

STAND. COM. REP. NO. 3

Honolulu, Hawaii

FEB 02 2015

RE: S.B. No. 16
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Transportation, to which was referred S.B. No. 16 entitled:

"A BILL FOR AN ACT RELATING TO TOWING,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Provide a definition of "vehicle owner", "hooked up", and "scene" for purposes of recovering a towed motor vehicle;
- (2) Allow a towing charge of \$30 for difficult hookups; and
- (3) Require a date and time stamped photograph of the hooked up vehicle, showing the license plate of the vehicle, when the owner appears on the scene, as evidence that the vehicle is hooked up.

Your Committee received testimony in support of this measure from the Office of Consumer Protection of the Department of Commerce and Consumer Affairs and Honolulu Police Department. Your Committee received testimony in opposition to this measure from Solid Towing LLC. Your Committee received comments on this measure from Ace Towing Services, Waialae Towing, and one individual.

Your Committee finds that current law is in need of clarification with regard to when a "hookup" occurs, what

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constitutes the "scene" from which a tow is initiated, and who is the "vehicle owner" that is entitled to have the vehicle released from the towing company.

Testimony from the Office of Consumer Protection of the Department of Commerce and Consumer Affairs indicates that it receives numerous complaints from consumers concerning tow company practices. The Honolulu Police Department testified that it often has to settle disputes at a scene between tow companies and consumers.

Your Committee has amended this measure by amending the definition of "scene" to clarify that the term refers to the following when a vehicle is being towed:

- (1) A parking stall on a public street or in a public or private parking lot;
- (2) A particular spot on any property; or
- (3) A spot that is curbside on a street in the case of a vehicle blocking a driveway, including partially.

Your Committee further clarified that the "scene" includes a radius of four feet around the vehicle being towed, unless the vehicle is on a public street or blocking a driveway.

Your Committee believes that the measure, as amended, clarifies the rights of consumers and the duties of tow companies, and that consumer complaints should significantly diminish as a result. The amendment received the support of the stakeholders, including the Office of Consumer Protection of the Department of Commerce and Consumer Affairs. However, your Committee cautions that while other issues with this measure were raised, your Committee believes those issues are under the purview of the Committee on Commerce and Consumer Protection.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 16, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 16, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.



Respectfully submitted on
behalf of the members of the
Committee on Transportation,

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair



