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**DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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**Testimony of the Department of Commerce and Consumer Affairs**

**Office of Consumer Protection**

**Before the**  
**Senate Committee on Transportation and Culture and the Arts**  
**Thursday, March 14, 2024**  
**3:00 p.m.**  
**Via Videoconference**  
**Capitol Room 224**

**On the following measure:**  
**H.B. 1577, H.D. 1, RELATING TO MOTOR VEHICLE TOWING FEES**

Chair Lee and Members of the Committee:

My name is Mana Moriarty, and I am the Executive Director of the Department of Commerce and Consumer Affairs (Department) Office of Consumer Protection (OCP). The Department offers comments on this bill. Should this Committee agree with this bill's premise that tow companies should be authorized to collect additional amounts for a tow involving an overturned vehicle, it is critical that the Legislature establish a cap on amounts authorized to be charged for a tow involving an overturned vehicle.

The OCP appreciates the language in the H.D. 1 which establishes an unspecified maximum amount that a tow company may charge for towing an overturned vehicle. As introduced, this bill would have authorized tow companies to charge a so-called reasonable amount for tows involving an overturned vehicle. Drivers who have their overturned vehicles towed are not in a position to know what is and is not a

reasonable amount for a tow because they are not familiar with the costs incurred by the tow company. And in general, drivers are not in a position to push back against a tow company that they disagree with. If drivers need to regain possession of the vehicle for day-to-day transportation needs, they will generally pay what the tow company demands, regardless of whether it is reasonable.

An individual who attempts to get their vehicle back from a towing company starts at a disadvantage when dealing with the tow company that has possession of their vehicle because in most instances the individual needs the vehicle back. And in general, a tow company knows that very few vehicle owners have the time and the energy to pursue a dispute with the towing company. Therefore, if the Legislature authorizes additional charges for tows involving an overturned vehicle, it is crucial that a cap be imposed on how much can be recovered.

The Office of Consumer Protection appreciates this Committee's attention to charges reportedly being incurred by drivers who have a clamshell device placed upon the windshield of their vehicle with the intent to immobilize the vehicle. Should this bill move forward, OCP encourages this Committee to review the amendments adopted in S.B. 3287, S.D. 2, and consider whether similar amendments should be made to this bill. OCP recommends that the use of clamshell devices be regulated by statute, that charges for removing a clamshell device be capped, and that tow companies or parking management companies be required to accept payment by cash, credit, or debit when removing a clamshell device.

Thank you for the opportunity to testify on this bill.

**LATE**

**HB-1577-HD-1**

Submitted on: 3/13/2024 9:44:58 PM

Testimony for TCA on 3/14/2024 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lolenese Agasiva	Testifying for Agasiva and Sons Towing	Oppose	In Person

Comments:

My name is Lolenese Agasiva, the Owner/Operator of Agasiva and Sons Towing. I oppose bill 1577 HB relating to motor vehicle towing fees. The current towing rates are as follows, \$65.00 hook up, \$75.00 hook up with dollies, \$7.50 per mile. I disagree with these prices for I have a family of 7 to support. I am the sole bread winner in my household. Ever since Covid, prices has gone up for everything. Housing, food, utilities, gas, and insurance, yet towing prices has remained the same. Towing is a hard job and it requires a lot of manual hard labor. Here is one of the many calls I receive for accidents. On October 19th, 2023 traffic accident Kahekili Hwy + Huiiwa St. received the call @12:21am, enroute @ 12:21am, on scene @ 12:35am. EMS, Fire, and Police were already on scene, looking down over the car from the highway. There was an overturned vehicle about 100 feet down a hill. I had to repel down the hill with only my winch cable and flashlight to hook up my winch cable to the vehicle. I climbed up and down the hill about 8-10 times repositioning the cable and my tow truck to get the vehicle up to the top of the highway. There was no front end to this vehicle and the back tires were flat. This was an extra difficult recovery, hook up, and tow. This accident recovery took me 1 hour and 30 minutes of hard physical labor and sweat to get the vehicle to the top of the hill. I towed the vehicle from Kahekili Hwy to All Island Wreckers yard at 96-1268 Waihona Street. People do not realize the physical labor that gets put into these tows. These tow rates are the same as it was in 2008. 16 years ago. I have a question for all of you. Is the price of housing, food, clothing, utilities, car insurance, gas, everyday essentials (toilet paper, toothbrush, bath soap, diswashing soap, laundry detergent) the same as in 2008? No, its not. The cost of living has increased over the years. In the last 5 years, it has doubled, or maybe even tripled. Yet the price of towing has remained the same. As a tow truck owner/operator we pay out of our own pocket for maintenance, gas, insurance and daily up keep of our trucks. Us tow truck operators cannot live off of rates from 15 years ago. We put our lives on the line daily when being dispatched to an accident, expired tags, fire hydrant, driveways, etc. Everytime a call is dispatched to me, I pray to God that I return home safely to my family.

**LATE**

**HB-1577-HD-1**

Submitted on: 3/13/2024 7:04:45 PM

Testimony for TCA on 3/14/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dayna Tavake	Testifying for Honolulu Towing Inc.	Support	Written Testimony Only

Comments:

Aloha Members of the Committee:

I am writing to express my support for HB1577 to include recovery fees for overturned vehicles in Hawai‘i. As a towing company that provides emergency accident recovery services, we understand the challenges and costs associated with responding to and recovering vehicles involved in accidents. In many cases, the costs of labor, equipment, and resources far exceed the fees that we are unable to charge.

By allowing fees to be charged for overturned vehicles, towing companies will be better equipped to cover their costs and ensure that they can continue to provide prompt and reliable services to those in need.

We believe that this bill is a necessary step to support the towing industry and ensure that towing companies can continue to serve their communities effectively. We urge you to consider supporting this bill and helping to ensure that towing companies are able to operate successfully and provide the critical services that our communities rely on.

Thank you for your attention to this important issue.

Sincerely,

Dayna Tavake

President

Honolulu Towing Inc.

Shawn Stillman  
Regarding HB1577  
March 14, 2024



My name is Shawn Stillman and I am a concerned Owner/Operator of SS Towing HI. I am a father to two children whom I am the sole provider for. I have been in the towing industry for 15 years. I would like to humbly ask for your time to consider my concerns. I am testifying on how the towing industry lacks the support of not only the public but also outside agencies.

In my personal experience I have encountered numerous of recoveries where my life gets put at risk. There have been instances where it has taken two or more hours to recover the vehicle depending on the circumstances. An accident can range from a minor fender bender, a vehicle flipped over in the ditch, having to recover miles off the road to a vehicle split into three pieces. In these type of situations, it takes much longer and requires more labor and the proper knowledge and expertise to complete the job.

Today I wanted to share my story with everyone to elaborate on the risks, extra labor, and lack of compensation for the towing industry. I would like for the public and outside agencies to understand how my job as a tow truck operator is not taken lightly and how anything can happen at any given time. Support from the public and outside agencies for fair compensation on the more complex jobs would be very helpful.

Your consideration of these matters and solutions is very much appreciated. Thank you for your time and understanding of my concerns.

Sincerely,

Shawn Stillman  
*SS Towing HI – Owner/Operator*