

STAND. COM. REP. NO. 965

Honolulu, Hawaii
March 20, 2015

RE: S.B. No. 16
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred S.B. No. 16, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TOWING,"

begs leave to report as follows:

The purpose of this measure is to clarify the scope and application of existing consumer protections related to towing of unattended vehicles by:

- (1) Clarifying the circumstances under which a tow truck operator is required to release a vehicle that has already been hooked up to the tow truck to its owner or driver; and
- (2) Applying requirements for release of a vehicle, notification, and compensation to drivers of rented or borrowed vehicles.

The Office of Consumer Protection and Honolulu Police Department testified in support of this measure. A concerned individual testified in opposition to this measure. The Finance Department of the County of Hawaii, Ace Towing Service, and Waialae Towing provided comments.



Hawaii's law regulating towing was initially established in 1973, and has since been amended numerous times. Unfortunately, these numerous amendments have led to confusion and unintended consequences. Your Committee finds that the existing law is in need of clarification regarding when a hookup of a vehicle by a towing company occurs, what constitutes the scene from which a tow is initiated, and who is the vehicle owner entitled to benefit from existing consumer protections. This measure clarifies the rights of vehicle owners and drivers and the duties of tow companies. Your Committee finds that this measure should reduce confusion and diminish the number of disputes related to towing unattended vehicles from private or public property.

Your Committee has amended this measure by clarifying that a "vehicle owner" includes any person in lawful possession of the key or remote keyless ignition system to the vehicle.

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, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 16, S.D. 2, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.

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



HENRY J.C. AQUINO, Chair



State of Hawaii
House of Representatives
The Twenty-eighth Legislature

HSC 965

Record of Votes of the Committee on Transportation

Bill/Resolution No.: <i>SB 16, SD 2</i>	Committee Referral: <i>TRN, CPE, FIN</i>	Date: <i>3-18-15</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. AQUINO, Henry J.C. (C)	X			
2. LOPRESTI, Matthew S. (VC)	X			
3. HAR, Sharon E.	X			
4. ICHIYAMA, Linda	X			
5. JOHANSON, Aaron Ling	X			
6. KEOHOKALOLE, Jarrett	X			
7. NAKASHIMA, Mark M.	X			
8. SAN BUENAVENTURA, Joy A.	X			
9. TAKAYAMA, Gregg	X			
10. TAKUMI, Roy M.	X			
11. YAMASHITA, Kyle T.	X			
12. TUPOLA, Andria P.L.	X			
TOTAL (12)	<i>12</i>			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>(committee acronym(s))</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				