

PROPONENT TESTIMONY – SB 79
Ohio Senate Transportation Committee
Joe Hollabaugh on behalf of the Association of Professional Towing – Ohio (APTO) and the
Towing and Recovery Association of Ohio (TRAO).

Good morning Chair Kunze, Vice Chair Reineke, Ranking Member Antonio and members of the Senate Transportation Committee. Thank you for the opportunity to address the committee as a proponent of SB 79.

My name is Joe Hollabaugh and I am here today representing both the Association of Professional Towing – OHIO (APTO) and the Towing and Recovery Association of Ohio (TRAO). Combined, both trade associations represent hundreds of towing and recovery companies across the state of Ohio and work jointly for the betterment of the industry through the Ohio Towing and Recovery Legislative Committee (OTRLC).

Ohio towing and recovery companies are a vital part of public safety services and are routinely called by law enforcement to respond to accidents and emergencies to clear Ohio roads and highways. Wrecked or abandoned vehicles that pose a public safety threat must be cleared from the roadways and public property, towed to a storage facility and stored to be recovered by the owner or lienholder. The proposed legislation deals directly and only with vehicles that are ordered into storage by law enforcement or public safety entities.

Thousands of these vehicles are abandoned every year at storage facilities and the towing companies currently have no recourse to acquire the vehicle's title and properly dispose of them. Local police chiefs or county sheriffs are required to spend time and resources to notify the vehicle owner/lienholder that failure to claim the vehicle may result in loss of vehicle title. If the vehicle is not retrieved, the law enforcement entity has several options to dispose of these vehicles. However, if they do not process the title and follow through disposing of the vehicle, the towing and storage companies must keep the vehicles in their lots without end, with no recourse to dispose of the vehicle properly, or recover any cost associated with providing the public service of recovering, towing and storing the vehicle – if they are ultimately abandoned.

It is also important to note that there are no laws, rules or regulations that require vehicle owners and/or lienholders to retrieve them and pay for the services rendered by the towing and storage companies. There are no consequences for simply walking away without payment, title transfer or a means to dispose of the vehicle. Ultimately, this is a predictable decision because the vast majority of these vehicles have no value. They have been totaled or ordered into storage by law enforcement because they were already abandoned.

SB 79 addresses these vehicles by deeming them abandoned sixty days after the vehicle owner and/or lienholder are notified by law enforcement. This time period provides law enforcement ample time to decide if they would like to acquire the vehicle title for disposal or any purpose they deem necessary. There are no modifications to the current process law enforcement may utilize to acquire the vehicle's title. Nothing in this bill will change the current process for law enforcement.

However, if law enforcement chooses not to process the vehicle, the bill provides a path for the owner of a towing service or storage facility to obtain a certificate of title to a vehicle for disposal if all of the following apply:

- 1.) The vehicle was ordered to be towed and stored by a law enforcement entity or public safety official in accordance with ORC 4513.60 (vehicle left on private residential or private agricultural property without the permission of person having right to possession of property), ORC 4513.61 (vehicles in possession of law enforcement officers or left on public property), or 4513.66 (removal of a highway obstruction);
- 2.) The towing company searched the BMV records to identify the owner of the vehicle and any lienholders;
- 3.) A notice was sent to the owner and lienholder's last known address, via certified mail with return receipt requested, that the towing company will obtain title to the vehicle within sixty days after the notice was received if the vehicle is not recovered;
- 4.) The vehicle was left unclaimed for 60 days, evidenced by a signed receipt or notification the delivery of the notice was not possible;
- 5.) The sheriff, chief of police, or state highway patrol has determined the vehicle or items in the vehicle are not necessary to a criminal investigation;
- 6.) The towing company executes an affidavit affirming these conditions are met, and;
- 7.) The towing company is also required to notify the law enforcement entity that ordered the vehicle towed and stored that they have obtained the title to the vehicle and of its disposal to ensure the towing companies remain accountable to the law enforcement entity that ordered the vehicle to be towed and stored.

I encourage the committee to review the testimony submitted by Chief Edward Tomba, Chief of Police for the city of Middleburg Heights describing the perspective from law enforcement and we appreciate the letter of support from the Ohio Association of Chiefs of Police, attached for your review. As mentioned in Senator Hoagland's sponsor testimony, we are grateful for their support and working with the Buckeye State's Sheriffs Association, The Ohio State Highway Patrol, The Ohio Clerks of Court Association, The Ohio Auto Dealers Association, and the Ohio Independent Auto Dealers Association - all of whom were instrumental in drafting this legislation.

I would also like to draw your attention to additional proponent testimony submitted by Beacon Software, a Cleveland area company that provides the towing industry an automated BMV search and notification system to help Ohio towing companies identify and notify vehicle owners and lienholders when their vehicle has been towed. While they do not have a financial stake in the disposal of abandoned vehicles, they did provide the committee with data to demonstrate the magnitude of the problem in Ohio. Their testimony also verifies that Ohio remains the only

state where they operate that does not have a solution for towing companies to dispose of abandoned vehicles ordered into storage by law enforcement.

Finally, we are very grateful to have passed this language recently in the Ohio House of Representatives last month – companion House Bill 132 - and with a unanimous vote out of the Senate Transportation Committee last General Assembly. I urge your support for SB 79 and I would be happy to address any questions from the committee.