



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Angela Hawkins, Public Utilities Commission of Ohio

FROM: Michael Bender, Business Advocate

DATE: November 23, 2022

RE: **CSI Review – Towing of Motor Vehicles (OAC 4901:2-22-01, 4901:2-22-02, 4901:2-22-03, 4901:2-22-04, 4901:2-22-05, 4901:2-22-06, and 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 rule package consists of three amended rules and four no-change rules proposed by the Public Utilities Commission of Ohio (PUCO) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on September 22, 2022, and the public comment period was held open through October 19, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on September 22, 2022.

Ohio Administrative Code (OAC) 4901:2-22 establishes requirements and safety standards applicable to for-hire motor carriers who engage in the towing of motor vehicles. OAC 4901:2-22-01, 4901:2-22-03, and 4901:2-22-06 are amended to update language and to streamline the procedure for ensuring towing safety standards. No revisions are proposed for OAC 4901:2-22-02, 4901:2-22-04, 4901:2-22-05, and 4901:2-22-07.

During early stakeholder outreach, the PUCO issued an Entry on July 25, 2022, in Case No. 22-692-TR-ORD indicating that a workshop would be conducted on August 23, 2022, to listen to stakeholders' concerns regarding the rules in OAC 4901:2-22. The Entry was served upon the Ohio

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Petroleum Marketers Association, National Tank Truck Carriers, Inc., Ohio State Highway Patrol, the Ohio Trucking Association, Ohio Department of Public Safety, Ohio Department of Transportation, Ohio Association of Chiefs of Police, Buckeye State Sheriff's Association, Ohio Municipal League, County Commissioners' Association of Ohio, Ohio Township Association, WreckMaster Inc. USA, Towing and Recovery Association of America, North American Towing Academy, American Towing and Recovery Institute, Ohio Insurance Institute, Towing and Recovery Association of Ohio, AAA Ohio, all household goods carriers, Ohio Association of Movers, Ohio Brokers of household goods as identified by the Federal Motor Carrier Safety Administration, and the transportation listserv. No comments were provided by stakeholders at the workshop. No comments were received during the CSI public comment period.

The business community impacted by the rules includes motor carriers engaged in towing operations. The adverse impact created by the rules includes the time necessary to ensure that towing equipment complies with the standards described in the rules. The PUCO notes that the purpose of the revisions is to remove regulatory restrictions and that they are expected to have positive impacts on the business community. The PUCO states that the adverse impact to business is justified to implement ORC provisions to establish safety standards and other requirements for the operations of for-hire motor carriers engaged in the towing of motor 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.