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Am. Sub. H. B. No. 341

Representatives Young, Sweeney

**Cosponsors: Representatives Becker, Boose, Hall, Retherford, Terhar, Thompson,
Amstutz, Barnes, Boyd, Conditt, Dever, Green, Grossman, Hambley, Howse,
Johnson, G., Rogers**

Senators LaRose, Eklund, Gardner, Hackett, Hite, Seitz, Yuko

A BILL

To amend sections 4505.101, 4505.11, 4513.60, 1
4513.601, 4513.61, 4513.611, 4513.67, 4513.68, 2
4513.69, and 4921.25 and to enact sections 3
4505.103, 4513.612, and 4513.70 of the Revised 4
Code to require the Public Utilities Commission 5
to establish towing and storage fees and to 6
review those fees every five years, to establish 7
an after-hours fee for the retrieval of personal 8
items from a motor vehicle that was towed from 9
private property or otherwise upon the order of 10
law enforcement, to modify the civil penalties 11
applicable to violations of the towing law, to 12
impose criminal penalties for the failure of a 13
towing service to obtain a certificate of public 14
convenience and necessity, to allow a repair 15
garage, towing service, or storage facility to 16
obtain a salvage certificate of title to a motor 17
vehicle under specified circumstances, to alter 18
notice requirements applicable to a salvage 19
auction or pool that obtains a salvage 20
certificate of title for a motor vehicle, to 21

establish a new civil action, and to make other 22
changes to the towing law. 23

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

Section 1. That sections 4505.101, 4505.11, 4513.60, 24
4513.601, 4513.61, 4513.611, 4513.67, 4513.68, 4513.69, and 25
4921.25 be amended and sections 4505.103, 4513.612, and 4513.70 26
of the Revised Code be enacted to read as follows: 27

Sec. 4505.101. (A) (1) ~~The owner of any~~ Any repair garage 28
or place of storage in which a motor vehicle with a value of 29
less than three thousand five hundred dollars has been left 30
unclaimed for fifteen days or more following completion of the 31
requested repair or the agreed term of storage shall send by 32
certified mail, return receipt requested, to the last known 33
address of any owner and any lienholder of the motor vehicle a 34
notice to remove the motor vehicle. In order to identify any 35
owner or lienholder, prior to sending a notice, the repair 36
garage or place of storage shall cause a search to be made of 37
the records of the bureau of motor vehicles. Any notice to a 38
lienholder shall state where the motor vehicle is located and 39
the value of the vehicle. If the person who requested the repair 40
or who agreed to the storage of the motor vehicle is not the 41
owner or a lienholder of the motor vehicle as indicated in the 42
records of the bureau, the repair garage or place of storage 43
also shall notify the sheriff of the county or the police 44
department of the municipal corporation, township, or township 45
or joint police district in which the repair garage or place of 46
storage is located that the repair garage or place of storage is 47
in possession of the vehicle. 48

~~If the~~ (2) The repair garage or place of storage may 49
obtain a certificate of title to the motor vehicle if all of the 50
following apply: 51

(a) The motor vehicle remains unclaimed by any owner or 52
lienholder of the vehicle for fifteen days after the mailing of 53
all required notices, and for . 54

(b) For each notice, the person on whose property the 55
vehicle has been abandoned either repair garage or place of 56
storage has either received the signed receipt from the 57
certified mail or has been notified that the delivery was not 58
possible, the person may obtain a certificate of title to the 59
motor vehicle in the person's name in the manner provided in 60
this section. Unless the lienholder claims the motor vehicle 61
within fifteen days from the mailing of the notice, the 62
lienholder's lien is invalid. 63

~~(2) The owner~~ (c) An agent of the repair garage or place 64
of storage that mailed the notice ~~shall execute~~ executes an 65
affidavit, in a form established by the registrar of motor 66
vehicles by rule, affirming that all of the requirements of this 67
section necessary to authorize the issuance of a certificate of 68
title for the motor vehicle have been met. The affidavit shall 69
set forth an itemized statement of the value of the motor 70
vehicle; the length of time that the motor vehicle has remained 71
unclaimed; that a notice to remove the vehicle has been mailed 72
to any titled owner or lienholder by certified mail, return 73
receipt requested; and that a search of the records of the 74
bureau of motor vehicles has been made in accordance with 75
division (A) (1) of this section. 76

(B) ~~The owner of a~~ A towing service or storage facility 77
that is in possession of a vehicle may obtain a certificate of 78

title to the vehicle as provided in division (C) of this section 79
if all of the following apply: 80

(1) The vehicle was towed under division (B) of section 81
4513.601 of the Revised Code. 82

(2) The vehicle has a value of less than three thousand 83
five hundred dollars. 84

(3) The vehicle has been left unclaimed for sixty days 85
after the date the earliest notice required by division (F) (1) 86
of section 4513.601 of the Revised Code is received, as 87
evidenced by a receipt signed by any person, or the towing 88
service or storage facility has been notified that the delivery 89
was not possible. 90

(4) ~~The owner~~ An agent of the towing service or storage 91
facility executes an affidavit, in a form established by the 92
registrar of motor vehicles by rule, affirming that all of the 93
requirements of this section necessary to authorize the issuance 94
of a certificate of title for the motor vehicle have been met. 95
The affidavit shall set forth an itemized statement of the value 96
of the motor vehicle; that notices to remove the vehicle have 97
been mailed to the owner and any lienholder as required under 98
division (F) of section 4513.601 of the Revised Code; the length 99
of time that the motor vehicle has remained unclaimed after the 100
date the earliest notice required under division (F) of section 101
4513.601 of the Revised Code was received or the towing service 102
or storage facility was notified that delivery was not possible; 103
and that a search of the records of the bureau of motor vehicles 104
has been made for outstanding liens on the motor vehicle. 105

(C) (1) The clerk of courts shall issue a certificate of 106
title, free and clear of all liens and encumbrances as follows: 107

~~(1)~~ (a) To a repair garage or place of storage that 108
presents an affidavit that complies with all of the requirements 109
of division (A) of this section; 110

~~(2)~~ (b) To a towing service or storage facility that 111
presents an affidavit in compliance with division (B) of this 112
section. 113

(2) A repair garage or place of storage may use the 114
process established under division (A) of this section in order 115
to take title to a motor vehicle even if the person who 116
requested the repair or who agreed to the storage of the motor 117
vehicle is not the owner or a lienholder of the motor vehicle as 118
indicated in the records of the bureau of motor vehicles. 119

(3) Upon receipt of the certificate of title, a repair 120
garage or place of storage, or a towing service or storage 121
facility, shall pay to the clerk of courts the value of the 122
motor vehicle ~~for deposit~~ minus both of the following: 123

(a) If the motor vehicle was towed by the party seeking 124
title to the motor vehicle under this section, a towing fee; 125

(b) Storage fees for the period of time the vehicle was 126
stored without payment. 127

The clerk of courts shall deposit any money received under 128
this section into the county general fund. 129

(D) Whoever violates this section shall be fined not more 130
than two hundred dollars, imprisoned not more than ninety days, 131
or both. 132

(E) As used in this section: 133

(1) "Repair garage or place of storage" means any business 134
with which a person entered into an agreement for the repair of 135

a motor vehicle or any business with which a person entered into 136
an agreement for the storage of a motor vehicle. 137

(2) "Towing service or storage facility" means any for- 138
hire motor carrier that removes a motor vehicle under the 139
authority of section 4513.601 of the Revised Code and any place 140
to which such a for-hire motor carrier delivers a motor vehicle 141
towed under that section. 142

(3) "Value" means the wholesale value for that make and 143
model of motor vehicle at the time an affidavit is submitted 144
under division (C) of this section, as provided in a vehicle 145
valuation guide that is generally available and recognized by 146
the motor vehicle industry, minus both of the following: 147

(a) The estimated cost of repairs to restore the motor 148
vehicle to the wholesale value for that make and model of motor 149
vehicle; 150

(b) The cost of any agreed-upon repairs. 151

Sec. 4505.103. (A) As used in this section: 152

(1) "Authorized entity" means any business with which a 153
person entered into an agreement for the repair of a motor 154
vehicle, any for-hire motor carrier that tows motor vehicles, or 155
any place to which such a for-hire motor carrier delivers a 156
towed motor vehicle for storage. 157

(2) "Motor vehicle salvage dealer" has the same meaning as 158
in section 4738.01 of the Revised Code. 159

(3) "Scrap metal processing facility" has the same meaning 160
as in section 4737.05 of the Revised Code. 161

(4) "Value" means the wholesale value for that make and 162
model of motor vehicle at the time an affidavit is submitted 163

under this section, as provided in a vehicle valuation guide 164
that is generally available and recognized by the motor vehicle 165
industry, minus all of the following: 166

(a) The estimated cost of repairs to restore the motor 167
vehicle to the wholesale value for that make and model of motor 168
vehicle; 169

(b) If the motor vehicle was towed by the party seeking 170
title to the motor vehicle under this section, a towing fee; 171

(c) Storage fees for the period of time that the vehicle 172
was stored without payment, up to a maximum of thirty days of 173
storage fees. 174

(B) (1) An authorized entity may obtain a salvage 175
certificate of title to a motor vehicle in the possession of the 176
authorized entity for purposes of disposing of the motor vehicle 177
through a motor vehicle salvage dealer or a scrap metal 178
processing facility if all of the following apply to the motor 179
vehicle: 180

(a) The motor vehicle has a value of less than one 181
thousand five hundred dollars. 182

(b) The motor vehicle is inoperable. 183

(c) The motor vehicle is impossible to restore for highway 184
operation. 185

(2) In order to obtain a salvage certificate of title to a 186
motor vehicle, the authorized entity shall cause a search to be 187
made of the records of the bureau of motor vehicles to ascertain 188
the identity of the owner and any lienholder of the motor 189
vehicle. The registrar of motor vehicles shall ensure that such 190
information is provided in a timely manner. Within eight 191

business days after the registrar provides the identity of the 192
owner and any lienholder of the motor vehicle, if the vehicle 193
remains unclaimed, the authorized entity shall send written 194
notice to any owner and any lienholder of the vehicle by 195
certified or express mail with return receipt requested or by a 196
commercial carrier service utilizing any form of delivery 197
requiring a signed receipt. If the motor vehicle came into the 198
possession of a towing service or storage facility as a result 199
of being towed, the notice shall include notice that if the 200
owner disputes that the motor vehicle was lawfully towed, the 201
owner may be able to file a civil action under section 4513.611 202
of the Revised Code. 203

(3) Not sooner than thirty days after the notice has been 204
received, as evidenced by a receipt signed by any person, or the 205
authorized entity has been notified that the delivery was not 206
possible, an agent of the authorized entity may complete and 207
sign an affidavit, on a form prescribed by the registrar of 208
motor vehicles, attesting that the motor vehicle qualifies for 209
disposal under this section and that all of the requirements of 210
this section have been complied with. The affidavit shall 211
include the make and model of the motor vehicle; the vehicle 212
identification number if available; an itemized statement of the 213
value of the motor vehicle; a description of the damage to the 214
motor vehicle; the length of time that the motor vehicle has 215
remained unclaimed; that a notice to remove the motor vehicle 216
has been mailed to any titled owner or lienholder by certified 217
or express mail with return receipt requested or by a commercial 218
carrier service utilizing any form of delivery requiring a 219
signed receipt; and that a search of the records of the bureau 220
of motor vehicles has been made for outstanding liens on the 221
motor vehicle. The authorized entity also shall photograph the 222

motor vehicle to substantiate the determination that the value 223
of the motor vehicle is less than one thousand five hundred 224
dollars. 225

(C) An agent of the authorized entity may present the 226
affidavit along with the photographs, an application for a 227
salvage certificate of title, and a fee of four dollars to the 228
clerk of courts. Upon receipt of a properly executed application 229
and the required fee and documents, the clerk of courts shall 230
issue a salvage certificate of title to the motor vehicle, on a 231
form prescribed by the registrar, and shall mark the certificate 232
of title with the words "FOR DESTRUCTION." The clerk shall 233
retain a record of the issuance of the salvage certificate of 234
title and all accompanying documentation in the automated title 235
processing system for not less than ten years. The clerk shall 236
deposit the four-dollar fee into the certificate of title 237
administration fund established under section 325.33 of the 238
Revised Code. 239

A salvage certificate of title issued under this section 240
is free and clear of all liens and shall be used solely for 241
purposes of disposing of the vehicle through a motor vehicle 242
salvage dealer or a scrap metal processing facility. No motor 243
vehicle for which a certificate of title has been issued under 244
this section shall be used for anything except parts and scrap 245
metal. 246

(D) At the time of disposal, the authorized entity shall 247
deliver the salvage certificate of title to the motor vehicle 248
salvage dealer or scrap metal processing facility for its 249
records. Any money arising from the disposal of the motor 250
vehicle may be retained by the authorized entity. 251

Sec. 4505.11. This section shall also apply to all-purpose 252

vehicles and off-highway motorcycles as defined in section 253
4519.01 of the Revised Code. 254

(A) Each owner of a motor vehicle and each person 255
mentioned as owner in the last certificate of title, when the 256
motor vehicle is dismantled, destroyed, or changed in such 257
manner that it loses its character as a motor vehicle, or 258
changed in such manner that it is not the motor vehicle 259
described in the certificate of title, shall surrender the 260
certificate of title to that motor vehicle to a clerk of a court 261
of common pleas, and the clerk, with the consent of any holders 262
of any liens noted on the certificate of title, then shall enter 263
a cancellation upon the clerk's records and shall notify the 264
registrar of motor vehicles of the cancellation. 265

Upon the cancellation of a certificate of title in the 266
manner prescribed by this section, any clerk and the registrar 267
of motor vehicles may cancel and destroy all certificates and 268
all memorandum certificates in that chain of title. 269

(B) (1) If an Ohio certificate of title or salvage 270
certificate of title to a motor vehicle is assigned to a salvage 271
dealer, the dealer is not required to obtain an Ohio certificate 272
of title or a salvage certificate of title to the motor vehicle 273
in the dealer's own name if the dealer dismantles or destroys 274
the motor vehicle, indicates the number of the dealer's motor 275
vehicle salvage dealer's license on it, marks "FOR DESTRUCTION" 276
across the face of the certificate of title or salvage 277
certificate of title, and surrenders the certificate of title or 278
salvage certificate of title to a clerk of a court of common 279
pleas as provided in division (A) of this section. If the 280
salvage dealer retains the motor vehicle for resale, the dealer 281
shall make application for a salvage certificate of title to the 282

motor vehicle in the dealer's own name as provided in division 283
(C) (1) of this section. 284

(2) At the time any salvage motor vehicle is sold at 285
auction or through a pool, the salvage motor vehicle auction or 286
salvage motor vehicle pool shall give a copy of the salvage 287
certificate of title or a copy of the certificate of title 288
marked "FOR DESTRUCTION" to the purchaser. 289

(C) (1) When an insurance company declares it economically 290
impractical to repair such a motor vehicle and has paid an 291
agreed price for the purchase of the motor vehicle to any 292
insured or claimant owner, the insurance company shall proceed 293
as follows: 294

(a) If an insurance company receives the certificate of 295
title and the motor vehicle, within thirty business days, the 296
insurance company shall deliver the certificate of title to a 297
clerk of a court of common pleas and shall make application for 298
a salvage certificate of title. 299

(b) If an insurance company obtains possession of the 300
motor vehicle but is unable to obtain the properly endorsed 301
certificate of title for the motor vehicle within thirty 302
business days following the vehicle's owner or lienholder's 303
acceptance of the insurance company's payment for the vehicle, 304
the insurance company may apply to the clerk of a court of 305
common pleas for a salvage certificate of title without 306
delivering the certificate of title for the motor vehicle. The 307
application shall be accompanied by evidence that the insurance 308
company has paid a total loss claim on the vehicle, a copy of 309
the written request for the certificate of title from the 310
insurance company or its designee, and proof that the request 311
was delivered by a nationally recognized courier service to the 312

last known address of the owner of the vehicle and any known 313
lienholder, to obtain the certificate of title. 314

(c) Upon receipt of a properly completed application for a 315
salvage certificate of title as described in division (C)(1)(a) 316
or (b) or (C)(2) of this section, the clerk shall issue the 317
salvage certificate of title on a form, prescribed by the 318
registrar, that shall be easily distinguishable from the 319
original certificate of title and shall bear the same 320
information as the original certificate of title except that it 321
may bear a different number than that of the original 322
certificate of title. The salvage certificate of title shall 323
include the following notice in bold lettering: 324

"SALVAGE MOTOR VEHICLE - PURSUANT TO R.C. 4738.01." 325

Except as provided in division (C)(3) of this section, the 326
salvage certificate of title shall be assigned by the insurance 327
company to a salvage dealer or any other person for use as 328
evidence of ownership upon the sale or other disposition of the 329
motor vehicle, and the salvage certificate of title shall be 330
~~transferrable~~transferable to any other person. The clerk shall 331
charge a fee of four dollars for the cost of processing each 332
salvage certificate of title. 333

(2) If an insurance company requests that a salvage motor 334
vehicle auction take possession of a motor vehicle that is the 335
subject of an insurance claim, and subsequently the insurance 336
company denies coverage with respect to the motor vehicle or 337
does not otherwise take ownership of the motor vehicle, the 338
salvage motor vehicle auction may proceed as follows. After the 339
salvage motor vehicle auction has possession of the motor 340
vehicle for forty-five days, it may apply to the clerk of a 341
court of common pleas for a salvage certificate of title without 342

delivering the certificate of title for the motor vehicle. The 343
application shall be accompanied by a copy of the written 344
request that the vehicle be removed from the facility on the 345
salvage motor vehicle auction's letterhead, and ~~the original~~ 346
~~certified mail, return receipt notice, addressed~~ proof that the 347
request was delivered by a nationally recognized courier service 348
to the last known address of the owner of the vehicle and any 349
known lienholder, requesting that the vehicle be removed from 350
the facility of the salvage motor vehicle auction. Upon receipt 351
of a properly completed application, the clerk shall follow the 352
process as described in division (C) (1) (c) of this section. The 353
salvage certificate of title so issued shall be free and clear 354
of all liens. 355

(3) If an insurance company considers a motor vehicle as 356
described in division (C) (1) (a) or (b) of this section to be 357
impossible to restore for highway operation, the insurance 358
company may assign the certificate of title to the motor vehicle 359
to a salvage dealer or scrap metal processing facility and send 360
the assigned certificate of title to the clerk of the court of 361
common pleas of any county. The insurance company shall mark the 362
face of the certificate of title "FOR DESTRUCTION" and shall 363
deliver a photocopy of the certificate of title to the salvage 364
dealer or scrap metal processing facility for its records. 365

(4) If an insurance company declares it economically 366
impractical to repair a motor vehicle, agrees to pay to the 367
insured or claimant owner an amount in settlement of a claim 368
against a policy of motor vehicle insurance covering the motor 369
vehicle, and agrees to permit the insured or claimant owner to 370
retain possession of the motor vehicle, the insurance company 371
shall not pay the insured or claimant owner any amount in 372
settlement of the insurance claim until the owner obtains a 373

salvage certificate of title to the vehicle and furnishes a copy 374
of the salvage certificate of title to the insurance company. 375

(D) When a self-insured organization, rental or leasing 376
company, or secured creditor becomes the owner of a motor 377
vehicle that is burned, damaged, or dismantled and is determined 378
to be economically impractical to repair, the self-insured 379
organization, rental or leasing company, or secured creditor 380
shall do one of the following: 381

(1) Mark the face of the certificate of title to the motor 382
vehicle "FOR DESTRUCTION" and surrender the certificate of title 383
to a clerk of a court of common pleas for cancellation as 384
described in division (A) of this section. The self-insured 385
organization, rental or leasing company, or secured creditor 386
then shall deliver the motor vehicle, together with a photocopy 387
of the certificate of title, to a salvage dealer or scrap metal 388
processing facility and shall cause the motor vehicle to be 389
dismantled, flattened, crushed, or destroyed. 390

(2) Obtain a salvage certificate of title to the motor 391
vehicle in the name of the self-insured organization, rental or 392
leasing company, or secured creditor, as provided in division 393
(C) (1) of this section, and then sell or otherwise dispose of 394
the motor vehicle. If the motor vehicle is sold, the self- 395
insured organization, rental or leasing company, or secured 396
creditor shall obtain a salvage certificate of title to the 397
motor vehicle in the name of the purchaser from a clerk of a 398
court of common pleas. 399

(E) If a motor vehicle titled with a salvage certificate 400
of title is restored for operation upon the highways, 401
application shall be made to a clerk of a court of common pleas 402
for a certificate of title. Upon inspection by the state highway 403

patrol, which shall include establishing proof of ownership and 404
an inspection of the motor number and vehicle identification 405
number of the motor vehicle and of documentation or receipts for 406
the materials used in restoration by the owner of the motor 407
vehicle being inspected, which documentation or receipts shall 408
be presented at the time of inspection, the clerk, upon 409
surrender of the salvage certificate of title, shall issue a 410
certificate of title for a fee prescribed by the registrar. The 411
certificate of title shall be in the same form as the original 412
certificate of title and shall bear the words "REBUILT SALVAGE" 413
in black boldface letters on its face. Every subsequent 414
certificate of title, memorandum certificate of title, or 415
duplicate certificate of title issued for the motor vehicle also 416
shall bear the words "REBUILT SALVAGE" in black boldface letters 417
on its face. The exact location on the face of the certificate 418
of title of the words "REBUILT SALVAGE" shall be determined by 419
the registrar, who shall develop an automated procedure within 420
the automated title processing system to comply with this 421
division. The clerk shall use reasonable care in performing the 422
duties imposed on the clerk by this division in issuing a 423
certificate of title pursuant to this division, but the clerk is 424
not liable for any of the clerk's errors or omissions or those 425
of the clerk's deputies, or the automated title processing 426
system in the performance of those duties. A fee of fifty 427
dollars shall be assessed by the state highway patrol for each 428
inspection made pursuant to this division and shall be deposited 429
into the state highway safety fund established by section 430
4501.06 of the Revised Code. 431

(F) No person shall operate upon the highways in this 432
state a motor vehicle, title to which is evidenced by a salvage 433
certificate of title, except to deliver the motor vehicle 434

pursuant to an appointment for an inspection under this section. 435

(G) No motor vehicle the certificate of title to which has 436
been marked "FOR DESTRUCTION" and surrendered to a clerk of a 437
court of common pleas shall be used for anything except parts 438
and scrap metal. 439

(H) (1) Except as otherwise provided in this division, an 440
owner of a manufactured or mobile home that will be taxed as 441
real property pursuant to division (B) of section 4503.06 of the 442
Revised Code shall surrender the certificate of title to the 443
auditor of the county containing the taxing district in which 444
the home is located. An owner whose home qualifies for real 445
property taxation under divisions (B) (1) (a) and (b) of section 446
4503.06 of the Revised Code shall surrender the certificate 447
within fifteen days after the home meets the conditions 448
specified in those divisions. The auditor shall deliver the 449
certificate of title to the clerk of the court of common pleas 450
who issued it. 451

(2) If the certificate of title for a manufactured or 452
mobile home that is to be taxed as real property is held by a 453
lienholder, the lienholder shall surrender the certificate of 454
title to the auditor of the county containing the taxing 455
district in which the home is located, and the auditor shall 456
deliver the certificate of title to the clerk of the court of 457
common pleas who issued it. The lienholder shall surrender the 458
certificate within thirty days after both of the following have 459
occurred: 460

(a) The homeowner has provided written notice to the 461
lienholder requesting that the certificate of title be 462
surrendered to the auditor of the county containing the taxing 463
district in which the home is located. 464

(b) The homeowner has either paid the lienholder the 465
remaining balance owed to the lienholder, or, with the 466
lienholder's consent, executed and delivered to the lienholder a 467
mortgage on the home and land on which the home is sited in the 468
amount of the remaining balance owed to the lienholder. 469

(3) Upon the delivery of a certificate of title by the 470
county auditor to the clerk, the clerk shall inactivate it and 471
maintain it in the automated title processing system for a 472
period of thirty years. 473

(4) Upon application by the owner of a manufactured or 474
mobile home that is taxed as real property pursuant to division 475
(B) of section 4503.06 of the Revised Code and that no longer 476
satisfies divisions (B) (1) (a) and (b) or divisions (B) (2) (a) and 477
(b) of that section, the clerk shall reactivate the record of 478
the certificate of title that was inactivated under division (H) 479
(3) of this section and shall issue a new certificate of title, 480
but only if the application contains or has attached to it all 481
of the following: 482

(a) An endorsement of the county treasurer that all real 483
property taxes charged against the home under Title LVIII of the 484
Revised Code and division (B) of section 4503.06 of the Revised 485
Code for all preceding tax years have been paid; 486

(b) An endorsement of the county auditor that the home 487
will be removed from the real property tax list; 488

(c) Proof that there are no outstanding mortgages or other 489
liens on the home or, if there are such mortgages or other 490
liens, that the mortgagee or lienholder has consented to the 491
reactivation of the certificate of title. 492

(I) (1) Whoever violates division (F) of this section shall 493

be fined not more than two thousand dollars, imprisoned not more than one year, or both. 494
495

(2) Whoever violates division (G) of this section shall be 496
fined not more than one thousand dollars, imprisoned not more 497
than six months, or both. 498

Sec. 4513.60. (A) (1) The sheriff of a county or chief of 499
police of a municipal corporation, township, or township or 500
joint police district, within the sheriff's or chief's 501
respective territorial jurisdiction, upon complaint of any 502
person adversely affected, may order into storage any motor 503
vehicle, other than an abandoned junk motor vehicle as defined 504
in section 4513.63 of the Revised Code, that has been left on 505
private residential or private agricultural property for at 506
least four hours without the permission of the person having the 507
right to the possession of the property. The sheriff or chief of 508
police, upon complaint of ~~the owner of~~ a repair garage or place 509
of storage, may order into storage any motor vehicle, other than 510
an abandoned junk motor vehicle, that has been left at the 511
garage or place of storage for a longer period than that agreed 512
upon. When ordering a motor vehicle into storage pursuant to 513
this division, a sheriff or chief of police may arrange for the 514
removal of the motor vehicle by a towing service and shall 515
designate a storage facility. 516

(2) A towing service towing a motor vehicle under division 517
(A) (1) of this section shall remove the motor vehicle in 518
accordance with that division. The towing service shall deliver 519
the motor vehicle to the location designated by the sheriff or 520
chief of police not more than two hours after the time it is 521
removed from the private property, unless the towing service is 522
unable to deliver the motor vehicle within two hours due to an 523

uncontrollable force, natural disaster, or other event that is 524
not within the power of the towing service. 525

(3) Subject to division (B) of this section, the owner of 526
a motor vehicle that has been removed pursuant to this division 527
may recover the vehicle only in accordance with division (D) of 528
this section. 529

(4) As used in this section, "private residential 530
property" means private property on which is located one or more 531
structures that are used as a home, residence, or sleeping place 532
by one or more persons, if no more than three separate 533
households are maintained in the structure or structures. 534
"Private residential property" does not include any private 535
property on which is located one or more structures that are 536
used as a home, residence, or sleeping place by two or more 537
persons, if more than three separate households are maintained 538
in the structure or structures. 539

(B) If the owner or operator of a motor vehicle that has 540
been ordered into storage pursuant to division (A)(1) of this 541
section arrives after the motor vehicle has been prepared for 542
removal, but prior to its actual removal from the property, the 543
towing service shall give the owner or operator oral or written 544
notification at the time of such arrival that the vehicle owner 545
or operator may pay a fee of not more than one-half of the fee 546
for the removal of the motor vehicle established by the public 547
utilities commission in rules adopted under division (D)(1) of 548
this section 4921.25 of the Revised Code, in order to obtain 549
release of the motor vehicle. Upon ~~However~~, if the vehicle is 550
within a municipal corporation and the municipal corporation has 551
established a vehicle removal fee, the towing service shall give 552
the owner or operator oral or written notification that the 553

owner or operator may pay not more than one-half of that fee to 554
obtain release of the motor vehicle. That fee may be paid by use 555
of a major credit card unless the towing service uses a mobile 556
credit card processor and mobile service is not available at the 557
time of the transaction. 558

Upon payment of ~~that~~ the applicable fee, the towing 559
service shall give the vehicle owner or operator a receipt 560
showing both the full amount normally assessed and the actual 561
amount received and shall release the motor vehicle to the owner 562
or operator. Upon its release, the owner or operator immediately 563
shall move it so that it is not on the private residential or 564
private agricultural property without the permission of the 565
person having the right to possession of the property, or is not 566
at the garage or place of storage without the permission of the 567
owner, whichever is applicable. 568

(C) (1) Each county sheriff and each chief of police of a 569
municipal corporation, township, or township or joint police 570
district shall maintain a record of motor vehicles that the 571
sheriff or chief orders into storage pursuant to division (A) (1) 572
of this section. The record shall include an entry for each such 573
motor vehicle that identifies the motor vehicle's license 574
number, make, model, and color, the location from which it was 575
removed, the date and time of its removal, the telephone number 576
of the person from whom it may be recovered, and the address of 577
the place to which it has been taken and from which it may be 578
recovered. A sheriff or chief of police shall provide any 579
information in the record that pertains to a particular motor 580
vehicle to any person who, either in person or pursuant to a 581
telephone call, identifies self as the owner or operator of the 582
motor vehicle and requests information pertaining to its 583
location. 584

(2) Any person who registers a complaint that is the basis 585
of a sheriff's or police chief's order for the removal and 586
storage of a motor vehicle under division (A) (1) of this section 587
shall provide the identity of the law enforcement agency with 588
which the complaint was registered to any person who identifies 589
self as the owner or operator of the motor vehicle and requests 590
information pertaining to its location. 591

(D) (1) The owner or lienholder of a motor vehicle that is 592
ordered into storage pursuant to division (A) (1) of this section 593
may reclaim it upon both of the following: 594

(a) Payment of ~~the following~~ all applicable fees: 595

~~(i) Not more than ninety dollars for the removal of the 596
motor vehicle. However, if the motor vehicle has a 597
manufacturer's gross vehicle weight rating in excess of ten 598
thousand pounds and is a truck, bus, or a combination of a 599
commercial tractor and trailer or semitrailer, not more than one 600
hundred fifty dollars for the removal. 601~~

~~(ii) Not more than twelve dollars per twenty four hour 602
period for the storage of the motor vehicle. However, if the 603
motor vehicle has a manufacturer's gross vehicle weight rating 604
in excess of ten thousand pounds and is a truck, bus, or a 605
combination of a commercial tractor and trailer or semitrailer, 606
not more than twenty dollars per twenty four hour period for 607
storage established by the public utilities commission in rules 608
adopted under section 4921.25 of the Revised Code or, if the 609
vehicle was towed within a municipal corporation that has 610
established fees for vehicle removal and storage, payment of all 611
applicable fees established by the municipal corporation. 612~~

(b) Presentation of proof of ownership, which may be 613

evidenced by a certificate of title to the motor vehicle, a 614
certificate of registration for the motor vehicle, or a lease 615
agreement. 616

When the owner of a vehicle towed under this section 617
retrieves the vehicle, the towing service or storage facility in 618
possession of the vehicle shall give the owner written notice 619
that if the owner disputes that the motor vehicle was lawfully 620
towed, the owner may be able to file a civil action under 621
section 4513.611 of the Revised Code. 622

(2) Upon presentation of proof of ownership as required 623
under division (D)(1)(b) of this section, the owner of a motor 624
vehicle that is ordered into storage under division (A)(1) of 625
this section may retrieve any personal items from the motor 626
vehicle without retrieving the vehicle and without paying any 627
fee. However, a towing service or storage facility may charge an 628
after-hours retrieval fee established by the public utilities 629
commission in rules adopted under section 4921.25 of the Revised 630
Code if the owner retrieves the personal items after hours, 631
unless the towing service or storage facility fails to provide 632
the notice required under division (B)(3) of section 4513.69 of 633
the Revised Code, if applicable. However, the ~~The owner may of a~~ 634
motor vehicle shall not retrieve do either of the following: 635

(a) Retrieve any personal item that has been determined by 636
the sheriff or chief of police, as applicable, to be necessary 637
to a criminal investigation; 638

(b) Retrieve any personal item from a vehicle if it would 639
endanger the safety of the owner, unless the owner agrees to 640
sign a waiver of liability. 641

For purposes of division (D)(2) of this section, "personal 642

items" do not include any items that are attached to the motor 643
vehicle. 644

(3) If a motor vehicle that is ordered into storage 645
pursuant to division (A)(1) of this section remains unclaimed by 646
the owner for thirty days, the procedures established by 647
sections 4513.61 and 4513.62 of the Revised Code apply. 648

(E)(1) No person shall remove, or cause the removal of, 649
any motor vehicle from any private residential or private 650
agricultural property other than in accordance with division (A) 651
(1) of this section or sections 4513.61 to 4513.65 of the 652
Revised Code. 653

(2) No towing service or storage facility shall fail to 654
comply with the requirements of this section. 655

(F) This section does not apply to any private residential 656
or private agricultural property that is established as a 657
private tow-away zone in accordance with section 4513.601 of the 658
Revised Code. 659

~~(G) The owner of any towing service or storage facility~~ 660
~~that~~ Whoever violates division (E) of this section is guilty of 661
a minor misdemeanor. 662

Sec. 4513.601. (A) The owner of a private property may 663
establish a private tow-away zone, but may do so only if all of 664
the following conditions are satisfied: 665

(1) The owner of the private property posts on the ~~owner's~~ 666
property a sign, that is at least eighteen inches by twenty-four 667
inches in size, that is visible from all entrances to the 668
property, and that includes all of the following information: 669

(a) A statement that the property is a tow-away zone; 670

(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.

~~Any owner of property that has been established as a private tow away zone under section 4513.60 of the Revised Code as that section existed prior to March 23, 2015, who does not have a contract with a towing service for the removal of vehicles from the property may retain existing private tow-away zone signs that comply with that section for up to six months after March 23, 2015. At any time, in In order to comply with~~

the requirements of division ~~(B)~~ (A) (1) of this section, ~~such a~~ 701
~~property the owner~~ of a private property may modify ~~the an~~ 702
existing sign by affixing to the existing sign stickers or an 703
addendum in lieu of replacing the sign. 704

(2) A towing service ensures that a vehicle towed under 705
this section is taken to a location from which it may be 706
recovered that complies with all of the following: 707

(a) It is located within ~~twenty~~ twenty-five linear miles 708
of the location of the private tow-away zone, unless it is not 709
practicable to take the vehicle to a place of storage within 710
~~twenty~~ twenty-five linear miles. 711

(b) It is well-lighted. 712

(c) It is on or within a reasonable distance of a 713
regularly scheduled route of one or more modes of public 714
transportation, if any public transportation is available in the 715
municipal corporation or township in which the private tow-away 716
zone is located. 717

(B) (1) If a vehicle is parked on private property that is 718
established as a private tow-away zone in accordance with 719
division (A) of this section, without the consent of the owner 720
of the private property or in violation of any posted parking 721
condition or regulation, the owner of the private property may 722
cause the removal of the vehicle by a towing service. The towing 723
service shall remove the vehicle in accordance with this 724
section. The vehicle owner and the operator of the vehicle are 725
considered to have consented to the removal and storage of the 726
vehicle, to the payment of the applicable fees established ~~under~~ 727
~~division (C) of this~~ by the public utilities commission in rules 728
adopted under section 4921.25 of the Revised Code, and to the 729

right of a towing service to obtain title to the vehicle if it 730
remains unclaimed as provided in section 4505.101 of the Revised 731
Code. The owner or lienholder of a vehicle that has been removed 732
under this section, subject to division (C) of this section, may 733
recover the vehicle in accordance with division (G) of this 734
section. 735

(2) If a municipal corporation requires tow trucks and tow 736
truck operators to be licensed, no owner of a private property 737
located within the municipal corporation shall cause the removal 738
and storage of any vehicle pursuant to division (B) of this 739
section by an unlicensed tow truck or unlicensed tow truck 740
operator. 741

(3) No towing service shall remove a vehicle from a 742
private tow-away zone except pursuant to a written contract for 743
the removal of vehicles entered into with the owner of the 744
private property on which the private tow-away zone is located. 745

(C) If the owner or operator of a vehicle that is being 746
removed under authority of division (B) of this section arrives 747
after the vehicle has been prepared for removal, but prior to 748
its actual removal from the property, the towing service shall 749
give the vehicle owner or operator oral or written notification 750
at the time of such arrival that the vehicle owner or operator 751
may pay a fee of not more than one-half of the fee for the 752
removal of the vehicle established by the public utilities 753
commission in rules adopted under division (G) of this section 754
4921.25 of the Revised Code in order to obtain release of the 755
vehicle. That fee may be paid by use of a major credit card 756
unless the towing service uses a mobile credit card processor 757
and mobile service is not available at the time of the 758
transaction. Upon payment of that fee, the towing service shall 759

give the vehicle owner or operator a receipt showing both the 760
full amount normally assessed and the actual amount received and 761
shall release the vehicle to the owner or operator. Upon its 762
release, the owner or operator immediately shall move the 763
vehicle so that the vehicle is not parked on the private 764
property established as a private tow-away zone without the 765
consent of the owner of the private property or in violation of 766
any posted parking condition or regulation. 767

(D) (1) Prior to towing a vehicle under division (B) of 768
this section, a towing service shall make all reasonable efforts 769
to take as many photographs as necessary to evidence that the 770
vehicle is clearly parked on private property in violation of a 771
private tow-away zone established under division (A) of this 772
section. 773

The towing service shall record the time and date of the 774
photographs taken under this section. The towing service shall 775
retain the photographs and the record of the time and date, in 776
electronic or printed form, for at least thirty days after the 777
date on which the vehicle is recovered by the owner or 778
lienholder or at least two years after the date on which the 779
vehicle was towed, whichever is earlier. 780

(2) A towing service shall deliver a vehicle towed under 781
division (B) of this section to the location from which it may 782
be recovered not more than two hours after the time it was 783
removed from the private tow-away zone, unless the towing 784
service is unable to deliver the motor vehicle within two hours 785
due to an uncontrollable force, natural disaster, or other event 786
that is not within the power of the towing service. 787

(E) (1) If an owner of a private property that is 788
established as a private tow-away zone in accordance with 789

division (A) of this section causes the removal of a vehicle 790
from that property by a towing service under division (B) of 791
this section, the towing service, within two hours of removing 792
the vehicle, shall provide notice to the sheriff of the county 793
or the police department of the municipal corporation, township, 794
or township or joint police district in which the property is 795
located concerning all of the following: 796

(a) The vehicle's license number, make, model, and color; 797

(b) The location from which the vehicle was removed; 798

(c) The date and time the vehicle was removed; 799

(d) The telephone number of the person from whom the 800
vehicle may be recovered; 801

(e) The address of the place from which the vehicle may be 802
recovered. 803

(2) Each county sheriff and each chief of police of a 804
municipal corporation, township, or township or joint police 805
district shall maintain a record of any vehicle removed from 806
private property in the sheriff's or chief's jurisdiction that 807
is established as a private tow-away zone of which the sheriff 808
or chief has received notice under this section. The record 809
shall include all information submitted by the towing service. 810
The sheriff or chief shall provide any information in the record 811
that pertains to a particular vehicle to a person who, either in 812
person or pursuant to a telephone call, identifies self as the 813
owner, operator, or lienholder of the vehicle and requests 814
information pertaining to the vehicle. 815

(F) (1) When a vehicle is removed from private property in 816
accordance with this section, ~~the owner of~~ within three business 817
days of the removal, the towing service or storage facility from 818

which the vehicle may be recovered shall ~~immediately~~ cause a 819
search to be made of the records of the bureau of motor vehicles 820
to ascertain the identity of the owner and any lienholder of the 821
motor vehicle. The registrar of motor vehicles shall ensure that 822
such information is provided in a timely manner. Subject to 823
division (F) (4) of this section, ~~the owner of the~~ towing service 824
or storage facility shall send notice to the vehicle owner and 825
any known lienholder as follows: 826

(a) Within five business days ~~of removal of the vehicle~~ 827
~~from the private tow-away zone~~ after the registrar of motor 828
vehicles provides the identity of the owner and any lienholder 829
of the motor vehicle, if the vehicle ~~has not yet been recovered~~ 830
remains unclaimed, to the owner's and lienholder's last known 831
address by certified or express mail with return receipt 832
requested or by a commercial carrier service utilizing any form 833
of delivery requiring a signed receipt; 834

(b) If the vehicle remains unclaimed thirty days after the 835
first notice is sent, in the manner ~~authorized in~~ required under 836
division (F) (1) (a) of this section; 837

(c) If the vehicle remains unclaimed forty-five days after 838
the first notice is sent, in the manner ~~authorized in~~ required 839
under division (F) (1) (a) of this section. 840

(2) Sixty days after any notice sent pursuant to division 841
(F) (1) of this section is received, as evidenced by a receipt 842
signed by any person, or the towing service or storage facility 843
has been notified that delivery was not possible, ~~the owner of a~~ 844
towing service or storage facility, if authorized under division 845
(B) of section 4505.101 of the Revised Code, may initiate the 846
process for obtaining a certificate of title to the motor 847
vehicle as provided in that section. 848

(3) A towing service or storage facility that does not 849
receive a signed receipt of notice, or a notification that 850
delivery was not possible, shall not obtain, and shall not 851
attempt to obtain, a certificate of title to the motor vehicle 852
under division (B) of section 4505.101 of the Revised Code. 853

(4) With respect to a vehicle concerning which a towing 854
service or storage facility is not eligible to obtain title 855
under section 4505.101 of the Revised Code, the towing service 856
or storage facility need only comply with the initial notice 857
required under division (F) (1) (a) of this section. 858

(G) (1) The owner or lienholder of a vehicle that is 859
removed under division (B) of this section may reclaim it upon 860
~~all~~ both of the following: 861

(a) Presentation of proof of ownership, which may be 862
evidenced by a certificate of title to the vehicle, a 863
certificate of registration for the motor vehicle, or a lease 864
agreement; 865

(b) Payment of the following fees: 866

~~(i) Not more than ninety dollars for the removal of the 867
vehicle. However, if the vehicle has a manufacturer's gross 868
vehicle weight rating in excess of ten thousand pounds and is a 869
truck, bus, or a combination of a commercial tractor and trailer 870
or semitrailer, not more than one hundred fifty dollars for the 871
removal. 872~~

~~(ii) Not more than twelve dollars per twenty four hour 873
period for the storage of the vehicle. However, if the vehicle 874
has a manufacturer's gross vehicle weight rating in excess of 875
ten thousand pounds and is a truck, bus, or a combination of a 876
commercial tractor and trailer or semitrailer, not more than 877~~

~~twenty dollars per twenty four hour period for storage.~~ 878

~~(iii) All applicable fees established by the public 879
utilities commission in rules adopted under section 4921.25 of 880
the Revised Code, except that the lienholder of a vehicle may 881
retrieve the vehicle without paying any storage fee for the 882
period of time that the vehicle was in the possession of the 883
towing service or storage facility prior to the date the 884
lienholder received the notice sent under division (F) (1) (a) of 885
this section; 886~~

(ii) If notice has been sent to the owner and lienholder 887
as described in division (F) of this section, a processing fee 888
of twenty-five dollars. 889

(2) A towing service or storage facility in possession of 890
a vehicle that is removed under authority of division (B) of 891
this section shall show the vehicle owner, operator, or 892
lienholder who contests the removal of the vehicle all 893
photographs taken under division (D) of this section. Upon 894
request, the towing service or storage facility shall provide 895
~~copies~~ a copy of all photographs in the medium in which the 896
photographs are stored, whether paper, electronic, or otherwise. 897

(3) When the owner of a vehicle towed under this section 898
retrieves the vehicle, the towing service or storage facility in 899
possession of the vehicle shall give the owner written notice 900
that if the owner disputes that the motor vehicle was lawfully 901
towed, the owner may be able to file a civil action under 902
section 4513.611 of the Revised Code. 903

(4) Upon presentation of proof of ownership, which may be 904
evidenced by a certificate of title to the vehicle, a 905
certificate of registration for the motor vehicle, or a lease 906

agreement, the owner of a vehicle that is removed under 907
authority of division (B) of this section may retrieve any 908
personal items from the vehicle without retrieving the vehicle 909
and without paying any fee. The owner of the vehicle shall not 910
retrieve any personal items from a vehicle if it would endanger 911
the safety of the owner, unless the owner agrees to sign a 912
waiver of liability. For purposes of division (G) ~~(3)~~ (4) of this 913
section, "personal items" do not include any items that are 914
attached to the vehicle. 915

(H) No ~~towing service or storage facility person~~ shall 916
remove, or cause the removal of, any vehicle from private 917
property that is established as a private tow-away zone under 918
this section, ~~or~~ or store such a vehicle other than in accordance 919
with this section, or otherwise fail to comply with any 920
applicable requirement of this section. 921

(I) This section does not affect or limit the operation of 922
section 4513.60 or sections 4513.61 to 4613.65 of the Revised 923
Code as they relate to property other than private property that 924
is established as a private tow-away zone under division (A) of 925
this section. 926

(J) ~~The owner of any towing service or storage facility or~~ 927
~~property owner that~~ Whoever violates division (H) of this 928
section is guilty of a minor misdemeanor. 929

(K) As used in this section, "owner of a private property" 930
or "owner of the private property" includes, with respect to a 931
private property, any of the following: 932

(1) Any person who holds title to the property; 933

(2) Any person who is a lessee or sublessee with respect 934
to a lease or sublease agreement for the property; 935

<u>(3) A person who is authorized to manage the property;</u>	936
<u>(4) A duly authorized agent of any person listed in</u>	937
<u>divisions (K) (1) to (3) of this section.</u>	938
Sec. 4513.61. (A) The sheriff of a county or chief of	939
police of a municipal corporation, township, or township or	940
joint police district, within the sheriff's or chief's	941
respective territorial jurisdiction, or a state highway patrol	942
trooper, upon notification to the sheriff or chief of police of	943
such action and of the location of the place of storage, may	944
order into storage any motor vehicle, including an abandoned	945
junk motor vehicle as defined in section 4513.63 of the Revised	946
Code, that:	947
(1) Has come into the possession of the sheriff, chief of	948
police, or state highway patrol trooper as a result of the	949
performance of the sheriff's, chief's, or trooper's duties; or	950
(2) Has been left on a public street or other property	951
open to the public for purposes of vehicular travel, or upon or	952
within the right-of-way of any road or highway, for forty-eight	953
hours or longer without notification to the sheriff or chief of	954
police of the reasons for leaving the motor vehicle in such	955
place. However, when such a motor vehicle constitutes an	956
obstruction to traffic it may be ordered into storage	957
immediately unless either of the following applies:	958
(a) The vehicle was involved in an accident and is subject	959
to section 4513.66 of the Revised Code;	960
(b) The vehicle is a commercial motor vehicle. If the	961
vehicle is a commercial motor vehicle, the sheriff, chief of	962
police, or state highway patrol trooper shall allow the owner or	963
operator of the vehicle the opportunity to arrange for the	964

removal of the motor vehicle within a period of time specified 965
by the sheriff, chief of police, or state highway patrol 966
trooper. If the sheriff, chief of police, or state highway 967
patrol trooper determines that the vehicle cannot be removed 968
within the specified period of time, the sheriff, chief of 969
police, or state highway patrol trooper shall order the removal 970
of the vehicle. 971

Subject to division (C) of this section, the sheriff or 972
chief of police shall designate the place of storage of any 973
motor vehicle so ordered removed. 974

(B) If the sheriff, chief of police, or a state highway 975
patrol trooper issues an order under division (A) of this 976
section and arranges for the removal of a motor vehicle by a 977
towing service, the towing service shall deliver the motor 978
vehicle to the location designated by the sheriff or chief of 979
police not more than two hours after the time it is removed. 980

(C) (1) The sheriff or chief of police ~~immediately~~ shall 981
cause a search to be made of the records of the bureau of motor 982
vehicles to ascertain the identity of the owner and any 983
lienholder of a motor vehicle ordered into storage by the 984
sheriff or chief of police, or by a state highway patrol trooper 985
within five business days of the removal of the vehicle. Upon 986
obtaining such identity, the sheriff or chief of police shall 987
send or cause to be sent to the owner or lienholder at the 988
owner's or lienholder's last known address by certified mail 989
with return receipt requested, notice that informs the owner or 990
lienholder that the motor vehicle will be declared a nuisance 991
and disposed of if not claimed within ten days of the date of 992
mailing of the notice. 993

(2) The owner or lienholder of the motor vehicle may 994

reclaim the motor vehicle upon payment of any expenses or 995
charges incurred in its removal and storage, and presentation of 996
proof of ownership, which may be evidenced by a certificate of 997
title or memorandum certificate of title to the motor vehicle, a 998
certificate of registration for the motor vehicle, or a lease 999
agreement. Upon presentation of proof of ownership evidenced as 1000
provided above, the owner of the motor vehicle also may retrieve 1001
any personal items from the vehicle without retrieving the 1002
vehicle and without paying any fee. However, a towing service or 1003
storage facility may charge an after-hours retrieval fee 1004
established by the public utilities commission in rules adopted 1005
under section 4921.25 of the Revised Code if the owner retrieves 1006
the personal items after hours, unless the towing service or 1007
storage facility fails to provide the notice required under 1008
division (B) (3) of section 4513.69 of the Revised Code, if 1009
applicable. However, the owner ~~may shall not retrieve~~ do either 1010
of the following: 1011

(a) Retrieve any personal item that has been determined by 1012
the sheriff, chief of police, or a state highway patrol trooper, 1013
as applicable, to be necessary to a criminal investigation; 1014

(b) Retrieve any personal item from a vehicle if it would 1015
endanger the safety of the owner, unless the owner agrees to 1016
sign a waiver of liability. 1017

For purposes of division (C) (2) of this section, "personal 1018
items" do not include any items that are attached to the 1019
vehicle. 1020

(3) If the owner or lienholder of the motor vehicle 1021
reclaims it after a search of the records of the bureau has been 1022
conducted and after notice has been sent to the owner or 1023
lienholder as described in this section, and the search was 1024

conducted by ~~the owner of the place of storage or the owner's~~ 1025
~~employee~~, and the notice was sent to the motor vehicle owner by 1026
~~the owner of the place of storage or the owner's employee~~, the 1027
owner or lienholder shall pay to the place of storage a 1028
processing fee of twenty-five dollars, in addition to any 1029
expenses or charges incurred in the removal and storage of the 1030
vehicle. 1031

(D) If the owner or lienholder makes no claim to the motor 1032
vehicle within ten days of the date of mailing of the notice, 1033
and if the vehicle is to be disposed of at public auction as 1034
provided in section 4513.62 of the Revised Code, the sheriff or 1035
chief of police, without charge to any party, shall file with 1036
the clerk of courts of the county in which the place of storage 1037
is located an affidavit showing compliance with the requirements 1038
of this section. Upon presentation of the affidavit, the clerk, 1039
without charge, shall issue a salvage certificate of title, free 1040
and clear of all liens and encumbrances, to the sheriff or chief 1041
of police. If the vehicle is to be disposed of to a motor 1042
vehicle salvage dealer or other facility as provided in section 1043
4513.62 of the Revised Code, the sheriff or chief of police 1044
shall execute in triplicate an affidavit, as prescribed by the 1045
registrar of motor vehicles, describing the motor vehicle and 1046
the manner in which it was disposed of, and that all 1047
requirements of this section have been complied with. The 1048
sheriff or chief of police shall retain the original of the 1049
affidavit for the sheriff's or chief's records, and shall 1050
furnish two copies to the motor vehicle salvage dealer or other 1051
facility. Upon presentation of a copy of the affidavit by the 1052
motor vehicle salvage dealer, the clerk of courts, within thirty 1053
days of the presentation, shall issue ~~to such owner~~ a salvage 1054
certificate of title, free and clear of all liens and 1055

encumbrances. 1056

(E) Whenever a motor vehicle salvage dealer or other 1057
facility receives an affidavit for the disposal of a motor 1058
vehicle as provided in this section, the dealer or facility 1059
shall not be required to obtain an Ohio certificate of title to 1060
the motor vehicle in the dealer's or facility's own name if the 1061
vehicle is dismantled or destroyed and both copies of the 1062
affidavit are delivered to the clerk of courts. 1063

(F) No towing service or storage facility shall fail to 1064
comply with this section. 1065

Sec. 4513.611. (A) As used in this section: 1066

(1) "Minor violation" means any of the following: 1067

(a) Failure to deliver a vehicle to the designated 1068
location within two hours after removal, unless the towing 1069
service was unable to deliver the motor vehicle within two hours 1070
due to an uncontrollable force, natural disaster, or other event 1071
that was not within the power of the towing service, as required 1072
under division (A) (2) of section 4513.60 or division (D) (2) of 1073
section 4513.601 of the Revised Code; 1074

(b) Failure to provide a receipt as required under 1075
division (B) of section 4513.60 or division (C) of section 1076
4513.601 of the Revised Code; 1077

(c) Failure to take a towed vehicle to a location that 1078
meets the requirements of division (A) (2) of section 4513.601 of 1079
the Revised Code as required under that division; 1080

(d) Failure to comply with any photograph-related 1081
requirement established under division (D) (1) or (G) (2) of 1082
section 4513.601 of the Revised Code. If a court determines that 1083

a towing service or storage facility committed more than one 1084
violation of divisions (D) (1) and (G) (2) of section 4513.601 of 1085
the Revised Code with regard to the same transaction, the court 1086
shall find the towing service or storage facility liable for 1087
only one minor violation under this section. 1088

(e) Failure to send notice to the owner and any lienholder 1089
as required under division (F) (1) (a) of section 4513.601 of the 1090
Revised Code; 1091

(f) Failure to provide an estimate as required under 1092
section 4513.68 of the Revised Code, containing the information 1093
required under that section; 1094

(g) Charging a fee that does not comply with division (C) 1095
of section 4513.68 of the Revised Code if the towing service fee 1096
is required to be reduced under that division; 1097

(h) Failure to post a notice pertaining to fee limitations 1098
as required under division (D) of section 4513.68 of the Revised 1099
Code. 1100

(2) "Major violation" means any of the following: 1101

(a) Failure to give the owner of a vehicle, who arrives 1102
after the owner's vehicle has been prepared for removal but 1103
prior to its actual removal, notification that the owner may pay 1104
a fee of not more than one-half of the fee for the removal of 1105
the vehicle for the immediate release of the vehicle as required 1106
under division (B) of section 4513.60 or division (C) of section 1107
4513.601 of the Revised Code; 1108

(b) Failure to release a vehicle upon payment of not more 1109
than one-half of the fee for the removal of the vehicle as 1110
permitted under division (B) of section 4513.60 or division (C) 1111
of section 4513.601 of the Revised Code; 1112

(c) Refusal to allow a vehicle owner to reclaim the 1113
owner's vehicle upon payment of the applicable fees established 1114
by the public utilities commission and presentation of proof of 1115
ownership as permitted under division (D) (1) of section 4513.60 1116
or division (G) (1) of section 4513.601 of the Revised Code; 1117

(d) Refusal to allow a vehicle owner to retrieve personal 1118
items from the owner's vehicle under circumstances in which the 1119
owner is permitted to retrieve personal items under division (D) 1120
(2) of section 4513.60 or division (G) (4) of section 4513.601 of 1121
the Revised Code; 1122

(e) Failure to provide notice to the appropriate law 1123
enforcement agency within two hours of removing a vehicle as 1124
required under division (E) (1) of section 4513.601 of the 1125
Revised Code; 1126

(f) Failure to send notice that a vehicle has been towed 1127
to the vehicle owner and any known lienholder within thirty days 1128
of removal of the vehicle from a private tow-away zone under 1129
section 4513.601 of the Revised Code. If a court determines that 1130
a towing service or storage facility committed a violation 1131
specified in division (A) (2) (f) of this section and a violation 1132
of division (A) (1) (e) of this section with regard to the same 1133
transaction, the court shall find the towing service or storage 1134
facility liable for only the major violation; 1135

(g) Failure to visibly display the certificate of public 1136
convenience and necessity number as required under division (B) 1137
(1) of section 4513.67 of the Revised Code. 1138

(B) (1) A vehicle owner may bring a civil action in a court 1139
of competent jurisdiction against a towing service or storage 1140
facility that violates section 4513.60, 4513.601, or 4513.68 of 1141

~~the Revised Code commits a major or minor violation.~~ 1142

(2) If a court determines that the towing service or 1143
storage facility committed ~~the~~ a minor violation, the court 1144
shall award the vehicle owner the following: 1145

~~(1)~~ (a) If the towing service or storage facility has not 1146
committed a prior minor violation within one year of the minor 1147
violation for which the court has determined the towing service 1148
or storage facility is liable, one hundred fifty dollars. 1149

(b) If the towing service or storage facility has 1150
committed one prior minor violation within one year of the minor 1151
violation for which the court has determined the towing service 1152
or storage facility is liable, three hundred fifty dollars. 1153

(c) If the towing service or storage facility has 1154
committed two prior minor violations within one year of the 1155
minor violation for which the court has determined the towing 1156
service or storage facility is liable, the violation constitutes 1157
a major violation and division (B) (3) of this section applies. 1158

(d) If the towing service or storage facility has 1159
committed three prior minor violations within one year of the 1160
minor violation for which the court has determined the towing 1161
service or storage facility is liable, one thousand five hundred 1162
dollars. 1163

(e) If the towing service or storage facility has 1164
committed four prior minor violations within one year of the 1165
minor violation for which the court has determined the towing 1166
service or storage facility is liable, two thousand dollars. 1167

(f) If the towing service or storage facility has 1168
committed five prior minor violations within one year of the 1169
minor violation for which the court has determined the towing 1170

service or storage facility is liable, the violation constitutes 1171
a major violation and division (B) (3) of this section applies. 1172

(g) If the towing service or storage facility has 1173
committed six or seven prior minor violations within one year of 1174
the minor violation for which the court has determined the 1175
towing service or storage facility is liable, two thousand five 1176
hundred dollars. 1177

(h) If the towing service or storage facility has 1178
committed eight prior minor violations within one year of the 1179
minor violation for which the court has determined the towing 1180
service or storage facility is liable, the violation constitutes 1181
a major violation and division (B) (3) of this section applies. 1182

(3) If a court determines that the towing service or 1183
storage facility committed a major violation, the court shall 1184
award the vehicle owner the following: 1185

(a) If the towing service or storage facility has not 1186
committed any prior major violations within one year of the 1187
major violation for which the court has determined the towing 1188
service or storage facility is liable, one thousand dollars; 1189

~~(2)~~ (b) If the towing service or storage facility has 1190
committed one prior major violation within one year of the major 1191
violation for which the court has determined the towing service 1192
or storage facility is liable, two thousand five hundred 1193
dollars; 1194

~~(3)~~ (c) If the towing service or storage facility has 1195
committed two prior major violations within one year of the 1196
major violation for which the court has determined the towing 1197
service or storage facility is liable, ~~two~~ three thousand five 1198
hundred dollars. In addition, the court shall order the public 1199

utilities commission to revoke the towing service's or storage
facility's certificate of public convenience and necessity for
six months. The commission shall comply with the order.

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

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

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

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

(D) A court that issues a judgment under this section 1229
against a towing service or storage facility shall send a copy 1230
of that judgment to the public utilities commission. The 1231
commission shall provide a copy of the judgment upon request. 1232

Sec. 4513.612. (A) (1) No towing service shall knowingly 1233
offer or provide monetary compensation in exchange for the 1234
authorization to tow motor vehicles from a specified location or 1235
on behalf of the person to whom the towing service offered or 1236
provided the compensation. 1237

(2) Division (A) (1) of this section does not prohibit a 1238
towing service from negotiating or reducing towing and storage 1239
fees. 1240

(B) Whoever violates division (A) of this section is 1241
guilty of a minor misdemeanor. 1242

Sec. 4513.67. (A) As used in this section, "towing 1243
service" means any for-hire motor carrier that is engaged on an 1244
intrastate basis anywhere in this state in the business of 1245
towing a motor vehicle over any public highway in this state. 1246

(B) No ~~person shall operate a towing vehicle for a towing~~ 1247
~~service and no person who owns a towing vehicle used by a towing~~ 1248
~~service or has supervisory responsibility over a towing vehicle~~ 1249
~~used by a towing service,~~ shall permit the operation of a towing 1250
vehicle ~~used by a~~ on behalf of the towing service, unless both 1251
of the following apply: 1252

(1) The towing service holds a valid certificate of public 1253
convenience and necessity as required by Chapter 4921. of the 1254
Revised Code; and 1255

(2) The certificate number and business telephone number 1256
is visibly displayed on both the left and right sides of the 1257

towing vehicle. 1258

(C) (1) No towing service shall do either of the following: 1259

(a) Fail to make its current certificate of public 1260
convenience and necessity available for public inspection during 1261
normal business hours; 1262

(b) Fail to include its certificate number on all written 1263
estimates, contracts, invoices, and, subject to division (C) (2) 1264
of this section, advertising. 1265

(2) The public utilities commission, by rule, may exempt 1266
from the requirements of division (C) (1) of this section any 1267
type of advertising where the size or nature of the 1268
advertisement makes it unreasonable to add a certificate number. 1269

(D) (1) Except as provided in division (D) (2) of this 1270
section, whoever violates division (B) (1) of this section is 1271
guilty of a minor misdemeanor. A towing service that is issued a 1272
citation for a violation of division (B) (1) of this section is 1273
not permitted to enter a written plea of guilty and waive the 1274
right to contest the citation in a trial but instead must 1275
designate an agent to appear in person in the proper court to 1276
answer the charge. If the towing service is convicted of or 1277
pleads guilty to the offense, the court shall notify the towing 1278
service that a subsequent offense will result in the seizure and 1279
impoundment of any tow truck that is used to tow vehicles on 1280
behalf of the towing service until the towing service obtains a 1281
certificate of public convenience and necessity. 1282

(2) If a towing service previously has been convicted of 1283
or pleaded guilty to a violation of division (B) (1) of this 1284
section, a violation of division (B) (1) of this section is a 1285
misdemeanor and, notwithstanding sections 2929.24 to 2929.28 of 1286

the Revised Code, the court shall impose upon the towing service 1287
a fine of five hundred dollars. The court shall require the 1288
towing service to disclose the license plate number of every 1289
vehicle used to tow vehicles on behalf of the towing service and 1290
the court shall order an appropriate law enforcement agency to 1291
seize and impound all such vehicles. Upon presentation of a 1292
certificate of public convenience and necessity for the towing 1293
service, the court shall terminate the order and the law 1294
enforcement agency in possession of the vehicles shall release 1295
the vehicles. 1296

(3) The offense established under division (B) (1) of this 1297
section is a strict liability offense and strict liability is a 1298
culpable mental state for purposes of section 2901.20 of the 1299
Revised Code. The designation of this offense as a strict 1300
liability offense shall not be construed to imply that any other 1301
offense, for which there is no specified degree of culpability, 1302
is not a strict liability offense. 1303

Sec. 4513.68. (A) If a towing service is removing a motor 1304
vehicle, and the removal was not authorized under section 1305
4513.60, 4513.601, 4513.61, or 4513.66 of the Revised Code, 1306
prior to removing the motor vehicle, the towing service shall 1307
provide a written estimate of the price for the removal to the 1308
operator of the motor vehicle ~~unless the operator is~~ 1309
~~incapacitated, seriously injured, or otherwise unavailable to~~ 1310
~~accept the estimate. The towing service shall not submit such an~~ 1311
~~estimate to any repair facility or storage facility to which the~~ 1312
~~motor vehicle is transported unless the operator of the motor~~ 1313
~~vehicle meets one of the conditions specified above, if~~ 1314
requested. 1315

(B) The towing service shall ensure that any estimate 1316

provided under division (A) of this section includes the fees, 1317
services to be rendered, and destination of the vehicle. 1318

(C) If a towing service fails to provide a written 1319
estimate as required by this section, the towing service shall 1320
not charge fees for the towing and storage of the motor vehicle 1321
that exceed twenty-five per cent of ~~the any applicable fees~~ 1322
~~authorized established by the public utilities commission in~~ 1323
~~rules adopted under division (G) (1) (b) of section 4513.601~~ 1324
~~division (B) (4) of section 4921.25 of the Revised Code for a~~ 1325
~~motor vehicle removed from a private tow-away zone or, if the~~ 1326
~~vehicle was towed within a municipal corporation that has~~ 1327
~~established vehicle removal and storage fees, twenty-five per~~ 1328
~~cent of the fees established by the municipal corporation.~~ 1329

(D) Any storage facility that accepts towed vehicles shall 1330
conspicuously post a notice at the entrance to the storage 1331
facility that states the limitation on fees established under 1332
division (C) of this section. 1333

Sec. 4513.69. (A) ~~The owner of a~~ A storage facility shall 1334
ensure that the facility remains open during both of the 1335
following periods of time to allow a vehicle owner or lienholder 1336
to retrieve a vehicle in the possession of the storage facility: 1337

(1) Any time during which a towing service is towing a 1338
vehicle pursuant to section ~~4513.60, 4513.601, or 4513.61~~ of the 1339
Revised Code and the vehicle will be held by the storage 1340
facility; 1341

(2) Between nine o'clock in the morning and noon on the 1342
day after any day during which the storage facility accepted for 1343
storage a vehicle towed under section 4513.60, 4513.601, or 1344
4513.61 of the Revised Code. 1345

(B) (1) ~~The owner of a~~ A storage facility that accepts for 1346
storage vehicles towed under section 4513.60, 4513.601, or 1347
4513.61 of the Revised Code shall ensure that a notice is 1348
conspicuously posted at the entrance to the storage facility 1349
that states the telephone number at which the owner or 1350
lienholder of a vehicle may contact the owner or a 1351
representative of the storage facility for the purpose of 1352
~~retrieving~~ determining whether the person may retrieve a vehicle 1353
or personal items when the storage facility is closed. The ~~owner~~ 1354
~~of the~~ storage facility also shall provide that telephone number 1355
to the sheriff of a county or chief of police of a municipal 1356
corporation, township, or township or joint police district. The 1357
~~owner of the~~ storage facility shall ensure that a process is in 1358
place for purposes of answering calls at all times day or night. 1359

(2) After receiving a call from the owner or lienholder of 1360
a vehicle who seeks to recover ~~the~~ a vehicle that was towed 1361
pursuant to section 4513.601 of the Revised Code, the ~~owner of~~ 1362
~~the~~ storage facility shall ensure that, within three hours of 1363
receiving the phone call, a representative of the storage 1364
facility is available to release the vehicle upon being 1365
presented with proof of ownership of the vehicle, which may be 1366
evidenced by a certificate of title to the vehicle, a 1367
certificate of registration for the motor vehicle, or a lease 1368
agreement, and payment of an after-hours vehicle retrieval fee 1369
established under section 4921.25 of the Revised Code ~~and along~~ 1370
with all other applicable fees. 1371

(3) If a storage facility receives a call from a person 1372
who seeks to recover personal items from a vehicle that was 1373
towed pursuant to section 4513.60 or 4513.61 of the Revised Code 1374
and the storage facility is not open to the public, the storage 1375
facility shall notify the person that an after-hours retrieval 1376

fee applies and shall state the amount of the fee as established 1377
by the public utilities commission in rules adopted under 1378
section 4921.25 of the Revised Code. The storage facility shall 1379
allow the person to retrieve personal items in accordance with 1380
division (D)(2) of section 4513.60 or division (C)(2) of section 1381
4513.61 of the Revised Code, but shall not charge an after-hours 1382
retrieval fee unless notice is provided in accordance with this 1383
division. 1384

(C) No ~~owner of a~~ storage facility shall fail to comply 1385
with division (A) or (B) of this section. 1386

Sec. 4513.70. (A) An insurance company may commence a 1387
civil action against a towing service on its own behalf, on 1388
behalf of the holder of a policy of automobile insurance, or on 1389
behalf of a motor vehicle owner seeking the recovery of a motor 1390
vehicle that has been towed and for which a claim has been filed 1391
with the insurance company, objecting to the amount billed by 1392
the towing service, or both. The insurance company shall file 1393
the action in the municipal or county court with territorial 1394
jurisdiction over the location from which the vehicle was towed 1395
within thirty days of receipt of the bill for towing services 1396
from the towing service. If the insurance company objects to the 1397
amount billed by the towing service, the complaint shall include 1398
the amount of the bill that is undisputed and the reasons the 1399
insurance company objects to the remainder of the bill. The 1400
insurance company shall file, along with the complaint, a copy 1401
of the bill and any evidence supporting the assertion that the 1402
billed amount is unreasonable. If the insurance company seeks 1403
the recovery of the vehicle, the insurance company shall pay to 1404
the towing service the undisputed amount of the bill. 1405

(B) Upon receipt of payment of the undisputed amount of 1406

the bill and not later than two business days after receiving 1407
service of a complaint filed under division (A) of this section, 1408
the towing service shall release the vehicle that is the subject 1409
of the complaint to the owner of the vehicle or to a 1410
representative of the insurance company that filed the 1411
complaint. If the towing service fails to release the vehicle as 1412
required under this division, the court may issue an order that 1413
imposes a penalty of up to one hundred dollars per day against a 1414
towing service for each day the towing service violates that 1415
division. The towing service shall pay any fines assessed under 1416
this section to the clerk of courts. 1417

(C) The court shall make a determination as to whether the 1418
amount charged by the towing service is unreasonable. If the 1419
court determines that the amount is reasonable, the court shall 1420
order the insurance company to pay the amount billed minus the 1421
undisputed amount that the insurance company paid to the towing 1422
service under division (B) of this section if a payment was made 1423
under that division. If the court determines that the amount 1424
charged was unreasonable, the court shall determine a reasonable 1425
amount and order the insurance company to pay that amount minus 1426
the undisputed amount that the insurance company paid to the 1427
towing service under division (B) of this section if a payment 1428
was made under that division. The court also may require either 1429
party to pay any additional amount and may impose any monetary 1430
penalties the court determines to be appropriate. 1431

Sec. 4921.25. (A) Any person, firm, copartnership, 1432
voluntary association, joint-stock association, company, or 1433
corporation, wherever organized or incorporated, that is engaged 1434
in the towing of motor vehicles is subject to regulation by the 1435
public utilities commission as a for-hire motor carrier under 1436
this chapter. 1437

(B) The commission shall adopt rules under Chapter ~~111.~~ 1438
119. of the Revised Code that do all of the following: 1439

(1) Establish the acceptable scope of public safety 1440
regulations applicable to a for-hire motor carrier engaged in 1441
the towing of motor vehicles under section 4513.60, 4513.601, or 1442
4513.61 of the Revised Code that a county or township may adopt 1443
pursuant to a resolution; 1444

(2) Establish safety standards for the type of equipment 1445
necessary to safely remove and tow vehicles based on the type of 1446
vehicle being removed or towed; 1447

(3) Establish standards for the removal of a vehicle from 1448
a private tow-away zone by a for-hire motor carrier engaged in 1449
the towing of motor vehicles in addition to standards and 1450
requirements established under section 4513.601 of the Revised 1451
Code. The standards may vary based on whether the private tow- 1452
away zone is located on residential, retail, or other commercial 1453
property. 1454

(4) ~~Establish an~~ Within one year of the effective date of 1455
this amendment, establish maximum fees that may be charged by a 1456
for-hire motor carrier engaged in the towing of motor vehicles 1457
or a storage facility that accepts such vehicles under sections 1458
4513.60 and 4513.601 of the Revised Code. 1459

With respect to vehicles removed under section 4513.60 of 1460
the Revised Code, the fees established under division (B) (4) of 1461
this section do not apply to a vehicle that is removed or stored 1462
within a municipal corporation that has established fees for 1463
vehicle removal and storage. 1464

(5) Establish a process for reviewing the fees established 1465
under division (B) (4) of this section every five years, 1466

beginning on the five-year anniversary of the date the initial 1467
rules are adopted, to determine whether the fees are just, 1468
reasonable, and compensatory. If the commission determines that 1469
any existing fee is not just, reasonable, or compensatory, the 1470
commission shall, by rule, adjust the fee so that it is equal to 1471
an amount that the commission determines to be appropriate. 1472

(6) Establish an after-hours retrieval fee that may be 1473
charged for purposes of retrieving a vehicle under section 1474
4513.69 of the Revised Code. 1475

~~(5) or retrieving personal items under section 4513.60 or~~ 1476
~~4513.61 of the Revised Code. The rules shall permit an after-~~ 1477
~~hours retrieval fee to be charged only if the entity in~~ 1478
~~possession of a vehicle is not open to the public and is not~~ 1479
~~required to be open under division (A) of section 4513.69 of the~~ 1480
~~Revised Code.~~ 1481

(7) Adopt any other rules necessary to carry out the 1482
purposes of this section. 1483

Section 2. That existing sections 4505.101, 4505.11, 1484
4513.60, 4513.601, 4513.61, 4513.611, 4513.67, 4513.68, 4513.69, 1485
and 4921.25 of the Revised Code are hereby repealed. 1486

Section 3. (A) Commencing on the effective date of this 1487
act, and until the public utilities commission adopts rules 1488
under division (B) (4) of section 4921.25 of the Revised Code, a 1489
towing service shall charge not more than the following for the 1490
removal and storage of a vehicle under section 4513.60 or 1491
4513.601 of the Revised Code: 1492

(1) A maximum fee for the removal of a vehicle equal to 1493
ninety dollars; or for a vehicle that has a manufacturer's gross 1494
vehicle weight rating in excess of ten thousand pounds that is a 1495

truck, bus, or a combination of commercial tractor and trailer 1496
or semitrailer, a maximum fee equal to one hundred fifty 1497
dollars; 1498

(2) A maximum storage fee equal to twelve dollars per 1499
twenty-four-hour period; or for a vehicle that has a 1500
manufacturer's gross vehicle weight rating in excess of ten 1501
thousand pounds that is a truck, bus, or a combination of 1502
commercial tractor and trailer or semitrailer, a maximum storage 1503
fee equal to twenty dollars per twenty-four-hour period. 1504

(B) Notwithstanding division (A) of this section, with 1505
regard to a vehicle that is removed under section 4513.60 of the 1506
Revised Code within a municipal corporation that has established 1507
fees for vehicle removal and storage, a towing service may 1508
charge those fees, if applicable. 1509

Section 4. Section 4505.11 of the Revised Code is 1510
presented in this act as a composite of the section as amended 1511
by both Sub. H.B. 468 and Am. Sub. S.B. 274 of the 130th General 1512
Assembly. The General Assembly, applying the principle stated in 1513
division (B) of section 1.52 of the Revised Code that amendments 1514
are to be harmonized if reasonably capable of simultaneous 1515
operation, finds that the composite is the resulting version of 1516
the section in effect prior to the effective date of the section 1517
as presented in this act. 1518