

TOW-TRUCK OPERATORS LACK CITY OVERSIGHT

Fighting rules, fees often a dead end

Published: Sunday, August 7, 2005

NEWS 01A

By Dirk VanderHart

THE COLUMBUS DISPATCH

The invoice was just the beginning of Steve Brazina's problems.

The handwritten note stated only that he owed \$160 for towing, storage and an "administration fee." There was no company name, address or phone number.

The car, which belonged to Brazina's daughter, had been towed the previous night from a private lot in Columbus.

Then he was told to pay in cash. If he didn't, the towing company would keep his car, and his bill would increase with every passing day.

"To me, it was like somebody sticking me up with a pistol," said Brazina, of New Albany, adding that he vented a bit of his frustrations at a *tow-truck operator* at the company's lot near Hilliard.

"That's when he pulled the pepper spray out."

Brazina, 62, eventually got the car back, but the encounter stayed with him. He said he called a number of local and state agencies and eventually found out that the *tow-truck operator* wasn't licensed with the state, which is supposed to oversee the industry.

"That was just a rip."

According to Columbus officials, similar stories are becoming more common since the city lost oversight of towing companies two years ago.

In 2001, Ours Garage & Wrecker Service in Hebron filed suit against Columbus, claiming its towing regulations pre-empted federal law. The case eventually went before the U.S. Supreme Court, which sided with the city in 2002.

The next year, however, a state law was enacted that says towing companies are "not subject to any ordinance, rule, or resolution of a municipal corporation, county, or township" where licensing is concerned.

Cities such as Columbus and Toledo stopped issuing licenses and overseeing towing operations. Ohio towing companies are now licensed and regulated solely by the Public Utilities Commission of Ohio. In the 2004-05 licensing period, 1,218 towing companies registered with the PUCO.

Since the change, Columbus police say altercations between *tow-truck* drivers and vehicle owners have become more frequent.

"This is frustrating for us in law enforcement just as it is for citizens, but most of these guys are operating within the law so there's nothing we can do," said Columbus police spokesman Sgt. Brent Mull. "Basically, they hold people's cars hostage."

Problems usually arise when someone finds out his or her car has been towed from a private parking lot, Mull said.

Because Columbus has a large amount of private parking -- particularly Downtown and near Ohio State University -- towing companies stay busy.

Mull said he once was called to a towing-company lot where a woman wasn't allowed to retrieve her car because the owner wouldn't let her inside the car to get proof of ownership.

"There was nothing I could do," Mull said.

Other complaints include people who say they were unable to contact towing companies to retrieve their cars for several days, racking up storage fees, said Michael Weinman, legislative liaison for Columbus police.

Companies are required by state law to allow vehicle owners to retrieve their cars and *trucks* 24 hours a day.

Mull and Weinman said a law is needed to assure that towing companies don't impose exorbitant fees or mistreat and intimidate those whose cars they *tow*. Towing companies, however, say current licensing and oversight procedures are sufficient.

"I'm sure there are rogues in this industry trying to take advantage of people," said Kevin Ours, executive director of the Towing and Recovery Association of Ohio and owner of the company that sued the city. "We don't want that. The majority of towers are honest business people."

Although the PUCO makes sure that companies comply with safety requirements and pay licensing fees, critics say the agency doesn't go far enough.

"It's a terrible mess," said Ralph Jones, a Columbus licensing officer who used to oversee towing companies. "I can't even count how many calls I've gotten since we lost the ability to regulate *tow trucks*."

The city could sanction towers for poor conduct and control towing fees through its licensing process, Jones said.

Milan Orbovich, a division chief in PUCO's transportation department, said there is plenty of oversight.

"We make sure they comply with safety regulations and economic regulations," Orbovich said, noting that the PUCO sometimes gets reports of towers operating without a license. "Of course we're obligated to see to that complaint."

Though Columbus still sets caps on towing and storage fees for cars towed from private lots, extra charges can crop up.

"Some of them have gone so far as to charge \$5 if they shut any doors," said Dean Fadel, vice president of legislative affairs for the Ohio Insurance Institute. "It gets to the point where what people pay to get it out of the lot actually costs more than the car."

Every now and then, additional legislation is introduced to give more power to towing companies. For example, House Bill 126 would prevent owners of vehicles abandoned at impounding lots from registering a new vehicle or renewing their driver's licenses until towing and storage fees are paid.

"We've got a situation where *tow* companies are called out to do a public service, and they end up stuck with the vehicles," said the bill's sponsor, Rep. Christopher R. Widener, a Republican from Springfield.

The Ohio Municipal League sent a memo to the House Transportation, Public Safety, and Homeland Security Committee in May opposing the bill and recommending an overhaul of the state's towing laws.

Brazina, who paid \$160 to retrieve his car, supports that idea.

He said he hasn't given up trying to to get a refund.

"This is some racket," he said. "To me, they stole my car."