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EMERGING LEGISLATION

Dickey towing under review

Draft bill would ding tow-truck operators for skirting police

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BY **MARK FERENCHIK**

THE COLUMBUS DISPATCH

Rogue tow-truck operators remain such a headache in Columbus and other cities that state officials are crafting legislation to crack down on them.

A draft bill would expand the Public Utilities Commission of Ohio's authority to fine and penalize operators who tow cars from private lots without telling police and failing to file a fee schedule with the state.

Police officials say that if they don't know a car has been towed and that car has been reported stolen by its owner, they spin their wheels looking for phantom vehicles.

In the bill, the PUCO would be able to fine companies \$1,000 a day per violation or suspend or revoke operating certificates, said Alan Martin, deputy director for the commission's transportation section.

"There are some bad actors out there," Martin said.

But Jim Shriner, who co-owns Broad & James Towing in Columbus, said the new rules would punish good operators doing their best to obey the regulations.

"A tower may forget to call in or turn in paperwork. This gives them a chance to be penalized for that," he said.

There are 1,236 towing operators in Ohio registered with the PUCO, 65 of them in Columbus.

Tow-truck operators say Ohio law already established similar tow-truck



ERIC ALBRECHT/DISPATCH

Brian Selanders of Broad & James Towing tows a car from a fire lane at Demorest Village South Country Apartments. Selanders properly reported the tow to police.

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rules, but the PUCO doesn't enforce them.

"I think they're overwhelmed with what they have," said Tim Duffey, president of Shamrock Towing.

Columbus police say some operators trawl private lots without authority and confront drivers.

Jim O'Neill, an Ohio State University graduate from Dublin who now lives in New Jersey, said he remembers spying tow-truck operators lurking behind Dumpsters waiting to tow cars from apartment parking lots near campus.

Ken Paul, an aide to Columbus City Councilman Andrew Ginther, said he has received a couple of complaints, including one about a "spotter" near a High Street parking lot. Spotters look for parking violators and radio the locations to tow-truck operators.

Police say they need to know about cars towed from public lots.

Mike Weinman, legislative liaison for Columbus police, said some operators don't call them in, figuring they can rack up larger storage fees by hanging onto cars.

"To not report back to the police department is theft," said state Rep. Tracy Heard, D-Columbus, who is drafting the legislation.

"It's like the wild, wild West. Police are frustrated," said Assistant City Attorney Bill Hedrick.

Columbus lost authority over towing companies in 2003 when state legislators enacted a law that said cities, counties and townships could not license them.

Some operators are caught and punished.

Last year, Danny Birt of Gahanna pleaded guilty to three counts of theft for illegally towing and impounding cars, but a judge suspended a six-month sentence and put him on probation for a year.

Prosecutors had charged him with 27 counts each of theft and extortion and said he towed cars from private lots without the property owners' consent and wouldn't release them until the owners paid a fee.

And Broad and James' Shriner said some operators run trucks without company names or PUCO registration numbers.

The insurance industry wants something done.

"We discovered how far behind Ohio is in providing any sort of safety standards, consumer protections in the law," said Dean Fadel of the Ohio Insurance Institute.

The group supports more regulations and several years ago started a Web site, www.stoptowingabuse.com.

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