

STAND. COM. REP. NO. 2153

Honolulu, Hawaii

MAR 04 2016

RE: S.B. No. 2857
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2857, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TOWING,"

begs leave to report as follows:

The purpose and intent of this measure is to amend section
290-11, Hawaii Revised Statutes (HRS), relating to the towing of
unattended vehicles to:

- (1) Add the definitions of "hooked up", "scene", and
"vehicle owner";
- (2) Clarify that if a vehicle is in the process of being
hooked up and the vehicle owner appears on the scene,
the towing company is required to release the vehicle at
a location that ensures safety to all persons and
property involved without a fee charged to the vehicle
owner;
- (3) Establish that violations of the unattended vehicle
towing law are violations of the law relating to unfair
methods of competition, deceptive acts, or practices;
and
- (4) Make various conforming amendments.

Your Committee received testimony in support of this measure
from the Office of Consumer Protection of the Department of

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Commerce and Consumer Affairs. Your Committee received testimony in opposition to this measure from Ace Towing Service, Inc.; Waialae Towing Service; and Kuni's Enterprises, Inc.

Your Committee finds this measure seeks to address problems that people experience when they come onto the scene of a tow and request that their vehicle be "dropped" and difficulties involving the right to retrieve borrowed or rented vehicles from tow yards. Your Committee notes that as this measure continues to move through the legislative process, further consideration should be given as to whether a towing company should be entitled to part of the costs for work already performed in hooking up a vehicle and releasing the vehicle at a safe location, if applicable.

Your Committee has amended this measure by:

- (1) Under the definition of "scene", inserting an unspecified number of feet of radius around the location, which will comprise the scene;
- (2) Making a conforming amendment to section 291C-165.5(b), HRS, to reflect the amendments made to section 290-11, HRS;
- (3) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2857, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2857, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

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GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
 Committee on Judiciary and Labor
 JDL

Bill / Resolution No.:* SB 2857 SD1	Committee Referral: TRE/CPH, JDL	Date: 2/29/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike	/			
KAHELE, Kaiali'i	/			
KIM, Donna Mercado				/
THIELEN, Laura H.	/			
SLOM, Sam	/			
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes