

Honolulu, Hawaii

FEB 04 , 2020

RE: H.B. No. 2162
H.D. 1

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

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2162 entitled:

"A BILL FOR AN ACT RELATING TO TOWING,"

begs leave to report as follows:

The purpose of this measure is to curb certain predatory towing practices by:

- (1) Clarifying fees that may be charged in association with towing services;
- (2) Clarifying the duty of a tow company when an owner appears on the scene prior to the tow truck leaving the scene;
- (3) Removing a tow company's ability to provide an automated teller machine in lieu of accepting payments by credit card;
- (4) Specifying that persons who violate the State's towing laws have engaged in unfair or deceptive acts or practices and are subject to certain penalties; and
- (5) Adding definitions for clarity.



Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Hawaii Insurers Council, Young Progressives Demanding Action, and two individuals.

Your Committee finds that predatory towing practices can result in unfair and excessive charges to a vehicle owner. This measure addresses several deficiencies in the existing towing law, which will improve the overall towing statute and diminish ambiguities that have caused unreasonable barriers for vehicle owners whose vehicles have been towed.

Your Committee has amended this measure by:

- (1) Reverting to existing statutory language that enables an insurer or a representative to pick up an owner's vehicle from a towing company;
- (2) Clarifying that violations of the towing laws are subject to all penalties and remedies under the State's unfair or deceptive acts or practices law;
- (3) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 2162, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2162, H.D. 1, and be referred to your Committee on Judiciary.



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



ROY M. TAKUMI, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 2162	Committee Referral: CPC, JUD, FIN	Date: 11/30/20		
<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)	9	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 150px;">committee acronym(s)</small>				
Vice Chair's or designee's signature: <u><i>J. DeLoach</i></u>				
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