

Honolulu, Hawaii

, 2020

MAY 11

RE: S.B. No. 2384
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Transportation and Consumer Protection & Commerce, to which was referred S.B. No. 2384, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MOTOR VEHICLES,"

beg leave to report as follows:

The purpose of this measure is to:

- (1) Require certain tow operators to provide to a disabled vehicle's driver a written disclosure of certain information and an itemization of charges before attaching a disabled vehicle to the tow truck under certain circumstances;
- (2) Authorize any vehicle involved in a motor vehicle accident that cannot be moved under its own power or is otherwise disabled to be towed away at the expense of the registered owner of the vehicle; and
- (3) Exempt automobile clubs or towing companies operating under a contract with an automobile club from motor vehicle towing and storage requirements.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs; GEICO



Insurance Agency, Inc.; American Property Casualty Insurance Association; National Insurance Crime Bureau; AAA Hawaii; and one individual. Your Committees received comments on this measure from the Hawaii Insurers Council.

Your Committees find that some towing companies deliberately overcharge consumers for towing services, expecting either the vehicle owner or their insurance company to pay an exorbitant amount in order to retrieve the vehicle. This measure seeks to prevent such abuse without confusing consumers and possibly binding insurers to pay unreasonably high expenses.

Your Committees have amended this measure by:

- (1) Deleting language that would require certain tow operators to provide to a disabled vehicle's driver a written disclosure of certain information and an itemization of charges before attaching a disabled vehicle to the tow truck under certain circumstances;
- (2) Specifying the applicable towing and storage fees for towing a motor vehicle that is involved in an accident and cannot be moved under its own power or is otherwise disabled and constitutes an obstruction or hazard to traffic, but has not been ordered to be towed by the police department;
- (3) Exempting automobile clubs or towing companies operating under a contract with an insurer or motor vehicle manufacturer from motor vehicle towing and storage requirements; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Transportation and Consumer Protection & Commerce that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2384, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2384, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Transportation
and Consumer Protection &
Commerce,



ROY M. TAKUMI, Chair



HENRY J.C. AQUINO, Chair



State of Hawaii
House of Representatives
The THIRTIETH Legislature

HSCR 1118-20

Record of Votes of the Committee on Transportation

Bill/Resolution No.: SB 2384, SD 2	Committee Referral: TRN/CPC, JVD	Date: 3/13/2020		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input 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)	✓			
2. HASHIMOTO, Troy N. (VC)	✓			
3. BROWER, Tom				✓
4. CULLEN, Ty J.K.	✓			
5. HASHEM, Mark J.	✓			
6. MATAYOSHI, Scot Z.	✓			
7. WOODSON, Justin H.	✓			
8. OKIMOTO, Val	✓			
TOTAL (8)	7	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: SB 2384 SD2	Committee Referral: TRN/CPC, JUD	Date: 3/13/20		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input 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)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKUMI, Roy M. (C)	✓			
2. ICHIYAMA, Linda (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. BELATTI, Della Au				✓
5. CABANILLA ARAKAWA, Rida				✓
6. CACHOLA, Romy M.	✓			
7. HAR, Sharon E.				✓
8. KONG, Sam Satoru	✓			
9. MIZUNO, John M.	✓			
10. ONISHI, Richard H.K.				✓
11. MATSUMOTO, Lauren	✓			
TOTAL (11)	7	0	0	4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature: <u><i>Linda Chizume</i></u>				
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