



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Angela Hawkins, Public Utilities Commission of Ohio

FROM: Jacob Ritzenthaler, Business Advocate

DATE: March 14, 2022

RE: **CSI Review – Towing of Motor Vehicles (OAC 4901:2-22-01 through 4901:2-22-07)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Commission as provided for in ORC 107.54.

Analysis

This Public Utilities Commission of Ohio (Commission) rule package consists of one amended rule and six no change rules. The rules were submitted to the CSI Office as part of a statutory five-year review on August 25, 2021, and the public comment period was open through October 14, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on August 25, 2021.

Ohio Administrative Code (OAC) Chapter 4901:2-22 establishes requirements for the operation of for-hire motor carriers that provide towing services. OAC 4901:2-22-01 lists the definitions used throughout the chapter and is amended to update the definitions of "storage facility" and "towing service" to include additional references to ORC definitions. OAC 4901:2-22-02 sets forth the purpose and scope of the rules. OAC 4901:2-22-03 establishes requirements for operating a tow truck, including requirements for the use of equipment and securing the towed vehicle. OAC 4901:2-22-04 lists the criteria for declaring a tow truck to be out-of-service. OAC 4901:2-22-05 concerns the adoption of towing regulations by counties and townships. OAC 4901:2-22-06 sets requirements for after-hours retrieval fees, which require that the fee not exceed reasonable costs

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of complying with statutory duties and not exceed \$150. OAC 4901:2-22-07 provides guidelines for towing business advertising.

During early stakeholder outreach, the Commission held a workshop to solicit feedback on the rule and notified interested parties, as well as economic development organizations and industry trade associations. No stakeholder comments were received during that time or during the CSI public comment period.

The business community impacted by the rules includes all motor carriers that provide towing services. The adverse impact created by the rules is primarily the cost of complying with the requirements of the rule, which include properly using equipment and declaring trucks to be out-of-service. The Commission states that the adverse impact created by the rules is necessary to comply with statutory requirements and provide guidelines for the safe towing of vehicles.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Commission should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review