

**As Passed by the House**

**133rd General Assembly**

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**2019-2020**

**Am. H. B. No. 172**

**Representative Hillyer**

**Cosponsors: Representatives Seitz, Becker, Hambley, Blessing, Carruthers,  
Holmes, A., Jones, Lang, Patton, Perales, Scherer**

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**A BILL**

To amend sections 4513.601, 5322.01, 5322.02, and 1  
5322.03 of the Revised Code to amend the law 2  
regarding self-service storage facilities and 3  
private tow-away zones. 4

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

**Section 1.** That sections 4513.601, 5322.01, 5322.02, and 5  
5322.03 of the Revised Code be amended to read as follows: 6

**Sec. 4513.601.** (A) The owner of a private property may 7  
establish a private tow-away zone, but may do so only if all of 8  
the following conditions are satisfied: 9

(1) The owner of the private property posts on the 10  
property a sign, that is at least eighteen inches by twenty-four 11  
inches in size, that is visible from all entrances to the 12  
property, and that includes all of the following information: 13

(a) A statement that the property is a tow-away zone; 14

(b) A description of persons authorized to park on the 15  
property. If the property is a residential property, the owner of 16

the private property may include on the sign a statement that only 17  
tenants and guests may park in the private tow-away zone, subject to 18  
the terms of the property owner. If the property is a commercial 19  
property, the owner of the private property may include on the sign 20  
a statement that only customers may park in the private tow-away 21  
zone. In all cases, if it is not apparent which persons may park in 22  
the private tow-away zone, the owner of the private property shall 23  
include on the sign the address of the property on which the private 24  
tow-away zone is located or the name of the business that is located 25  
on the property designated as a private tow-away zone. 26

(c) If the private tow-away zone is not enforceable at all 27  
times, the times during which the parking restrictions are 28  
enforced; 29

(d) The telephone number and the address of the place from 30  
which a towed vehicle may be recovered at any time during the 31  
day or night; 32

(e) A statement that the failure to recover a towed 33  
vehicle may result in the loss of title to the vehicle as 34  
provided in division (B) of section 4505.101 of the Revised 35  
Code. 36

In order to comply with the requirements of division (A) 37  
(1) of this section, the owner of a private property may modify 38  
an existing sign by affixing to the existing sign stickers or an 39  
addendum in lieu of replacing the sign. 40

(2) A towing service ensures that a vehicle towed under 41  
this section is taken to a location from which it may be 42  
recovered that complies with all of the following: 43

(a) It is located within twenty-five linear miles of the 44  
location of the private tow-away zone, unless it is not 45

practicable to take the vehicle to a place of storage within 46  
twenty-five linear miles. 47

(b) It is well-lighted. 48

(c) It is on or within a reasonable distance of a 49  
regularly scheduled route of one or more modes of public 50  
transportation, if any public transportation is available in the 51  
municipal corporation or township in which the private tow-away 52  
zone is located. 53

(B) (1) If a vehicle is parked on private property that is 54  
established as a private tow-away zone in accordance with 55  
division (A) of this section, without the consent of the owner 56  
of the private property or in violation of any posted parking 57  
condition or regulation, the owner of the private property may 58  
cause the removal of the vehicle by a towing service. The towing 59  
service shall remove the vehicle in accordance with this 60  
section. The vehicle owner and the operator of the vehicle are 61  
considered to have consented to the removal and storage of the 62  
vehicle, to the payment of the applicable fees established by 63  
the public utilities commission in rules adopted under section 64  
4921.25 of the Revised Code, and to the right of a towing 65  
service to obtain title to the vehicle if it remains unclaimed 66  
as provided in section 4505.101 of the Revised Code. The owner 67  
or lienholder of a vehicle that has been removed under this 68  
section, subject to division (C) of this section, may recover 69  
the vehicle in accordance with division (G) of this section. 70

(2) If a municipal corporation requires tow trucks and tow 71  
truck operators to be licensed, no owner of a private property 72  
located within the municipal corporation shall cause the removal 73  
and storage of any vehicle pursuant to division (B) of this 74  
section by an unlicensed tow truck or unlicensed tow truck 75

operator. 76

(3) No towing service shall remove a vehicle from a 77  
private tow-away zone except pursuant to a written contract for 78  
the removal of vehicles entered into with the owner of the 79  
private property on which the private tow-away zone is located. 80

(C) If the owner or operator of a vehicle that is being 81  
removed under authority of division (B) of this section arrives 82  
after the vehicle has been prepared for removal, but prior to 83  
its actual removal from the property, the towing service shall 84  
give the vehicle owner or operator oral or written notification 85  
at the time of such arrival that the vehicle owner or operator 86  
may pay a fee of not more than one-half of the fee for the 87  
removal of the vehicle established by the public utilities 88  
commission in rules adopted under section 4921.25 of the Revised 89  
Code in order to obtain release of the vehicle. That fee may be 90  
paid by use of a major credit card unless the towing service 91  
uses a mobile credit card processor and mobile service is not 92  
available at the time of the transaction. Upon payment of that 93  
fee, the towing service shall give the vehicle owner or operator 94  
a receipt showing both the full amount normally assessed and the 95  
actual amount received and shall release the vehicle to the 96  
owner or operator. Upon its release, the owner or operator 97  
immediately shall move the vehicle so that the vehicle is not 98  
parked on the private property established as a private tow-away 99  
zone without the consent of the owner of the private property or 100  
in violation of any posted parking condition or regulation. 101

(D) (1) Prior to towing a vehicle under division (B) of 102  
this section, a towing service shall make all reasonable efforts 103  
to take as many photographs as necessary to evidence that the 104  
vehicle is clearly parked on private property in violation of a 105

private tow-away zone established under division (A) of this 106  
section. 107

The towing service shall record the time and date of the 108  
photographs taken under this section. The towing service shall 109  
retain the photographs and the record of the time and date, in 110  
electronic or printed form, for at least thirty days after the 111  
date on which the vehicle is recovered by the owner or 112  
lienholder or at least two years after the date on which the 113  
vehicle was towed, whichever is earlier. 114

(2) A towing service shall deliver a vehicle towed under 115  
division (B) of this section to the location from which it may 116  
be recovered not more than two hours after the time it was 117  
removed from the private tow-away zone, unless the towing 118  
service is unable to deliver the motor vehicle within two hours 119  
due to an uncontrollable force, natural disaster, or other event 120  
that is not within the power of the towing service. 121

(E) (1) If an owner of a private property that is 122  
established as a private tow-away zone in accordance with 123  
division (A) of this section causes the removal of a vehicle 124  
from that property by a towing service under division (B) of 125  
this section, the towing service, within two hours of removing 126  
the vehicle, shall provide notice to the sheriff of the county 127  
or the police department of the municipal corporation, township, 128  
port authority, or township or joint police district in which 129  
the property is located concerning all of the following: 130

(a) The vehicle's license number, make, model, and color; 131

(b) The location from which the vehicle was removed; 132

(c) The date and time the vehicle was removed; 133

(d) The telephone number of the person from whom the 134

vehicle may be recovered; 135

(e) The address of the place from which the vehicle may be 136  
recovered. 137

(2) Each county sheriff and each chief of police of a 138  
municipal corporation, township, port authority, or township or 139  
joint police district shall maintain a record of any vehicle 140  
removed from private property in the sheriff's or chief's 141  
jurisdiction that is established as a private tow-away zone of 142  
which the sheriff or chief has received notice under this 143  
section. The record shall include all information submitted by 144  
the towing service. The sheriff or chief shall provide any 145  
information in the record that pertains to a particular vehicle 146  
to a person who, either in person or pursuant to a telephone 147  
call, identifies self as the owner, operator, or lienholder of 148  
the vehicle and requests information pertaining to the vehicle. 149

(F) (1) When a vehicle is removed from private property in 150  
accordance with this section, within three business days of the 151  
removal, the towing service or storage facility from which the 152  
vehicle may be recovered shall cause a search to be made of the 153  
records of the bureau of motor vehicles to ascertain the 154  
identity of the owner and any lienholder of the motor vehicle. 155  
The registrar of motor vehicles shall ensure that such 156  
information is provided in a timely manner. Subject to division 157  
(F) (4) of this section, the towing service or storage facility 158  
shall send notice to the vehicle owner and any known lienholder 159  
as follows: 160

(a) Within five business days after the registrar of motor 161  
vehicles provides the identity of the owner and any lienholder 162  
of the motor vehicle, if the vehicle remains unclaimed, to the 163  
owner's and lienholder's last known address by certified or 164

express mail with return receipt requested or by a commercial 165  
carrier service utilizing any form of delivery requiring a 166  
signed receipt; 167

(b) If the vehicle remains unclaimed thirty days after the 168  
first notice is sent, ~~in the manner required under division (F)~~ 169  
~~(1) (a) of this section;~~ 170

~~(c) If the vehicle remains unclaimed forty five days after~~ 171  
~~the first notice is sent, in the manner required under division~~ 172  
~~(F) (1) (a) of this section~~ to the owner's and lienholder's last 173  
known address by regular United States mail. 174

(2) Sixty days after any notice sent pursuant to division 175  
(F) (1) (a) of this section is received, as evidenced by a receipt 176  
signed by any person or evidence that the notice sent pursuant 177  
to division (F) (1) (b) of this section was properly addressed and 178  
sent, or the towing service or storage facility has been 179  
~~notified that delivery was not possible,~~ the towing service or 180  
storage facility, if authorized under division (B) of section 181  
4505.101 of the Revised Code, may initiate the process for 182  
obtaining a certificate of title to the motor vehicle as 183  
provided in that section. 184

(3) A towing service or storage facility that does not 185  
receive a signed receipt of notice, or a notification that 186  
delivery was not possible, shall not obtain, and shall not 187  
attempt to obtain, a certificate of title to the motor vehicle 188  
under division (B) of section 4505.101 of the Revised Code. 189

(4) With respect to a vehicle concerning which a towing 190  
service or storage facility is not eligible to obtain title 191  
under section 4505.101 of the Revised Code, the towing service 192  
or storage facility need only comply with the initial notice 193

required under division (F) (1) (a) of this section.	194
(G) (1) The owner or lienholder of a vehicle that is	195
removed under division (B) of this section may reclaim it upon	196
both of the following:	197
(a) Presentation of proof of ownership, which may be	198
evidenced by a certificate of title to the vehicle, a	199
certificate of registration for the motor vehicle, or a lease	200
agreement;	201
(b) Payment of the following fees:	202
(i) All applicable fees established by the public	203
utilities commission in rules adopted under section 4921.25 of	204
the Revised Code, except that the lienholder of a vehicle may	205
retrieve the vehicle without paying any storage fee for the	206
period of time that the vehicle was in the possession of the	207
towing service or storage facility prior to the date the	208
lienholder received the notice sent under division (F) (1) (a) of	209
this section;	210
(ii) If notice has been sent to the owner and lienholder	211
as described in division (F) of this section, a processing fee	212
of twenty-five dollars.	213
(2) A towing service or storage facility in possession of	214
a vehicle that is removed under authority of division (B) of	215
this section shall show the vehicle owner, operator, or	216
lienholder who contests the removal of the vehicle all	217
photographs taken under division (D) of this section. Upon	218
request, the towing service or storage facility shall provide a	219
copy of all photographs in the medium in which the photographs	220
are stored, whether paper, electronic, or otherwise.	221
(3) When the owner of a vehicle towed under this section	222



retrieves the vehicle, the towing service or storage facility in 223  
possession of the vehicle shall give the owner written notice 224  
that if the owner disputes that the motor vehicle was lawfully 225  
towed, the owner may be able to file a civil action under 226  
section 4513.611 of the Revised Code. 227

(4) Upon presentation of proof of ownership, which may be 228  
evidenced by a certificate of title to the vehicle, a 229  
certificate of registration for the motor vehicle, or a lease 230  
agreement, the owner of a vehicle that is removed under 231  
authority of division (B) of this section may retrieve any 232  
personal items from the vehicle without retrieving the vehicle 233  
and without paying any fee. The owner of the vehicle shall not 234  
retrieve any personal items from a vehicle if it would endanger 235  
the safety of the owner, unless the owner agrees to sign a 236  
waiver of liability. For purposes of division (G)(4) of this 237  
section, "personal items" do not include any items that are 238  
attached to the vehicle. 239

(H) No person shall remove, or cause the removal of, any 240  
vehicle from private property that is established as a private 241  
tow-away zone under this section or store such a vehicle other 242  
than in accordance with this section, or otherwise fail to 243  
comply with any applicable requirement of this section. 244

(I) This section does not affect or limit the operation of 245  
section 4513.60 or sections 4513.61 to 4613.65 of the Revised 246  
Code as they relate to property other than private property that 247  
is established as a private tow-away zone under division (A) of 248  
this section. 249

(J) Whoever violates division (H) of this section is 250  
guilty of a minor misdemeanor. 251

(K) As used in this section, "owner of a private property" 252  
or "owner of the private property" includes, with respect to a 253  
private property, any of the following: 254

(1) Any person who holds title to the property; 255

(2) Any person who is a lessee or sublessee with respect 256  
to a lease or sublease agreement for the property; 257

(3) A person who is authorized to manage the property; 258

(4) A duly authorized agent of any person listed in 259  
divisions (K) (1) to (3) of this section. 260

**Sec. 5322.01.** As used in sections 5322.01 to 5322.05 of 261  
the Revised Code: 262

(A) "Self-service storage facility" means any real 263  
property that is designed and used only for the purpose of 264  
renting or leasing individual storage space in the facility 265  
under the following conditions: 266

(1) The occupants have access to the storage space only 267  
for the purpose of storing and removing personal property. 268

(2) The owner does not issue a warehouse receipt, bill of 269  
lading, or other document of title, as defined in section 270  
1301.201 of the Revised Code, for the personal property stored 271  
in the storage space. 272

"Self-service storage facility" does not include any 273  
garage used principally for parking motor vehicles, any garage 274  
or storage area in a private residence, an establishment 275  
licensed pursuant to sections 915.14 to 915.24 of the Revised 276  
Code, or any property of a bank or savings and loan association 277  
that contains vaults, safe deposit boxes, or other receptacles 278  
for the uses, purposes, and benefits of the bank's or savings 279

and loan association's customers. 280

(B) "Owner" means a person that is ~~either the owner or~~ 281  
operator of a self-service storage facility ~~or, the lessor or~~ 282  
sublessor of an entire self-service storage facility ~~and that~~ 283  
~~receives, the agent of any of the foregoing, or any other~~ 284  
person authorized by any of the foregoing to manage the facility 285  
or to receive rent from an occupant pursuant to a rental 286  
agreement ~~that the person enters into with the occupant.~~ 287

(C) "Occupant" means a person that rents storage space at 288  
a self-service storage facility pursuant to a rental agreement 289  
that the person enters into with the owner. 290

(D) "Rental agreement" means any written agreement that is 291  
entered into by the owner and the occupant and that establishes 292  
the terms and conditions of the occupant's use of storage space 293  
at a self-service storage facility. 294

(E) "Personal property" means money and every animate or 295  
inanimate tangible thing that is the subject of ownership, 296  
except anything forming part of a parcel of real estate, as 297  
defined in section 5701.02 of the Revised Code, and except 298  
anything that is an agricultural commodity, as defined in 299  
division (A) of section 926.01 of the Revised Code. 300

(F) "Late fee" means any fee or charge assessed for an 301  
occupant's failure to pay rent when due. "Late fee" does not 302  
include interest on a debt, reasonable expenses incurred in the 303  
collection of unpaid rent, or costs associated with the 304  
enforcement of any other remedy provided by statute or contract. 305

(G) "Last known address" means either of the following: 306

(1) The mailing address or electronic mail address 307  
provided by the occupant in the most recent rental agreement or 308

the mailing address or electronic mail address provided by the 309  
occupant in a subsequent written notice of a change of address; 310

(2) The mailing address or electronic mail address of any 311  
of the persons described in division (A) of section 5322.03 of 312  
the Revised Code that is provided by any of those persons to the 313  
owner of a self-service storage facility or that is discovered 314  
by the owner of a self-service storage facility. 315

**Sec. 5322.02.** (A) The owner of a self-service storage 316  
facility has a lien against the occupant on the personal 317  
property stored pursuant to a rental agreement in any storage 318  
space at the self-service storage facility, or on the proceeds 319  
of the personal property subject to the defaulting occupant's 320  
rental agreement in the owner's possession, for rent, labor, 321  
late fees, or other charges in relation to the personal property 322  
that are specified in the rental agreement and that have become 323  
due and for expenses necessary for the preservation of the 324  
personal property or expenses reasonably incurred in the 325  
enforcement of the lien or in the sale or other disposition of 326  
the personal property pursuant to law. The owner's lien provided 327  
for in this section is also effective against the following 328  
persons: 329

(1) A person who has an unfiled security interest in the 330  
personal property, except that the owner's lien is not effective 331  
against a person who has a valid security interest in a motor 332  
vehicle or a valid security interest in a watercraft, whether or 333  
not the security interest in the motor vehicle or watercraft is 334  
filed; 335

(2) A person who meets both of the following requirements: 336

(a) The person has a legal interest in the personal 337

property, a filed security interest in the personal property, or 338  
a valid security interest in the personal property that is a 339  
motor vehicle. 340

(b) The person consents in writing to the storage of the 341  
personal property. 342

(B) The owner's lien created by division (A) of this 343  
section attaches as of the date the personal property is brought 344  
to the self-service storage facility. An owner loses the owner's 345  
lien on any personal property that the owner voluntarily permits 346  
to be removed from the self-service storage facility or 347  
unjustifiably refuses to permit to be removed from the self- 348  
service storage facility. 349

**Sec. 5322.03.** An owner's lien created by division (A) of 350  
section 5322.02 of the Revised Code for a claim that has become 351  
due may be enforced only as follows: 352

(A) The following persons shall be notified in accordance 353  
with divisions (B) and (C) of this section: 354

(1) All persons whom the owner has actual knowledge of and 355  
who claim an interest in the personal property; 356

(2) All persons holding liens on any motor vehicle,  357  
trailer, or watercraft amongst the property; 358

(3) All persons who have filed security agreements in the 359  
name of the occupant evidencing a security interest in the 360  
personal property with either the secretary of state or the 361  
county recorder of the county in which the self-service storage 362  
facility is located or the Ohio county of the last known address 363  
of the occupant. 364

(B) The notice shall be delivered in person, sent by 365

electronic mail, sent by certified mail, or sent by first-class mail or private delivery service with a certificate or verification of mailing to the last known address of each person who is required to be notified by division (A) of this section;

(C) The notice shall include all of the following:

(1) The name and last known address of the occupant who rented the storage space in which the personal property was stored;

(2) An itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;

(3) A brief and general description of the personal property subject to the lien. The description shall be reasonably adequate to permit the person notified to identify it except that any container including, but not limited to, a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner that deters immediate access to its contents and that has not been opened by the owner prior to the date on which the notice is given may be described as such without describing its contents.

(4) A notice of denial of access to the personal property, if a denial of access is permitted under the terms of the rental agreement, which notice provides the name, street address, and telephone number of the person whom the person notified may contact to pay the claim and to either obtain the personal property or enter into a rental agreement for the storage of the personal property;

(5) A demand for payment within a specified time not less than ten days after delivery of the notice;

(6) A conspicuous statement that unless the claim is paid 395  
within that time the personal property will be advertised for 396  
sale and will be sold by auction ~~at a specified time and place~~ 397  
and that, if no person purchases the personal property at the 398  
auction, the personal property may be sold at a private sale or 399  
destroyed; 400

(7) The street or internet address of the place at which 401  
the sale will be held, if the sale will be held at a place other 402  
than the self-service storage facility in which the personal 403  
property was stored. 404

(D) ~~(1)~~ Any notice given pursuant to this section ~~shall be~~ 405  
~~presumed delivered, if the notice that is~~ sent by first-class 406  
mail or private delivery service with a certificate or 407  
verification of mailing, ~~shall be presumed delivered~~ when it is 408  
deposited with the United States postal service or private 409  
delivery service and properly addressed with proper postage 410  
prepaid. 411

(2) Any notice given pursuant to this section that is sent 412  
by electronic mail shall be presumed delivered when it is 413  
properly addressed and sent. 414

(E) The sale of the personal property shall conform to the 415  
terms of the notice as provided for in this section. 416

(F) The sale of the personal property ~~shall~~ may be held at 417  
the self-service storage facility or, if the street or internet 418  
address of the place was included in the notice as required by 419  
division (C) (7) of this section, on the internet or at the 420  
nearest suitable place to the self-service storage facility at 421  
which the personal property is stored. 422

(G) After the expiration of the time given in the notice, 423

an advertisement of the sale shall be published once a week for 424  
two consecutive weeks in a newspaper of general circulation in 425  
the county in which the self-service storage facility is located 426  
or any other commercially reasonable manner. The manner of 427  
advertisement shall be deemed commercially reasonable if at 428  
least three independent bidders register for, view, or attend 429  
~~the sale at the time and place advertised.~~ The advertisement 430  
shall include all of the following: 431

(1) A brief and general description of the personal 432  
property as required by division (C) (3) of this section, except 433  
that the description shall describe the contents of any trunk, 434  
valise, or box that is locked, fastened, sealed, or tied in a 435  
manner that deters immediate access to its contents, if the 436  
trunk, valise, or box is opened by the owner prior to the date 437  
on which the advertisement of sale is published; 438

(2) The name and last known address of the occupant who 439  
rented the storage space in which the personal property was 440  
stored; 441

(3) The street address of the self-service storage 442  
facility; 443

(4) The time, place, and manner of the sale. 444

The sale shall take place at least fifteen days after the 445  
first publication. 446

(H) (1) Any person who has a ~~a~~ security interest in, or who 447  
holds a lien against, a motor vehicle or watercraft may pay the 448  
amount necessary to satisfy the lien created by division (A) of 449  
section 5322.02 of the Revised Code and the reasonable expenses 450  
incurred under this section. That person, upon payment of the 451  
amount necessary to satisfy the lien plus expenses, may enter 452



into a new rental agreement for the storage of the motor vehicle 453  
or watercraft. Any person who presents proof of a security 454  
interest in or lien on a motor vehicle or watercraft or a court 455  
order authorizing the person to take possession of a motor 456  
vehicle or watercraft may immediately remove the motor vehicle 457  
or watercraft from the self-service storage facility without 458  
satisfying the lien or expenses of the owner. 459

(2) Before any sale of personal property other than a 460  
motor vehicle or watercraft pursuant to this section, any person 461  
who has a legal interest or a security interest in, or who holds 462  
a lien against, any personal property other than a motor vehicle 463  
or watercraft may pay the amount necessary to satisfy the lien 464  
created by division (A) of section 5322.02 of the Revised Code 465  
and the reasonable expenses incurred under this section and 466  
remove the personal property in which the person has the 467  
interest or against which the person holds the lien. After 468  
removal of all the personal property, including any motor 469  
vehicle or watercraft, from the storage space of the self- 470  
service storage facility by any means under this section, ~~any~~ 471  
~~person can the owner may~~ enter into a rental agreement ~~for the~~ 472  
~~storage of personal property with the owner with a new occupant~~ 473  
~~for the storage space,~~ and the owner has no obligation to the 474  
prior occupant of that storage space ~~in the self service storage~~ 475  
~~facility. Before entering into a new rental agreement, the owner~~ 476  
~~must have any motor vehicle or watercraft towed from that~~ 477  
~~storage space.~~ 478

(3) Upon receipt of the payment from a person other than 479  
the occupant, the owner ~~shall may,~~ at the owner's sole 480  
discretion, enter into a new rental agreement for the storage of 481  
the personal property or, if the person meets the conditions set 482  
forth in division (H) (2) of this section, shall permit the 483

person to remove the personal property from the self-service storage facility. 484  
485

(4) If the occupant pays the amount necessary to satisfy 486  
the lien created by division (A) of section 5322.02 of the 487  
Revised Code and the reasonable expenses incurred under this 488  
section, the occupant shall immediately remove all of the 489  
occupant's personal property from the self-service storage 490  
facility, unless the owner of the self-service storage facility 491  
agrees to enter into a new rental agreement for the storage of 492  
the property. 493

(I) (1) If property on which there is a lien under division 494  
(A) of section 5322.02 of the Revised Code is not sold at 495  
auction, but is claimed under division (H) of this section and 496  
the owner's lien is satisfied, then all legal or security 497  
interest in, or any other liens held against, the property shall 498  
remain intact. 499

(2) A purchaser at auction in good faith, except an owner 500  
or an owner's agent, of the personal property sold to satisfy an 501  
owner's lien created by division (A) of section 5322.02 of the 502  
Revised Code takes the property free and clear of any rights of 503  
persons against whom the lien was valid, or any persons who had 504  
an interest in, or who held, any other lien against the 505  
property, despite noncompliance by the owner with the 506  
requirements of this section. 507

(J) The owner may examine any personal property to be sold 508  
pursuant to this section. The examination may include, but is 509  
not limited to, the opening of any trunk, valise, box, or other 510  
container that is locked, fastened, sealed, tied, or otherwise 511  
closed in a manner that deters immediate access to its contents. 512

(K) (1) If the property upon which ~~the lien created under~~ 513  
division (A) of ~~this section is claimed~~ 5322.02 of the Revised 514  
Code creates a lien is a motor vehicle, trailer, or a 515  
watercraft, the owner ~~shall~~ may, at the owner's sole discretion, 516  
have the motor vehicle, trailer, or watercraft towed from the 517  
premises if any of the following circumstances applies: 518

(a) The notice was delivered or sent pursuant to division 519  
(B) of this section to all persons holding a lien on the motor 520  
vehicle, trailer, or watercraft, and thirty days have elapsed 521  
since the notice was delivered or sent ~~without a response from~~ 522  
~~any of those persons.~~ 523

(b) Rent and other charges related to the property remain 524  
unpaid or unsatisfied by the occupant for sixty days, and no 525  
lien holders have been identified. 526

(c) The owner is planning to hold or has held a sale ~~at~~ 527  
~~auction of for~~ the personal property that was stored in the 528  
self-service storage ~~unit~~ space with that motor vehicle, 529  
trailer, or watercraft, in which case the motor vehicle, 530  
trailer, or watercraft ~~shall~~ may, at the owner's sole 531  
discretion, be towed prior to or following the ~~auction sale~~. 532

(2) The owner shall not be liable for the motor vehicle, 533  
trailer, or watercraft or any damages to the motor vehicle, 534  
trailer, or watercraft once the tower takes possession of the 535  
property. The notice delivered or sent pursuant to division (B) 536  
of this section to all persons holding a lien on the motor 537  
vehicle, trailer, or watercraft shall include the name of the 538  
towing company. The name and the street address of the towing 539  
company shall also be made available to the occupant or any lien 540  
holder upon the presentation of a document of title or another 541  
document that confirms an interest in the motor vehicle, 542

trailer, or watercraft. 543

(L) The owner may satisfy the owner's lien from the 544  
proceeds of any sale held pursuant to this section, but shall 545  
mail the balance, if any, by certified mail, or by first class 546  
mail or private delivery service with a certificate or 547  
verification of mailing, to the occupant at the occupant's last 548  
known mailing address. If the balance is returned to the owner 549  
after the owner mailed the balance by certified mail, first 550  
class mail, or private delivery service to the occupant or if 551  
the mailing address of the occupant is not known, the owner 552  
shall hold the balance for two years after the date of the sale 553  
for delivery on demand to the occupant or to any other person 554  
who would have been entitled to possession of the personal 555  
property. After the expiration of the two-year period, the 556  
balance shall become unclaimed funds, as defined in division (B) 557  
of section 169.01 of the Revised Code, and shall be disposed of 558  
pursuant to Chapter 169. of the Revised Code. 559

(M) An owner may buy at any public sale held pursuant to 560  
this section. 561

(N) The rights provided by this section shall be in 562  
addition to all other rights allowed by law to a creditor 563  
against a debtor. 564

(O) (1) If the owner complies with the requirements for 565  
sale under this section, the owner's liability to persons who 566  
have an interest in the personal property sold is limited to the 567  
balance of the proceeds of the sale after the owner has 568  
satisfied the owner's lien. 569

(2) The owner is liable for damages caused by the failure 570  
to comply with the requirements for sale under this section and 571

is liable for conversion for willful violation of the	572
requirements for sale under this section.	573
(P) If no person purchases the personal property at the	574
auction and if the owner has complied with this section, the	575
owner may do any of the following:	576
(1) Advertise and sell the personal property pursuant to	577
divisions (F) to (O) of this section;	578
(2) Sell the personal property at a private sale;	579
(3) Dispose of the personal property in any manner	580
considered appropriate by the owner including, but not limited	581
to, destroying the personal property.	582
<b>Section 2.</b> That existing sections 4513.601, 5322.01,	583
5322.02, and 5322.03 of the Revised Code are hereby repealed.	584