(1) Charge not more than \$65 for a tow, or \$75 for a tow using a dolly, plus a mileage charge of \$7.50 per mile towed and \$25 per day or fraction thereof for storage for the first seven days and \$20 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 six o'clock p.m. Friday to six o'clock a.m. Monday, the towing company shall be entitled to an overtime charge of \$15. If the vehicle is in the process of being hooked up or is hooked up to the tow truck and the owner appears on the scene, the towing company shall unhook the vehicle and shall not charge any fee to the owner of the vehicle. In the case of a difficult hookup, meaning an above or below ground hookup in a multilevel facility, a towing surcharge of \$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 fifteen 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.

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

(d) The authorized seller of the vehicle shall be entitled to the proceeds of the sale to the extent that compensation is due the authorized seller for services rendered in respect to the vehicle, including reasonable and customary charges for towing, handling, storage, and the cost of the notices and advertising required by this part. Any remaining balance shall be forwarded to the legal or registered owner of the vehicle if the legal or registered owner can be found. If the legal or registered owner cannot be found, the balance shall be deposited with the director of finance of the State and shall be paid out to the legal or registered owner of the vehicle if a proper claim is filed therefor within one year from the execution of the sales agreement. If no claim is made within the year allowed, the money shall become a state realization.

(e) The transfer of title and interest by sale under this part is a transfer by operation of law; provided that if the certificate of ownership or registration is unavailable, a bill of sale executed by an authorized seller is satisfactory evidence authorizing the transfer of the title or interest.

(f) Notwithstanding any law or ordinance to the contrary, including subsection (g), and section 46-20.5, any towing company engaged in towing in a county with a population greater than five hundred thousand shall offer towing services to consumers twenty-four hours per day every day of the week, which services shall include the release of vehicles kept in storage to a registered owner, legal owner, insurer, or a designated representative.

(g) This section shall not apply to a county that has adopted ordinances regulating towing operations. [L 1973, c 148, pt of §1; am L 1976, c 91, §1; am L 1977, c 122, §1; am L 1980, c 172, §1 and c 232, §14; am L 1981, c 82, §20 and c 96, §1; am L 1985, c 180, §1; gen ch 1985; am L 1990, c 165, §2; am L 1991, c 65, §3 and c 144, §1; am L 1992, c 224, §1; am L 1998, c 138, §§1, 3; am L 1999, c 259, §§1, 3; am L 2000, c 260, §2; am L 2001, c 7, §2; am L 2002, c 59, §1; am L 2003, c 84, §3; am L 2007, c 269, §3; am L 2008, c 135, §1; am L 2010, c 122, §2]

Cross References

Driver education assessments, see §286G-3.

(Rev. 5-19-2010)

April 23, 2015
Attachment 2

Policy Number 6.12

CONTACT INFORMATION

In the event of a dispute as described in section V C of this directive, the telephone contact number is:

Motor Vehicle Control,
Customer Services Department

733-2530