

# AN ACT

To amend sections 4505.101, 4505.11, 4513.60, 4513.601, 4513.61, 4513.611, 4513.67, 4513.68, 4513.69, and 4921.25 and to enact sections 4505.103, 4513.612, and 4513.70 of the Revised Code to require the Public Utilities Commission to establish towing and storage fees and to review those fees every five years, to establish an after-hours fee for the retrieval of personal items from a motor vehicle that was towed from private property or otherwise upon the order of law enforcement, to modify the civil penalties applicable to violations of the towing law, to impose criminal penalties for the failure of a towing service to obtain a certificate of public convenience and necessity, to allow a repair garage, towing service, or storage facility to obtain a salvage certificate of title to a motor vehicle under specified circumstances, to alter notice requirements applicable to a salvage auction or pool that obtains a salvage certificate of title for a motor vehicle, to establish a new civil action, and to make other changes to the towing law.

*Be it enacted by the General Assembly of the State of Ohio:*

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

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

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

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

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

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

~~(B) The owner of a~~ A towing service or storage facility that is in possession of a vehicle may obtain a certificate of title to the vehicle as provided in division (C) of this section if all of the following apply:

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

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

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

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

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

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

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

(2) A repair garage or place of storage may use the process established under division (A) of

this section in order to take title to a motor vehicle even if the person who requested the repair or who agreed to the storage of the motor vehicle is not the owner or a lienholder of the motor vehicle as indicated in the records of the bureau of motor vehicles.

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

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

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

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

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

(E) As used in this section:

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

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

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

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

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

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

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

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

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

(4) "Value" means the wholesale value for that make and model of motor vehicle at the time an affidavit is submitted under this section, as provided in a vehicle valuation guide that is generally available and recognized by the motor vehicle industry, minus all of the following:

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

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

(c) Storage fees for the period of time that the vehicle was stored without payment, up to a

maximum of thirty days of storage fees.

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

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

(b) The motor vehicle is inoperable.

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

(2) In order to obtain a salvage certificate of title to a motor vehicle, the authorized entity shall cause a search to be made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. The registrar of motor vehicles shall ensure that such information is provided in a timely manner. Within eight business days after the registrar provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, the authorized entity shall send written notice to any owner and any lienholder of the vehicle by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. If the motor vehicle came into the possession of a towing service or storage facility as a result of being towed, the notice shall include notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under section 4513.611 of the Revised Code.

(3) Not sooner than thirty days after the notice has been received, as evidenced by a receipt signed by any person, or the authorized entity has been notified that the delivery was not possible, an agent of the authorized entity may complete and sign an affidavit, on a form prescribed by the registrar of motor vehicles, attesting that the motor vehicle qualifies for disposal under this section and that all of the requirements of this section have been complied with. The affidavit shall include the make and model of the motor vehicle; the vehicle identification number if available; an itemized statement of the value of the motor vehicle; a description of the damage to the motor vehicle; the length of time that the motor vehicle has remained unclaimed; that a notice to remove the motor vehicle has been mailed to any titled owner or lienholder by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt; and that a search of the records of the bureau of motor vehicles has been made for outstanding liens on the motor vehicle. The authorized entity also shall photograph the motor vehicle to substantiate the determination that the value of the motor vehicle is less than one thousand five hundred dollars.

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

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

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

Sec. 4505.11. This section shall also apply to all-purpose vehicles and off-highway motorcycles as defined in section 4519.01 of the Revised Code.

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

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

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

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

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

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

(b) If an insurance company obtains possession of the motor vehicle but is unable to obtain the properly endorsed certificate of title for the motor vehicle within thirty business days following the vehicle's owner or lienholder's acceptance of the insurance company's payment for the vehicle, the insurance company may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering the certificate of title for the motor vehicle. The application shall be

accompanied by evidence that the insurance company has paid a total loss claim on the vehicle, a copy of the written request for the certificate of title from the insurance company or its designee, and proof that the request was delivered by a nationally recognized courier service to the last known address of the owner of the vehicle and any known lienholder, to obtain the certificate of title.

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

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

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

(2) If an insurance company requests that a salvage motor vehicle auction take possession of a motor vehicle that is the subject of an insurance claim, and subsequently the insurance company denies coverage with respect to the motor vehicle or does not otherwise take ownership of the motor vehicle, the salvage motor vehicle auction may proceed as follows. After the salvage motor vehicle auction has possession of the motor vehicle for forty-five days, it may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering the certificate of title for the motor vehicle. The application shall be accompanied by a copy of the written request that the vehicle be removed from the facility on the salvage motor vehicle auction's letterhead, and ~~the original certified mail, return receipt notice, addressed~~ proof that the request was delivered by a nationally recognized courier service to the last known address of the owner of the vehicle and any known lienholder, requesting that the vehicle be removed from the facility of the salvage motor vehicle auction. Upon receipt of a properly completed application, the clerk shall follow the process as described in division (C)(1)(c) of this section. The salvage certificate of title so issued shall be free and clear of all liens.

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

(4) If an insurance company declares it economically impractical to repair a motor vehicle, agrees to pay to the insured or claimant owner an amount in settlement of a claim against a policy of motor vehicle insurance covering the motor vehicle, and agrees to permit the insured or claimant owner to retain possession of the motor vehicle, the insurance company shall not pay the insured or claimant owner any amount in settlement of the insurance claim until the owner obtains a salvage certificate of title to the vehicle and furnishes a copy of the salvage certificate of title to the insurance

company.

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

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

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

(E) If a motor vehicle titled with a salvage certificate of title is restored for operation upon the highways, application shall be made to a clerk of a court of common pleas for a certificate of title. Upon inspection by the state highway patrol, which shall include establishing proof of ownership and an inspection of the motor number and vehicle identification number of the motor vehicle and of documentation or receipts for the materials used in restoration by the owner of the motor vehicle being inspected, which documentation or receipts shall be presented at the time of inspection, the clerk, upon surrender of the salvage certificate of title, shall issue a certificate of title for a fee prescribed by the registrar. The certificate of title shall be in the same form as the original certificate of title and shall bear the words "REBUILT SALVAGE" in black boldface letters on its face. Every subsequent certificate of title, memorandum certificate of title, or duplicate certificate of title issued for the motor vehicle also shall bear the words "REBUILT SALVAGE" in black boldface letters on its face. The exact location on the face of the certificate of title of the words "REBUILT SALVAGE" shall be determined by the registrar, who shall develop an automated procedure within the automated title processing system to comply with this division. The clerk shall use reasonable care in performing the duties imposed on the clerk by this division in issuing a certificate of title pursuant to this division, but the clerk is not liable for any of the clerk's errors or omissions or those of the clerk's deputies, or the automated title processing system in the performance of those duties. A fee of fifty dollars shall be assessed by the state highway patrol for each inspection made pursuant to this division and shall be deposited into the state highway safety fund established by section 4501.06 of the Revised Code.

(F) No person shall operate upon the highways in this state a motor vehicle, title to which is evidenced by a salvage certificate of title, except to deliver the motor vehicle pursuant to an appointment for an inspection under this section.

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

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

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

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

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

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

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

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

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

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

(I)(1) Whoever violates division (F) of this section shall be fined not more than two thousand dollars, imprisoned not more than one year, or both.

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

Sec. 4513.60. (A)(1) The sheriff of a county or chief of police of a municipal corporation, township, or township or joint police district, within the sheriff's or chief's respective territorial jurisdiction, upon complaint of any person adversely affected, may order into storage any motor



vehicle, other than an abandoned junk motor vehicle as defined in section 4513.63 of the Revised Code, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. The sheriff or chief of police, upon complaint of ~~the owner of~~ a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. When ordering a motor vehicle into storage pursuant to this division, a sheriff or chief of police may arrange for the removal of the motor vehicle by a towing service and shall designate a storage facility.

(2) A towing service towing a motor vehicle under division (A)(1) of this section shall remove the motor vehicle in accordance with that division. The towing service shall deliver the motor vehicle to the location designated by the sheriff or chief of police not more than two hours after the time it is removed from the private property, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

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

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

(B) If the owner or operator of a motor vehicle that has been ordered into storage pursuant to division (A)(1) of this section arrives after the motor vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the motor vehicle established by the public utilities commission in rules adopted under division (D)(1) of this section 4921.25 of the Revised Code, in order to obtain release of the motor vehicle. ~~Upon~~ However, if the vehicle is within a municipal corporation and the municipal corporation has established a vehicle removal fee, the towing service shall give the owner or operator oral or written notification that the owner or operator may pay not more than one-half of that fee to obtain release of the motor vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction.

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

(C)(1) Each county sheriff and each chief of police of a municipal corporation, township, or

township or joint police district shall maintain a record of motor vehicles that the sheriff or chief orders into storage pursuant to division (A)(1) of this section. The record shall include an entry for each such motor vehicle that identifies the motor vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. A sheriff or chief of police shall provide any information in the record that pertains to a particular motor vehicle to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

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

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

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

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

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

(b) Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement.

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

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

the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) It is well-lighted.

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

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

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

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

(C) If the owner or operator of a vehicle that is being removed under authority of division (B) of this section arrives after the vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established by the public utilities commission in rules adopted under ~~division (G) of this section~~ 4921.25 of the Revised Code in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move the

vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.

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

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

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

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

- (a) The vehicle's license number, make, model, and color;
- (b) The location from which the vehicle was removed;
- (c) The date and time the vehicle was removed;
- (d) The telephone number of the person from whom the vehicle may be recovered;
- (e) The address of the place from which the vehicle may be recovered.

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

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

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

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

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

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

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

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

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

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

(b) Payment of the following fees:

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

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

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

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

(2) A towing service or storage facility in possession of a vehicle that is removed under authority of division (B) of this section shall show the vehicle owner, operator, or lienholder who

contests the removal of the vehicle all photographs taken under division (D) of this section. Upon request, the towing service or storage facility shall provide ~~copies~~ a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.

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

(4) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement, the owner of a vehicle that is removed under authority of division (B) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of division (G)(3)-(4) of this section, "personal items" do not include any items that are attached to the vehicle.

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

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

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

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

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

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

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

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

Sec. 4513.61. (A) The sheriff of a county or chief of police of a municipal corporation, township, or township or joint police district, within the sheriff's or chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the sheriff or chief of police of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in section 4513.63 of the Revised Code, that:

(1) Has come into the possession of the sheriff, chief of police, or state highway patrol trooper as a result of the performance of the sheriff's, chief's, or trooper's duties; or

(2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer without notification to the sheriff or chief of police of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:

(a) The vehicle was involved in an accident and is subject to section 4513.66 of the Revised Code;

(b) The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the sheriff, chief of police, or state highway patrol trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the sheriff, chief of police, or state highway patrol trooper. If the sheriff, chief of police, or state highway patrol trooper determines that the vehicle cannot be removed within the specified period of time, the sheriff, chief of police, or state highway patrol trooper shall order the removal of the vehicle.

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

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

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

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

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

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

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

(3) If the owner or lienholder of the motor vehicle reclaims it after a search of the records of the bureau has been conducted and after notice has been sent to the owner or lienholder as described



in this section, and the search was conducted by ~~the owner of the place of storage or the owner's employee~~, and the notice was sent to the motor vehicle owner by ~~the owner of the place of storage or the owner's employee~~, the owner or lienholder shall pay to the place of storage a processing fee of twenty-five dollars, in addition to any expenses or charges incurred in the removal and storage of the vehicle.

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

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

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

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

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

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

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

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

(d) Failure to comply with any photograph-related requirement established under division (D)(1) or (G)(2) of section 4513.601 of the Revised Code. If a court determines that a towing service or storage facility committed more than one violation of divisions (D)(1) and (G)(2) of section 4513.601 of the Revised Code with regard to the same transaction, the court shall find the towing service or storage facility liable for only one minor violation under this section.

(e) Failure to send notice to the owner and any lienholder as required under division (F)(1)(a)

of section 4513.601 of the Revised Code:

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

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

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

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

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

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

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

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

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

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

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

(B)(1) A vehicle owner may bring a civil action in a court of competent jurisdiction against a towing service or storage facility that violates section 4513.60, 4513.601, or 4513.68 of the Revised Code commits a major or minor violation.

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

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

(b) If the towing service or storage facility has committed one prior minor violation within

one year of the minor violation for which the court has determined the towing service or storage facility is liable, three hundred fifty dollars.

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

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

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

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

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

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

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

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

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

~~(3)-(c)~~ If the towing service or storage facility has committed two prior major violations within one year of the major violation for which the court has determined the towing service or storage facility is liable, ~~two~~ three thousand five hundred dollars. In addition, the court shall order the public 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 against a towing service or storage facility shall send a copy of that judgment to the public utilities commission. The commission shall provide a copy of the judgment upon request.

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

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

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

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

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

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

(2) The certificate number and business telephone number is visibly displayed on both the left and right sides of the towing vehicle.

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

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

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

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

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

towing service obtains a certificate of public convenience and necessity.

(2) If a towing service previously has been convicted of or pleaded guilty to a violation of division (B)(1) of this section, a violation of division (B)(1) of this section is a misdemeanor and, notwithstanding sections 2929.24 to 2929.28 of the Revised Code, the court shall impose upon the towing service a fine of five hundred dollars. The court shall require the towing service to disclose the license plate number of every vehicle used to tow vehicles on behalf of the towing service and the court shall order an appropriate law enforcement agency to seize and impound all such vehicles. Upon presentation of a certificate of public convenience and necessity for the towing service, the court shall terminate the order and the law enforcement agency in possession of the vehicles shall release the vehicles.

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

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

(B) The towing service shall ensure that any estimate provided under division (A) of this section includes the fees, services to be rendered, and destination of the vehicle.

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

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

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

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

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

(B)(1) ~~The owner of a~~ A storage facility that accepts for storage vehicles towed under section

4513.60, 4513.601, or 4513.61 of the Revised Code shall ensure that a notice is conspicuously posted at the entrance to the storage facility that states the telephone number at which the owner or lienholder of a vehicle may contact the owner or a representative of the storage facility for the purpose of ~~retrieving~~ determining whether the person may retrieve a vehicle or personal items when the storage facility is closed. The ~~owner of the~~ storage facility also shall provide that telephone number to the sheriff of a county or chief of police of a municipal corporation, township, or township or joint police district. The ~~owner of the~~ storage facility shall ensure that a process is in place for purposes of answering calls at all times day or night.

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

(3) If a storage facility receives a call from a person who seeks to recover personal items from a vehicle that was towed pursuant to section 4513.60 or 4513.61 of the Revised Code and the storage facility is not open to the public, the storage facility shall notify the person that an after-hours retrieval fee applies and shall state the amount of the fee as established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code. The storage facility shall allow the person to retrieve personal items in accordance with division (D)(2) of section 4513.60 or division (C)(2) of section 4513.61 of the Revised Code, but shall not charge an after-hours retrieval fee unless notice is provided in accordance with this division.

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

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

(B) Upon receipt of payment of the undisputed amount of the bill and not later than two business days after receiving service of a complaint filed under division (A) of this section, the towing service shall release the vehicle that is the subject of the complaint to the owner of the vehicle or to a representative of the insurance company that filed the complaint. If the towing service fails to release the vehicle as required under this division, the court may issue an order that imposes a penalty of up to one hundred dollars per day against a towing service for each day the towing service

violates that division. The towing service shall pay any fines assessed under this section to the clerk of courts.

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

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

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

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

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

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

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

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

(5) Establish a process for reviewing the fees established under division (B)(4) of this section every five years, beginning on the five-year anniversary of the date the initial rules are adopted, to determine whether the fees are just, reasonable, and compensatory. If the commission determines that any existing fee is not just, reasonable, or compensatory, the commission shall, by rule, adjust the fee so that it is equal to an amount that the commission determines to be appropriate.

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

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

of the Revised Code.

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

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

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

(1) A maximum fee for the removal of a vehicle equal to ninety dollars; or for a vehicle that has a manufacturer's gross vehicle weight rating in excess of ten thousand pounds that is a truck, bus, or a combination of commercial tractor and trailer or semitrailer, a maximum fee equal to one hundred fifty dollars;

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

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

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



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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_