



Representative Al Cutrona
58th Ohio House District

Chair Hillyer, Vice Chair Mathews, Ranking Member Isaachson, and members of the Civil Justice Committee, thank you for the opportunity to present Sponsor Testimony in support of HB 403.

Several years ago, the Ohio Trucking Association and the state's two Towing and Recovery Associations began a conversation to create a simple, fair and expedited form of dispute resolution to deal with towing and recovery bills deemed to be excessive by the trucking industry. Both industries aimed to keep commerce moving swiftly, address payment to the towing industry for services they provide law enforcement clearing highways and roadways when a major accident occurs, and deal with property as a result of these accidents.

While this is a very contentious issue between these two industries, I am happy to report the parties got together to work out differences and the result is the language in HB 403. The proposed legislation is based on existing ORC 4513.70 (civil action against a towing service or storage facility by an insurance company), but is drafted in a more limited fashion, specifically to address vehicles that are ordered into storage by law enforcement in accordance with ORC 4513.66 – accidents on highways and public property open to the public.

To address the issues described above, HB 403:

- Permits a vehicle owner to commence a civil action on behalf of that owner, or a third party for whom the owner commercially transports cargo – to object to the amount billed by a towing service.
- The action may be filed in a municipal or county court with jurisdiction over the location the vehicle was removed.
- The complaint shall include the amount of the bill that is undisputed and the reasons the owner objects to the remainder of the bill and include any evidence supporting the assertion that the bill amount is unreasonable.
- The vehicle owner shall pay the undisputed amount to the towing company and post a bond equal to the disputed amount.
- No later than two business days from receipt of the undisputed payment, the towing service or storage facility shall release the motor vehicle, cargo, or personal property that is the subject of the complaint.
- The court shall then make a determination whether the amount charged by the towing service was reasonable or unreasonable, order the motor vehicle owner to pay the undisputed charges or additional reasonable charges, may require either party to pay or refund any additional amount and may impose monetary penalties that the court determines to be appropriate.

- Finally, HB 403 also provides the towing service or storage facility the reciprocal privilege to commence the expedited civil action against the vehicle owner in the event the bill is not paid in 45 days from when it is presented to the vehicle owner.

In conclusion, I would like to commend the Ohio Trucking Association, the Association of Professional Towing – Ohio, and the Towing and Recovery Association of Ohio for working together and supporting a common sense form of dispute resolution for a serious issue facing both industries. HB 403 codifies a simple, fair and balanced process to resolve disputes where both parties are provided a clear path and will know the “rules of the road” if they cannot agree on a final bill when these major accidents must be cleared from our roadways to ensure the traveling public’s safety. Vehicles, property, cargo and payment to the towing service will be dealt with expeditiously to ensure we keep commerce moving.

On a final note, we shared this language with the Ohio Insurance industry and the Ohio Judicial Conference and do not anticipate any opposition to the proposal. Thank you for your attention to HB 403, I would appreciate your support for the legislation, and I would be happy to answer any questions at this time.