



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

NADINE Y. ANDO  
DIRECTOR | KA LUNA HO'OKELE

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA  
SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

DEAN I HAZAMA  
DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

KA 'OIHANA PILI KĀLEPA  
335 MERCHANT STREET, ROOM 310  
P.O. BOX 541  
HONOLULU, HAWAII 96809  
Phone Number: (808) 586-2850  
Fax Number: (808) 586-2856  
cca.hawaii.gov

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

**Office of Consumer Protection**

**Before the  
Senate Committee on Ways and Means  
Thursday, April 9, 2026  
10:55 AM  
Via Videoconference  
Conference Room 211**

**On the following measure:  
H.B. 2375, H.D. 2, S.D. 1 RELATING TO TOWING PRACTICES**

Chair Dela Cruz and Members of the Committee:

My name is Melissa Enright, and I am an Enforcement Attorney at the Department of Commerce and Consumer Affairs' (Department) Office of Consumer Protection (OCP). The Department opposes this bill.

This bill establishes a Uniform Towing Practices for Public Parking Facilities Working Group and includes as a member of group the Director of the DCCA, or the director's designee. The Working Group members currently include a representative of a licensed towing company, to be appointed by the governor, but do not include a representative of a company that specializes in automobile insurance.

Towing companies are regulated by existing state laws that set how much they can charge for a tow, require the acceptance of credit and debit cards, require clearly visible, posted notice requirements before a tow is authorized (§290-11, HRS), towing

companies to penalties for violations of consumer protection law (§480-2, HRS), describe how towing companies must handle tows requested by the police for disabled motor vehicles (§291C-165.5, HRS) and require towing companies to have adequate signage and insurance coverage for their tow trucks (§291C-135, HRS).

We recognize concerns have been raised about parking enforcement at a small number of publicly managed boat harbor parking lots. Some of these concerns have previously been reported to our office, including concerns about parking management at the Ala Wai Small Boat Harbor. The creation of a working group to gather data and make statewide recommendations is not a measured response to the concerns that led to the introduction of this bill.

Concerns about parking enforcement at a small number of publicly managed boat harbor parking lots may be addressed by the agencies responsible for managing the public parking lots with the tools available to them to manage compliance and contractor performance. Existing processes provide public agencies with the opportunity to evaluate their contractors' performance and to recommend debarment proceedings if a contractor's performance raises concerns about repeated violations of state laws. State and county agencies are encouraged to make use of the existing performance review and debarment processes for contractors who repeatedly violate state law while performing publicly awarded contracts. State and county agencies can contact the State Procurement Office for details about contractor performance reviews and debarment proceedings.

In addition, public agencies soliciting contracts for towing or parking management services can require prospective offerors to make disclosures about their past performance on public contracts. When public agencies use the competitive proposals method of solicitation, we encourage them to add an evaluation category for consumer protection and responsiveness to public complaints. In particular, we suggest that public agencies require prospective offerors to disclose all legal actions brought against them for violations of state towing or consumer protection laws, or actions involving other torts such as conversion. Prospective offerors should also be required to disclose past consumer complaints and how they have responded to them.

Contracting agencies must know, and periodically review, state law for updates. For example, Act 60 (2024), clarified that towing companies engaged by the owner—i.e., the contracting agency in the case of public parking lots—must “accept payment by the vehicle owner for charges ... by cash, credit card, and debit card.” In addition, no towing company engaged by a contracting agency “shall direct an individual to use an on-site automated teller machine in lieu of accepting payment by credit card and debit card.” State and county agencies that have questions or concerns about compliance, or receive public complaints about their vendors’ conduct, can contact our office and refer complaints about their vendors to us.

Members of the public are encouraged to report violations of state towing laws, such as requiring payment in cash, to OCP. Members of the public may go to [consumercomplaint.hawaii.gov](https://consumercomplaint.hawaii.gov) to file a complaint or a share a concern, or may call the DCCA toll free number, 1-844-808-DCCA (3222).

For the reasons above, we respectfully request that the bill be deferred.

Thank you for the opportunity to testify on this bill.



# DISABILITY AND COMMUNICATION ACCESS BOARD

Ka 'Oihana Ho'oka'a'ike no ka Po'e Kīnānā

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1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813  
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 204-2466 (VP)

April 9, 2026

## TESTIMONY TO THE SENATE COMMITTEE ON WAYS AND MEANS

### House Bill 2375 House Draft 2 Senate Draft 1 - Relating to Towing Practices

The Disability and Communication Access Board (DCAB) supports House Bill 2375 House Draft 2 Senate Draft 1 – Relating to Towing Practices. This bill establishes a Uniform Towing Practices for Public Parking Facilities Working Group within the Department of Transportation to examine existing state and county laws, ordinances, rules, and administrative practices relating to towing from public parking facilities and develop recommendations for uniform standards applicable to towing from state and county parking facilities. It requires a report to the Legislature and is effective 7/1/3000.

DCAB administers the statewide parking for disabled persons program and performs design review of accessible parking spaces for state and local government construction projects. Improper towing of vehicles used by permittee holders and the number of accessible parking spaces in public parking facilities is of great concern to DCAB, and we look forward to participating as a member of this working group.

Thank you for the opportunity to testify.

Respectfully submitted,

KRISTINE PAGANO  
Acting Executive Director



**April 8, 2026**

**Dear Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:**

My name is Kate Thompson, and I am the Director of [Surfparking.org](http://Surfparking.org). We are submitting testimony in strong support of HB2375, relating to parking enforcement and towing practices on public lands.

We also invite you to review the substantial public testimony submitted during prior hearings on HB2375, which reflects strong and consistent community support for this measure.

We appreciate that this measure has been scheduled for hearing before the Senate Committee on Ways and Means and the opportunity to move HB2375 forward.

HB2375 is a much-needed step toward addressing the fragmented and inconsistent nature of parking enforcement across public parking areas run by the state and counties, including those operated by private parking concessionaires under contract. Currently, the public is faced with a patchwork of rules, contracts, and enforcement “triggers” that are often unclear to the public and appear to be unevenly applied, resulting in inconsistent and disproportionate financial penalties. This lack of transparency and predictability undermines public trust and discourages residents and visitors from using parking facilities on public land.

In particular, we have observed increasing instances where minor parking infractions—such as meter overstays—can escalate quickly into vehicle towing, especially at state small boat harbors like Ala Wai and Mā‘alaea. These practices raise serious concerns about fairness, proportionality, and the preservation of public land access.

We support the intent of establishing a statewide working group. We initially considered recommending the inclusion of public representatives—such as individuals with experience in public land access advocacy or those directly impacted by towing on state property—to help balance industry perspectives.

However, in support of the timely passage and effectiveness of this measure, we believe it may be more practical to maintain a streamlined structure composed of agency representatives.

Public input can still be meaningfully incorporated through regularly scheduled teleconference meetings every two months, with invited participants from the public and relevant stakeholders, including individuals with experience in public land access advocacy, those directly impacted by towing on state property, and representatives from the towing industry.

This approach would help ensure the measure remains efficient, implementable, and responsive to public concerns, while avoiding unnecessary complexity in its structure.

We also respectfully request that the original reporting timeline be retained, including submission of a report of findings and recommendations, with any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2027, and that the working group sunset on June 30, 2027.

We respectfully urge the Senate Committee on Ways and Means to pass HB2375.

Mahalo for the opportunity to provide testimony.

Sincerely,

Kate Thompson  
Director, Surfparking.org  
808-383-3334

Douglas Meller  
2615 Aaliamanu Place  
Honolulu, Hawaii 96813  
douglasmeller@gmail.com

**Testimony Supporting HB 2375, HD2, SD1 Relating to Towing Practices**

Submitted to Senate Committee on Ways and Means  
Thursday, April 9, 2026, 10:55 AM Hearing in State Capitol Room 211

I support HB 2375, HD2, SD1. “Privatization without due process” might be tolerated in Chicago, but is not an acceptable way to manage public parking in Hawaii. And after-the-fact complaints to the Department of Commerce and Consumer Affairs are not an appropriate remedy for predatory public towing concessions.

**HB-2375-SD-1**

Submitted on: 4/7/2026 6:42:27 PM

Testimony for WAM on 4/9/2026 10:55:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Louis Erteschik	Individual	Support	Written Testimony Only

Comments:

In support.

**HB-2375-SD-1**

Submitted on: 4/8/2026 9:30:16 AM

Testimony for WAM on 4/9/2026 10:55:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Margaret Hallahan	Individual	Support	Written Testimony Only

Comments:

**Dear Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee on Ways and Means:**

I strongly support HB2375.

Current parking enforcement practices at Ala Wai Small Boat Harbor are excessively punitive. Vehicles are often towed immediately upon meter expiration, with no warning or citation issued beforehand. Once a vehicle is towed, individuals are frequently required to pay in cash to retrieve their vehicles. While towing companies may deny enforcing cash-only payments, there are numerous firsthand accounts from residents and visitors across the island reporting that this is their experience.

These practices disproportionately impact visitors, who are unfamiliar with local enforcement policies and are therefore easy targets. I have personally heard multiple tourists state that, after such experiences, they would not return to Hawai'i. This harms not only individuals but also the broader reputation of our islands.

In contrast, most public parking systems issue citations for expired meters and reserve towing for more serious or repeated violations. This approach reflects a more reasonable, fair, and welcoming standard—one that is consistent with Hawai'i's values.

A uniform, statewide policy for parking enforcement is long overdue. Establishing clear and consistent guidelines would improve fairness, reduce confusion, and strengthen public trust.

Additionally, the current structure at Ala Wai Small Boat Harbor does not meaningfully generate revenue from parking citations, as there are reportedly 25 or fewer citations issued per year. Instead, enforcement relies heavily on towing. While the parking lot generates approximately \$1 million annually, with about 20% going to the parking vendor, 100% of towing revenue goes directly to the private towing company. Notably, the State leases this enforcement authority for just \$1 per year under its contract with the towing operator.

This arrangement creates a clear imbalance, where significant revenue is extracted from the public through towing, yet none of those funds are returned to the State or reinvested into harbor operations. It also raises concerns about incentives, as enforcement practices may prioritize towing over more reasonable and proportional measures such as citations.

The proposed working group provides an important opportunity to evaluate how parking is managed across small boat harbors statewide and to develop a more consistent, transparent, and equitable system.

To support this effort, a standardized data survey could be distributed to relevant agencies and operators, including:

- Jurisdiction (City/Island)
- Department and Division (e.g., DLNR, DOBOR)
- Parking operator/concessionaire and contract status
- Contract duration and summary terms
- Parking rates and accepted payment methods
- Availability of expiration reminders
- Number of citations issued annually and responsible entity
- Number of tows performed annually and recipient of towing fees
- Total number of stalls (paid, free, permit, employee)
- ADA and van-accessible stall counts and access aisles
- EV charging availability

A coordinated, data-driven approach will help ensure parking policies are fair, transparent, and consistent statewide.

This is precisely why parking systems across public lands and subleased public lands must be compared and standardized. The public should be able to understand, in advance, the financial penalties they may face for any given parking violation. A uniform framework ensures that residents and visitors are not subjected to unpredictable or disproportionate enforcement depending on location. Consistency in rules, penalties, and enforcement practices is essential to fairness, transparency, and public trust.

Please support HB2375.