

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**S. B. No. 194**

**Senator Terhar  
Cosponsor: Senator Wilson**

---

**A BILL**

To amend sections 4505.101, 4513.601, and 4513.611 1  
of the Revised Code to require only one notice 2  
to be sent to a vehicle owner and any known 3  
lienholder after a vehicle is towed from a 4  
private tow-away zone. 5

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

**Section 1.** That sections 4505.101, 4513.601, and 4513.611 6  
of the Revised Code be amended to read as follows: 7

**Sec. 4505.101.** (A) (1) Any repair garage or place of 8  
storage in which a motor vehicle with a value of less than three 9  
thousand five hundred dollars has been left unclaimed for 10  
fifteen days or more following completion of the requested 11  
repair or the agreed term of storage shall send by certified 12  
mail, return receipt requested, to the last known address of any 13  
owner and any lienholder of the motor vehicle a notice to remove 14  
the motor vehicle. In order to identify any owner or lienholder, 15  
prior to sending a notice, the repair garage or place of storage 16  
shall cause a search to be made of the records of the bureau of 17  
motor vehicles. Any notice to a lienholder shall state where the 18

motor vehicle is located and the value of the vehicle. If the 19  
person who requested the repair or who agreed to the storage of 20  
the motor vehicle is not the owner or a lienholder of the motor 21  
vehicle as indicated in the records of the bureau, the repair 22  
garage or place of storage also shall notify the sheriff of the 23  
county or the police department of the municipal corporation, 24  
township, or township or joint police district in which the 25  
repair garage or place of storage is located that the repair 26  
garage or place of storage is in possession of the vehicle. 27

(2) The repair garage or place of storage may obtain a 28  
certificate of title to the motor vehicle if all of the 29  
following apply: 30

(a) The motor vehicle remains unclaimed by any owner or 31  
lienholder of the vehicle for fifteen days after the mailing of 32  
all required notices. 33

(b) For each notice, the repair garage or place of storage 34  
has either received the signed receipt from the certified mail 35  
or has been notified that the delivery was not possible. Unless 36  
the lienholder claims the motor vehicle within fifteen days from 37  
the mailing of the notice, the lienholder's lien is invalid. 38

(c) An agent of the repair garage or place of storage that 39  
mailed the notice executes an affidavit, in a form established 40  
by the registrar of motor vehicles by rule, affirming that all 41  
of the requirements of this section necessary to authorize the 42  
issuance of a certificate of title for the motor vehicle have 43  
been met. The affidavit shall set forth an itemized statement of 44  
the value of the motor vehicle; the length of time that the 45  
motor vehicle has remained unclaimed; that a notice to remove 46  
the vehicle has been mailed to any titled owner or lienholder by 47  
certified mail, return receipt requested; and that a search of 48

the records of the bureau of motor vehicles has been made in 49  
accordance with division (A) (1) of this section. 50

(B) A towing service or storage facility that is in 51  
possession of a vehicle may obtain a certificate of title to the 52  
vehicle as provided in division (C) of this section if all of 53  
the following apply: 54

(1) The vehicle was towed under division (B) of section 55  
4513.601 of the Revised Code. 56

(2) The vehicle has a value of less than three thousand 57  
five hundred dollars. 58

(3) The vehicle has been left unclaimed for sixty days 59  
after the date the ~~earliest~~ notice required by division (F) (1) 60  
of section 4513.601 of the Revised Code is received, as 61  
evidenced by a receipt signed by any person, or the towing 62  
service or storage facility has been notified that the delivery 63  
was not possible. 64

(4) An agent of the towing service or storage facility 65  
executes an affidavit, in a form established by the registrar of 66  
motor vehicles by rule, affirming that all of the requirements 67  
of this section necessary to authorize the issuance of a 68  
certificate of title for the motor vehicle have been met. The 69  
affidavit shall set forth an itemized statement of the value of 70  
the motor vehicle; that ~~notices~~ notice to remove the vehicle 71  
~~have~~ has been mailed to the owner and any lienholder as required 72  
under division (F) of section 4513.601 of the Revised Code; the 73  
length of time that the motor vehicle has remained unclaimed 74  
after the date the ~~earliest~~ notice required under division (F) 75  
of section 4513.601 of the Revised Code was received or the 76  
towing service or storage facility was notified that delivery 77

was not possible; and that a search of the records of the bureau 78  
of motor vehicles has been made for outstanding liens on the 79  
motor vehicle. 80

(C) (1) The clerk of courts shall issue a certificate of 81  
title, free and clear of all liens and encumbrances as follows: 82

(a) To a repair garage or place of storage that presents 83  
an affidavit that complies with all of the requirements of 84  
division (A) of this section; 85

(b) To a towing service or storage facility that presents 86  
an affidavit in compliance with division (B) of this section. 87

(2) A repair garage or place of storage may use the 88  
process established under division (A) of this section in order 89  
to take title to a motor vehicle even if the person who 90  
requested the repair or who agreed to the storage of the motor 91  
vehicle is not the owner or a lienholder of the motor vehicle as 92  
indicated in the records of the bureau of motor vehicles. 93

(3) Upon receipt of the certificate of title, a repair 94  
garage or place of storage, or a towing service or storage 95  
facility, shall pay to the clerk of courts the value of the 96  
motor vehicle minus both of the following: 97

(a) If the motor vehicle was towed by the party seeking 98  
title to the motor vehicle under this section, a towing fee; 99

(b) Storage fees for the period of time the vehicle was 100  
stored without payment. 101

The clerk of courts shall deposit any money received under 102  
this section into the county general fund. 103

(D) Whoever violates this section shall be fined not more 104  
than two hundred dollars, imprisoned not more than ninety days, 105

or both.	106
(E) As used in this section:	107
(1) "Repair garage or place of storage" means any business with which a person entered into an agreement for the repair of a motor vehicle or any business with which a person entered into an agreement for the storage of a motor vehicle.	108 109 110 111
(2) "Towing service or storage facility" means any for-hire motor carrier that removes a motor vehicle under the authority of section 4513.601 of the Revised Code and any place to which such a for-hire motor carrier delivers a motor vehicle towed under that section.	112 113 114 115 116
(3) "Value" means the wholesale value for that make and model of motor vehicle at the time an affidavit is submitted under division (C) of this section, as provided in a vehicle valuation guide that is generally available and recognized by the motor vehicle industry, minus both of the following:	117 118 119 120 121
(a) The estimated cost of repairs to restore the motor vehicle to the wholesale value for that make and model of motor vehicle;	122 123 124
(b) The cost of any agreed-upon repairs.	125
<b>Sec. 4513.601.</b> (A) The owner of a private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:	126 127 128
(1) The owner of the private property posts on the property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property, and that includes all of the following information:	129 130 131 132
(a) A statement that the property is a tow-away zone;	133

(b) A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include on the sign the address of the property on which the private tow-away zone is located or the name of the business that is located on the property designated as a private tow-away zone.

(c) If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;

(d) The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;

(e) A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in division (B) of section 4505.101 of the Revised Code.

In order to comply with the requirements of division (A) (1) of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

(2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be

recovered that complies with all of the following:	163
(a) It is located within twenty-five linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within twenty-five linear miles.	164 165 166 167
(b) It is well-lighted.	168
(c) It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.	169 170 171 172 173
(B) (1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (A) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in section 4505.101 of the Revised Code. The owner or lienholder of a vehicle that has been removed under this section, subject to division (C) of this section, may recover the vehicle in accordance with division (G) of this section.	174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190
(2) If a municipal corporation requires tow trucks and tow	191

truck operators to be licensed, no owner of a private property 192  
located within the municipal corporation shall cause the removal 193  
and storage of any vehicle pursuant to division (B) of this 194  
section by an unlicensed tow truck or unlicensed tow truck 195  
operator. 196

(3) No towing service shall remove a vehicle from a 197  
private tow-away zone except pursuant to a written contract for 198  
the removal of vehicles entered into with the owner of the 199  
private property on which the private tow-away zone is located. 200

(C) If the owner or operator of a vehicle that is being 201  
removed under authority of division (B) of this section arrives 202  
after the vehicle has been prepared for removal, but prior to 203  
its actual removal from the property, the towing service shall 204  
give the vehicle owner or operator oral or written notification 205  
at the time of such arrival that the vehicle owner or operator 206  
may pay a fee of not more than one-half of the fee for the 207  
removal of the vehicle established by the public utilities 208  
commission in rules adopted under section 4921.25 of the Revised 209  
Code in order to obtain release of the vehicle. That fee may be 210  
paid by use of a major credit card unless the towing service 211  
uses a mobile credit card processor and mobile service is not 212  
available at the time of the transaction. Upon payment of that 213  
fee, the towing service shall give the vehicle owner or operator 214  
a receipt showing both the full amount normally assessed and the 215  
actual amount received and shall release the vehicle to the 216  
owner or operator. Upon its release, the owner or operator 217  
immediately shall move the vehicle so that the vehicle is not 218  
parked on the private property established as a private tow-away 219  
zone without the consent of the owner of the private property or 220  
in violation of any posted parking condition or regulation. 221



(D) (1) Prior to towing a vehicle under division (B) of 222  
this section, a towing service shall make all reasonable efforts 223  
to take as many photographs as necessary to evidence that the 224  
vehicle is clearly parked on private property in violation of a 225  
private tow-away zone established under division (A) of this 226  
section. 227

The towing service shall record the time and date of the 228  
photographs taken under this section. The towing service shall 229  
retain the photographs and the record of the time and date, in 230  
electronic or printed form, for at least thirty days after the 231  
date on which the vehicle is recovered by the owner or 232  
lienholder or at least two years after the date on which the 233  
vehicle was towed, whichever is earlier. 234

(2) A towing service shall deliver a vehicle towed under 235  
division (B) of this section to the location from which it may 236  
be recovered not more than two hours after the time it was 237  
removed from the private tow-away zone, unless the towing 238  
service is unable to deliver the motor vehicle within two hours 239  
due to an uncontrollable force, natural disaster, or other event 240  
that is not within the power of the towing service. 241

(E) (1) If an owner of a private property that is 242  
established as a private tow-away zone in accordance with 243  
division (A) of this section causes the removal of a vehicle 244  
from that property by a towing service under division (B) of 245  
this section, the towing service, within two hours of removing 246  
the vehicle, shall provide notice to the sheriff of the county 247  
or the police department of the municipal corporation, township, 248  
or township or joint police district in which the property is 249  
located concerning all of the following: 250

(a) The vehicle's license number, make, model, and color; 251

(b) The location from which the vehicle was removed;	252
(c) The date and time the vehicle was removed;	253
(d) The telephone number of the person from whom the vehicle may be recovered;	254 255
(e) The address of the place from which the vehicle may be recovered.	256 257
(2) Each county sheriff and each chief of police of a municipal corporation, township, or township or joint police district shall maintain a record of any vehicle removed from private property in the sheriff's or chief's jurisdiction that is established as a private tow-away zone of which the sheriff or chief has received notice under this section. The record shall include all information submitted by the towing service. The sheriff or chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.	258 259 260 261 262 263 264 265 266 267 268 269
(F) (1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. The registrar of motor vehicles shall ensure that such information is provided in a timely manner. <del>Subject to division</del> <del>(F) (4) of this section, the</del> <u>The</u> towing service or storage facility shall send notice to the vehicle owner and any known lienholder <del>as follows:-</del>	270 271 272 273 274 275 276 277 278 279 280

~~(a) Within within five business days after the registrar  
of motor vehicles provides the identity of the owner and any  
lienholder of the motor vehicle, if the vehicle remains  
unclaimed, to the owner's and lienholder's last known address by  
certified or express mail with return receipt requested or by a  
commercial carrier service utilizing any form of delivery  
requiring a signed receipt;~~

~~(b) If the vehicle remains unclaimed thirty days after the  
first notice is sent, in the manner required under division (F)  
(1)(a) of this section;~~

~~(c) If the vehicle remains unclaimed forty-five days after  
the first notice is sent, in the manner required under division  
(F)(1)(a) of this section.~~

(2) Sixty days after ~~any~~ the notice sent pursuant to  
division (F)(1) of this section is received, as evidenced by a  
receipt signed by any person, or the towing service or storage  
facility has been notified that delivery was not possible, the  
towing service or storage facility, if authorized under division  
(B) of section 4505.101 of the Revised Code, may initiate the  
process for obtaining a certificate of title to the motor  
vehicle as provided in that section.

(3) A towing service or storage facility that does not  
receive a signed receipt of notice, or a notification that  
delivery was not possible, shall not obtain, and shall not  
attempt to obtain, a certificate of title to the motor vehicle  
under division (B) of section 4505.101 of the Revised Code.

~~(4) With respect to a vehicle concerning which a towing  
service or storage facility is not eligible to obtain title  
under section 4505.101 of the Revised Code, the towing service~~

~~or storage facility need only comply with the initial notice  
required under division (F) (1) (a) of this section.~~ 310  
311

(G) (1) The owner or lienholder of a vehicle that is 312  
removed under division (B) of this section may reclaim it upon 313  
both of the following: 314

(a) Presentation of proof of ownership, which may be 315  
evidenced by a certificate of title to the vehicle, a 316  
certificate of registration for the motor vehicle, or a lease 317  
agreement; 318

(b) Payment of the following fees: 319

(i) All applicable fees established by the public 320  
utilities commission in rules adopted under section 4921.25 of 321  
the Revised Code, except that the lienholder of a vehicle may 322  
retrieve the vehicle without paying any storage fee for the 323  
period of time that the vehicle was in the possession of the 324  
towing service or storage facility prior to the date the 325  
lienholder received the notice sent under division (F) (1) ~~(a)~~ of 326  
this section; 327

(ii) If notice has been sent to the owner and lienholder 328  
as described in division (F) of this section, a processing fee 329  
of twenty-five dollars. 330

(2) A towing service or storage facility in possession of 331  
a vehicle that is removed under authority of division (B) of 332  
this section shall show the vehicle owner, operator, or 333  
lienholder who contests the removal of the vehicle all 334  
photographs taken under division (D) of this section. Upon 335  
request, the towing service or storage facility shall provide a 336  
copy of all photographs in the medium in which the photographs 337  
are stored, whether paper, electronic, or otherwise. 338

(3) When the owner of a vehicle towed under this section 339  
retrieves the vehicle, the towing service or storage facility in 340  
possession of the vehicle shall give the owner written notice 341  
that if the owner disputes that the motor vehicle was lawfully 342  
towed, the owner may be able to file a civil action under 343  
section 4513.611 of the Revised Code. 344

(4) Upon presentation of proof of ownership, which may be 345  
evidenced by a certificate of title to the vehicle, a 346  
certificate of registration for the motor vehicle, or a lease 347  
agreement, the owner of a vehicle that is removed under 348  
authority of division (B) of this section may retrieve any 349  
personal items from the vehicle without retrieving the vehicle 350  
and without paying any fee. The owner of the vehicle shall not 351  
retrieve any personal items from a vehicle if it would endanger 352  
the safety of the owner, unless the owner agrees to sign a 353  
waiver of liability. For purposes of division (G) (4) of this 354  
section, "personal items" do not include any items that are 355  
attached to the vehicle. 356

(H) No person shall remove, or cause the removal of, any 357  
vehicle from private property that is established as a private 358  
tow-away zone under this section or store such a vehicle other 359  
than in accordance with this section, or otherwise fail to 360  
comply with any applicable requirement of this section. 361

(I) This section does not affect or limit the operation of 362  
section 4513.60 or sections 4513.61 to 4613.65 of the Revised 363  
Code as they relate to property other than private property that 364  
is established as a private tow-away zone under division (A) of 365  
this section. 366

(J) Whoever violates division (H) of this section is 367  
guilty of a minor misdemeanor. 368

(K) As used in this section, "owner of a private property"	369
or "owner of the private property" includes, with respect to a	370
private property, any of the following:	371
(1) Any person who holds title to the property;	372
(2) Any person who is a lessee or sublessee with respect	373
to a lease or sublease agreement for the property;	374
(3) A person who is authorized to manage the property;	375
(4) A duly authorized agent of any person listed in	376
divisions (K) (1) to (3) of this section.	377
<b>Sec. 4513.611.</b> (A) As used in this section:	378
(1) "Minor violation" means any of the following:	379
(a) Failure to deliver a vehicle to the designated	380
location within two hours after removal, unless the towing	381
service was unable to deliver the motor vehicle within two hours	382
due to an uncontrollable force, natural disaster, or other event	383
that was not within the power of the towing service, as required	384
under division (A) (2) of section 4513.60 or division (D) (2) of	385
section 4513.601 of the Revised Code;	386
(b) Failure to provide a receipt as required under	387
division (B) of section 4513.60 or division (C) of section	388
4513.601 of the Revised Code;	389
(c) Failure to take a towed vehicle to a location that	390
meets the requirements of division (A) (2) of section 4513.601 of	391
the Revised Code as required under that division;	392
(d) Failure to comply with any photograph-related	393
requirement established under division (D) (1) or (G) (2) of	394
section 4513.601 of the Revised Code. If a court determines that	395

a towing service or storage facility committed more than one 396  
violation of divisions (D) (1) and (G) (2) of section 4513.601 of 397  
the Revised Code with regard to the same transaction, the court 398  
shall find the towing service or storage facility liable for 399  
only one minor violation under this section. 400

(e) Failure to send notice to the owner and any lienholder 401  
as required under division (F) (1) ~~(a)~~ of section 4513.601 of the 402  
Revised Code; 403

(f) Failure to provide an estimate as required under 404  
section 4513.68 of the Revised Code, containing the information 405  
required under that section; 406

(g) Charging a fee that does not comply with division (C) 407  
of section 4513.68 of the Revised Code if the towing service fee 408  
is required to be reduced under that division; 409

(h) Failure to post a notice pertaining to fee limitations 410  
as required under division (D) of section 4513.68 of the Revised 411  
Code. 412

(2) "Major violation" means any of the following: 413

(a) Failure to give the owner of a vehicle, who arrives 414  
after the owner's vehicle has been prepared for removal but 415  
prior to its actual removal, notification that the owner may pay 416  
a fee of not more than one-half of the fee for the removal of 417  
the vehicle for the immediate release of the vehicle as required 418  
under division (B) of section 4513.60 or division (C) of section 419  
4513.601 of the Revised Code; 420

(b) Failure to release a vehicle upon payment of not more 421  
than one-half of the fee for the removal of the vehicle as 422  
permitted under division (B) of section 4513.60 or division (C) 423  
of section 4513.601 of the Revised Code; 424

(c) Refusal to allow a vehicle owner to reclaim the 425  
owner's vehicle upon payment of the applicable fees established 426  
by the public utilities commission and presentation of proof of 427  
ownership as permitted under division (D) (1) of section 4513.60 428  
or division (G) (1) of section 4513.601 of the Revised Code; 429

(d) Refusal to allow a vehicle owner to retrieve personal 430  
items from the owner's vehicle under circumstances in which the 431  
owner is permitted to retrieve personal items under division (D) 432  
(2) of section 4513.60 or division (G) (4) of section 4513.601 of 433  
the Revised Code; 434

(e) Failure to provide notice to the appropriate law 435  
enforcement agency within two hours of removing a vehicle as 436  
required under division (E) (1) of section 4513.601 of the 437  
Revised Code; 438

(f) Failure to send notice that a vehicle has been towed 439  
to the vehicle owner and any known lienholder within thirty days 440  
of removal of the vehicle from a private tow-away zone under 441  
section 4513.601 of the Revised Code. If a court determines that 442  
a towing service or storage facility committed a violation 443  
specified in division (A) (2) (f) of this section and a violation 444  
of division (A) (1) (e) of this section with regard to the same 445  
transaction, the court shall find the towing service or storage 446  
facility liable for only the major violation; 447

(g) Failure to visibly display the certificate of public 448  
convenience and necessity number as required under division (B) 449  
(1) of section 4513.67 of the Revised Code. 450

(B) (1) A vehicle owner may bring a civil action in a court 451  
of competent jurisdiction against a towing service or storage 452  
facility that commits a major or minor violation. 453



(2) If a court determines that the towing service or 454  
storage facility committed a minor violation, the court shall 455  
award the vehicle owner the following: 456

(a) If the towing service or storage facility has not 457  
committed a prior minor violation within one year of the minor 458  
violation for which the court has determined the towing service 459  
or storage facility is liable, one hundred fifty dollars. 460

(b) If the towing service or storage facility has 461  
committed one prior minor violation within one year of the minor 462  
violation for which the court has determined the towing service 463  
or storage facility is liable, three hundred fifty dollars. 464

(c) If the towing service or storage facility has 465  
committed two prior minor violations within one year of the 466  
minor violation for which the court has determined the towing 467  
service or storage facility is liable, the violation constitutes 468  
a major violation and division (B) (3) of this section applies. 469

(d) If the towing service or storage facility has 470  
committed three prior minor violations within one year of the 471  
minor violation for which the court has determined the towing 472  
service or storage facility is liable, one thousand five hundred 473  
dollars. 474

(e) If the towing service or storage facility has 475  
committed four prior minor violations within one year of the 476  
minor violation for which the court has determined the towing 477  
service or storage facility is liable, two thousand dollars. 478

(f) If the towing service or storage facility has 479  
committed five prior minor violations within one year of the 480  
minor violation for which the court has determined the towing 481  
service or storage facility is liable, the violation constitutes 482

a major violation and division (B) (3) of this section applies.	483
(g) If the towing service or storage facility has	484
committed six or seven prior minor violations within one year of	485
the minor violation for which the court has determined the	486
towing service or storage facility is liable, two thousand five	487
hundred dollars.	488
(h) If the towing service or storage facility has	489
committed eight prior minor violations within one year of the	490
minor violation for which the court has determined the towing	491
service or storage facility is liable, the violation constitutes	492
a major violation and division (B) (3) of this section applies.	493
(3) If a court determines that the towing service or	494
storage facility committed a major violation, the court shall	495
award the vehicle owner the following:	496
(a) If the towing service or storage facility has not	497
committed any prior major violations within one year of the	498
major violation for which the court has determined the towing	499
service or storage facility is liable, one thousand dollars;	500
(b) If the towing service or storage facility has	501
committed one prior major violation within one year of the major	502
violation for which the court has determined the towing service	503
or storage facility is liable, two thousand five hundred	504
dollars;	505
(c) If the towing service or storage facility has	506
committed two prior major violations within one year of the	507
major violation for which the court has determined the towing	508
service or storage facility is liable, three thousand five	509
hundred dollars. In addition, the court shall order the public	510
utilities commission to revoke the towing service's or storage	511

facility's certificate of public convenience and necessity for 512  
six months. The commission shall comply with the order. 513

Upon expiration of the six-month revocation under division 514  
(B) (3) (c) of this section, a court shall not consider any 515  
violation committed by the towing service or storage facility 516  
prior to the revocation for purposes of a civil action initiated 517  
after the expiration of the six-month revocation. 518

(4) If a vehicle owner brings a civil action against a 519  
towing service or storage facility that alleges multiple minor 520  
or major violations, the court shall award, with regard to each 521  
violation for which the towing service or storage facility is 522  
determined to be liable, a civil penalty as required under 523  
division (B) (2) or (3) of this section. The court shall consider 524  
each violation as a separate violation for purposes of 525  
determining how many violations the towing service or storage 526  
facility has committed within one year. 527

(5) In determining if a towing service or storage facility 528  
has committed prior minor or major violations within the 529  
applicable one-year period, a court shall consider only 530  
violations that have been determined by a court of competent 531  
jurisdiction to have been committed by the towing service or 532  
storage facility. 533

(C) In addition to an award made under division (B) of 534  
this section, if a court determines that a towing service or 535  
storage facility committed a violation that caused actual 536  
damages, the court shall award the vehicle owner three times the 537  
actual damages and reasonable attorney's fees. 538

(D) A court that issues a judgment under this section 539  
against a towing service or storage facility shall send a copy 540

of that judgment to the public utilities commission. The 541  
commission shall provide a copy of the judgment upon request. 542

**Section 2.** That existing sections 4505.101, 4513.601, and 543  
4513.611 of the Revised Code are hereby repealed. 544