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134th General Assembly

Bill Analysis

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Version: As Reported by House Transportation and Public Safety

Primary Sponsor: Sen. Reineke

Margaret E. Marcy, Attorney

SUMMARY

Ohio Turnpike and Infrastructure Commission

Procedures after evasion of a toll

- Authorizes the Ohio Turnpike and Infrastructure Commission to expand its rules regarding all of the following:
 - The issuance of an invoice and, if needed, a second invoice to a person that evades paying a toll or fee;
 - The inclusion of procedures whereby a person may dispute the invoice via an administrative hearing with the Commission; and
 - The inclusion of procedures whereby a person may appeal Commission decisions to the Cuyahoga Court of Common Pleas.
- Requires the Registrar of Motor Vehicles and any deputy registrar to refuse to accept an application for registration or transfer of registration of a motor vehicle when the Registrar receives notice from the Commission that either:
 - A person has not remitted payment of the toll or fee due or disputed the invoice with the Commission within a specified time period; or
 - A person has appealed a citation, lost on appeal, and has not paid any remaining balance.
- Permits the Commission to adopt rules establishing joint and strict liability for the payment of tolls, fees, and fines on the owner or lessee and the operator of a motor vehicle.

Disclosure of personal information

- Generally, specifies that personal information (such as a Social Security number, contact information, and financial information) cannot be disclosed by the Commission or its employees and contractors.
- Provides exceptions for when personal information may be disclosed.
- Requires the Commission to adopt rules governing the management of personal information.

Licensed professional services contracts

- Exempts the Commission's contracts for licensed professional services from the requirement that a contractor obtain a performance bond worth at least 50% of the contract price when the awarded contract is above \$500,000 or is with a service facility operator.

Towing law changes

- Authorizes the Registrar of Motor Vehicles to select a vendor or vendors that can provide real-time access to motor vehicle owner and lienholder information to a towing service, storage facility, or law enforcement agency after a vehicle is towed.
- Adds certified mail with electronic tracking as a new option by which notice may be sent to a towed vehicle's owner and any lienholders, regardless of the location from which the vehicle is towed.
- Makes conforming changes to address inconsistencies regarding notice after a vehicle is towed.

DETAILED ANALYSIS

Ohio Turnpike and Infrastructure Commission

Tolling system changes

The traditional stop-and-pay toll booth is being phased out in favor of forms of cashless tolling across many toll roads. Cashless tolling systems automatically charge vehicles that are equipped with an E-ZPass reader or snap a photo of a vehicle's license plate in order to bill the owner of the vehicle by mail. In anticipation of a cashless toll system on the Ohio Turnpike, the bill authorizes the Ohio Turnpike and Infrastructure Commission to expand its rules regarding:

1. The procedures after a person evades a toll or toll-related fees; and
2. The disclosure of personal information.

Procedures after evasion of a toll

The bill authorizes the Commission to adopt rules governing the failure to remit payment of a toll or a fee to the Commission. Specifically, under the bill, the Commission is authorized to adopt rules for the issuance of an initial invoice to a person who fails to remit a

toll and then a second invoice. The Commission may issue the second invoice if the person has not paid the toll or fee within 30 days after the issuance of the first invoice. The Commission also is authorized to implement procedures whereby a person may dispute an invoice issued by the Commission through an administrative hearing. The decision from the administrative hearing may then be appealed to the Cuyahoga Court of Common Pleas.

Under current law, the Commission is authorized to adopt rules governing the issuance of citations for toll evasion. However, there is no authority to adopt rules governing the issuance of an invoice.¹

Administrative hearing

The bill specifies that any person that disputes an invoice issued by the Commission may request an administrative hearing with the Commission at its principal office in Berea, Ohio. The person is allowed to present evidence at the hearing. The Commission has exclusive and original jurisdiction over any initial disputes over its invoices. The Commission may appoint a hearing officer to administer the requested hearings.

The Commission must grant a hearing to any person who requests one unless the person's right to a hearing is forfeited (see below). The Commission must send reasonable advance notice of the time, date, and location of the hearing. A person forfeits the right to an administrative hearing or an appeal of the hearing's decision if either of the following occur:

1. The person does not respond within 60 days after the second invoice is issued; or
2. The person fails to appear at the requested hearing.

The decision of the Commission or its designated hearing officer is presumed final, unless reversed on appeal. Any appeal must be commenced in the Cuyahoga County Court of Common Pleas. The Court's decision for any appeal is final, and there is no further right to appeal.²

Suspension of motor vehicle registration

The bill authorizes the Commission to notify the Registrar of Motor Vehicles if either of the following occur:

1. A person fails to remit payment of a toll or fee or fails to dispute an invoice within 60 days after the issuance of the second invoice, in accordance with the Commission's rules; or
2. A person fails to pay any remaining balance due after appeal to the Cuyahoga County Court of Common Pleas.

If the Registrar receives a notice from the Commission, the Registrar and any deputy registrar must deny any application for motor vehicle registration or transfer of registration

¹ R.C. 5537.04(A)(16).

² R.C. 5537.041(A).

from the person that is the subject of the notice. Only after the Registrar receives notice from the Commission that the debt is paid may the Registrar or a deputy registrar accept an application for registration or transfer from that person.³

Joint and strict liability

The bill specifies that the Commission may adopt rules that require both the owner/lessee of a motor vehicle and the operator of the motor vehicle to be jointly and strictly liable for the payment of tolls, fees, and fines. As such, the owner/lessee cannot disclaim liability by claiming that another person was driving the motor vehicle at the time the toll, fee, or fine was incurred.⁴

Disclosure of personal information

The Commission, as a state public office, is generally subject to the Public Records Law, with regard to making certain information available for inspection and copying.⁵ To ensure that the personal information of those that travel the turnpike (e.g., Social Security number, driver's license information, and financial information) cannot be disclosed, the bill generally prohibits the Commission, and any employee or contractor of the Commission, from knowingly disclosing or making available that personal information. There are a few exceptions to the general prohibition, namely personal information may be released as follows:

1. For use by a governmental agency, including a court or law enforcement agency, or a private person acting on behalf of the governmental agency;
2. For use in connection with a civil, criminal, administrative, or arbitral proceeding in court or before a federal, state, or local public authority;
3. Pursuant to a court order;
4. For use by a financial institution and credit company directly involved in a transaction involving the paying of a toll, fine, or fee;
5. For the collection of unpaid tolls, fines, fees, or other administrative charges;
6. For exchanging information between other private and public toll transportation facilities;
7. If the person whose information was requested consents to the disclosure through a form created by the Commission; and
8. If the person whose information was requested consents to the disclosure otherwise in writing.

³ R.C. 5537.041(B) and (C).

⁴ R.C. 5537.16(A).

⁵ R.C. 149.43, not in the bill.

The Commission is required to establish procedures for denying requests for disclosure of personal information that do not meet any of the exceptions. The Commission also must establish any forms and adopt any rules as necessary for the administration of the bill's provisions governing personal information disclosure.⁶

Licensed professional services contracts

The bill exempts the Commission's contracts for licensed professional services from the requirement that a contractor obtain a performance bond. Under current law, other than construction projects, which must meet other state bond requirements, any Commission contract that is above \$500,000 or is with a service facility operator requires the contractor to obtain a performance bond.⁷ The bond must be worth at least 50% of the contract price and be conditioned on faithful performance of the contract.

Towing law changes

Title search after motor vehicle tow

Under current law, after towing a vehicle, a towing service, storage facility, or law enforcement agency ("towing entity") must request the Registrar of Motor Vehicles to search for and provide the name of any owner and lienholder for the motor vehicle. The bill authorizes the Registrar to contract with a vendor or vendors to provide real-time access to the owner and lienholder information, as an alternative method to obtain that information. Additionally, the bill expressly authorizes a towing service or storage facility to search the National Motor Vehicle Title Information System in order to determine the state in which the vehicle is titled. (Current law neither authorizes nor prohibits a search of that System.)⁸

Forms of notice

Under current law, after obtaining the name of the owner and any lienholder, the towing entity must then notify those parties. The notice must state that the entity currently has possession of the motor vehicle and may take title to it if it is left unclaimed. It also must specify the time after the notice by which the vehicle must be claimed. The mechanisms for providing notice to an owner or lienholder are different for each type of tow (e.g., for vehicles left at a repair garage vs. vehicles towed by law enforcement vs. vehicles left in a private tow-away zone). The bill standardizes the mechanisms of notice to the three following methods:

1. Certified or express mail with return receipt requested;
2. Certified mail with electronic tracking; or
3. A commercial carrier service utilizing any form of delivery requiring a signed receipt.⁹

⁶ R.C. 5537.29.

⁷ R.C. 5537.07.

⁸ R.C. 4513.601(F)(1).

⁹ R.C. 4505.101, 4505.103, 4505.104, 4513.601, 4513.602, 4513.603, 4513.61, and 4513.611.

HISTORY

Action	Date
Introduced	04-15-21
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Reported H. Transportation and Public Safety	11-16-21
