THE SENATE TWENTY-EIGHTH LEGISLATURE, 2015 STATE OF HAWAII

S.B. NO. ¹⁶ S.D. ²

* K. J. K.

A BILL FOR AN ACT

RELATING TO TOWING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that section 290-11, Hawaii Revised Statutes, was enacted in 1973 to address the 2 towing of vehicles left unattended on private and public 3 property. Since then, section 290-11, Hawaii Revised Statutes, 4 5 has been amended twenty-one times. The amendments have changed 6 the amount of allowable fees, signage and notification 7 requirements, and other important issues related to towing 8 vehicles.

9 In 2007, the legislature took notice of complaints
10 regarding "unhooking" fees, and Act 269, Session Laws of Hawaii
11 2007, eliminated such fees "when an owner appears on the scene
12 to recover a vehicle".

13 The legislature further finds that section 290-11, Hawaii
14 Revised Statutes, uses multiple terms for "owner", resulting in
15 confusion as to who may recover a vehicle that is hooked up or
16 has been towed to a tow company's yard.

17 The purpose of this Act is to provide a definition section
18 to section 290-11, Hawaii Revised Statutes, to address questions
2015-1826 SB16 SD2 SMA.doc 1

Page 2

S.B. NO. $^{16}_{\text{S.D. 2}}$

1	f vehicle ownership and normalize the usage of the term			
2	vehicle owner" in order to enable permissive users and renters			
3	o avail themselves of the protections envisioned by the			
4	egislature when Act 269, Session Laws of Hawaii 2007, became			
5	nacted.			
6	SECTION 2. Section 290-11, Hawaii Revised Statutes, is			
7	mended to read as follows:			
8	"§290-11 Vehicles left unattended on private and public			
9	roperty; sale or disposition of abandoned vehicles. (a) For			
10	the purposes of this section:			
11	"Hooked up" means attached to the tow truck and securely			
12	astened by means of clamps, ropes, straps, cargo nets, or other	2		
13	uitable mechanical device to prevent the vehicle from dropping			
14	ff of the tow truck or from shifting in any manner.			
15	"Scene" refers to the following from which a vehicle is			
16	eing towed:			
17	(1) A parking stall on a public street or in a public or			
18	private parking lot;			
19	(2) A particular spot on any property; or			
20	(3) A spot curbside on a street in the case of a vehicle			
21	blocking a driveway, including partially;			



S.B. NO. ¹⁶ S.D. 2

For purposes of a tow truck hooking up a vehicle, the "scene" 1 2 includes a radius of fifty feet around the vehicle being towed 3 unless the vehicle is hooked up on a public street under 4 paragraph (1) or curbside under paragraph (3). 5 "Vehicle owner" means the legal or registered owner of the 6 vehicle, a person renting the vehicle pursuant to chapter 437D, 7 or any person in possession of the key or remote keyless ignition system to the vehicle. 8 9 [(a)] (b) Notwithstanding any other provision of this 10 chapter, any vehicle left unattended on private or public 11 property without authorization of the owner or occupant of the 12 property, may be towed away at the expense of the [owner of the 13 vehicle,] vehicle owner, by order of the owner, occupant, or 14 person in charge of the property; provided that there is posted 15 a notice prohibiting vehicles to park on the property without 16 authorization. The notice shall state that the vehicle will be 17 towed and held at the expense of the vehicle owner, as well as the name, address, and a telephone number of the facility where 18 19 the vehicle will be towed and held. The notice shall be of such 20 size and be placed in a location that is clearly visible to the 21 driver of a vehicle approaching any individual marked or



Page 4

S.B. NO. ¹⁶ S.D. 2

1 unmarked parking space; provided that where an entire parking 2 lot consists of restricted parking spaces, placement of the 3 notice at each entrance of the parking lot shall suffice. 4 [(b)] (c) Towing companies engaged by the owner, occupant, 5 or person in charge of the property shall: 6 (1)Charge not more than \$65 for a tow, or \$75 for a tow 7 using a dolly, plus a mileage charge of \$7.50 per mile 8 towed and \$25 per day or fraction thereof for storage 9 for the first seven days and \$20 per day thereafter. 10 In the case of a difficult hookup, meaning an above or 11 below ground hookup in a multilevel facility, a towing 12 surcharge of \$30 shall be applicable. When the tow 13 occurs between the hours of six o'clock p.m. and six 14 o'clock a.m., from Monday through Thursday and from 15 six o'clock p.m. Friday to six o'clock a.m. Monday, 16 the towing company shall be entitled to an overtime 17 charge of \$15. If the vehicle is in the process of 18 being hooked up or is hooked up to the tow truck and 19 the vehicle owner appears on the scene, the towing 20 company shall [unhook] release the vehicle to the 21 vehicle owner and shall not charge any fee to the

2015-1826 SB16 SD2 SMA.doc

S.B. NO. ¹⁶ S.D. 2

1		vehicle owner [of the vehicle. In the case of a
2		difficult hookup, meaning an above or below-ground
3		hookup in a multilevel facility, a towing surcharge of
4		\$30 shall be applicable]; provided that if a vehicle
5		is hooked up, outside of the scene as defined in this
6		section, and the tow operator is in motion, there
7		shall be no obligation on the part of the towing
8		company to drop the tow and release the vehicle to the
9		vehicle owner; provided further that a date and time
10		stamped photograph of the hooked up vehicle at the
11		scene, showing the license plate of the vehicle, shall
12		be evidence that the vehicle is hooked up as defined
13		in this section;
14	(2)	Determine the name of the [legal owner and the
15		registered owner of the] vehicle owner from the
16		department of transportation or the county department
17		of finance. The [legal owner and the registered]
18		vehicle owner shall be notified in writing at the
19		address on record with the department of
20		transportation or with the county department of
21		finance by registered or certified mail of the

2015-1826 SB16 SD2 SMA.doc

S.B. NO. $^{16}_{S.D. 2}$

1	location of the vehicle, together with a description			
2	of the vehicle, within a reasonable period not to			
3	exceed fifteen days following the tow. The notice			
4	shall state:			
5	(A) The maximum towing charges and fees allowed by			
6	law;			
7	(B) The telephone number of the consumer information			
8	service of the department of commerce and			
9	consumer affairs; and			
10	(C) That if the vehicle is not recovered within			
11	thirty days after the mailing of the notice, the			
12	vehicle shall be deemed abandoned and will be			
13	sold or disposed of as junk.			
14	Where the [owners have] <u>vehicle owner has</u> not been so			
15	notified, then the <u>vehicle</u> owner may recover the			
16	[owner's car] <u>vehicle</u> from the towing company without			
17	paying any tow or storage fees; provided that the			
18	notice need not be sent to a legal or registered owner			
19	or any person with an unrecorded interest in the			
20	vehicle whose name or address cannot be determined.			
21	Absent evidence to the contrary, a notice shall be			

2015-1826 SB16 SD2 SMA.doc

Page 7

S.B. NO. $^{16}_{S.D. 2}$

1		deemed received by the [legal or registered] <u>vehicle</u>			
2		owner five days after the mailing. $[A]$ Any person,			
3		including but not limited to the <u>vehicle</u> owner's or			
4		driver's insurer, who has been charged in excess of			
5		the charges permitted under this section may sue for			
6		damages sustained and, if the judgment is for the			
7		plaintiff, the court shall award the plaintiff a sum			
8		not to exceed the amount of the damages and reasonable			
9		attorney's fees together with the cost of suit;			
10	(3)	Provide, when a vehicle is recovered by the <u>vehicle</u>			
11		owner before written notice is sent by registered or			
12		certified mail, the <u>vehicle</u> owner with a receipt			
13		stating:			
14		(A) The maximum towing charges and fees allowed by			
15		law; and			
16		(B) The telephone number of the consumer information			
17		service of the department of commerce and			
18		consumer affairs; and			
19	(4)	Accommodate payment by the vehicle owner for charges			
20		under paragraph (1) by cash and by either credit card			
21		or automated teller machine located on the premises.			

2015-1826 SB16 SD2 SMA.doc

Page 8

S.B. NO. ¹⁶ S.D. ²

1 [(c)] (d) When a vehicle is not recovered within thirty
2 days after the mailing of the notice, it shall be deemed
3 abandoned and the owner of the towing company, or the owner of
4 the towing company's authorized representative, after one public
5 advertisement in a newspaper of general circulation in the
6 State, may negotiate a sale of the vehicle or dispose of it as
7 junk.

8 $\left[\frac{d}{d}\right]$ (e) The authorized seller of the vehicle shall be 9 entitled to the proceeds of the sale to the extent that 10 compensation is due the authorized seller for services rendered in respect to the vehicle, including reasonable and customary 11 charges for towing, handling, storage, and the cost of the 12 13 notices and advertising required by this part. Any remaining 14 balance shall be forwarded to the [legal or registered] vehicle owner [of the vehicle] if the [legal or registered] vehicle 15 owner can be found. If the [legal or registered] vehicle owner 16 cannot be found, the balance shall be deposited with the 17 18 director of finance of the State and shall be paid out to the [legal or registered] vehicle owner [of the vehicle] if a proper 19 20 claim is filed therefor within one year from the execution of

2015-1826 SB16 SD2 SMA.doc

S.B. NO. ¹⁶ S.D. ²

1 the sales agreement. If no claim is made within the year 2 allowed, the money shall become a state realization. 3 [(c)] (f) The transfer of title and interest by sale under 4 this part is a transfer by operation of law; provided that if 5 the certificate of ownership or registration is unavailable, a 6 bill of sale executed by an authorized seller is satisfactory 7 evidence authorizing the transfer of the title or interest. 8 [(f)] (g) Notwithstanding any law or ordinance to the 9 contrary, including subsection $\left[\frac{g}{r}\right]$ (h) and section 46-20.5, any towing company engaged in towing in a county with a 10 11 population greater than five hundred thousand shall offer towing 12 services to consumers twenty-four hours per day every day of the 13 week, which services shall include the release of vehicles kept 14 in storage to a registered owner, legal owner, insurer, or a 15 designated representative. 16 $\left[\frac{(g)}{(g)}\right]$ (h) This section shall not apply to a county that 17 has adopted ordinances regulating towing operations." 18 SECTION 3. Section 291C-165.5, Hawaii Revised Statutes, is

19 amended by amending subsection (b) to read as follows:

"(b) The towing company shall determine the name of thelien holder and the registered owner of the vehicle from the

2015-1826 SB16 SD2 SMA.doc

Page 10

S.B. NO. ¹⁶ S.D. ²

1 department of transportation or the county department of finance. The lien holder and the registered owner shall be 2 3 notified by the towing company in writing at the address on 4 record with the department of transportation or with the county 5 department of finance by registered or certified mail of the 6 location of the vehicle, together with a description of the 7 vehicle, within a reasonable period not to exceed twenty days 8 following the tow. The notice shall state:

The maximum towing charges and fees allowed by law; 9 (1)10 (2) The telephone number of the county finance department 11 that arranged for or authorized the tow; and That if the vehicle is not recovered within thirty 12 (3) 13 days after the mailing of the notice, the vehicle 14 shall be deemed abandoned and will be sold or disposed 15 of as junk.

16 Any towing company engaged in towing pursuant to this section 17 shall comply with the requirements of section 291C-135. When 18 the vehicle is recovered after the tow by the registered owner 19 or lien holder, the party recovering the vehicle shall pay the 20 tow and storage charges which shall not exceed the charges as 21 provided by section [290-11(b)] 290-11(c) or the rates agreed

2015-1826 SB16 SD2 SMA.doc

Page 11

S.B. NO. ¹⁶ S.D. 2

upon with the respective counties, whichever is lower, except 1 2 that tow operators may charge additional reasonable amounts for 3 excavating vehicles from off-road locations; provided that if 4 the notice required by this section was not sent within twenty 5 days after the tow, neither the registered owner nor the lien 6 holder shall be required to pay the tow and storage charges. No 7 notice shall be sent to a legal or registered owner or any 8 person with any unrecorded interest in the vehicle whose name or 9 address cannot be determined. A person, including but not 10 limited to the owner's or driver's insurer, who has been charged 11 in excess of the charges permitted under this section may sue 12 for damages sustained, and, if the judgment is for the 13 plaintiff, the court shall award the plaintiff a sum not to 14 exceed the amount of these damages and reasonable attorney's 15 fees together with the cost of the suit."

16 SECTION 4. Statutory material to be repealed is bracketed17 and stricken. New statutory material is underscored.

18

SECTION 5. This Act shall take effect on July 1, 2050.



S.B. NO. ¹⁶ S.D. ²

Report Title:

Towing; Vehicle Owner; Hooked Up; Scene; Towing Company

Description:

Establishes definitions of "hooked up", "scene", and "vehicle owner" to clarify when a vehicle must be released by a towing company. Permits a towing charge of \$30 for difficult hookups. Specifies that a tow company is not obligated to drop a tow if the vehicle is hooked up, outside of the scene, and the tow operator is in motion. Establishes date and time stamped photo as proof of vehicle being hooked up. Effective 07/01/2050. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.





DAVID Y. IGE GOVERNOR

SHAN S. TSUTSUI

STATE OF HAWAII OFFICE OF THE DIRECTOR DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

335 MERCHANT STREET, ROOM 310 P.O. Box 541 HONOLULU, HAWAII 96809 Phone Number: 586-2850 Fax Number: 586-2856 www.hawaii.gov/dcca

PRESENTATION OF THE OFFICE OF CONSUMER PROTECTION

TO THE HOUSE COMMITTEE ON TRANSPORTATION

THE TWENTY-EIGHTH LEGISLATURE REGULAR SESSION OF 2015

MARCH 18, 2015 10:00 AM

TESTIMONY IN SUPPORT OF S.B. 16, S.D. 2, RELATING TO TOWING.

TO THE HONORABLE HENRY J.C. AQUINO, CHAIR, AND TO THE HONORABLE MATTHEW S. LOPRESTI, VICE CHAIR, AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs, Office of Consumer

Protection ("OCP"), appreciates the opportunity to offer testimony in support of S.B. 16,

S.D. 2, Relating to Towing. My name is Stephen Levins and I am the Executive Director

of the OCP.

S.B. 16, S.D. 2 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"

CATHERINE P. AWAKUNI COLÓN DIRECTOR

JO ANN M. UCHIDA TAKEUCHI DEPUTY DIRECTOR Testimony on S.B. 16, S.D. 2 March 18, 2015 Page 2

was amended by the Senate Committee on Transportation ("TRA") and the Senate Committee on Commerce and Consumer Protection ("CPN") to specify that it referred to where the vehicle is parked, and stipulated further that the scene includes an area of fifty feet surrounding that location for the purposes of the requirement to drop a tow when a vehicle owner arrives. CPN amended the bill to clarify that if a vehicle is hooked up, outside of the scene, and the tow operator is in motion, the tow does not have to drop the tow and release it to the vehicle owner. 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".

Thank you for the opportunity to testify in support of S.B. 16, S.D.2. I am available for any questions you have regarding this legislation.

POLICE DEPARTMENT

CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813 TELEPHONE: (808) 529-3111 · INTERNET: www.honolulupd.org

KIRK CALDWELL MAYOR



LOUIS M. KEALOHA CHIEF

DAVE M. KAJIHIRO MARIE A. McCAULEY DEPUTY CHIEFS

OUR REFERENCE DI-GR

March 18, 2015

The Honorable Henry J. C. Aquino, Chair and Members Committee on Transportation State Senate Hawaii State Capitol 415 South Beretania Street Honolulu, Hawaii 96813

Dear Chair Aquino and Members:

SUBJECT: Senate Bill No. 16, S.D. 2, Relating to Towing

I am Darren Izumo, Acting 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. 2, 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. 2, Relating to Towing.

Thank you for the opportunity to testify.

Sincerely,

Darren Izumo, Acting Major Traffic Division

APPROVED:

Louis M. Kealoha

Chief of Police

Serving and Protecting With Aloha



Deanna S. Sako Director

Lisa K. Miura Deputy Director

County of Hawai'i

Finance Department 25 Aupuni Street, Suite 2103 • Hilo, Hawai'i 96720 (808) 961-8234 • Fax (808) 961-8569

March 17, 2015

The Honorable Henry J. C. Acquino, Chair And the Members of the Committee on Transportation Hawaii State Capitol, Room 419 Honolulu, Hawaii 96813

RE: Senate Bill 16, RELATING TO TOWING

Aloha Chair Acquino and Committee Members:

The County of Hawaii strongly opposes the proposed amendments to (c) (2). The Finance Director is unable to determine the name of the vehicle owner if the vehicle owner is not a legal owner and/or registered owner.

The County Department of Finance does not have the information the bill requires to be reported when requested by the tow company.

Aloha,

Dear pak

Deanna S. Sako Finance Director

lopresti2 - George

From:	mailinglist@capitol.hawaii.gov
Sent:	Monday, March 16, 2015 1:59 PM
То:	TRNtestimony
Cc:	babyjean@hotmail.com
Subject:	*Submitted testimony for SB16 on Mar 18, 2015 10:00AM*

<u>SB16</u>

Submitted on: 3/16/2015 Testimony for TRN on Mar 18, 2015 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Ronnie Perry	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Ace Towing Service

1040 Makepono Street Honolulu, HI 96819 Phone: (808) 847-7811 Fax: (808) 842-7605

March 16, 2015

Representative Henry J.C. Aquino, Chair Representative Matthew S. LoPresti, Vice Chair Committee On Transportation State Capitol, Room 309 Honolulu, HI 96813

RE: SB16 SD2 Relating To Towing. Establishes definitions of "hooked up", "scene", and "vehicle owner" to clarify when a vehicle must be released by a towing company. Permits a towing charge of \$30 for difficult hookups. Specifies that a tow company is not obligated to drop a tow if the vehicle is hooked up, outside of the scene, and the tow operator is in motion. Establishes date and time stamped photo as proof of vehicle being hooked up. Effective 07/01/2050. (SD2)

Dear Chair Aquino, Vice Chair LoPresti and Members of the Committee:

In regards to SB16 SD2, we agree that clarification regarding the "scene", "hooked up" and "vehicle owner" is needed. However, we as a towing company working closely with customers in our industry have a real-world idea as to what the definitions should be.

Scene definition to be anything beyond a 50ft radius of the vehicle is too far of a distance. The DCCA clearly did not think this through when proposing this outrageous distance. For example, what is a tow truck driver to do when towing a vehicle from a private property that fronts a busy street such as King Street, and the vehicle is parked near the exit and the driver gets the vehicle off the property and is now sitting in traffic but not quite 50ft away? Is he expected to stop and unhook the vehicle in the middle of traffic and would the DCCA actually think this is safe? How would anyone even gage a distance that big? This is why we still feel that a 4ft radius or once the vehicle leaves the stall is sufficient. This definition of the scene was agreed upon by the DCCA when we met with the Transportation Committee. We have to remember that these people getting their vehicles towed are violators and the purpose of this bill is to clear up definitions by making it less ambiguous, easier for HPD to enforce and easier for the customer to understand.

Hooked up, should read when the tow truck is securely attached to the vehicle and is able to safely move the vehicle without the vehicle falling off the tow truck. This is because there are many models of tow trucks that require different equipment to make the hook up safe. Representative Henry J.C. Aquino, Chair Representative Matthew S. LoPresti, Vice Chair Committee On Transportation March 16, 2015 Page 2 of 2

The "process of hooking up" should read when the tow truck is attached to the vehicle by either one L bar in the case of a wheel lift, arms deployed in the case of a self loader and J hooks attached in the case of a flat bed or car carrier. Once this takes place work has been done to take possession of the vehicle. Once possession is taken releasing of the vehicle should be to the "vehicle owner" only.

Vehicle owner should be defined as the legal, registered, renter or authorized driver listed on a rental agreement. In the event the above mentioned "vehicle owner" is unable to pick up his/her vehicle from the tow yard a notarized letter, power of attorney or a letter on hospital letter head signed by a doctor authorizing someone other then the legal or registered owner to pick up the vehicle is presented the tow company should release the vehicle to the authorized person listed.

Acceptable forms of identification should be any government issued ID such as drivers license, state ID, passport, military ID, resident alien cards etc.

We believe defining "vehicle owner" as such and indicating in the law what a towing company shall accept as reasonable means of releasing a vehicle to someone other than the "vehicle owner" will prevent towing companies from withholding vehicles from the "vehicle owner" and will facilitate the expediency of the release process to the proper person.

We are unsure of the verbiage regarding date and time stamped pictures of the hooked up vehicle on the scene. I think this means that we need a date and time stamped photo of any vehicle we tow in to our yard. We believe this to be unnecessary as there is no purpose. If we brought the vehicle into the yard this means that we were not confronted on the scene and was properly hooked up to the vehicle. Requiring a driver to take this additional photo will only slow his process and when on a public street put him in danger.

Respectfully Submitted,

Jan Wakayama President

TESTIMONY ON SENATE BILL NO. SB 16 SD2-RELATING TO TOWING

POSITON: IN FAVOR OF BILL WITH PROPER LANGUAGE

PRESENTATION OF:

BARNABY ROBINSON, OWNER, WAIALAE TOWING

THE TWENTY-EIGHTH LEGISLATURE

REGULAR SESSION OF 2015

COMMITTEE ON TRANSPORTATION

Rep. Henry J.C. Aquino, Chair Rep. Matthew S. LoPresti, Vice Chair

Wednesday, 3-18-2015

In 2007 this legislative body chose to eliminate the 'unhooking fees' from illegally parked vehicles while the tow-operator is in the process of hooking up. This 'feel-good" legislation has created confusion, unintended consequences, and actually works against HPD, the general public, illegally parked vehicle owners and the tow-operator.

The verbiage with 2007's law is vague and controversial. The tow industry is pleased the legislature is taking the time to address current language to clarify the rules for parking.

Prior to 2007'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 a reduced cost solution for the illegally parked vehicle owner, reduced continued illegally parking, and remuneration for the tow firm's services up to that point.

However, what historically happens at the legislature is the tow man is portrayed as the bad person, and the illegally parked vehicle owner is portrayed as an "innocent" victim. This is far from the truth as tow companies are providing a necessary and valuable service to both HPD and private property owners. The fact is there are almost 1,000,000 people on Oahu, and almost as many vehicles. Parking these vehicles requires rules and regulations in a civilized society, since the reality is that parking rules are basically management of real estate.

Public and private property needs protection from violators. Public roads need to be opened for traffic; driveways, fire hydrants, intersections and bus stops need to be free and clear for intended uses. Illegally parked cars need to be removed, and regulation is needed to protect both the violator, and the tow company providing service.

The three points that SB16 SD2 addresses should be structured as follows:

1) The language needs to be modified to REINSTATE the unhooking fee, as it provides a satisfactory solution for vehicle owners that appear on the scene (by preventing full tow to the impound yard), closes the loophole for continued illegal parking, and partial remuneration for the tow company for services provided up to that point.

2) Release of the vehicle should be to the Legal or Registered owner only. This is for protection to the city, state, private property owners, and tow companies from release to unauthorized people. A notarized form authorizing a person to operate the vehicle should be acceptable proof for release.

In the case of a rental vehicle, a rental contract verifying a person's name on it should be acceptable proof for release.

3) The definition of "on scene" should be "once vehicle is connected to the illegally parked vehicle".

Thank you for your consideration of these recommendations.

Barnaby Robinson President Waialae Towing