

TESTIMONY ON HOUSE BILL NO. SB - RELATING TO TOWING

POSITION: IN FAVOR OF REINSTATING 'UNHOOKING FEE'

PRESENTATION OF
BARNABY ROBINSON, OWNER WAIALAE TOWING

THE SENATE
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2015

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

Senator Clarence K. Nishihara, Chair
Senator Breene Harimoto, Vice Chair

Tuesday, January 27, 2015

This testimony starts with the premise that the Island of Oahu has almost 900,000 vehicles, space is limited, traffic and parking are a major concern for the general public, and the rules for parking are critical for the efficient flow of traffic and property owner's protection.

It also starts with the premise that illegally parked vehicles require removal at the illegally parked vehicle owner's expense, whether they are on public or private property.

There are two basic types of towing..."CONSENT TOWING", where the vehicle owner requests his vehicle towed due to mechanical failure or some other legitimate necessary reason, and "NON CONSENT TOWING" where towing is initiated by either Honolulu Police Department (HPD) for tow zone, fire hydrant, and/or driveway violations, or, private property wanting protection from illegal parking.

"NON CONSENT" Towing Companies provide a necessary service to HPD and Private Property Owners by removing the illegally parked vehicles at the illegally parked vehicle owner's expense.

HRS 290-11 has been designed over the last 30 years to protect illegally parked vehicle owners, and also the Towing Companies providing the necessary service. It spells out signage requirements, costs, and information related to towing practices and procedures.

In order for a Towing Company to provide NON-CONSENT service, a myriad of preparation must occur prior to connecting to an illegally parked vehicle. Towing equipment, secured storage lots, administration staff, drivers, training, contracts, signage and more must be obtained. By the time a tow truck shows up to tow illegally parked vehicles, a lot of expense has occurred behind the scene.

In 2008 this legislative body chose to eliminate a 20 plus year tradition of collecting the 'UNHOOKING FEE' from illegally parked vehicles while the tow-operator is in the process of connecting in preparation for tow. This legislation has created confusion, unintended consequences, and actually works against HPD, the general public, illegally parked vehicle owners and the tow-operator. It is a well-intended rule that ended up a lose-lose for all parties involved.

Prior to 2008's changes, the determining factor for an "unhooking fee" was that if the tow truck had connection to the vehicle, and the owner appeared at the vehicle, a \$50 fee was collected and the vehicle was unhooked. This 20+ year resolution provided remuneration for the tow firm's services up to that point, a reduced cost solution for the illegally parked vehicle owner.

Restoration of this "UNHOOKING FEE" will help eliminate illegal parking, assist HPD and private property owners in parking enforcement, and reduce costs to the illegally parked vehicle owner.