



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 301
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Reps. Perales and Holmes

Carlen Zhang-D'Souza, Attorney

SUMMARY

- Establishes procedures that allow a property owner to obtain title to another's aircraft after:
 - The aircraft has been left without permission for 20 days;
 - The property owner has sent proper notice to the aircraft owner and any lienholders;
 - The aircraft continues to remain unclaimed for an additional ten days after notice was received; and
 - The property owner executes an affidavit with the clerk of courts affirming the proper requirements have been met to take title.
- Requires a clerk of court to issue a certificate of title for an aircraft to a person that presents an affidavit that affirms that the property owner complied with all necessary procedures.

DETAILED ANALYSIS

Obtaining title to an abandoned aircraft

Current law does not provide any procedures for a property owner to obtain title to an abandoned aircraft left on the person's property. The bill establishes the following procedures for a property owner to obtain title to another's aircraft under these circumstances:

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

Step 2: To identify the aircraft owner and any lienholder, the property owner causes a search to be made of Department of Transportation records, including aircraft registration information through the Office of Aviation.

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

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

Step 5: The aircraft continues to remain unclaimed for more than ten days after the date that the required notice was received by the aircraft 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 aircraft within that ten-day period, the lienholder's lien is invalid.

Step 6: The property owner executes an affidavit, in a form established by the Director of Transportation, 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 aircraft remained unclaimed prior to sending the notice to the aircraft owner and any lienholder;
2. A statement that the property owner does not have a valid storage or repair contract with the aircraft owner or lienholder;
3. A statement that, prior to sending the notice, a search of the records of the Department of Transportation was made to identify the aircraft owner or any lienholder;
4. A statement that the notice to remove the aircraft was mailed to any owner and any lienholder by certified mail, return receipt requested;
5. 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; and
6. A statement that the aircraft remains unclaimed at the time the affidavit is presented to the clerk of courts.

Step 7: The clerk of courts must issue a certificate of title for the aircraft, free and clear of all liens and encumbrances, to the property owner if the property owner presents an affidavit that complies with **Step 6**.¹

¹ R.C. 4561.26.

HISTORY

Action	Date
Introduced	06-26-19
