

The Columbus Dispatch

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EDITORIALS

Off the hook

*Lack of regulation
allows abuses by
some towing companies*

To hook and haul away a vehicle, legally and without the owner's permission, is real power. Abuses by towing companies have been witnessed time and again, but Columbus officials and police say their hands are tied.

No business should be able to exercise such power without effective regulation. The state should take steps to solve the problem.

As it stands, no one cracks down when unscrupulous operators pile creative fees on top of the state maximum of \$90 for the tow and \$12 per day for storage. Police tell stories about "gate fees," which towing companies charge a vehicle owner for opening the gate to let them drive out of the towing lot, and of "personnel fees" charged to owners who show up after normal business hours.

No one steps in when a towing operator decides to close for a day, keeping people from their cars and inflating their storage fees, in violation of a state law requiring 24-hour access.

Ohioans have no one to call if they are threatened by towing employees or their cars are damaged by a company. They might turn to the state attorney general's office, the court system or the Better Business Bureau, but satisfaction may be a long time coming, if it ever comes.

Cities once regulated tow trucks, but the General Assembly took away that authority in 2002. Unfortunately, in their new law, state legislators didn't specify who should enforce the laws and resolve disputes between towing companies and vehicle owners.

The law handed the responsibility for tow-truck operators to the Public Utilities Commission of Ohio, which keeps tabs on 10,600 trucking companies and other motor carriers. Of those, 1,218 are towing companies.

But the PUCO can check only for

compliance with safety regulations, including proper commercial licensing of drivers, drug and alcohol testing, the condition of trucks and thorough record-keeping. The staff can conduct a thorough audit of only about 400 trucking companies a year.

Before 2002, Columbus inspected every tow-truck operator annually. In fact, an advisory board was in place to license operators and hold hearings, through which it could yank the licenses of companies that were habitually dishonest or unsafe or treated customers badly. The city still regulates taxicabs and food carts the same way.

That system worked. The new one leaves something to be desired.

Addressing the towing issue in state law is beneficial, in that it eliminates a patchwork of municipal rules. Imagine being a tow-truck driver and keeping straight the policies of Bexley, Hilliard, Whitehall, Canal Winchester, Gahanna, Pickerington and Upper Arlington.

But the current state law is too vague on enforcement, does little to protect vehicle owners from being gouged with extra fees and provides no mechanism for resolution of disputes. The law should be revised, at least enough to allow municipalities to inspect operators and enforce the law. The Ohio Municipal League, an organization of city and village officials, called for change in a May memo to lawmakers.

Another worthy part of that memo was to ask the General Assembly to repeal a law that requires police to use private towing companies.

Allowing cities to use their own tow-truck fleets might be more efficient and save the taxpayers money. The Columbus Division of Police completed a study on this issue in 2003 that showed a general-fund *increase* of \$300,000 per year, after the city got past the initial cost of the trucks and drivers.

Lawmakers ought to seriously entertain the Ohio Municipal League's suggestions, now that their constituents are hurt by the law's inadequacies.