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H.B. 211
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Arndt

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SUMMARY

- Establishes a process by which a property owner may obtain title to an abandoned watercraft vessel or outboard motor of another (“vessel”) after the vessel has been left on the person’s property for a certain amount of time.
- Authorizes a property owner to bring a civil action against the owner of the vessel to recover the costs of storing or removing the vessel if the vessel has been left unclaimed for 20 days or more.
- Authorizes a property owner to impound a vessel until the costs of storing the vessel have been paid or until the property owner takes title to the vessel.

DETAILED ANALYSIS

Process for obtaining title to an abandoned vessel

The bill establishes a process by which a person may obtain title to an abandoned watercraft vessel or outboard motor of another (“vessel”) that has been left on the person’s property. The process is as follows:

Step 1: The vessel owner leaves the vessel on the property of another (“property owner”) for 20 days or more and the vessel owner does not have a valid storage or repair contract with the property owner.¹

Step 2: The property owner causes a search to be made of the records of the Department of Natural Resources to identify the vessel owner and any lienholder.²

¹ R.C. 1547.305(A)(1).

² R.C. 1547.305(B).

Step 3: The property owner sends notice by certified mail, return receipt requested, to the last known address of the vessel owner and any lienholder of the vessel. The property owner must include both of the following in the notice:

1. A statement that the vessel must be removed from the property within ten days after receiving the notice; and
2. A statement that informs the recipient of the vessel's location.

Step 4: The property owner either receives the signed receipt from the certified mail or is notified that the delivery of the certified mail was not possible.³

Step 5: The vessel continues to remain unclaimed for more than ten days after the date that the required notice was received by the vessel owner or lienholder (as evidenced by a signed receipt) or the date that the property owner was notified that the delivery was not possible. If a lienholder does not claim the vessel within that ten-day period, the lienholder's lien is invalid.⁴

Step 6: The property owner executes an affidavit, in a form established by the Director of Natural Resources, affirming that all of the requirements to take title (Steps 1-5) have been met. The property owner must include all of the following with the affidavit:

1. A statement of the length of time that the vessel remained unclaimed prior to sending the notice to the vessel owner and any lienholder;
2. A statement that the property owner does not have a valid storage or repair contract with the vessel owner or lienholder;
3. A statement that, prior to sending the notice, a search of the records of the Department of Natural Resources was made to identify the vessel owner or any lienholder;
4. A statement that the notice to remove the vessel was mailed to any owner and any lienholder by certified mail, return receipt requested;
5. A statement that the vessel 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; and
6. A statement that the vessel remains unclaimed at the time the affidavit is presented to the clerk of courts.⁵

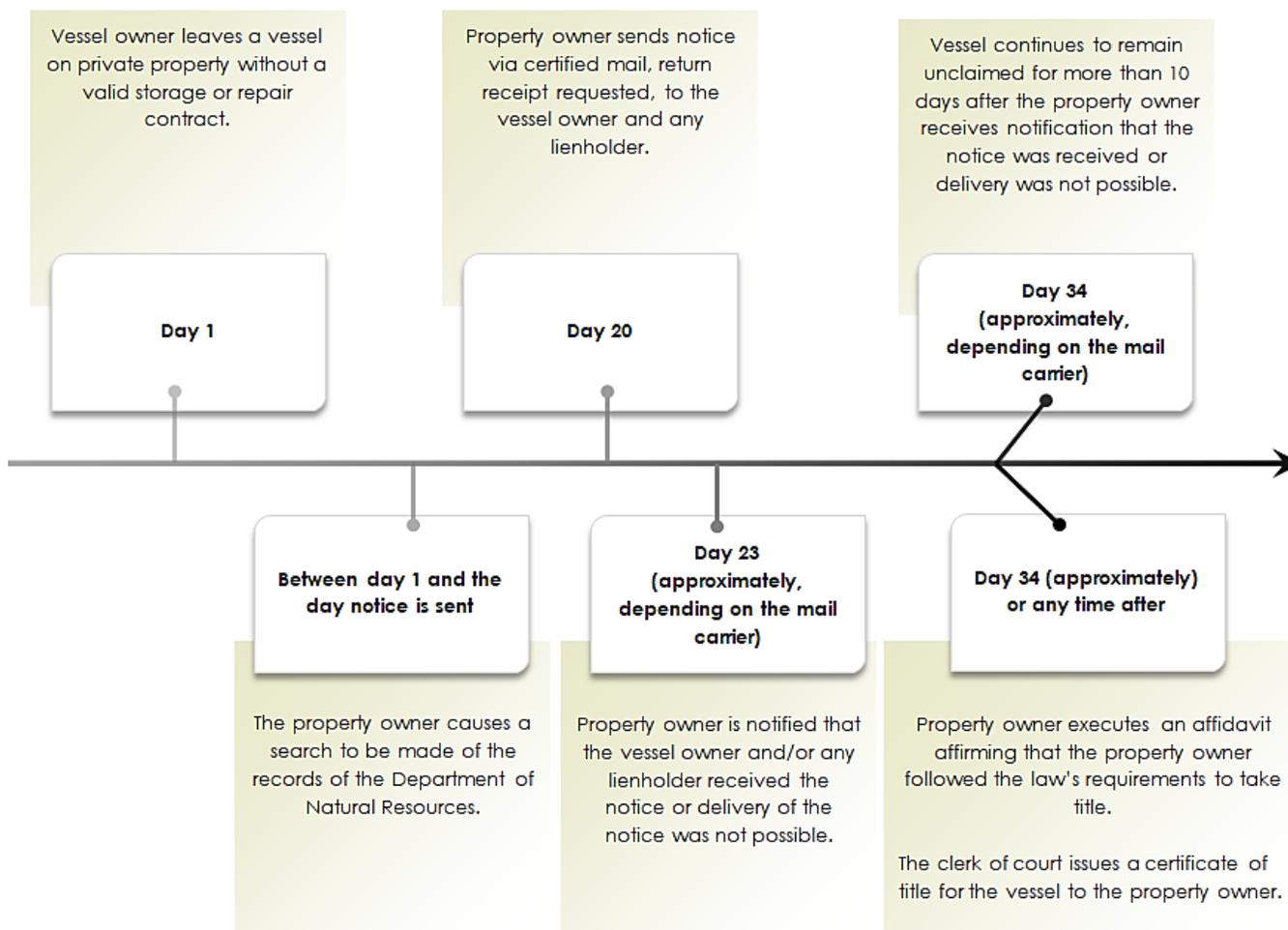
Step 7: The clerk of courts must issue a certificate of title, free and clear of all liens and encumbrances, to a property owner that presents an affidavit that complies with Step 6.

³ R.C. 1547.305(A)(3).

⁴ R.C. 1547.305(A)(4).

⁵ R.C. 1547.305(A)(5).

Timeline for taking title to an abandoned vessel



Civil action against abandoned vessel owner

The bill authorizes a property owner to bring a civil action in a court of common pleas or other court of competent jurisdiction against a vessel owner to recover the costs of storing or removing the vessel on the person's property. The property owner may bring a civil action if (1) the vessel has been left unclaimed on the property owner's property for 20 days or more prior to sending notice as required under Step 3, above, and (2) the property owner does not have a valid storage or repair contract with the vessel owner.⁶

⁶ R.C. 1547.305(D)(1).

Impounding authority

The bill also allows a person that owns property where a vessel has been left unclaimed to impound the vessel until the costs of storing the vessel have been paid or until the clerk of courts issues the property owner a certificate of title (see Step 7, above) if all of the following apply:

1. The vessel has been left unclaimed on the person's property for 20 days or more prior to the property owner sending notice;
2. The property owner sends notice in accordance with Step 3, above, to any owner and any lienholder of the vessel; and
3. The person does not have a valid storage or repair contract with the vessel owner.⁷

HISTORY

Action	Date
Introduced	04-18-19

H0211-I-133/ks

⁷ R.C. 1547.305(D)(2).