Honolulu, Hawaii

Fz 7 29, 2008

RE: H.B. No. 509

H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 509, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose of this bill is to protect consumers from the imposition of "unhooking" fees if the owner of a vehicle targeted for towing appears on the scene before the vehicle has been moved by the tow truck.

The Department of Commerce and Consumer Affairs (DCCA) and a concerned individual testified in support of this bill. Two concerned individuals submitted comments on this measure.

Current law prohibits towing companies from charging what is known as an "unhooking fee" if the owner of the vehicle that is being hooked-up to the tow truck appears on the scene prior to the vehicle being moved by the tow truck. However, the Office of Consumer Protection of DCCA noted that there was a report of an instance where a consumer was charged a fee even though the consumer arrived on the scene before the vehicle was towed away. According to the consumer, the tow truck driver noted that the car had been moved, albeit a few feet, and thus the consumer was subject to the unhooking fee.

While your Committee understands that there are costs involved for towing companies merely to respond to a call for a tow, the financial needs of the towing company must be weighed against the consumer's interest in the fair and reasonable application of fees. As such, this measure deserves further consideration.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 509, H.D. 2, and recommends that it pass Third Reading.

Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

ROBERT N. HERKES, Chair

HB509 HD2 HSCR CPC HMS 2008-2708

State of Hawaii House of Representatives The Twenty-fourth Legislature

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: Committee	Committee Referral:			
HB509, HD2 (HSCR475-08)	TRN, CPC	0.	2127108	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)	4			2.0
2. McKELVEY, Angus L.K. (VC)	×			
3. EVANS, Cindy				×
4. GREEN, Josh, M.D.	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \			
5. ITO, Ken	γ			
6. LUKE, Sylvia	>			
7. MORITA, Hermina M.				ጉ
8. SONSON, Alex M.				۲
9. SOUKI, Joseph M.	κ			
10. TSUJI, Clift	γ			
11. YAMANE, Ryan I.	g			
12. YAMASHITA, Kyle T.	ΥΥ			
13. MARUMOTO, Barbara C.	φ			
14. THIELEN, Cynthia	χ			
7.5				
			porter processors and appropriate transfer and	
		= = = = = = = = = = = = = = = = = = = =		
		7.55		
TOTAL (14)	1	0	0	3
The recommendation is: Adopted If joint referral, Committee acronym(s) Adopted did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				