



**Testimony of Andrew W. Herf  
Proponent of Amendment to ORC 5577 within HB 26  
March 8, 2017**

**Association of Professional Towers—Ohio  
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Chairman LaRose, Vice Chair Kunze, Ranking Member Tavares, and members of the Senate Transportation, Commerce and Workforce Committee, thank you for the opportunity to testify today on a provision in HB 26 that expands the weight limit exemption for heavy towing equipment in Ohio. My name is Andy Herf and I am here on behalf of the Association of Professional Towers-Ohio, a trade association representing towing companies that specialize in quickly clearing the roads and highways for local jurisdictions and the state of Ohio. Currently, all Ohio Turnpike DVS contractors, and many other towing and recovery companies in Ohio, own and operate a piece of heavy duty towing and recovery equipment called a 'rotator'. This modern technology is quickly becoming an industry standard for safe and efficient emergency recovery situations

To begin, I would like to explain what a "rotator" is. A rotator is a heavy piece of equipment that is the most efficient way to clear an accident scene that involves large vehicles, like a semi and trailer. A rotator looks similar to a ladder truck used by a fire department, but instead of a ladder, it is fitted with a crane that can rotate 360 degrees. By design, a rotator is extremely heavy and has a low center of gravity. As you may see in the first picture, they also have stabilizing bars that extend out perpendicular to the trailer. The purpose of the weight is so that the crane may be used to lift a semi-trailer without simply pulling the rotator down and tipping it over. On average, a rotator will weigh between 65,000 to 80,000 pounds. As a matter of simple engineering, it takes weight to move weight. I have included pictures of rotators in my testimony.

Under Ohio law the current weight limit is 37,000 lbs. for two-axle vehicles and 78,000 lbs. for three-axle vehicles. A vehicle with a rotator brings the average three-axle vehicle's weight up to 80,000 lbs., well beyond the limits provided in Section 5577.07.

On December 29, 2016 a tower was called to clear a wreck in the city of Columbus. The wreck required a rotator. The tower was exempted from the weight limit while clearing the road and while towing the wreckage to the repair shop, but was not exempted from the weight restrictions while driving to the scene or returning from the repair shop. The rotator driver was cited under the revised code for being over the weight limit under ORC 5577.07. The tower faces an \$862.00 fine.

Attached to this testimony is HC0027. The amendment, which the House Finance committee adopted unanimously as part of the substitute bill, would extend the current exemption for heavy equipment to include driving to and from an emergency. In the past, the legislature has consistently recognized the need to quickly clear roads and highways of accidents. Quickly clearing accidents allows commerce to move freely again, and it reduces secondary crashes from other drivers on the roads. In the third picture attached to my testimony, you will see a tribute created by APTO to honor the towers who died last year while performing their duty. On average, over 60 towing and recovery professionals are killed nationally. We are doing everything we can to reduce that tragic number. To ensure the quick clearance of roadways, ODOT, ODPS and local safety forces work together to control emergency scenes. APTO members partner with safety forces, ODOT and the turnpike to teach quick clearance and incident management techniques so the entire operation will run efficiently.

In addition to the cooperation at the emergency, towers are also now regulated by the PUCO. The PUCO has promulgated rules as directed in SB 274 that guide how the equipment is to be used based on the manufacturers ratings. They also issue the Certificate of Public Necessity and Convenience (CPCN). When HB 341 goes into effect at the beginning of April, operating without a CPCN could cause the tower to have their equipment impounded. We believe those are the right regulatory steps to make certain that towers are operating within the law. Besides the PUCO, we do not believe it would be efficient to allow any other non-emergency agencies of government to regulate towers.

We believe these activities are important to continue, and this exemption will certainly help. One addition we would also ask for is to allow a tower to drive the wreckage to their own place of storage. Not every accident goes to a repair facility. Sometimes the accident is a total loss. In that case the wreckage would be taken to the tower's storage facility—which is not a repair facility as described in the current language in HB 26.

Finally, I would like to thank you for the opportunity to testify on this narrow, but important issue to expand weight limit exemptions on rotators, I am happy to answer questions.



## 50/60 Ton Rotator



The Jerr-Dan 50/60 Ton Rotator boasts an empowering combination of heavy-duty capabilities, superior stabilizing technology, commanding rotation, unsurpassed pulling capacity and unstoppable power. And now it's available with the more impressive JFB Body Series.





TICKET NO. 1665800436CPD  
FRANKLIN COUNTY OHIO MUNICIPAL COURT  
CITY OF COLUMBUS V. CASE #

NAME [REDACTED]  
STREET [REDACTED]  
CITY, STATE COLUMBUS, OH ZIP 43232  
LICENSE ISSUED MO 02 YR 2014 EXPIRES BIRTHDATE 2018 STATE OH  
SSN [REDACTED] D.O.B. [REDACTED]  
RACE W SEX M HEIGHT 5.7 WEIGHT 226 HAIR BRO EYES HAZ FINANCIAL RESPONSIBILITY PROOF SHOWN  
LICENSE NO [REDACTED] Yes No  
Lic. Class 8 DOT # [REDACTED] Deon Not Apply

TO DEFENDANT: COMPLAINT

ON 12/29/2016 AT 9:05 AM YOU OPERATED/PARKED/WALKED/A  
Pass Comm Cycle Over 28001 Bus Haz Mat  
VEHICLE YR 1995 MAKE FREIGHTLINER BODY TYPE ROTATOR  
COLOR DBL LIC PEP4424 STATE OH  
UPON A PUBLIC HIGHWAY, NAMELY 70

AT/BETWEEN 270 Z 9 P 10 (MP.)  
IN THE CITY OF COLUMBUS IN FRANKLIN COUNTY, STATE OF OHIO AND COMMITTED  
THE FOLLOWING OFFENSE(S)

SPEED: MPH in MPH zone		ORC	ORD
<input type="checkbox"/> Over limits <input type="checkbox"/> Unreas. cond.			
<input type="checkbox"/> Radar <input type="checkbox"/> Air <input type="checkbox"/> VASCAR <input type="checkbox"/> Pace <input type="checkbox"/> AODA <input type="checkbox"/> Laser <input type="checkbox"/> Stationary <input type="checkbox"/> Moving			
OVI: <input type="checkbox"/> Under the influence of alcohol/drug of abuse <input type="checkbox"/> Prohibited blood alcohol concentration <input type="checkbox"/> Blood <input type="checkbox"/> Breath <input type="checkbox"/> Urine <input type="checkbox"/> Refused		ORC	ORD
DRIVER LICENSE: <input type="checkbox"/> None <input type="checkbox"/> Revoked <input type="checkbox"/> Suspended <input type="checkbox"/> Expired <input type="checkbox"/> 9 months or less <input type="checkbox"/> Over 9 months		ORC	ORD
SAFETY BELT - Failure to wear <input type="checkbox"/> Driver <input type="checkbox"/> Passenger <input type="checkbox"/> Child restraint		ORC	ORD
1 OTHER OFFENSE OVERWEIGHT-AXLE GROUP 19,600 LBS FINE \$892.00		ORC	ORD
2 OTHER OFFENSE OPERATING IN EXCESS OF REGISTERED GROSS, REG 88,000-ACTUAL 74,900		ORC	ORD
LBS 4803.11(A)			
DRIVER LICENSE HELD <input type="checkbox"/> VEHICLE SEIZED <input type="checkbox"/> ARREST CODE			
PAVEMENT: <input type="checkbox"/> Dry <input type="checkbox"/> Wet <input type="checkbox"/> Snow <input type="checkbox"/> Ice <input type="checkbox"/> Const. Zone 3			
VISIBILITY: <input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Dust <input type="checkbox"/> Night			
WEATHER: <input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Fog <input type="checkbox"/> No Adverse			
TRAFFIC: <input type="checkbox"/> Heavy <input type="checkbox"/> Moderate <input type="checkbox"/> Light <input type="checkbox"/> None			
AREA: <input type="checkbox"/> Business <input type="checkbox"/> Rural <input type="checkbox"/> Residential <input type="checkbox"/> Industry <input type="checkbox"/> School <input type="checkbox"/> Freeway			
CRASH: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Almost Caused <input type="checkbox"/> Injury <input type="checkbox"/> Non-Injury <input type="checkbox"/> Fatal			
Crash Report Number			
REMARKS 161130753			
2nd VIOLATION WIN 1YR COURT CONV. DATE CHARGE			
3rd VIOLATION WIN 1YR COURT CONV. DATE CHARGE			
ACCOMPANYING CRIMINAL CHARGE Yes No TOTAL # OFFENSES 2			

TO DEFENDANT: SUMMONS ~~APPEARANCE REQUIRED~~

You are summoned and ordered to appear at:  
FRANKLIN COUNTY OHIO MUNICIPAL COURT  
375 SOUTH HIGH STREET  
COLUMBUS, OH 43215  
(614) 645-8168  
WWW.FCMCCLERK.COM

This issuing charging law enforcement officer states under the penalties of perjury and falsification that the officer has read the above complaint and that it is true.

L DAUGHERTY/D KANE

Issuing Charging Law Enforcement Officer, 1810300

COURT DATE 01/11/2017 TIME 9:00 AM  
COURTROOM: 1B

IF YOU FAIL TO APPEAR AT THIS TIME AND PLACE YOU MAY BE ARRESTED OR YOUR LICENSE MAY BE CANCELLED.  
This summons served personally on the defendant on 12/29/2016

TO DEFENDANT: READ THIS MATERIAL CAREFULLY

PERSONAL APPEARANCE REQUIRED.

If the Officer marked this block on the face of the ticket, you must appear in court. Your appearance in court is required because the offenses cannot be processed by a traffic violations bureau.

FAILURE TO APPEAR AND/OR PAY

The posting of bail or depositing your license as bond is to secure your appearance in court or the processing of the offense(s) through a traffic violations bureau. It is not a payment of fines or costs. If you do not appear at the time and place stated in the citation or if you do not timely process this citation through a traffic violations bureau, your license will be cancelled. Also, a warrant may be issued for your arrest and you may be subject to additional criminal penalties.

OFFENSES THAT MAY NOT BE PROCESSED BY TRAFFIC VIOLATIONS BUREAU:

The following offenses require court appearance and may not be processed by a traffic violations bureau:

Any indictable offense; Operating a motor vehicle under the influence of alcohol or any drug of abuse; Leaving scene of accident; Driving while under suspension or revocation of driver's license or commercial driver's license; Driving without being licensed to drive, except where the driver's or commercial driver's license has been expired for six months or less; A third moving traffic offense within 12 months; Passing a standing school bus; Willfully eluding or fleeing a police officer; Drag racing.

WAIVERABLE THROUGH TRAFFIC VIOLATIONS BUREAU

If you are charged with offenses other than those listed above, you may, within 7 days after the day you receive the ticket, plead guilty to the offenses charged and dispose of the case without court appearance by:

- (1) appearing personally at the traffic violations bureau, signing the waiver printed below and paying the fines and costs, or;
- (2) signing the waiver printed below and mailing it and a check or money order for the total of the fines and costs to the traffic violations bureau at the following address: Franklin County Municipal Court Clerk - TVB, 375 South High Street - 1st Floor, Columbus, Ohio 43215
- (3) visit the web-site at [www.fcmcclerk.com](http://www.fcmcclerk.com)

MAKE CHECK OR MONEY ORDER PAYABLE TO:

Franklin County Municipal Court Clerk

INSURANCE WARNING. UNDER OHIO LAW YOU ARE REQUIRED TO SHOW PROOF OF FINANCIAL RESPONSIBILITY OR INSURANCE.

If you did not do so at the time of receiving this ticket, you must submit proof of insurance when you appear in court on these offenses or when you dispose of these offenses in person or by mail through the traffic violations bureau.

IF YOU DO NOT SUBMIT THE REQUIRED PROOF, YOUR DRIVER'S LICENSE WILL BE SUSPENDED AND YOU MAY BE SUBJECT TO ADDITIONAL FEES AND INSURANCE SANCTIONS.

INFORMATION: If you have questions regarding a court appearance, the price of a waiver, payment of a waiver and/or proof of insurance, please call the Franklin County Municipal Court Clerk's office at 645-8168 or visit the web-site at [www.fcmcclerk.com](http://www.fcmcclerk.com).

FOR THE DEAF OR HEARING IMPAIRED: 1-814-645-8658 (TTY)

Note: Additional cost will be assessed if payment is not received by the specified time.

CONTESTED CASE; COURT APPEARANCE REQUIRED.

If you desire to contest the offenses or if court appearance is required, you must appear at the time and place stated in the summons.

GUILTY PLEAS, WAIVER OF TRIAL, PAYMENT OF FINES AND COSTS

I, the undersigned defendant, do hereby enter my written pleas of guilty to the offense(s) charged in this ticket. I realize that by signing these guilty pleas, I admit my guilt of the offense(s) charged and waive my right to contest the offenses in a trial before the court or jury. Further, I realize that a record of this plea will be sent to the Ohio Bureau of Motor Vehicles. I have not been convicted of, pleaded guilty to, or forfeited bond for two or more prior moving traffic offenses within the last 12 months. I plead guilty to the offense(s) charged.

FINES \_\_\_\_\_

Costs \_\_\_\_\_

Total \_\_\_\_\_

Signature of Defendant

Address

NOTICE TO DEFENDANT UNDER EIGHTEEN YEARS OF AGE. You must appear before the Juvenile Court at the time and place determined by the Court. The Juvenile Court will notify you when and where to appear. This ticket will be filed with the Juvenile Court and may be used as a juvenile complaint. For information regarding your duty to appear at Juvenile Court in Franklin County call: (614) 462-5279  
Address: Franklin County Juvenile Court  
389 S. Front Street, Columbus, Ohio 43215

H.B. 26  
As Introduced

\_\_\_\_\_ moved to amend as follows:

In line 39 of the title, after "5531.149," insert "5577.15," 1

In line 92, after "5531.149," insert "5577.15," 2

Between lines 13327 and 13328, insert: 3

"Sec. 5577.15. (A) The size and weight provisions of this 4  
chapter do not apply to ~~a~~ any of the following: 5

(1) A person who is engaged in the initial towing or removal 6  
of a wrecked or disabled motor vehicle from the site of an 7  
emergency on a public highway where the vehicle became wrecked or 8  
disabled to the nearest site where the vehicle can be brought into 9  
conformance with the requirements of this chapter or to the 10  
nearest qualified repair facility; 11

(2) A person who is en route to the site of an emergency on a 12  
public highway to remove a wrecked or disabled motor vehicle; 13

(3) A person who is returning from delivering a wrecked or 14  
disabled motor vehicle to a site or repair facility as specified 15  
in division (A)(1) of this section. 16

(B) Any subsequent towing of a wrecked or disabled vehicle 17  
shall comply with the size and weight provisions of this chapter. 18

(C) No court shall impose any penalty prescribed in section 19

5577.99 of the Revised Code or the civil liability established in 20  
section 5577.12 of the Revised Code upon a person ~~towing or~~ 21  
~~removing~~ who is operating a vehicle in the manner described in 22  
division (A) of this section." 23

In line 15970, after "5531.149," insert "5577.15," 24

The motion was \_\_\_\_\_ agreed to.

#### SYNOPSIS

**Tow truck exception to vehicle size and weight limits** 25

**R.C. 5577.15** 26

Specifies that the vehicle size and weight limits do not 27  
apply to a person who is traveling to the site of an emergency on 28  
a public highway to tow a vehicle or who is returning from towing 29  
a vehicle from the site of such an emergency. 30