

## **As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**H. B. No. 425**

### **Representative Heard**

**Cosponsors: Representatives Winburn, Stewart, Yuko, Okey, Domenick,  
Slesnick, Weddington, Ujvagi, Williams, B., Murray, Hagan, Brown**

**—**

### **A B I L L**

To amend sections 4513.60, 4901.01, 4903.01, 4905.01,	1
4905.03, 4907.01, 4909.01, 4921.01, 4921.02,	2
4921.36, 4921.99, 4923.01, 4923.02, 4923.03,	3
4923.04, and 4923.05; to enact sections 4921.45,	4
4921.46, 4921.47, 4921.48, 4921.49, 4921.50,	5
4921.51, 4921.52, 4921.53, 4921.54, and 4921.55;	6
and to repeal sections 4921.30, 4923.06, and	7
4923.07 of the Revised Code to grant the Public	8
Utilities Commission exclusive regulatory	9
jurisdiction over all common and contract carrier	10
towing companies and preempt local regulation,	11
authorize the commission to establish a new	12
certification program for common and contract	13
carrier towing companies and a registration system	14
for towed vehicle storage companies, authorize	15
certain commission regulation of vehicle storage	16
companies, revise law governing private tow-away	17
zones, and make conforming changes in motor	18
transportation company public utility law.	19

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4513.60, 4901.01, 4903.01, 4905.01, 20  
4905.03, 4907.01, 4909.01, 4921.01, 4921.02, 4921.36, 4921.99, 21  
4923.01, 4923.02, 4923.03, 4923.04, and 4923.05 be amended and 22  
sections 4921.45, 4921.46, 4921.47, 4921.48, 4921.49, 4921.50, 23  
4921.51, 4921.52, 4921.53, 4921.54, and 4921.55 of the Revised 24  
Code be enacted to read as follows: 25

**Sec. 4513.60.** (A)(1) The sheriff of a county or chief of 26  
police of a municipal corporation, township, or township police 27  
district, within the sheriff's or chief's respective territorial 28  
jurisdiction, upon complaint of any person adversely affected, may 29  
order into storage any motor vehicle, other than an abandoned junk 30  
motor vehicle as defined in section 4513.63 of the Revised Code, 31  
that has been left on private residential or private agricultural 32  
property for at least four hours without the permission of the 33  
person having the right to the possession of the property. The 34  
sheriff or chief of police, upon complaint of the owner of a 35  
repair garage or place of storage, may order into storage any 36  
motor vehicle, other than an abandoned junk motor vehicle, that 37  
has been left at the garage or place of storage for a longer 38  
period than that agreed upon. The place of storage shall be 39  
designated by the sheriff or chief of police. When ordering a 40  
motor vehicle into storage pursuant to this division, a sheriff or 41  
chief of police, ~~whenever possible, shall~~ may arrange for the 42  
removal of the motor vehicle by a private tow truck operator or 43  
towing company. Subject to division (C) of this section, the owner 44  
of a motor vehicle that has been removed pursuant to this division 45  
may recover the vehicle only in accordance with division (E) of 46  
this section. 47

(2) Divisions (A)(1) to (3) of this section do not apply to 48  
any private residential or private agricultural property that is 49  
established as a private tow-away zone in accordance with division 50

(B) of this section. 51

(3) As used in divisions (A)(1) and (2) of this section, 52  
"private residential property" means private property on which is 53  
located one or more structures that are used as a home, residence, 54  
or sleeping place by one or more persons, if no more than three 55  
separate households are maintained in the structure or structures. 56  
"Private residential property" does not include any private 57  
property on which is located one or more structures that are used 58  
as a home, residence, or sleeping place by two or more persons, if 59  
more than three separate households are maintained in the 60  
structure or structures. 61

(B)(1) The owner of private property may establish a private 62  
tow-away zone only if all of the following conditions are 63  
satisfied: 64

(a) The owner posts on the owner's property a sign, that is 65  
at least eighteen inches by twenty-four inches in size, that is 66  
visible from all entrances to the property, and that contains at 67  
least all of the following information: 68

(i) A notice that the property is a private tow-away zone and 69  
that vehicles not authorized to park on the property will be towed 70  
away; 71

(ii) The telephone number of the person from whom a 72  
towed-away vehicle can be recovered, and the address of the place 73  
to which the vehicle will be taken and the place from which it may 74  
be recovered; 75

(iii) A statement that the vehicle may be recovered at any 76  
time during the day or night upon the submission of proof of 77  
ownership and the payment of a the towing charge, ~~in an amount not~~ 78  
~~to exceed ninety dollars, and a storage charge, in an amount not~~ 79  
~~to exceed twelve dollars per twenty-four hour period; except that~~ 80  
~~the charge for towing shall not exceed one hundred fifty dollars,~~ 81

~~and the storage charge shall not exceed twenty dollars per~~ 82  
~~twenty four hour period, if the vehicle has a manufacturer's gross~~ 83  
~~vehicle weight rating in excess of ten thousand pounds and is a~~ 84  
~~truck, bus, or a combination of a commercial tractor and trailer~~ 85  
~~or semitrailer charges under division (E) of the section, which~~ 86  
~~shall be disclosed in the statement.~~ 87

(b) The place to which the towed vehicle is taken and from 88  
which it may be recovered is conveniently located, is well 89  
lighted, and is on or within a reasonable distance of a regularly 90  
scheduled route of one or more modes of public transportation, if 91  
any public transportation is available in the municipal 92  
corporation or township in which the private tow-away zone is 93  
located. 94

(2) If a vehicle is parked on private property that is 95  
established as a private tow-away zone in accordance with division 96  
(B)(1) of this section, without the consent of the owner of the 97  
property or in violation of any posted parking condition or 98  
regulation, the property owner or the owner's agent may remove, or 99  
cause the removal of, the vehicle, the owner and the operator of 100  
the vehicle shall be deemed to have consented to the removal and 101  
storage of the vehicle and to the payment of the towing and 102  
storage charges specified in division ~~(B)(1)(a)(iii)~~(E) of this 103  
section, and the vehicle owner, subject to division (C) of this 104  
section, may recover a vehicle that has been so removed only in 105  
accordance with division (E) of this section. 106

~~(3) If a municipal corporation requires tow trucks and tow~~ 107  
~~truck operators to be licensed, no owner of private property~~ 108  
~~located within the municipal corporation shall remove, or shall~~ 109  
~~cause the removal and storage of, any vehicle pursuant to division~~ 110  
~~(B)(2) of this section by an unlicensed tow truck or unlicensed~~ 111  
~~tow truck operator.~~ 112

~~(4)~~ Divisions (B)(1) ~~to (3)~~ and (2) of this section do not 113

affect or limit the operation of division (A) of this section or 114  
sections 4513.61 to 4513.65 of the Revised Code as they relate to 115  
property other than private property that is established as a 116  
private tow-away zone under division (B)(1) of this section. 117

(C) If the owner or operator of a motor vehicle that has been 118  
ordered into storage pursuant to division (A)(1) of this section 119  
or of a vehicle that is being removed under authority of division 120  
(B)(2) of this section arrives after the motor vehicle or vehicle 121  
has been prepared for removal, but prior to its actual removal 122  
from the property, the owner or operator shall be given the 123  
opportunity to pay a fee of not more than one-half of the charge 124  
for the removal of motor vehicles under division (A)(1) of this 125  
section or of vehicles under division (B)(2) of this section, 126  
whichever is applicable, that normally is assessed by the person 127  
who has prepared the motor vehicle or vehicle for removal, in 128  
order to obtain release of the motor vehicle or vehicle. Upon 129  
payment of that fee, the motor vehicle or vehicle shall be 130  
released to the owner or operator, and upon its release, the owner 131  
or operator immediately shall move it so that: 132

(1) If the motor vehicle was ordered into storage pursuant to 133  
division (A)(1) of this section, it is not on the private 134  
residential or private agricultural property without the 135  
permission of the person having the right to possession of the 136  
property, or is not at the garage or place of storage without the 137  
permission of the owner, whichever is applicable. 138

(2) If the vehicle was being removed under authority of 139  
division (B)(2) of this section, it is not parked on the private 140  
property established as a private tow-away zone without the 141  
consent of the owner or in violation of any posted parking 142  
condition or regulation. 143

~~(D)(1) If an owner of private property that is established as 144~~  
~~a private tow-away zone in accordance with division (B)(1) of this 145~~

~~section or the authorized agent of such an owner removes or causes~~ 146  
~~the removal of a vehicle from that property under authority of~~ 147  
~~division (B)(2) of this section, the owner or agent promptly shall~~ 148  
~~notify the police department of the municipal corporation,~~ 149  
~~township, or township police district in which the property is~~ 150  
~~located, of the removal, the vehicle's license number, make,~~ 151  
~~model, and color, the location from which it was removed, the date~~ 152  
~~and time of its removal, the telephone number of the person from~~ 153  
~~whom it may be recovered, and the address of the place to which it~~ 154  
~~has been taken and from which it may be recovered.~~ 155

~~(2)~~ Each county sheriff and each chief of police of a 156  
municipal corporation, township, or township police district shall 157  
maintain a record of motor vehicles that the sheriff or chief 158  
orders into storage pursuant to division (A)(1) of this section 159  
and of vehicles removed from private property in the sheriff's or 160  
chief's jurisdiction ~~that is established as a private tow away~~ 161  
~~zone of which the sheriff or chief has received notice under~~ 162  
~~division (D)(1) of this section.~~ The record shall include an entry 163  
for each such motor vehicle or vehicle that identifies the motor 164  
vehicle's or vehicle's license number, make, model, and color, the 165  
location from which it was removed, the date and time of its 166  
removal, the telephone number of the person from whom it may be 167  
recovered, and the address of the place to which it has been taken 168  
and from which it may be recovered. Any information in the record 169  
that pertains to a particular motor vehicle or vehicle shall be 170  
provided to any person who, either in person or pursuant to a 171  
telephone call, identifies self as the owner or operator of the 172  
motor vehicle or vehicle and requests information pertaining to 173  
its location. 174

~~(3)~~ Any person who registers a complaint that is the basis of 175  
a sheriff's or police chief's order for the removal and storage of 176  
a motor vehicle under division (A)(1) of this section shall 177

provide the identity of the law enforcement agency with which the 178  
complaint was registered to any person who identifies self as the 179  
owner or operator of the motor vehicle and requests information 180  
pertaining to its location. 181

(E) The owner of a motor vehicle that is ordered into storage 182  
pursuant to division (A)(1) of this section or of a vehicle that 183  
is ~~removed~~ towed and stored under authority of division (B)(2) of 184  
this section may reclaim it upon payment of ~~any expenses or~~ 185  
~~charges incurred in its removal,~~ a towing charge in an amount not 186  
to exceed ninety dollars, and ~~payment of a storage,~~ charge in an 187  
amount not to exceed twelve dollars per twenty-four-hour period 188  
irrespective of whether the vehicle is stored at a storage 189  
facility of the tow truck operator or towing company, or at a 190  
vehicle storage company as defined in section 4921.45 of the 191  
Revised Code; except that the charge for towing shall not exceed 192  
one hundred fifty dollars, and the storage charge shall not exceed 193  
twenty dollars per twenty-four-hour period, if the vehicle has a 194  
manufacturer's gross vehicle weight rating in excess of ten 195  
thousand pounds and is a truck, bus, or a combination of a 196  
commercial tractor and trailer or semitrailer. Presentation of 197  
proof of ownership, ~~which may be evidenced by a certificate of~~ 198  
~~title to the motor vehicle or vehicle also~~ shall be required for 199  
reclamation of the vehicle. Proof of ownership may be evidenced by 200  
presentation of the certificate of title or memorandum certificate 201  
of title to the motor vehicle on a form of identification bearing 202  
a photograph of the vehicle owner and the certificate of 203  
registration of the motor vehicle. In the case of a motor vehicle 204  
that is leased or rented, right to possession of the vehicle shall 205  
be evidenced by presentation of a form of identification bearing a 206  
photograph of the person who leased or rented the vehicle and a 207  
copy of the lease or rental agreement. If a motor vehicle that is 208  
ordered into storage pursuant to division (A)(1) of this section 209  
remains unclaimed by the owner for thirty days, the procedures 210

established by sections 4513.61 and 4513.62 of the Revised Code 211  
shall apply. 212

(F)(1) No person shall remove, or cause the removal of, any 213  
vehicle from private property that is established as a private 214  
tow-away zone under division (B)(1) of this section other than in 215  
accordance with division (B)(2) of this section, and no person 216  
shall remove, or cause the removal of, any motor vehicle from any 217  
other private property other than in accordance with division 218  
(A)(1) of this section or sections 4513.61 to 4513.65 of the 219  
Revised Code. 220

(2) No tow truck operator or towing company shall remove any 221  
vehicle from private property that is established as a private 222  
tow-away zone under division (B)(1) of this section other than 223  
pursuant to the request of the property owner or the owner's agent 224  
under division (B)(2) of this section. 225

(G)(1) Whoever violates division ~~(B)(3)~~ or (F)(1) of this 226  
section is guilty of a minor misdemeanor. 227

(2) Whoever violates division (F)(2) of this section is 228  
guilty of a misdemeanor of the first degree. 229

**Sec. 4901.01.** As used in sections 4901.01 to 4901.24, 230  
~~inclusive,~~ of the Revised Code: 231

(A) "Public utility" has the meaning set forth in section 232  
4905.02 of the Revised Code. 233

(B) "Telegraph company," "telephone company," "electric light 234  
company," "gas company," "natural gas company," "pipe-line 235  
company," "water-works company," "sewage disposal system company," 236  
"heating or cooling company," "messenger company," "street railway 237  
company," "suburban railroad company," "interurban railroad 238  
company," and "motor-propelled vehicle" have the meaning set forth 239  
in section 4905.03 of the Revised Code. 240



(C) "Railroad" has the meaning set forth in section 4907.02 241  
of the Revised Code. 242

(D) "Motor transportation company" ~~has~~ and "contract carrier  
by motor vehicle" have the meaning set forth in sections 4905.03 243  
and 4921.02 of the Revised Code. 244  
245

(E) "Trailer," "public highway," "fixed termini," "regular 246  
route," and "irregular route" have the meaning set forth in 247  
section 4921.02 of the Revised Code. 248

(F) "Private motor carrier," "~~contract carrier by motor~~ 249  
~~vehicle~~," "motor vehicle," and "charter party trip" have the 250  
meaning set forth in section 4923.02 of the Revised Code. 251

**Sec. 4903.01.** As used in sections 4903.01 to 4903.25, 252  
~~inclusive~~, of the Revised Code: 253

(A) "Public utility" has the meaning set forth in section 254  
4905.02 of the Revised Code. 255

(B) "Telegraph company," "telephone company," "electric light 256  
company," "gas company," "natural gas company," "pipe-line 257  
company," "water-works company," "sewage disposal system company," 258  
"heating or cooling company," "messenger company," "street railway 259  
company," "suburban railroad company," "interurban railroad 260  
company," and "motor-propelled vehicle" have the meaning set forth 261  
in section 4905.03 of the Revised Code. 262

(C) "Railroad" has the meaning set forth in section 4907.02 263  
of the Revised Code. 264

(D) "Motor transportation company" ~~has~~ and "contract carrier  
by motor vehicle" have the meaning set forth in sections 4905.03 265  
and 4921.02 of the Revised Code. 266  
267

(E) "Trailer," "public highway," "fixed termini," "regular 268  
route," and "irregular route" have the meaning set forth in 269  
section 4921.02 of the Revised Code. 270

(F) "Private motor carrier," ~~"contract carrier by motor vehicle,"~~ "motor vehicle," and "charter party trip" have the meaning set forth in section 4923.02 of the Revised Code.

**Sec. 4905.01.** As used in this chapter:

(A) "Railroad" has the meaning set forth in section 4907.02 of the Revised Code.

(B) "Motor transportation company" ~~has~~ and "contract carrier by motor vehicle" have the meaning set forth in sections 4905.03 and 4921.02 of the Revised Code.

(C) "Trailer," "public highway," "fixed termini," "regular route," and "irregular route" have the meanings set forth in section 4921.02 of the Revised Code.

(D) "Private motor carrier," ~~"contract carrier by motor vehicle,"~~ "motor vehicle," and "charter party trip" have the meanings set forth in section 4923.02 of the Revised Code.

(E) "Ohio coal research and development costs" means all reasonable costs associated with a facility or project undertaken by a public utility for which a recommendation to allow the recovery of costs associated therewith has been made under division (B)(7) of section 1551.33 of the Revised Code, including, but not limited to, capital costs, such as costs of debt and equity; construction and operation costs; termination and retirement costs; costs of feasibility and marketing studies associated with the project; and the acquisition and delivery costs of Ohio coal used in the project, less any expenditures of grant moneys.

**Sec. 4905.03.** As used in this chapter:

(A) Any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation, wherever

organized or incorporated, is: 300

(1) A telegraph company, when engaged in the business of 301  
transmitting telegraphic messages to, from, through, or in this 302  
state; 303

(2) A telephone company, when engaged in the business of 304  
transmitting telephonic messages to, from, through, or in this 305  
state and as such is a common carrier; 306

(3) A motor transportation company, when engaged in the 307  
business of carrying and transporting persons or property or the 308  
business of providing or furnishing such transportation service, 309  
for hire, in or by motor-propelled vehicles of any kind, including 310  
trailers, for the public in general, over any public street, road, 311  
or highway in this state, ~~except as provided in~~ excluding a motor 312  
transportation company exempted under divisions (A)(1) to (9) of 313  
section 4921.02 of the Revised Code, but including a towing 314  
company regulated under sections 4921.45 to 4921.55 of the Revised 315  
Code; 316

(4) An electric light company, when engaged in the business 317  
of supplying electricity for light, heat, or power purposes to 318  
consumers within this state, including supplying electric 319  
transmission service for electricity delivered to consumers in 320  
this state, but excluding a regional transmission organization 321  
approved by the federal energy regulatory commission; 322

(5) A gas company, when engaged in the business of supplying 323  
artificial gas for lighting, power, or heating purposes to 324  
consumers within this state or when engaged in the business of 325  
supplying artificial gas to gas companies or to natural gas 326  
companies within this state, but a producer engaged in supplying 327  
to one or more gas or natural gas companies, only such artificial 328  
gas as is manufactured by that producer as a by-product of some 329  
other process in which the producer is primarily engaged within 330

this state is not thereby a gas company. All rates, rentals, 331  
tolls, schedules, charges of any kind, or agreements between any 332  
gas company and any other gas company or any natural gas company 333  
providing for the supplying of artificial gas and for compensation 334  
for the same are subject to the jurisdiction of the public 335  
utilities commission. 336

(6) A natural gas company, when engaged in the business of 337  
supplying natural gas for lighting, power, or heating purposes to 338  
consumers within this state. Notwithstanding the above, neither 339  
the delivery nor sale of Ohio-produced natural gas by a producer 340  
or gatherer under a public utilities commission-ordered exemption, 341  
adopted before, as to producers, or after, as to producers or 342  
gatherers, January 1, 1996, or the delivery or sale of 343  
Ohio-produced natural gas by a producer or gatherer of 344  
Ohio-produced natural gas, either to a lessor under an oil and gas 345  
lease of the land on which the producer's drilling unit is 346  
located, or the grantor incident to a right-of-way or easement to 347  
the producer or gatherer, shall cause the producer or gatherer to 348  
be a natural gas company for the purposes of this section. 349

All rates, rentals, tolls, schedules, charges of any kind, or 350  
agreements between a natural gas company and other natural gas 351  
companies or gas companies providing for the supply of natural gas 352  
and for compensation for the same are subject to the jurisdiction 353  
of the public utilities commission. The commission, upon 354  
application made to it, may relieve any producer or gatherer of 355  
natural gas, defined in this section as a gas company or a natural 356  
gas company, of compliance with the obligations imposed by this 357  
chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. 358  
of the Revised Code, so long as the producer or gatherer is not 359  
affiliated with or under the control of a gas company or a natural 360  
gas company engaged in the transportation or distribution of 361  
natural gas, or so long as the producer or gatherer does not 362

engage in the distribution of natural gas to consumers. 363

Nothing in division (A)(6) of this section limits the 364  
authority of the commission to enforce sections 4905.90 to 4905.96 365  
of the Revised Code. 366

(7) A pipe-line company, when engaged in the business of 367  
transporting natural gas, oil, or coal or its derivatives through 368  
pipes or tubing, either wholly or partly within this state; 369

(8) A water-works company, when engaged in the business of 370  
supplying water through pipes or tubing, or in a similar manner, 371  
to consumers within this state; 372

(9) A heating or cooling company, when engaged in the 373  
business of supplying water, steam, or air through pipes or tubing 374  
to consumers within this state for heating or cooling purposes; 375

(10) A messenger company, when engaged in the business of 376  
supplying messengers for any purpose; 377

(11) A street railway company, when engaged in the business 378  
of operating as a common carrier, a railway, wholly or partly 379  
within this state, with one or more tracks upon, along, above, or 380  
below any public road, street, alleyway, or ground, within any 381  
municipal corporation, operated by any motive power other than 382  
steam and not a part of an interurban railroad, whether the 383  
railway is termed street, inclined-plane, elevated, or underground 384  
railway; 385

(12) A suburban railroad company, when engaged in the 386  
business of operating as a common carrier, whether wholly or 387  
partially within this state, a part of a street railway 388  
constructed or extended beyond the limits of a municipal 389  
corporation, and not a part of an interurban railroad; 390

(13) An interurban railroad company, when engaged in the 391  
business of operating a railroad, wholly or partially within this 392

state, with one or more tracks from one municipal corporation or 393  
point in this state to another municipal corporation or point in 394  
this state, whether constructed upon the public highways or upon 395  
private rights-of-way, outside of municipal corporations, using 396  
electricity or other motive power than steam power for the 397  
transportation of passengers, packages, express matter, United 398  
States mail, baggage, and freight. Such an interurban railroad 399  
company is included in the term "railroad" as used in section 400  
4907.02 of the Revised Code. 401

(14) A sewage disposal system company, when engaged in the 402  
business of sewage disposal services through pipes or tubing, and 403  
treatment works, or in a similar manner, within this state. 404

(B) "Motor-propelled vehicle" means any automobile, 405  
automobile truck, motor bus, or any other self-propelled vehicle 406  
not operated or driven upon fixed rails or tracks. 407

**Sec. 4907.01.** As used in sections 4907.01 to 4907.63~~7~~ 408  
~~inclusive,~~ of the Revised Code: 409

(A) "Public utility" has the meaning set forth in section 410  
4905.02 of the Revised Code. 411

(B) "Telegraph company," "telephone company," "electric light 412  
company," "gas company," "natural gas company," "pipe-line 413  
company," "water-works company," "sewage disposal system company," 414  
"heating or cooling company," "messenger company," "street railway 415  
company," "suburban railroad company," "interurban railroad 416  
company," and "motor-propelled vehicle" have the meaning set forth 417  
in section 4905.03 of the Revised Code. 418

(C) "Railroad" has the meaning set forth in section 4907.02 419  
of the Revised Code. 420

(D) "Motor transportation company," "contract carrier by 421  
motor vehicle," "trailer," "public highway," "fixed termini," 422

"regular route," and "irregular route" have the meaning set forth 423  
in sections 4905.03 and 4921.02 of the Revised Code. 424

(E) "Private motor carrier," ~~"contract carrier by motor~~ 425  
~~vehicle,"~~ "motor vehicle," and "charter party trip" have the 426  
meaning set forth in section 4923.02 of the Revised Code. 427

**Sec. 4909.01.** As used in this chapter: 428

(A) "Public utility" has the meaning set forth in section 429  
4905.02 of the Revised Code. 430

(B) "Telegraph company," "telephone company," "electric light 431  
company," "gas company," "natural gas company," "pipeline 432  
company," "water-works company," "sewage disposal system company," 433  
"heating or cooling company," "messenger company," "street railway 434  
company," "suburban railroad company," "interurban railroad 435  
company," and "motor-propelled vehicle" have the meanings set 436  
forth in section 4905.03 of the Revised Code. 437

(C) "Railroad" has the meaning set forth in section 4907.02 438  
of the Revised Code. 439

(D) "Motor transportation company" ~~has~~ and "contract carrier 440  
by motor vehicle" have the meaning set forth in sections 4905.03 441  
and 4921.02 of the Revised Code. 442

(E) "Trailers," "public highway," "fixed termini," "regular 443  
route," and "irregular route" have the meanings set forth in 444  
section 4921.02 of the Revised Code. 445

(F) "Private motor carrier," ~~"contract carrier by motor~~ 446  
~~vehicle,"~~ "motor vehicle," and "charter party trip" have the 447  
meanings set forth in section 4923.02 of the Revised Code. 448

**Sec. 4921.01.** As used in ~~sections 4921.01 to 4921.32,~~ 449  
~~inclusive, of the Revised Code~~ this chapter: 450

(A) "Public utility" has the same meaning ~~set forth as~~ in 451

section 4905.02 of the Revised Code. 452

(B) "~~Telegraph company," "telephone company," "electric light~~ 453  
~~company," "gas company," "natural gas company," "pipe line~~ 454  
~~company," "water works company," "sewage disposal system company,"~~ 455  
~~"heating or cooling company," "messenger company," "street Street~~ 456  
~~railway company," "suburban railroad company," "interurban~~ 457  
~~railroad company,"~~ and "motor-propelled vehicle" have the ~~meaning~~ 458  
~~set forth~~ same meanings as in section 4905.03 of the Revised Code. 459

(C) "Railroad" has the same meaning ~~set forth as~~ as in section 460  
4907.02 of the Revised Code. 461

(D) "Motor transportation company" has the same meaning ~~set~~ 462  
~~forth as~~ as in ~~sections~~ section 4905.03 and ~~4921.02~~ of the Revised 463  
Code. 464

(E) "Private motor carrier," "contract carrier by motor 465  
vehicle," "motor vehicle," and "charter party trip" have the 466  
~~meaning set forth~~ same meanings as in section 4923.02 of the 467  
Revised Code. 468

**Sec. 4921.02.** As used in sections 4921.01 to 4921.32 of the 469  
Revised Code: 470

(A) "Motor transportation company," ~~or~~ "common carrier by 471  
motor vehicle," or "contract carrier by motor vehicle," includes 472  
every corporation, company, association, joint-stock association, 473  
person, firm, or copartnership, and their lessees, legal or 474  
personal representatives, trustees, and receivers or trustees 475  
appointed by any court, when engaged or proposing to engage in the 476  
business of transporting persons or property, or the business of 477  
providing or furnishing such transportation service, for hire, 478  
whether directly or by lease or other arrangement, for the public 479  
in general, in or by motor-propelled vehicles of any kind, 480  
including trailers, over any public highway in this state. All 481



laws regulating the business of motor transportation, their 482  
context notwithstanding, apply to such motor transportation 483  
company ~~or~~, common carrier by motor vehicle, or contract carrier 484  
by motor vehicle. "Motor transportation company," as so used, does 485  
not include any person, firm, copartnership, voluntary 486  
association, joint-stock association, company, or corporation, 487  
wherever organized or incorporated: 488

(1) Engaged or proposing to engage as a private motor carrier 489  
as defined by section 4923.02 of the Revised Code; 490

~~(2) Insofar as they own, control, operate, or manage motor 491  
vehicles used for the transportation of property, operated 492  
exclusively within the territorial limits of a municipal 493  
corporation, or within such limits and the territorial limits of 494  
municipal corporations immediately contiguous to such municipal 495  
corporation;~~ 496

~~(3)~~ Insofar as they are engaged in the transportation of 497  
persons in taxicabs in the usual taxicab service; 498

~~(4)~~(3) Engaged in the transportation of pupils in school 499  
busses operating to or from school sessions or school events; 500

~~(5)~~(4) Engaged in the transportation of farm supplies to the 501  
farm or farm products from farm to market or to food fabricating 502  
plants; 503

~~(6)~~(5) Engaged in the distribution of newspapers; 504

~~(7)~~(6) Engaged in the transportation of crude petroleum 505  
incidental to gathering from wells and delivery to destination by 506  
pipe line; 507

~~(8)~~(7) Engaged in the transportation of injured, ill, or 508  
deceased persons by hearse or ambulance; 509

~~(9)~~(8) Engaged in the transportation of compost (a 510  
combination of manure and sand or shredded bark mulch) or shredded 511

bark mulch; 512

~~(10)~~(9) Engaged in the transportation of persons in a 513  
ridesharing arrangement when any fee charged each person so 514  
transported is in such amount as to recover only the person's 515  
share of the costs of operating the motor vehicle for such 516  
purpose. 517

(B) "Trailer" means any vehicle without motive power designed 518  
or used for carrying property or persons and for being drawn by a 519  
separate motor-propelled vehicle, including any vehicle of the 520  
trailer type, whether designed or used for carrying property or 521  
persons wholly on its own structure, or so designed or used that a 522  
part of its own weight or the weight of its load rests upon and is 523  
carried by such motor-propelled vehicle. 524

(C) "Public highway" means any public street, road, or 525  
highway in this state, whether within or without the corporate 526  
limits of a municipal corporation. 527

(D) "Fixed termini" refers to the points between which any 528  
motor transportation company usually or ordinarily operates, 529  
provides, or proposes to operate or provide motor transportation 530  
service. 531

(E) "Regular route" refers to that portion of the public 532  
highway over which any motor transportation company usually or 533  
ordinarily operates, provides, or proposes to operate or provide 534  
motor transportation service. 535

(F) "Irregular route" refers to that portion of the public 536  
highway over which is conducted or provided any other operation of 537  
any motor vehicle by a motor transportation company transporting 538  
property. 539

(G) "Ridesharing arrangement" means the transportation of 540  
persons in a motor vehicle where such transportation is incidental 541  
to another purpose of a volunteer driver, and includes ridesharing 542

arrangements known as carpools, vanpools, and buspools. 543

Whether or not any motor-propelled vehicle is operated or 544  
such transportation service is provided or furnished by such motor 545  
transportation company, between fixed termini or over a regular 546  
route, or over an irregular route, or whether or not a 547  
corporation, company, association, joint-stock association, 548  
person, firm, or copartnership, or their lessees, trustees, or 549  
receivers or trustees appointed by any court, is engaged as a 550  
motor transportation company, are questions of fact. The finding 551  
of the public utilities commission on such questions is a final 552  
order which may be reviewed as provided in section 4921.17 of the 553  
Revised Code. The commission has jurisdiction to receive, hear, 554  
and determine such questions upon complaint of any party, or upon 555  
its own motion, upon not less than fifteen days' notice of the 556  
time and place of such hearing and of the matter to be heard. 557

**Sec. 4921.36.** Except as otherwise provided in sections 558  
4921.35 to 4921.40 of the Revised Code, a motor transportation 559  
company engaged, for hire, in the business of transporting 560  
household goods over a public highway in this state: 561

(A) Is subject to sections 4921.01 and 4921.03 to 4921.32 of 562  
the Revised Code and to all other provisions of the Revised Code 563  
applicable to a motor transportation company that is subject to 564  
those sections ~~4921.01 to 4921.32 of the Revised Code, including,~~ 565  
and to sections 4506.22, 4511.78, 5502.01, 5503.02, and 5503.34 of 566  
the Revised Code; 567

(B) Is not a public utility as defined in section ~~4911.02~~ 568  
4911.01 of the Revised Code. 569

**Sec. 4921.45.** As used in sections 4921.45 to 4921.55 of the 570  
Revised Code: 571

(A) "Automobile club" means a legal entity that, in 572

consideration of dues, assessments, or periodic payments of money, 573  
promises to assist its members or subscribers in matters relating 574  
to motor travel or the operation, use, or maintenance of a motor 575  
vehicle by supplying services including towing services, emergency 576  
road service, indemnification service, guaranteed arrest bond 577  
certificate service, discount service, financial service, theft 578  
service, map service, or touring service. 579

(B) "Motor transportation company" has the same meaning as in 580  
sections 4905.03 and 4921.02 of the Revised Code. 581

(C) "Peace officer" means a sheriff, deputy sheriff, 582  
constable, police officer of a township or joint township police 583  
district, marshal, deputy marshal, municipal police officer, or 584  
state highway patrol trooper. 585

(D) "Person" has the same meaning as in section 1.59 of the 586  
Revised Code. 587

(E) "Private motor carrier" has the same meaning as in 588  
section 4923.02 of the Revised Code. 589

(F) "Towing company" means any motor transportation company 590  
or private motor carrier that is engaged on an intrastate basis 591  
anywhere in this state, for hire, in the business of towing, or in 592  
the businesses of towing and incidentally storing, a motor vehicle 593  
over any public highway in this state. 594

(G) "Vehicle storage company" means any person engaged in 595  
this state, in whole or in part, in the business of storing, on 596  
any portion of premises located in this state and in which the 597  
person has a real property interest, any motor vehicle that has 598  
been towed by a towing company to those premises for storage, but 599  
excludes a towing company. 600

**Sec. 4921.46.** Sections 4921.45 to 4921.55 of the Revised Code 601  
confer exclusive regulatory jurisdiction on the public utilities 602

commission over the towing and storage services of towing 603  
companies and vehicle storage companies, and no political 604  
subdivision of this state has authority to so regulate, or to 605  
license, register, or permit towing companies and vehicle storage 606  
companies. 607

**Sec. 4921.47.** (A) Except as otherwise provided in sections 608  
4921.45 to 4921.55 of the Revised Code: 609

(1) A towing company that is a motor transportation company 610  
is subject to sections 4921.01 to 4921.32 of the Revised Code, to 611  
all other provisions of the Revised Code that are applicable to a 612  
motor transportation company that is subject to those sections, 613  
and to sections 4506.22, 5502.01, 5503.02, and 5503.34 of the 614  
Revised Code. 615

(2) A towing company that is a private motor carrier is 616  
subject to sections 4923.01 to 4923.17 of the Revised Code, to all 617  
other provisions of the Revised Code that are applicable to 618  
private motor carriers, and to sections 4506.22, 5502.01, 5503.02, 619  
and 5503.34 of the Revised Code. 620

(3) An automobile club that is a towing company and that 621  
provides towing and storage services exclusively to its members or 622  
subscribers is not subject to divisions (A), (B), (D), (E), and 623  
(F) of section 4921.50 of the Revised Code so long as all fees and 624  
charges for towing and storage services are disclosed to members 625  
or subscribers in the membership or subscriber agreement. 626

(B) A towing company is not a public utility as defined in 627  
section 4911.01 of the Revised Code. 628

**Sec. 4921.48.** Notwithstanding any provision of Chapters 4901. 629  
to 4909., 4921., and 4923. of the Revised Code to the contrary: 630

(A) Not later than six months after the effective date of 631

this section, the public utilities commission shall establish by 632  
order a certification system for towing companies and a 633  
registration system for vehicle storage companies. 634

(B) Beginning on the effective date of the order or orders of 635  
the commission as initially issued under division (A) of this 636  
section, no person shall hold itself out or operate as a towing 637  
company in this state without holding a valid certificate issued 638  
by the commission pursuant to section 4921.49 of the Revised Code, 639  
and no person shall hold itself out or operate as a vehicle 640  
storage company without being registered with the commission 641  
pursuant to section 4921.52 of the Revised Code. 642

**Sec. 4921.49.** (A) The public utilities commission shall 643  
approve an application for a towing company certificate or 644  
certificate renewal under sections 4921.45 to 4921.55 of the 645  
Revised Code and shall issue or renew a certificate, provided the 646  
applicant submits to the commission a completed application on a 647  
form prescribed by the commission and also pays the application 648  
fee set by the commission pursuant to division (C) of this 649  
section. For applicant motor transportation companies, the 650  
application form shall be substantially the same as the 651  
application prescribed by the commission pursuant to sections 652  
4921.08 and 4921.09 of the Revised Code; for applicant private 653  
motor carriers, the application form shall be substantially the 654  
same as the application prescribed by the commission pursuant to 655  
section 4923.05 of the Revised Code. An application also shall 656  
include a certification of all of the following by responsible 657  
officials of the applicant: 658

(1) The applicant's workers' compensation coverage is current 659  
pursuant to Chapter 4123. of the Revised Code. 660

(2) The applicant's unemployment compensation coverage is 661  
current pursuant to Chapter 4141. of the Revised Code. 662

(3) The financial responsibility of an applicant motor transportation company relating to liability insurance or bond complies with rules adopted by the commission under section 4921.11 of the Revised Code, and the financial responsibility of an applicant private motor carrier relating to liability insurance or bond complies with rules adopted by the commission under section 4923.08 of the Revised Code.

(4) The applicant is not insolvent.

(5) The applicant has not been convicted of fraud or had a civil judgment rendered against it for fraud nor has any officer, director, or partner of an applicant that is a corporation or partnership during the officer's, director's, or partner's tenure.

The commission shall not approve any application that does not contain the certifications required by divisions (A)(1) to (5) of this section.

(B) A certificate issued under division (A) of this section is valid for one year and is renewable annually.

(C) The commission shall set the application fee for a certificate or certificate renewal in such amount as provides sufficient revenue to cover the commission's costs in carrying out its duties solely regarding towing companies under sections 4921.45 to 4921.55 of the Revised Code. The fee revenue shall be deposited to the credit of the public utilities fund created under section 4905.10 of the Revised Code.

**Sec. 4921.50.** No towing company shall do any of the following:

(A) Fail to make available for public inspection during normal business hours its current certificate under section 4921.49 of the Revised Code;

(B) Fail to include its certificate number on all

advertising, written estimates, contracts, and invoices, in such 693  
manner as the public utilities commission shall prescribe by rule; 694

(C) Fail to notify the commission, within fifteen days after 695  
the change occurs and on such form as the commission shall 696  
prescribe by rule, of any change in the location of the company's 697  
offices or principal place of business; 698

(D) Fail to file at least annually with the commission a 699  
schedule of its fees and charges for towing a motor vehicle and 700  
its fees and charges for motor vehicle storage incidental to a tow 701  
by the company, including those under division (E) of section 702  
4513.60 of the Revised Code. Storage charges under the schedule 703  
shall not be charged until after notification is made under 704  
division (H) of this section or charged for any time the storage 705  
facility is closed for business. Except for a tow under section 706  
4513.60 of the Revised Code, storage fees and charges under the 707  
schedule shall be per twenty-four-hour period or any fraction 708  
thereof and shall distinguish between inside and outside storage. 709

(E) Except when a tow is requested by a peace officer, 710  
including under division (A) of section 4513.60 of the Revised 711  
Code, or in the case of a tow under division (B) of that section, 712  
fail to obtain the advance, written consent of the owner or 713  
operator of the motor vehicle; 714

(F) Except when a tow is requested by a peace officer, 715  
including under division (A) of section 4513.60 of the Revised 716  
Code, or in the case of a tow under division (B) of that section, 717  
fail to present the operator of the motor vehicle to be towed a 718  
customer bill of rights for the towing service and any storage 719  
service it provides at a storage facility of the towing company, 720  
and, in every case, if the operator is not the owner, fail to 721  
present or cause to be presented that bill of rights to the owner 722  
at the time of the vehicle's recovery from storage at its storage 723  
facility or at the facility of a vehicle storage company. The 724



commission shall prescribe the form of the customer bill of rights 725  
for towing service. 726

(G) Except when a tow is requested by a peace officer, 727  
including under division (A) of section 4513.60 of the Revised 728  
Code, fail to provide the owner of the towed motor vehicle an 729  
itemized invoice detailing the towing and, if applicable, storage 730  
fees and charges and fail to maintain at least one copy of the 731  
invoice at its principal place of business for at least two years 732  
after the date of service; 733

(H) Except when a tow is requested by a peace officer, 734  
including under division (A) of section 4513.60 of the Revised 735  
Code, or when the owner or operator of the motor vehicle gives 736  
advance consent to the tow, fail to notify the local law 737  
enforcement agency with jurisdiction over the location from which 738  
the vehicle is towed, within four hours after the towing, 739  
including any tow from a private tow-away zone under division (B) 740  
of section 4513.60 of the Revised Code. The notification shall 741  
include the date and time of towing, the locations from which and 742  
to which the vehicle was towed, the make, model, approximate model 743  
year, color, and license plate number of the towed vehicle, and 744  
telephone numbers for the towing company and the storage facility. 745

(I) Charge an amount for any tow that exceeds the amount that 746  
would apply to use of a towing vehicle of the company having 747  
adequate, but not greater, capacity to perform the tow safely in 748  
terms of public safety and in accordance with the towing vehicle 749  
manufacturer's specifications; 750

(J) Fail to provide towing service using a towing vehicle 751  
having adequate capacity to perform the tow safely in terms of 752  
public safety and in accordance with the towing vehicle 753  
manufacturer's specifications; 754

(K) Provide wheel-lift or roll-back towing service unless a 755

peace officer or the motor vehicle owner or operator requests the 756  
service or a recognized industry publication or manufacturer has 757  
specified that the service is necessary for the proper towing of 758  
the vehicle; 759

(L) Charge an amount for towing or any storage at a storage 760  
facility of the towing company other than the amount applicable 761  
under its schedule filed pursuant to division (D) of this section 762  
or, if a tow is done at the request of a peace officer other than 763  
a state highway patrol trooper or at the request of the owner of 764  
private property that has established a private tow-away zone 765  
under division (B) of section 4513.60 of the Revised Code, charge 766  
an amount other than that applicable under any towing service 767  
contract between the towing company and the political subdivision 768  
by which the peace officer is employed or, as applicable, the 769  
owner of the private property. 770

**Sec. 4921.51.** The public utilities commission shall adopt 771  
rules governing towing companies. The rules shall not be 772  
inconsistent with applicable federal law and at minimum shall 773  
prescribe all of the following: 774

(A) Requisite disclosure of a towing company's rates and 775  
charges for towing service and any storage service at its storage 776  
facility; 777

(B) The form of the customer bill of rights regarding towing 778  
service and any such storage service; 779

(C) Requisite permissible forms of payment for towing service 780  
and any storage service at the company's storage facility; 781

(D) Requisite minimum hours of operation during which a towed 782  
or stored vehicle may be reclaimed at the company's storage 783  
facility; 784

(E) Requisite access for an owner or operator of a motor 785

vehicle the company tows to retrieve personal effects from the 786  
towed or stored vehicle; 787

(F) Acceptable forms that shall be sufficient to evidence 788  
that a towing company is performing a properly authorized tow; 789

(G) Uniform standards by which a person shall evidence proof 790  
of ownership or right to possession of a towed or stored vehicle, 791  
which standards shall be consistent with the standards specified 792  
in division (E) of section 4513.60 of the Revised Code; 793

(H) Standards for requisite display of a towing company's 794  
certificate number that shall be sufficient to evidence its 795  
certification; 796

(I) In accordance with the manufacturer's specifications for 797  
the towing vehicle or for any equipment the company uses in 798  
towing, requisite minimum safety equipment for towing motor 799  
vehicles, including minimum specifications for a wheel-lift and a 800  
roll-back tow vehicle, a light slide-back carrier, heavy 801  
slide-back carrier, one-ton towing vehicle, two-ton towing 802  
vehicle, and three-ton towing vehicle. Items covered by the 803  
specifications for a towing vehicle that uses a slide-back carrier 804  
shall include, but are not limited to, vehicle chassis, winch, 805  
steel cable, and the slide-back carrier. Items covered by the 806  
specifications for a towing vehicle that does not use a slide-back 807  
carrier shall include, but are not limited to, vehicle chassis, 808  
crane, winch, steel cable, and tow sling. 809

(J) Any other rules the commission determines necessary for 810  
consumer protection or public safety relating to a towing 811  
company's towing and storage of motor vehicles that do not affect 812  
the contractual agreements between an automobile club and its 813  
members or subscribers. 814

Sec. 4921.52. The public utilities commission shall prescribe 815

the form of vehicle storage company registration required by 816  
section 4921.48 of the Revised Code. The registration is valid for 817  
one year and is renewable annually. The commission shall set 818  
registration and registration renewal fees in such amounts as 819  
provide sufficient revenue to the commission in carrying out its 820  
duties solely with respect to vehicle storage companies under 821  
sections 4921.45 to 4921.55 of the Revised Code. The fee revenue 822  
shall be deposited to the credit of the public utilities fund. 823

824

**Sec. 4921.53.** No vehicle storage company shall fail to do any 825  
of the following: 826

(A) At the time of recovery of a motor vehicle brought to the 827  
company's storage facility by a towing company, fail to present to 828  
the person recovering the vehicle a customer bill of rights for 829  
the storage service, the form of which the public utilities 830  
commission shall prescribe by rule; 831

(B) Fail to file at least annually with the commission a 832  
schedule of its fees and charges for storing any such motor 833  
vehicle, including storage fees and charges under division (E) of 834  
section 4513.60 of the Revised Code. Storage fees and charges 835  
under the schedule shall not be charged for any time the vehicle 836  
storage company's storage facility is closed for business. Except 837  
for storage of a towed vehicle by a towing company under section 838  
4513.60 of the Revised Code, storage fees and charges under the 839  
schedule shall be per twenty-four-hour period or any fraction 840  
thereof and shall distinguish between inside and outside storage. 841

(C) At the time of the vehicle's recovery, fail to provide 842  
the owner of a motor vehicle towed to its storage facility by a 843  
towing company an itemized invoice detailing the pertinent storage 844  
fees and charges, and fail to maintain at least one copy of the 845

invoice at its principal place of business for at least two years 846  
after the termination date of the storage service; 847

(D) Charge an amount, for storage of a motor vehicle towed to 848  
the vehicle storage company's storage facility by a towing 849  
company, other than the amount applicable under the vehicle 850  
storage company's schedule filed pursuant to division (B) of this 851  
section or, if a tow is done at the request of a peace officer 852  
other than a state highway patrol trooper or at the request of the 853  
owner of private property that has established a private tow-away 854  
zone under division (B) of section 4513.60 of the Revised Code, 855  
charge an amount other than that applicable under any motor 856  
vehicle storage contract between the vehicle storage company and 857  
the political subdivision by which the peace officer is employed 858  
or, as applicable, the owner of the private property. 859

**Sec. 4921.54.** The public utilities commission shall adopt 860  
rules governing vehicle storage companies. The rules shall be 861  
limited to the following: 862

(A) Requisite disclosure of a vehicle storage company's rates 863  
and charges for storing a motor vehicle brought to the company's 864  
storage facility by a towing company; 865

(B) The form of the customer bill of rights regarding that 866  
storage service; 867

(C) Requisite permissible forms of payment for the company's 868  
storage service for motor vehicles brought to its storage facility 869  
by a towing company, which forms shall be the same as those 870  
prescribed for storage service under division (C) of section 871  
4921.51 of the Revised Code; 872

(D) Requisite minimum hours of operation during which a 873  
stored vehicle brought to the company's storage facility by a 874  
towing company may be recovered from the facility; 875

(E) Requisite access for the vehicle owner or operator to 876  
retrieve personal effects from a stored motor vehicle towed to the 877  
storage facility by a towing company; 878

(F) Uniform standards by which a person shall evidence proof 879  
of ownership or right to possession of such a stored vehicle, 880  
which standards shall be the same as the standards specified in 881  
division (G) of section 4921.51 of the Revised Code. 882

**Sec. 4921.55.** The public utilities commission may investigate 883  
any alleged violation or noncompliance by a towing company or 884  
vehicle storage company of any applicable provision of sections 885  
4921.45 to 4921.55 of the Revised Code or a rule or order issued 886  
under those sections and take any action necessary to ensure 887  
compliance or remedy the violation or noncompliance, which may 888  
include, but is not limited to, an action under section 4921.99 of 889  
the Revised Code or, as applicable, a suspension or revocation of 890  
the company's certificate issued under section 4921.49 of the 891  
Revised Code or a rescission of the company's registration 892  
authorized under section 4921.52 of the Revised Code. The 893  
commission may suspend or revoke a certificate, or rescind a 894  
registration, if, after at least fifteen days' advance, written 895  
notice to the certificate holder or registrant of the basis for 896  
such action and providing an opportunity for hearing, the 897  
commission finds that the holder or registrant is violating or 898  
failing, or has violated or failed, to comply with an applicable 899  
provision of sections 4921.45 to 4921.55 of the Revised Code or of 900  
a rule adopted or order issued under those sections. 901

**Sec. 4921.99.** (A)(1) Except for those violations for which a 902  
forfeiture is provided in section 4905.83 of the Revised Code, 903  
whoever violates a provision of this chapter is liable to the 904  
state for a forfeiture of not more than ten thousand dollars for 905  
each day of each violation. The public utilities commission, after 906

providing reasonable notice and the opportunity for a hearing in 907  
accordance with the procedural rules adopted under section 4901.13 908  
of the Revised Code, shall assess, by order, a forfeiture upon a 909  
person ~~who~~ that the commission determines, by a preponderance of 910  
the evidence, committed the violation. In determining the amount 911  
of the forfeiture for a violation discovered during a roadside 912  
inspection and to the extent applicable, the commission shall be 913  
consistent with the recommended fine or penalty schedule and 914  
recommended civil penalty procedure adopted by the commercial 915  
vehicle safety alliance, but shall not exceed one thousand 916  
dollars. In determining the amount of the forfeiture for a 917  
violation discovered during a compliance review of fixed 918  
facilities and to the extent applicable, the commission shall be 919  
consistent with the civil penalty guidelines adopted by the United 920  
States department of transportation's federal highway 921  
administration, but shall not exceed ten thousand dollars. In the 922  
case of a violation of, or noncompliance with, a provision of 923  
sections 4921.45 to 4921.55 of the Revised Code or a rule adopted 924  
or order issued under those sections, the amount of the forfeiture 925  
shall be at least one thousand dollars. 926

The attorney general, upon the written request of the 927  
commission, shall bring a civil action in the court of common 928  
pleas of Franklin county to collect a forfeiture assessed under 929  
this section. The commission shall account for the forfeitures 930  
collected under this section and pay them to the treasurer of 931  
state pursuant to section 4923.12 of the Revised Code. 932

(2) The attorney general, upon the written request of the 933  
commission, shall bring an action for injunctive relief in the 934  
court of common pleas of Franklin county against any person ~~who~~ 935  
that has violated or is violating any order issued by the 936  
commission to secure compliance with a provision of this chapter. 937  
The court of common pleas of Franklin county has jurisdiction to 938

and may grant preliminary and permanent injunctive relief upon a 939  
showing that the person against whom the action is brought has 940  
violated or is violating any order issued by the commission to 941  
secure compliance with this chapter. The court shall give 942  
precedence to such an action over all other cases. 943

(B) The amount of any forfeiture may be compromised at any 944  
time prior to collection of the forfeiture. The commission shall 945  
adopt rules governing the manner in which the amount of a 946  
forfeiture may be established by agreement prior to the hearing on 947  
the forfeiture before the commission. 948

(C) The proceedings of the commission specified in division 949  
(A) of this section are subject to and governed by Chapter 4903. 950  
of the Revised Code, except as otherwise specifically provided in 951  
this section. The court of appeals of Franklin county has 952  
exclusive, original jurisdiction to review, modify, or vacate an 953  
order of the commission issued to secure compliance with a 954  
provision of this chapter and an order issued under division 955  
(A)(1) of this section assessing a forfeiture. The court of 956  
appeals shall hear and determine those appeals in the same manner, 957  
and under the same standards, as the supreme court hears and 958  
determines appeals under Chapter 4903. of the Revised Code. 959

The judgment of the court of appeals is final and conclusive 960  
unless reversed, vacated, or modified on appeal. Such appeals may 961  
be taken either by the commission or the person to whom the 962  
compliance order or forfeiture assessment was issued and shall 963  
proceed as in the case of appeals in civil actions as provided in 964  
the Rules of Appellate Procedure and Chapter 2505. of the Revised 965  
Code. 966

(D) Section 4903.11 of the Revised Code does not apply to an 967  
appeal of an order issued to secure compliance with this chapter 968  
or an order issued under division (A)(1) of this section assessing 969  
a forfeiture. Any person to whom any such order is issued who 970



wishes to contest the compliance order, the fact of the violation, 971  
or the amount of the forfeiture shall file a notice of appeal, 972  
setting forth the order appealed from and the errors complained 973  
of, within sixty days after the entry of the order upon the 974  
journal of the commission. The notice of appeal shall be served, 975  
unless waived, upon the ~~chairman~~ chairperson of the commission or, 976  
in the event of ~~his~~ the chairperson's absence, upon any public 977  
utilities commissioner, or by leaving a copy at the office of the 978  
commission at Columbus. An order issued by the commission to 979  
secure compliance with a provision of this chapter or an order 980  
issued under division (A)(1) of this section assessing a 981  
forfeiture shall be reversed, vacated, or modified on appeal if, 982  
upon consideration of the record, the court is of the opinion that 983  
the order was unlawful or unreasonable. 984

**Sec. 4923.01.** As used in ~~sections 4923.01 to 4923.17,~~ 985  
~~inclusive, of the Revised Code~~ this chapter: 986

(A) "Public utility" has the same meaning ~~set forth as~~ as in 987  
section 4905.02 of the Revised Code. 988

(B) ~~"Telegraph company," "telephone company," "electric light~~ 989  
~~company," "gas company," "natural gas company," "pipe line~~ 990  
~~company," "water works company," "sewage disposal system company,"~~ 991  
~~"heating or cooling company," "messenger company," "street railway~~ 992  
~~company," "suburban railroad company," "interurban railroad~~ 993  
~~company," and "motor propelled~~ Motor-propelled vehicle" ~~have~~ has 994  
the same meaning ~~set forth as~~ as in section 4905.03 of the Revised 995  
Code. 996

(C) ~~"Railroad" has the meaning set forth in section 4907.02~~ 997  
~~of the Revised Code.~~ 998

~~(D)~~ "Motor transportation company" has the same meaning ~~set~~ 999  
~~forth as~~ as in ~~sections~~ section 4905.03 and ~~4921.02~~ of the Revised 1000  
Code. 1001

~~(E)(D)~~ "Trailer," "public highway," ~~"fixed termini," and~~ 1002  
"regular route," ~~and "irregular route"~~ have the meaning set forth 1003  
same meanings as in section 4921.02 of the Revised Code. 1004

(E) "Towing company" has the same meaning as in section 1005  
4921.45 of the Revised Code. 1006

**Sec. 4923.02.** As used in sections 4923.01 to 4923.17 of the 1007  
Revised Code: 1008

(A) "Private motor carrier" ~~or "contract carrier by motor~~ 1009  
~~vehicle"~~ includes every corporation, company, association, 1010  
joint-stock association, person, firm, or copartnership, their 1011  
lessees, legal or personal representatives, trustees, or receivers 1012  
or trustees appointed by any court, not included in the definition 1013  
under section 4921.02 of the Revised Code, when engaged in the 1014  
business of private carriage of persons or property, or both, ~~or~~ 1015  
~~of providing or furnishing such transportation service, for hire,~~ 1016  
in or by motor-propelled vehicles of any kind, including trailers, 1017  
over any public highway in this state, but does not include any 1018  
corporation, company, association, joint-stock association, 1019  
person, firm, or copartnership, their lessees, legal or personal 1020  
representatives, trustees, or receivers or trustees appointed by 1021  
any court: 1022

(1) ~~Engaged or proposing to engage, directly or indirectly,~~ 1023  
~~as a private owner or operator of motor vehicles employed or used~~ 1024  
~~by a private motor carrier, or by a motor transportation company~~ 1025  
~~as defined in section 4921.02 of the Revised Code;~~ 1026

~~(2) Insofar as they are engaged in the not for hire~~ 1027  
~~transportation of persons in church buses as defined in section~~ 1028  
~~4503.07 of the Revised Code or the transportation of property, or~~ 1029  
~~both, when either transportation is performed exclusively within~~ 1030  
~~the territorial limits of a municipal corporation or within such~~ 1031  
~~limits and the territorial limits of municipal corporations~~ 1032

<del>immediately contiguous to such municipal corporations;</del>	1033
<del>(3)</del> Engaged in the transportation of persons in taxicabs in the usual taxicab business;	1034 1035
<del>(4)</del> <u>(2)</u> Engaged in the transportation of pupils in school busses operating to or from school sessions or school events;	1036 1037
<del>(5)</del> <u>(3)</u> Engaged, as a motor transportation company holding a certificate of public convenience and necessity for the transportation of persons, in the carriage of persons in emergency or additional motor vehicles on charter party trips to or from any point within the county or counties in or through which such motor transportation company provides regular route scheduled service, provided that such use of such emergency or additional motor vehicle is reported and the tax paid as prescribed by the public utilities commission by general rule or temporary order;	1038 1039 1040 1041 1042 1043 1044 1045 1046
<del>(6)</del> <u>(4)</u> Engaged in the transportation of farm supplies to the farm or farm products from farm to market;	1047 1048
<del>(7)</del> <u>(5)</u> Engaged in the operation of motor vehicles for contractors on public road work;	1049 1050
<del>(8)</del> <u>(6)</u> Engaged in the transportation of newspapers;	1051
<del>(9)</del> <u>(7)</u> Engaged in the transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;	1052 1053 1054
<del>(10)</del> <u>(8)</u> Engaged <del>in the</del> <u>or proposing to engage as a</u> towing <del>of disabled or wrecked motor vehicles</del> <u>company</u> ;	1055 1056
<del>(11)</del> <u>(9)</u> Engaged in the transportation of injured, ill, or deceased persons by hearse or ambulance;	1057 1058
<del>(12)</del> <u>(10)</u> Engaged in transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;	1059 1060
<del>(13)</del> <u>(11)</u> Engaged in the transportation of persons in a ridesharing arrangement when any fee charged each person so	1061 1062

transported is in such amount as to recover only the person's 1063  
share of the costs of operating the motor vehicle for such 1064  
purpose. 1065

(B) "Motor vehicle" includes any automobile, automobile 1066  
truck, tractor, trailer, semitrailer, motor bus, or any other 1067  
self-propelled vehicle not operated or driven upon fixed rails or 1068  
tracks. 1069

(C) "Charter party trip" means the carriage of persons in one 1070  
or more motor vehicles under a special contract for the exclusive 1071  
use of each such vehicle for each trip, which contract shall not 1072  
provide for continuing operations between the same termini, and 1073  
which operation shall in no event become regular. The limitations 1074  
of section 4921.18 and any other sections of the Revised Code as 1075  
to the seating capacity of such emergency or additional motor 1076  
vehicles operated by a motor transportation company do not apply 1077  
to charter party trips. 1078

(D) "Ridesharing arrangement" has the same meaning as in 1079  
section 4921.02 of the Revised Code. 1080

**Sec. 4923.03.** The public utilities commission may: 1081

(A) Supervise and regulate each private motor carrier in this 1082  
state; 1083

(B) Prescribe reasonable safety rules; 1084

(C) Prescribe safety rules applicable to the transportation 1085  
and offering for transportation of hazardous materials in 1086  
intrastate commerce within this state by a private motor carrier 1087  
or a contract carrier by motor vehicle. The rules shall be 1088  
consistent with, and equivalent in scope, coverage, and content 1089  
to, the "Hazardous Materials Transportation Act," 88 Stat. 2156 1090  
(1975), 49 U.S.C.A. 1801, as amended, and regulations adopted 1091  
under it. No person shall violate a rule adopted under this 1092

division or an order of the commission issued to secure compliance 1093  
with any such rule. 1094

(D) Prescribe reasonable rules for the administration and 1095  
enforcement of this chapter and Chapters 4901., 4903., 4905., 1096  
4907., 4909., and 4921. of the Revised Code applying to each such 1097  
contract carrier by motor vehicle in this state; 1098

(E) Require the filing of such annual and other reports as 1099  
the commission prescribes; 1100

(F) Supervise and regulate the operation of private motor 1101  
carriers to the exclusion of all local authorities in this state 1102  
except as provided in this section. 1103

In the exercise of the jurisdiction conferred upon it by 1104  
those chapters, the commission may prescribe rules affecting 1105  
private motor carriers that are not towing companies as defined in 1106  
section 4921.45 of the Revised Code, notwithstanding any 1107  
ordinance, resolution, license, or permit enacted, adopted, or 1108  
granted by any township, municipal corporation, municipal 1109  
corporation and county, or county. In case of conflict between any 1110  
such ordinance, resolution, license, or permit, the order or rule 1111  
of the commission shall prevail. ~~Local~~ Except as to towing 1112  
companies as defined in section 4921.45 of the Revised Code, local 1113  
subdivisions may make reasonable local police rules applicable 1114  
within their respective boundaries to private motor carriers and 1115  
not inconsistent with sections 4921.18, ~~4921.30,~~ 4921.32, and 1116  
4923.02 to 4923.17 of the Revised Code. 1117

The commission has jurisdiction to receive, hear, and 1118  
determine as a question of fact, upon complaint of any party or 1119  
upon its own motion, and upon not less than fifteen days' notice 1120  
of the time and place of the hearing and the matter to be heard, 1121  
whether any corporation, company, association, joint-stock 1122  
association, person, firm, or copartnership, or their lessees, 1123

legal or personal representatives, trustees, or receivers or 1124  
trustees appointed by any court, is engaged as a private motor 1125  
carrier. The finding of the commission on such a question is a 1126  
final order that may be reviewed as provided in section 4923.10 of 1127  
the Revised Code. 1128

**Sec. 4923.04.** No private motor carrier shall operate any 1129  
motor vehicle for the transportation of persons or property, or 1130  
both, for hire, on any public highway in this state except in 1131  
accordance with Chapters 4901., 4903., 4905., 4907., 4909., 4921., 1132  
and 4923., and 4925. of the Revised Code. No such private motor 1133  
carrier shall continue or commence its operation as such in this 1134  
state without obtaining a permit from the public utilities 1135  
commission as provided in ~~sections~~ section 4923.05 ~~to 4923.07,~~ 1136  
~~inclusive,~~ of the Revised Code. 1137

**Sec. 4923.05.** The public utilities commission shall adopt 1138  
rules prescribing the manner and form in which private motor 1139  
carriers shall apply for permits. Among other things, such rules 1140  
shall provide that such applications shall: 1141

(A) Be made in writing on blanks furnished by the commission; 1142

(B) Show the principal office or place of business of such 1143  
private motor carrier; 1144

(C) Contain full information concerning the number, kind, and 1145  
capacity of motor vehicles used or to be used by the applicant; 1146

~~(D) Contain the names of the persons, firms or corporations,~~ 1147  
~~and their addresses, with whom the applicant has contracted or~~ 1148  
~~proposes to contract as a private motor carrier;~~ 1149

~~(E) Have attached to and made a part of such application an~~ 1150  
~~affidavit signed by each such person, firm, or corporation so~~ 1151  
~~named by and proposing to employ the applicant as its private~~ 1152  
~~contract carrier by motor vehicle, which affidavit shall be in the~~ 1153

~~form prescribed by the commission and shall evidence that a bona~~ 1154  
~~fide special contract of carriage in writing has been entered into~~ 1155  
~~and signed by the applicant and each such employer, which contract~~ 1156  
~~is effective only upon the granting by the commission of the~~ 1157  
~~permit sought or required;~~ 1158

~~(F) Be accompanied by such contract, or any change or~~ 1159  
~~modification of such contract, duly executed by the applicant and~~ 1160  
~~each such person, firm, or corporation employing or proposing to~~ 1161  
~~employ the applicant, which contract, among other things, shall be~~ 1162  
~~bilateral, shall specify the transportation service to be rendered~~ 1163  
~~for the contracting party employing such carrier provided such~~ 1164  
~~transportation service shall not include transportation from~~ 1165  
~~possession or control for the purposes of storage or~~ 1166  
~~transportation by the contracting party, the full compensation to~~ 1167  
~~be paid to the applicant for its services, and the basis upon~~ 1168  
~~which such rates and charges are computed, shall provide for a~~ 1169  
~~series of shipments during a stated period of time, and shall~~ 1170  
~~provide that the full compensation for the services rendered or~~ 1171  
~~proposed to be rendered under such contract shall be paid to such~~ 1172  
~~contract carrier by motor vehicle by the other contracting party.~~ 1173

**Section 2.** That existing sections 4513.60, 4901.01, 4903.01, 1174  
4905.01, 4905.03, 4907.01, 4909.01, 4921.01, 4921.02, 4921.36, 1175  
4921.99, 4923.01, 4923.02, 4923.03, 4923.04, and 4923.05 and 1176  
sections 4921.30, 4923.06, and 4923.07 of the Revised Code are 1177  
hereby repealed. 1178

**Section 3.** A towing company as defined in section 4921.45 of 1179  
the Revised Code as enacted by this act and operating in this 1180  
state pursuant to a certificate or permit issued prior to the 1181  
effective date of this section by the Public Utilities Commission 1182  
under sections 4921.01 to 4921.32 or 4923.01 to 4923.17 of the 1183  
Revised Code may continue to engage in such business under the 1184

terms and conditions of the certificate or permit, provided that 1185  
the company files an application with the Commission for a 1186  
certificate in accordance with sections 4921.45 to 4921.55 of the 1187  
Revised Code not later than one month after the effective date of 1188  
the order issued by the Commission under section 4921.48 of the 1189  
Revised Code. The company may continue to engage in such business 1190  
under its existing certificate or permit until the later of the 1191  
last day of that month or the effective date of the Commission's 1192  
approval or disapproval of the company's application. On the 1193  
applicable date, the company's existing certificate or permit 1194  
expires by operation of law. Nothing in this section or in the 1195  
terms or conditions of an existing certificate or permit affects 1196  
the right of another person to apply for, or the authority of the 1197  
Commission to grant to such person, as of the effective date of 1198  
the order, a certificate under sections 4921.45 to 4921.55 of the 1199  
Revised Code. 1200

**Section 4.** A towing company as defined in section 4921.45 of 1201  
the Revised Code as enacted by this act and operating in this 1202  
state prior to the effective date of the Commission's order issued 1203  
under section 4921.48 of the Revised Code, and that was exempt 1204  
from regulation by the Commission pursuant to division (A)(2) of 1205  
section 4921.02 or division (A)(2) or (10) of section 4923.02 of 1206  
the Revised Code, as those sections existed prior to the effective 1207  
date of this section, may continue to so engage in that business, 1208  
provided the company files an application with the Commission for 1209  
a certificate in accordance with sections 4921.45 to 4921.55 of 1210  
the Revised Code not later than 90 days after the effective date 1211  
of the order issued by the Commission under section 4921.48 of the 1212  
Revised Code. The company may continue to engage in such business 1213  
under its existing exemption until the effective date of the 1214  
Commission's approval or disapproval of the company's application. 1215  
1216