

# SB16 SD1

Measure Title: RELATING TO TOWING.

Report Title: Towing; Vehicle Owner; Hooked Up; Scene

Description: Establishes definitions of "hooked up", "scene", and "vehicle owner" to clarify when a vehicle must be released by a towing company. Establishes date and time stamped photo as proof of vehicle being hooked up. (SD1)

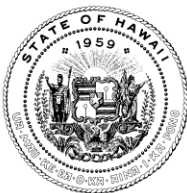
Companion: [HB741](#)

Package: None

Current Referral: TRA, CPN

Introducer(s): BAKER, KAHELE, KIDANI, Harimoto, Nishihara, Wakai

<u>Sort by Date</u>		<b>Status Text</b>
1/22/2015	S	Introduced.
1/22/2015	S	Passed First Reading.
1/22/2015	S	Referred to TRA, CPN.
1/23/2015	S	The committee(s) on TRA has scheduled a public hearing on 01-27-15 2:45PM in conference room 229.
1/27/2015	S	The committee(s) on TRA deferred the measure until 01-29-15 2:45PM in conference room 229.
1/29/2015	S	The committee(s) on TRA recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in TRA were as follows: 8 Aye(s): Senator(s) Nishihara, Harimoto, English, Espero, Inouye, Kidani, Kouchi, Slom; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Dela Cruz.
2/2/2015	S	Reported from TRA (Stand. Com. Rep. No. 3) with recommendation of passage on Second Reading, as amended (SD 1) and referral to CPN.
2/2/2015	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to CPN.
2/20/2015	S	The committee(s) on CPN will hold a public decision making on 02-26-15 9:30AM in conference room 229.



DAVID Y. IGE  
GOVERNOR  
SHAN S. TSUTSUI  
LT. GOVERNOR

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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
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PRESENTATION OF THE  
OFFICE OF CONSUMER PROTECTION

TO THE SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

THE TWENTY-EIGHTH LEGISLATURE  
REGULAR SESSION OF 2015

FEBRUARY 26, 2015  
9:30 AM

WRITTEN TESTIMONY ON S.B. 16, S.D. 1, RELATING TO TOWING.

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,  
AND TO THE HONORABLE BRIAN T. TANIGUCHI, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs, Office of Consumer Protection (“OCP”), appreciates the opportunity to offer written testimony in support of S.B. 16, S.D. 1, Relating to Towing. My name is Stephen Levins and I am the Executive Director of the OCP.

S.B. 16, S.D. 1 proposes to add a definition of “vehicle owner” to section 290-11, Haw. Rev. Stat., and makes amendments to address the inconsistent terminology used to refer to vehicle owners throughout the section. The bill also adds definitions for “hooked up” and “scene” to address practices related to the section 290-11(b)(1), Haw. Rev. Stat. requirement that a vehicle be released to a vehicle owner if the vehicle owner arrives before their car is towed without charging a “drop fee” to do so. The definition of “scene”

was amended by the Senate Committee on Transportation (“TRA”) to specify that it referred to where the vehicle is parked, and stipulated further that the scene includes an area of four feet surrounding that location for the purposes of the requirement to drop a tow when a vehicle owner arrives. It also proposes a means for tow truck drivers to be able to provide proof that the requirements of the statute have been complied with.

This bill adds a definition of “vehicle owner” to broaden the types of individuals eligible to instruct a tow operator to release a vehicle. These changes will assist tourists who have rented vehicles, as well as permissive users, such as family members who are using a vehicle but who are not owners of the vehicle, and will allow them to act as the vehicle owner to request that the vehicle be released before a vehicle is towed, or retrieve the vehicle from the tow lot, provided the permissive user pays the required fee.

In addition, the bill’s definitions of “hooked up” and “scene” will help close a loophole in which a tow operator may partially hook up the vehicle and move it in order to claim that the vehicle is no longer “on the scene”. The OCP has concerns with the proposed definition of scene since it is ambiguous and too restrictive. Four feet from where the vehicle is parked is too small an area. For instance it would mean that a person standing less than a car length away would be unable to request that the tow operator drop the tow.

The OCP has the following suggestions regarding possible further amendments, in order to prevent future disputes regarding the application of the requirement to drop a vehicle, without a fee when a vehicle owner arrives on the scene:

- Retain the clarifications made by TRA on page 2, lines 15-21, and amend page 3, lines 1-4, stipulating a four foot radius, to a fifty foot radius, for the purposes of scene; and

- Amend proposed subsection (c)(1), section 290-11, Haw. Rev. Stat. (page 4, lines 17-21 & page 5, line 1) such that, in the event that a vehicle is “hooked up”, out of the scene as clarified by TRA and amended per the OCP’s recommendations, and the tow operator is in motion, there shall be no obligation on the part of the tow operator to drop the tow.

Thank you for the opportunity to offer written testimony in support of S.B. 16, S.D.1. I am available for any questions you have regarding this legislation.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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DEPUTY CHIEFS

OUR REFERENCE CT-GR

February 26, 2015

The Honorable Rosalyn H. Baker, Chair  
and Members  
Committee on Commerce  
and Consumer Protection  
State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Baker and Members:

SUBJECT: Senate Bill No. 16, S.D. 1, Relating to Towing

I am Calvin Tong, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu. The HPD supports the passage of Senate Bill No. 16, S.D. 1, Relating to Towing.

The passage of this bill will help the Honolulu Police Department settle disputes between the towing companies and the motorists. The current statute specifies release to the owner, creating a problem for the operators of rented or borrowed vehicles. We believe that allowing the release to the person who is legally in possession of the vehicle at the time of the tow is in keeping with the true spirit of eliminating "unhooking" fees.

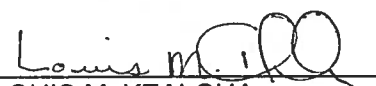
The HPD urges you to support Senate Bill No. 16, S.D. 1, Relating to Towing.

Thank you for the opportunity to testify.

Sincerely,

  
CALVIN TONG, Major  
Traffic Division

APPROVED:

  
LOUIS M. KEALOHA  
Chief of Police

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [CPN Testimony](#)  
**Cc:** [HONOLULUTOWING@AOL.COM](mailto:HONOLULUTOWING@AOL.COM)  
**Subject:** \*Submitted testimony for SB16 on Feb 26, 2015 09:30AM\*  
**Date:** Wednesday, February 25, 2015 9:35:46 AM

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**SB16**

Submitted on: 2/25/2015

Testimony for CPN on Feb 26, 2015 09:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
HONOLULU TOWING INC	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**To:** [CPN Testimony](#)  
**Cc:** [amybrinker@mac.com](mailto:amybrinker@mac.com)  
**Subject:** \*Submitted testimony for SB16 on Feb 26, 2015 09:30AM\*  
**Date:** Sunday, February 22, 2015 7:29:12 PM

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**SB16**

Submitted on: 2/22/2015

Testimony for CPN on Feb 26, 2015 09:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amy Brinker	Individual	Support	No

Comments:

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**To:** [CPN Testimony](#)  
**Cc:** [mendezj@hawaii.edu](mailto:mendezj@hawaii.edu)  
**Subject:** \*Submitted testimony for SB16 on Feb 26, 2015 09:30AM\*  
**Date:** Friday, February 20, 2015 5:13:07 PM

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**SB16**

Submitted on: 2/20/2015

Testimony for CPN on Feb 26, 2015 09:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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