

STAND. COM. REP. NO. 475 -08

Honolulu, Hawaii
Feb 15, 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 Transportation, to which was referred H.B. No. 509, H.D. 1, 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.

A concerned individual testified in support of this bill. The Department of Commerce and Consumer Affairs commented on this measure.

Although current law prohibits towing companies from charging what is known as an "unhooking fee" if the owner of the vehicle being hooked-up to the tow truck appears on the scene prior to the vehicle being moved by the tow truck, your Committee has been made aware that some confusion over this language may exist among tow companies. A consumer reported that some tow companies move a vehicle while partially hooked up and then complete the hook-up after the vehicle has been moved. Thus, even though the vehicle's owner arrives on the scene before the vehicle is towed away, the towing company is charging for the unhooking of the vehicle because it has been technically "moved."

HB509 HD2 HSCR TRN HMS 2008-2135




To avoid this confusion, Your Committee has amended this bill by clarifying that as long as the vehicle's owner arrives on the scene while the vehicle is in the process of being hooked up, or is already hooked up, the towing company should not charge an unhooking fee, regardless of whether the car has been moved.

Other technical, nonsubstantive amendments were made for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 509, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 509, H.D. 2, and be referred to the Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



JOSEPH M. SOUKI, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

Record of Votes of the Committee on Transportation **HSCR 475-08**

Bill/Resolution No.: HB 509, HD1	Committee Referral: TRN, CPC	Date: 13 Feb. 2008		
<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)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. NISHIMOTO, Scott Y. (VC)	/			
3. EVANS, Cindy	/			
4. HAR, Sharon E.	/			
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia				/
7. McKELVEY, Angus L.K.	/			
8. NAKASONE, Bob				/
9. SONSON, Alex M.				/
10. TAKAMINE, Dwight Y.	/			
11. TAKUMI, Roy M.	/			
12. MEYER, Colleen Rose				/
13. PINE, Kymberly Marcos				/
TOTAL (13)	8			5
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation.				
committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				