

Honolulu, Hawaii
February 15, 2013RE: H.B. No. 1100
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 1100 entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose of this measure is to provide regulations for the application of a wheel boot to vehicles left unattended on private and public property by:

- (1) Permitting any person or entity, excluding a towing company, that applies a wheel boot to any vehicle situated on property owned, rented, or leased by that person or entity to charge the vehicle owner or driver a fee of up to \$25 for unlocking the boot; and
- (2) Specifying that the fee for unlocking the wheel boot shall not be shared with other persons or entities and shall be subject to all applicable taxes.

Hawaii State Towing Association supported this measure. Hawaii Boot Removal and a concerned individual opposed this measure. The Department of Commerce and Consumer Affairs Office of Consumer Protection provided comments.

Your Committee notes that the Department of Commerce and Consumer Affairs Office of Consumer Protection raised concerns about this measure and indicated that the current practice of



booting is illegal under section 708-827, Hawaii Revised Statutes, relating to criminal tampering in the second degree, and further notes that it has received an opinion from the Department of the Attorney General stating the same. Nonetheless, your Committee is moving this measure forward for discussion purposes. Your Committee respectfully requests that your Committee on Judiciary address this matter, if it chooses to consider this measure.

Your Committee has amended this measure by removing wheel booting requirements from existing statutes relating to towing operations and creating new statutory sections:

- (1) Authorizing the council of any county to adopt and provide for the enforcement of ordinances regulating wheel booting operations;
- (2) Imposing signage, release, notification, and insurance requirements for wheel booting operations;
- (3) Removing language that excluded a towing company from regulations applicable to booting operations; and
- (4) Making technical, nonsubstantive amendments for the purposes of style, clarity, and consistency.

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 H.B. No. 1100, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1100, H.D. 1, and be referred to the Committee on Judiciary.

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



BRIAN I. YAMANE, Chair



