



## **State Representative**

Ron Young

Sponsor Testimony for HB 331

House State Government Committee

October 7, 2015

Chairman Maag, Vice Chair Kunze, Ranking Member Curtin, Members of the House State Government committee. Thank you for allowing me to bring before you House Bill 341. This bill intends to improve the towing laws in the State of Ohio and make some tweaks to the changes that were made in the last General Assembly.

The services that the tow industry provides are invaluable to commerce, safety, law enforcement, and recreation.

For the jobs they perform the cost to the public is minimal. Just consider one aspect of their work, hooking and towing cars during an Ohio winter. Think about finding the location of a serious accident on Interstate 71 during a winter storm. Temperatures are often below zero and damaged and/or disabled vehicles are often sitting just out of the flow of traffic. In some cases a vehicle is even blocking a lane or two of traffic, while cars continue to flow in adjacent lanes. During times like these, with cars zipping by on frozen pavement, tow drivers are expected to climb under disabled and/or seriously damaged vehicles and properly attach their hook and chain. It is not surprising that about 60 tow truck drivers are killed in Ohio each year<sup>1</sup>. For these and many other reasons we must consider that while regulation is necessary we must be careful not to punish those performing this important service. Without individuals willing to perform the task of towing and recovery of vehicles, Ohio's economy would suffer greatly. To keep our roads open, parking lots cleared, save stranded motorists, store vehicles and perform the myriad of other daily tasks performed by towing firms would be cost prohibitive to state government.

The bill makes the following changes:

1. Tow companies have not had an increase in their statutorily set tow-away zone towing and storage fees since the early 1990s. This bill increases the towing fees per the consumer price index. The PUCO is responsible for raising those rates.

2. Tow trucks will be authorized to utilize the opening or crossover of a highway in order to proceed in the opposite direction. Also, they will be able to use the berm or shoulder to the roadway of a street or highway if they can do it safely.
3. Tow companies and places of storage will also be permitted to charge a \$35 fee for the retrieval of any non-medical personal items. This fee is required to be deducted from the cost of the total fee, upon pickup of the vehicle. This is to prevent people from collecting their personal items and abandoning their car on the lot.
4. Under SB 274, if the court determines that the tow company commits any 3 violations, they would lose their towing license for 6 months, essentially putting them out of business. The bill would replace the license revocation with a \$3,500 fine.
5. A tow company or place of storage that currently is able to use the affidavit process to obtain the title to a vehicle would be able to deduct the cost of the tow, and up to 65 days of storage fees from the value of that vehicle. Sixty five days is the current statutory time period that tow companies are required to hold the vehicle in order to complete the affidavit process.
6. Many times tow companies are stuck with junk cars because they are called upon by local law enforcement to clear a vehicle. In many cases, the current affidavit process does not apply. Under House Bill 341 tow companies will be authorized to acquire a title that is distinguished to be *for destruction only* in order to clear their lot of junk cars when certain steps are followed. These steps include:
  - Send a certified letter to the last known address.
  - Hold the vehicle for 15 days after they receive notice that the letter was received or undeliverable.
  - The vehicle must be at least 3 years old.
  - Local Law enforcement must sign off on an affidavit that would certify the vehicle is suitable only *for destruction only*.

Towers perform a thankless but necessary job. Very few motorists want their car towed, regardless of whether or not they parked illegally. For a multitude of reasons the nature of this industry does not easily lend itself to a positive image in the public's eye. However, they perform a critical role in the lives of all Ohioans. It is incumbent upon us that they be treated fairly and reasonably.

Thank you again for your attention. I look forward to answering any questions that you might have at this time.