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Ohio House Transportation and Public Safety Committee
HB 113 Testimony
Joe Hollabaugh, Executive Director
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Chairman Green, Vice Chair McClain, Ranking Member Sheehy and members of the House Transportation and Public Safety Committee. Thank you for the opportunity to be here today and present testimony regarding HB 113. My name is Joe Hollabaugh, and I am the Executive Director of the Association of Professional Towers – Ohio (APTO) – a state trade association that represents nearly 150 towing and recovery companies in the State of Ohio. We appreciate the opportunity to address this legislation.

HB 113 aims to prohibit a towing service from employing or compensating “spotters”. First, APTO does not encourage or condone the use of spotters. The practice lowers the value of providing a vital towing service because the price for Private Tow-Away Zone towing and storage is strictly regulated by the PUCO, has a harmful effect on the image of the industry, and may encourage subverting current statute. While we do not see the use of spotters or recognize a widespread problem with the practice, we do agree and support the intention of the legislation. However, we are concerned about potential negative application of the bill as drafted. We shared these concerns with Rep. Patton and we are pleased that he has agreed to work with us on a positive solution.

Over the previous three General Assemblies, APTO has been heavily engaged in creating and refining ORC 4513.601, a code section that establishes Private Tow-Away Zones and sets the rules of engagement for the removal of vehicles from private property. This code section was established to enable property owners to enforce their rights and establish who may park on their property and the ability to remove vehicles that are not permitted on the property. Current statute details the steps and requirements to establish a legal Private Tow-Away Zone, including:

- Proper signage.
- Requirements for the storage facility where a vehicle will be taken.
- Establishes a maximum fee for the towing and storage of vehicles.
- Requires a written contract between the property owner and the towing company for the removal of vehicles.
- Specific record keeping requirements such as photographs and logging information relative to the tow.
- Strict notifications process to vehicle owners, lienholders and law enforcement about the removal of the vehicle.

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This section even requires that a towing company provide written notification to the vehicle owner that they may be able to file a civil action against the towing company for violating any of the 15 specific civil causes of action established in the code related to Private Tow-Away Zone towing. Penalties for the towing companies are progressively stronger with each violation and may ultimately result in the loss of their PUCO CPCN (Certificate of Public Convenience and Necessity) which is essentially a death penalty for a company as they would not be able to operate without this certificate.

As an industry, we participated in creating this statute that is fair to property owners, respects consumers and establishes clear rules and penalties for towing companies engaged in removing vehicles from private property. While this statute is one of the strictest in the country for towing companies, we believe that it is working effectively to balance the rights of property owners and consumers while protecting the towing companies that engage in the process legally and in compliance with the established rules, regulations and penalties.

Our suggested changes to the legislation include:

1.) Ensure that the proposed legislation does not infringe on the enforcement of ORC 4513.601 PRIVATE TOW-AWAY ZONES and the contracts established between property owners and towing companies. For example, if the owner of an apartment complex contracts with a towing company to monitor the parking lot twice a day and remove vehicles parked in designated handicapped spaces, blocking the trash containers, or that do not display proper parking credentials – that is not “spotting”.

2.) Clarify the definition of spotter (4513.612 (A)) and the use of a spotter (4513.612 (C)) to specifically address if it applies to a towing company, a property owner and/or any party involved in the transaction. For example, is a property owner prohibited from employing, compensating, or using a spotter – or just a towing service?

We appreciate Representative Patton’s willingness to work with us on these changes. Thank you for your time and I would be happy to answer any questions from the committee.