

Honolulu, Hawaii

FEB 29, 2008

RE: H.B. No. 509
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 509, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose of this bill is to protect consumers from the imposition of "unhooking" fees if the owner of a vehicle targeted for towing appears on the scene before the vehicle has been moved by the tow truck.

The Department of Commerce and Consumer Affairs (DCCA) and a concerned individual testified in support of this bill. Two concerned individuals submitted comments on this measure.

Current law prohibits towing companies from charging what is known as an "unhooking fee" if the owner of the vehicle that is being hooked-up to the tow truck appears on the scene prior to the vehicle being moved by the tow truck. However, the Office of Consumer Protection of DCCA noted that there was a report of an instance where a consumer was charged a fee even though the consumer arrived on the scene before the vehicle was towed away. According to the consumer, the tow truck driver noted that the car had been moved, albeit a few feet, and thus the consumer was subject to the unhooking fee.



While your Committee understands that there are costs involved for towing companies merely to respond to a call for a tow, the financial needs of the towing company must be weighed against the consumer's interest in the fair and reasonable application of fees. As such, this measure deserves further consideration.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 509, H.D. 2, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROBERT N. HERKES, Chair



