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SUMMARY

Ohio Turnpike and Infrastructure Commission

Procedures for invoice payment of a toll

- Authorizes the Ohio Turnpike and Infrastructure Commission to expand its rules by establishing all of the following:
 - Procedures for the issuance of an invoice and, if needed, a second invoice to a person that evades or otherwise does not pay a toll or fee;
 - Procedures by which a person may dispute the invoice via an administrative hearing with the Commission; and
 - Procedures by which 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 (1) remitted payment of the toll or fee due or (2) disputed the invoice with the Commission within a specified time period; or
 - A person has appealed an invoice or citation, lost on appeal, and has not paid any remaining balance.
- Authorizes 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 the Commission or its employees and contractors cannot disclose personal information in connection with a toll, fine, fee, or electronic toll record (such as a Social Security number, contact information, and financial information).
- Establishes exceptions that allow for the disclosure of personal information.
- Requires the Commission to adopt rules governing the management of personal information.

Licensed professional services contracts

- Exempts Commission contracts for licensed professional services from the requirement that a contractor obtain a performance bond worth at least 50% of the contract price.

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 in the Towing Law.

DETAILED ANALYSIS

Ohio Turnpike and Infrastructure Commission

Tolling system changes

The traditional stop-and-pay toll booth is being phased out in favor of cashless tolling across many toll roads. Cashless tolling systems automatically charge vehicles that are equipped with an E-ZPass reader or take 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 act authorizes the Ohio Turnpike and Infrastructure Commission to update and expand its rules regarding:

1. The procedures that apply when a person using a toll road fails to pay a toll or fails to pay toll-related fees; and
2. The disclosure of personal information.

Procedures for invoice payment of a toll

The act authorizes the Commission to adopt and update rules governing the failure to remit payment of a toll or a fee to the Commission. Under the traditional system of stop-and-pay toll booths, the Commission is authorized to issue a citation if someone fails to remit

payment of a toll or a fee. With a cashless toll system, however, all drivers pass through the area where the driver would remit the toll without stopping and paying. Thus, the act authorizes the Commission to issue invoices to those drivers, an authority the Commission did not have under prior law.

Specifically, the act authorizes the Commission to adopt rules for the issuance of up to two invoices to a person who does not pay the toll at the time that the person uses the Ohio Turnpike. The Commission may issue an initial invoice to the person, and then a second invoice if the person has not paid the toll or fee within 30 days after the issuance of the first invoice. Related to the invoices, the Commission also may adopt rules to implement administrative hearing procedures for invoice disputes and procedures to appeal the hearing decisions to the Cuyahoga Court of Common Pleas.¹

Administrative hearing

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 Commission has exclusive and original jurisdiction over any disputes over its invoices. A person may present evidence at the hearing, which may be presided over by a hearing officer appointed by the Commission.

The Commission must grant a hearing to any person who requests one unless the person forfeits his or her right to a hearing (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 act authorizes the Commission to notify the Registrar of Motor Vehicles if either of the following occurs:

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

¹ R.C. 5537.04(A)(16).

² R.C. 5537.041(A).

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 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 act 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. 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 Ohio Turnpike (e.g., Social Security number, driver's license information, and financial information) cannot be disclosed, the act generally prohibits the Commission, and any employee or contractor of the Commission, from knowingly disclosing or making available that personal information in connection with a toll, fine, fee, or electronic toll record. 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;

³ R.C. 4503.10, 4503.12, and 5537.041(B) and (C).

⁴ R.C. 5537.16(A).

⁵ R.C. 149.43, not in the act.

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.

The Commission must establish procedures for denying requests for disclosure of personal information that do not meet any of the exceptions. It also must establish any forms and adopt any rules necessary to administer the act's personal information disclosure provisions.⁶

Licensed professional services contracts

The act exempts the Commission's contracts for licensed professional services from the requirement that a contractor obtain a performance bond. Under prior law, a Commission contract for licensed professional services that was above \$500,000 or was with a service facility operator required the contractor to obtain a performance bond. The bond had to be worth at least 50% of the contract price and conditioned on faithful performance of the contract. The act does not affect the laws regarding performance bond requirements for any other Commission contract.⁷

Towing law changes

Title search after motor vehicle tow

Under the Towing Law, after towing a vehicle, a towing service, storage facility, or law enforcement agency ("towing entity") must obtain information regarding the current owner and lienholder of the vehicle in order to provide notice that the vehicle has been towed (see "**Forms of notice**" below). Under prior law, the towing entity had to request this information from the Registrar. The act 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 for the towing entity to obtain that information. Additionally, the act 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. (Prior law neither authorized nor prohibited a search of that System.)⁸

Forms of notice

After obtaining the name of the owner and any lienholder, a 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 previously were different for each type of tow (e.g., for vehicles left at a repair

⁶ R.C. 5537.29.

⁷ R.C. 5537.07.

⁸ R.C. 4513.601(F)(1).

garage vs. vehicles towed by law enforcement vs. vehicles left in a private tow-away zone). The act 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

HISTORY

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Introduced	04-15-21
Reported, S. Transportation	06-23-21
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⁹ R.C. 4505.101, 4505.103, 4505.104, 4513.601, 4513.602, 4513.603, 4513.61, and 4513.611.