A BILL

To enact section 4561.26 of the Revised Code to establish a process by which a person may obtain title to an aircraft that has been left on the person's property.

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

Section 1. That section 4561.26 of the Revised Code be enacted to read as follows:

Sec. 4561.26. (A) A person may obtain a certificate of title to an aircraft of another if all of the following apply:

(1) The aircraft has been left unclaimed on the person's property for twenty days or more prior to the provision of notice under division (A)(2) of this section and the person does not have a valid storage or repair contract with the owner or lienholder of the aircraft.

(2) The person sends notice by certified mail, return receipt requested, to the last known address of any owner and any lienholder of the aircraft. The person shall include both of the following in the notice:
(a) A statement that the aircraft must be removed from the
property within ten days after receiving the notice;

(b) A statement that informs the recipient of the
aircraft's location.

(3) The person either received the signed receipt from the
certified mail or was notified that the delivery of the
certified mail was not possible.

(4) The aircraft continues to remain unclaimed for more
than ten days after the date that the required notice was
received by the owner or lienholder, as evidenced by a signed
receipt, or the date that the person was notified that the
delivery was not possible. If a lienholder does not claim the
aircraft within that ten-day period, the lienholder's lien is
invalid.

(5) The person that mailed the notice under division (A)
(2) of this section executes an affidavit, in a form that the
director of transportation shall establish by rule adopted in
accordance with Chapter 119. of the Revised Code, affirming that
all of the requirements of this section necessary to authorize
the issuance of a certificate of title for the aircraft have
been met. The person shall include all of the following in the
affidavit:

(a) A statement of the length of time that the aircraft
remained unclaimed prior to sending the notice under division
(A)(2) of this section;

(b) A statement that the person does not have a valid
storage or repair contract with the owner or lienholder of the
aircraft;

(c) A statement that, prior to sending a notice under
division (A)(2) of this section, a search of department of transportation records, including aircraft registration information through the office of aviation, was made to identify any owner or lienholder of the aircraft;

(d) A statement that the notice to remove the aircraft was mailed to any owner and any lienholder by certified mail, return receipt requested, under division (A)(2) of this section;

(e) A statement that the aircraft remains unclaimed for more than ten days after the date that the required notice was received by the owner or lienholder, as evidenced by a signed receipt, or the date that the person was notified that the delivery was not possible;

(f) A statement that the aircraft remains unclaimed at the time the affidavit is presented under division (C) of this section.

(B) In order to identify any owner or lienholder, prior to sending a notice under division (A)(2) of this section, the person who seeks to obtain a certificate of title to an aircraft of another shall cause a search to be made of the records of the department of transportation.

(C) The clerk of courts shall issue a certificate of title, free and clear of all liens and encumbrances, to a person that presents an affidavit that complies with all of the requirements of division (A) of this section.