



## **HB 403 – Proponent Testimony**

**Tom Balzer, President and CEO**

**April 23, 2024 – House Civil Justice Committee**

Chairman Hillyer, Vice Chair Matthews, Ranking Member Isaacsohn, and members of the House Civil Justice Committee, my name is Tom Balzer, and I am the President and CEO of the Ohio Trucking Association. I appreciate the opportunity to provide proponent testimony on House Bill 403, which creates a much-needed solution for our members.

OTA has worked closely with the towing industry to establish the process laid out under HB 403. While it is rare that these two industries see eye-to-eye on issues, both parties agree that the process we are asking you to enable through this legislation is a vast improvement over what occurs in real-world situations today.

Currently, when there has been an accident or another instance when a tow is needed, it is not uncommon for the trucking company to dispute fees that they feel are exorbitant. The towing company in turn holds the property of the trucking company until the dispute is resolved, forcing the trucking company to either eat the cost of the high fees to get back on the road, or risk not being able to complete their contract on time while the truck, the trailer, and its contents are held by the towing company.

This legislation creates a resolution process for disputed towing fees and provides a clear path to a fair solution for all entities involved. HB 403 would enable trucking companies to enter a civil action to dispute charges on their bill allowing a municipal or county court to rule on which fees are either necessary or unnecessary. From there, the trucking company must post a bond for the full amount to the towing company, provide the court with reasoning and evidence as to why they feel the fees are unjust, and await a decision from the court.

Crucially, this legislation also requires that the truck, trailer, and cargo all be released from the custody of the towing company no later than 2 days after the posted amount. This allows for the dispute to continue without a significant delay in getting the cargo where it needs to go.

This solution is a common-sense, straight-forward solution to a problem that exists on a regular basis. I'd like to thank the sponsor of the bill, Rep. Al Cutrona, for his leadership in bringing this issue before you, and we ask for swift passage of this legislation. Thank you again for the opportunity to testify here today, and I am happy to answer any questions you may have.