

**As Reported by the Senate Transportation, Commerce and Workforce  
Committee**

**133rd General Assembly**

**Regular Session  
2019-2020**

**Sub. H. B. No. 172**

**Representative Hillyer**

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

**Senator Hoagland**

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**A BILL**

To amend sections 1345.022, 4513.601, 4513.62, 1  
5322.01, 5322.02, and 5322.03 and to enact 2  
sections 4505.104, 4513.602, and 4513.603 of the 3  
Revised Code to amend the law regarding self- 4  
service storage facilities, unsafe tires, and 5  
towing. 6

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

**Section 1.** That sections 1345.022, 4513.601, 4513.62, 7  
5322.01, 5322.02, and 5322.03 be amended and sections 4505.104, 8  
4513.602, and 4513.603 of the Revised Code be enacted to read as 9  
follows: 10

**Sec. 1345.022.** (A) As used in this section: 11

(1) ~~"Multipurpose passenger vehicle," "passenger~~ Passenger  
car," and ~~"truck"~~ have has the same ~~meanings~~ meaning as in 12  
section 4513.021 of the Revised Code. 13  
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(2) "Unsafe used tire" means a used tire to which any of 15

the following criteria applies:	16
(a) The tire is worn to two thirty-seconds of an inch tread depth or less on any area of the tread.	17 18
(b) The tire has any damage exposing the reinforcing plies of the tire, including cuts, cracks, punctures, scrapes, or wear.	19 20 21
(c) The tire has any repair in the tread shoulder or belt edge area.	22 23
(d) The tire has a puncture that has not been both sealed or patched on the inside and repaired with a cured rubber stem through the outside.	24 25 26
(e) The tire has repair to the sidewall or bead area of the tire.	27 28
(f) The tire has a puncture repair of damage larger than one-fourth of an inch.	29 30
(g) The tire shows evidence of prior use of a temporary tire sealant without evidence of a subsequent proper repair.	31 32
(h) The tire has a defaced or removed United States department of transportation tire identification number.	33 34
(i) The tire has any inner liner damage or bead damage.	35
(j) There is indication of internal separation, such as bulges or local areas of irregular tread wear indicating possible tread or belt separation.	36 37 38
(B) (1) No supplier shall install an unsafe used tire on a passenger car, <del>multipurpose passenger vehicle, or truck designed primarily for carrying passengers</del> that will operate on a public highway.	39 40 41 42

(2) A violation of division (B) (1) of this section shall 43  
be considered an unconscionable consumer sales act or practice 44  
under section 1345.03 of the Revised Code. 45

(C) This section shall not apply to tires mounted on 46  
wheels or rims that are temporarily removed from a vehicle and 47  
reinstalled on the same vehicle. 48

Sec. 4505.104. (A) The owner of a towing service or 49  
storage facility that is in possession of a motor vehicle may 50  
obtain a certificate of title to the vehicle as provided in 51  
division (B) of this section if all of the following apply: 52

(1) The motor vehicle was towed or stored pursuant to 53  
section 4513.60, 4513.61, or 4513.66 of the Revised Code. 54

(2) A search was made of the records of the bureau of 55  
motor vehicles to ascertain the identity of the owner and any 56  
lienholder of the motor vehicle. 57

(3) Upon obtaining the identity in division (A) (2) of this 58  
section, notice was sent to the last known address of the owner 59  
and any lienholder, by certified mail with return receipt 60  
requested, that informs the owner and lienholder that the towing 61  
service or storage facility will obtain title to the motor 62  
vehicle if not claimed within sixty days after the date the 63  
notice was received. 64

(4) The motor vehicle has been left unclaimed for sixty 65  
days after the date the notice sent under division (A) (3) of 66  
this section was received, as evidenced by a receipt signed by 67  
any person, or a notification that the delivery was not 68  
possible. 69

(5) A sheriff, chief of police, or state highway patrol 70  
trooper, as applicable, has made a determination that the 71

vehicle or items in the vehicle are not necessary to a criminal 72  
investigation. 73

(6) An agent of the towing service or storage facility 74  
executes an affidavit, in a form established by the registrar of 75  
motor vehicles not later than ninety days after the effective 76  
date of this section, affirming that conditions in divisions (A) 77  
(1) to (5) of this section are met. 78

(B) The clerk of court shall issue a certificate of title, 79  
free and clear of all liens and encumbrances, to the owner of a 80  
towing service or storage facility that presents an affidavit 81  
that affirms that the conditions in divisions (A) (1) to (5) of 82  
this section are met. 83

(C) After obtaining title to a motor vehicle under this 84  
section, the towing service or storage facility shall retain any 85  
money arising from the disposal of the vehicle. 86

(D) A towing service or storage facility that obtains 87  
title to a motor vehicle under this section shall notify the 88  
entity that ordered the motor vehicle into storage that the 89  
motor vehicle has been so disposed. The towing service or 90  
storage facility shall provide the notice on the last business 91  
day of the month in which the service or facility obtained title 92  
to the motor vehicle. 93

(E) As used in this section, "towing service or storage 94  
facility" means any for-hire motor carrier that removes a motor 95  
vehicle under the authority of section 4513.60, 4513.61, or 96  
4513.66 of the Revised Code and any place to which such a for- 97  
hire motor carrier delivers a motor vehicle towed under those 98  
sections. 99

**Sec. 4513.601.** (A) The owner of a private property may 100

establish a private tow-away zone, but may do so only if all of 101  
the following conditions are satisfied: 102

(1) The owner of the private property posts on the 103  
property a sign, that is at least eighteen inches by twenty-four 104  
inches in size, that is visible from all entrances to the 105  
property, and that includes all of the following information: 106

(a) A statement that the property is a tow-away zone; 107

(b) A description of persons authorized to park on the 108  
property. If the property is a residential property, the owner 109  
of the private property may include on the sign a statement that 110  
only tenants and guests may park in the private tow-away zone, 111  
subject to the terms of the property owner. If the property is a 112  
commercial property, the owner of the private property may 113  
include on the sign a statement that only customers may park in 114  
the private tow-away zone. In all cases, if it is not apparent 115  
which persons may park in the private tow-away zone, the owner 116  
of the private property shall include on the sign the address of 117  
the property on which the private tow-away zone is located or 118  
the name of the business that is located on the property 119  
designated as a private tow-away zone. 120

(c) If the private tow-away zone is not enforceable at all 121  
times, the times during which the parking restrictions are 122  
enforced; 123

(d) The telephone number and the address of the place from 124  
which a towed vehicle may be recovered at any time during the 125  
day or night; 126

(e) A statement that the failure to recover a towed 127  
vehicle may result in the loss of title to the vehicle as 128  
provided in division (B) of section 4505.101 of the Revised 129

Code.	130
In order to comply with the requirements of division (A)	131
(1) of this section, the owner of a private property may modify	132
an existing sign by affixing to the existing sign stickers or an	133
addendum in lieu of replacing the sign.	134
(2) A towing service ensures that a vehicle towed under	135
this section is taken to a location from which it may be	136
recovered that complies with all of the following:	137
(a) It is located within twenty-five linear miles of the	138
location of the private tow-away zone, unless it is not	139
practicable to take the vehicle to a place of storage within	140
twenty-five linear miles.	141
(b) It is well-lighted.	142
(c) It is on or within a reasonable distance of a	143
regularly scheduled route of one or more modes of public	144
transportation, if any public transportation is available in the	145
municipal corporation or township in which the private tow-away	146
zone is located.	147
(B) (1) If a vehicle is parked on private property that is	148
established as a private tow-away zone in accordance with	149
division (A) of this section, without the consent of the owner	150
of the private property or in violation of any posted parking	151
condition or regulation, the owner of the private property may	152
cause the removal of the vehicle by a towing service. The towing	153
service shall remove the vehicle in accordance with this	154
section. The vehicle owner and the operator of the vehicle are	155
considered to have consented to the removal and storage of the	156
vehicle, to the payment of the applicable fees established by	157
the public utilities commission in rules adopted under section	158

4921.25 of the Revised Code, and to the right of a towing 159  
service to obtain title to the vehicle if it remains unclaimed 160  
as provided in section 4505.101 of the Revised Code. The owner 161  
or lienholder of a vehicle that has been removed under this 162  
section, subject to division (C) of this section, may recover 163  
the vehicle in accordance with division (G) of this section. 164

(2) If a municipal corporation requires tow trucks and tow 165  
truck operators to be licensed, no owner of a private property 166  
located within the municipal corporation shall cause the removal 167  
and storage of any vehicle pursuant to division (B) of this 168  
section by an unlicensed tow truck or unlicensed tow truck 169  
operator. 170

(3) No towing service shall remove a vehicle from a 171  
private tow-away zone except pursuant to a written contract for 172  
the removal of vehicles entered into with the owner of the 173  
private property on which the private tow-away zone is located. 174

(C) If the owner or operator of a vehicle that is being 175  
removed under authority of division (B) of this section arrives 176  
after the vehicle has been prepared for removal, but prior to 177  
its actual removal from the property, the towing service shall 178  
give the vehicle owner or operator oral or written notification 179  
at the time of such arrival that the vehicle owner or operator 180  
may pay a fee of not more than one-half of the fee for the 181  
removal of the vehicle established by the public utilities 182  
commission in rules adopted under section 4921.25 of the Revised 183  
Code in order to obtain release of the vehicle. That fee may be 184  
paid by use of a major credit card unless the towing service 185  
uses a mobile credit card processor and mobile service is not 186  
available at the time of the transaction. Upon payment of that 187  
fee, the towing service shall give the vehicle owner or operator 188

a receipt showing both the full amount normally assessed and the 189  
actual amount received and shall release the vehicle to the 190  
owner or operator. Upon its release, the owner or operator 191  
immediately shall move the vehicle so that the vehicle is not 192  
parked on the private property established as a private tow-away 193  
zone without the consent of the owner of the private property or 194  
in violation of any posted parking condition or regulation. 195

(D) (1) Prior to towing a vehicle under division (B) of 196  
this section, a towing service shall make all reasonable efforts 197  
to take as many photographs as necessary to evidence that the 198  
vehicle is clearly parked on private property in violation of a 199  
private tow-away zone established under division (A) of this 200  
section. 201

The towing service shall record the time and date of the 202  
photographs taken under this section. The towing service shall 203  
retain the photographs and the record of the time and date, in 204  
electronic or printed form, for at least thirty days after the 205  
date on which the vehicle is recovered by the owner or 206  
lienholder or at least two years after the date on which the 207  
vehicle was towed, whichever is earlier. 208

(2) A towing service shall deliver a vehicle towed under 209  
division (B) of this section to the location from which it may 210  
be recovered not more than two hours after the time it was 211  
removed from the private tow-away zone, unless the towing 212  
service is unable to deliver the motor vehicle within two hours 213  
due to an uncontrollable force, natural disaster, or other event 214  
that is not within the power of the towing service. 215

(E) (1) If an owner of a private property that is 216  
established as a private tow-away zone in accordance with 217  
division (A) of this section causes the removal of a vehicle 218

from that property by a towing service under division (B) of 219  
this section, the towing service, within two hours of removing 220  
the vehicle, shall provide notice to the sheriff of the county 221  
or the police department of the municipal corporation, township, 222  
port authority, or township or joint police district in which 223  
the property is located concerning all of the following: 224

(a) The vehicle's license number, make, model, and color; 225

(b) The location from which the vehicle was removed; 226

(c) The date and time the vehicle was removed; 227

(d) The telephone number of the person from whom the 228  
vehicle may be recovered; 229

(e) The address of the place from which the vehicle may be 230  
recovered. 231

(2) Each county sheriff and each chief of police of a 232  
municipal corporation, township, port authority, or township or 233  
joint police district shall maintain a record of any vehicle 234  
removed from private property in the sheriff's or chief's 235  
jurisdiction that is established as a private tow-away zone of 236  
which the sheriff or chief has received notice under this 237  
section. The record shall include all information submitted by 238  
the towing service. The sheriff or chief shall provide any 239  
information in the record that pertains to a particular vehicle 240  
to a person who, either in person or pursuant to a telephone 241  
call, identifies self as the owner, operator, or lienholder of 242  
the vehicle and requests information pertaining to the vehicle. 243

(F) (1) When a vehicle is removed from private property in 244  
accordance with this section, within three business days of the 245  
removal, the towing service or storage facility from which the 246  
vehicle may be recovered shall cause a search to be made of the 247

records of the bureau of motor vehicles to ascertain the 248  
identity of the owner and any lienholder of the motor vehicle. 249  
The registrar of motor vehicles shall ensure that such 250  
information is provided in a timely manner. Subject to division 251  
(F) (4) of this section, the towing service or storage facility 252  
shall send notice to the vehicle owner and any known lienholder 253  
as follows: 254

(a) Within five business days after the registrar of motor 255  
vehicles provides the identity of the owner and any lienholder 256  
of the motor vehicle, if the vehicle remains unclaimed, to the 257  
owner's and lienholder's last known address by certified or 258  
express mail with return receipt requested or by a commercial 259  
carrier service utilizing any form of delivery requiring a 260  
signed receipt; 261

(b) If the vehicle remains unclaimed thirty days after the 262  
first notice is sent, in the manner required under division (F) 263  
(1) (a) of this section; 264

~~(c) If the vehicle remains unclaimed forty-five days after 265  
the first notice is sent, in the manner required under division 266  
(F) (1) (a) of this section. 267~~

(2) Sixty days after any notice sent pursuant to division 268  
(F) (1) of this section is received, as evidenced by a receipt 269  
signed by any person, or the towing service or storage facility 270  
has been notified that delivery was not possible, the towing 271  
service or storage facility, if authorized under division (B) of 272  
section 4505.101 of the Revised Code, may initiate the process 273  
for obtaining a certificate of title to the motor vehicle as 274  
provided in that section. 275

(3) A towing service or storage facility that does not 276

receive a signed receipt of notice, or a notification that 277  
delivery was not possible, shall not obtain, and shall not 278  
attempt to obtain, a certificate of title to the motor vehicle 279  
under division (B) of section 4505.101 of the Revised Code. 280

(4) With respect to a vehicle concerning which a towing 281  
service or storage facility is not eligible to obtain title 282  
under section 4505.101 of the Revised Code, the towing service 283  
or storage facility need only comply with the initial notice 284  
required under division (F)(1)(a) of this section. 285

(G)(1) The owner or lienholder of a vehicle that is 286  
removed under division (B) of this section may reclaim it upon 287  
both of the following: 288

(a) Presentation of proof of ownership, which may be 289  
evidenced by a certificate of title to the vehicle, a 290  
certificate of registration for the motor vehicle, or a lease 291  
agreement; 292

(b) Payment of the following fees: 293

(i) All applicable fees established by the public 294  
utilities commission in rules adopted under section 4921.25 of 295  
the Revised Code, except that the lienholder of a vehicle may 296  
retrieve the vehicle without paying any storage fee for the 297  
period of time that the vehicle was in the possession of the 298  
towing service or storage facility prior to the date the 299  
lienholder received the notice sent under division (F)(1)(a) of 300  
this section; 301

(ii) If notice has been sent to the owner and lienholder 302  
as described in division (F) of this section, a processing fee 303  
of twenty-five dollars. 304

(2) A towing service or storage facility in possession of 305

a vehicle that is removed under authority of division (B) of 306  
this section shall show the vehicle owner, operator, or 307  
lienholder who contests the removal of the vehicle all 308  
photographs taken under division (D) of this section. Upon 309  
request, the towing service or storage facility shall provide a 310  
copy of all photographs in the medium in which the photographs 311  
are stored, whether paper, electronic, or otherwise. 312

(3) When the owner of a vehicle towed under this section 313  
retrieves the vehicle, the towing service or storage facility in 314  
possession of the vehicle shall give the owner written notice 315  
that if the owner disputes that the motor vehicle was lawfully 316  
towed, the owner may be able to file a civil action under 317  
section 4513.611 of the Revised Code. 318

(4) Upon presentation of proof of ownership, which may be 319  
evidenced by a certificate of title to the vehicle, a 320  
certificate of registration for the motor vehicle, or a lease 321  
agreement, the owner of a vehicle that is removed under 322  
authority of division (B) of this section may retrieve any 323  
personal items from the vehicle without retrieving the vehicle 324  
and without paying any fee. The owner of the vehicle shall not 325  
retrieve any personal items from a vehicle if it would endanger 326  
the safety of the owner, unless the owner agrees to sign a 327  
waiver of liability. For purposes of division (G)(4) of this 328  
section, "personal items" do not include any items that are 329  
attached to the vehicle. 330

(H) No person shall remove, or cause the removal of, any 331  
vehicle from private property that is established as a private 332  
tow-away zone under this section or store such a vehicle other 333  
than in accordance with this section, or otherwise fail to 334  
comply with any applicable requirement of this section. 335

(I) This section does not affect or limit the operation of 336  
section 4513.60 or sections 4513.61 to 4613.65 of the Revised 337  
Code as they relate to property other than private property that 338  
is established as a private tow-away zone under division (A) of 339  
this section. 340

(J) Whoever violates division (H) of this section is 341  
guilty of a minor misdemeanor. 342

(K) As used in this section, "owner of a private property" 343  
or "owner of the private property" includes, with respect to a 344  
private property, any of the following: 345

(1) Any person who holds title to the property; 346

(2) Any person who is a lessee or sublessee with respect 347  
to a lease or sublease agreement for the property; 348

(3) A person who is authorized to manage the property; 349

(4) A duly authorized agent of any person listed in 350  
divisions (K) (1) to (3) of this section. 351

**Sec. 4513.602.** (A) As used in this section: 352

(1) "Motor vehicle dealer" has the same meaning as in 353  
section 4517.01 of the Revised Code. 354

(2) "Repair facility" means any business with which a 355  
person has entered into an agreement to repair a vehicle. 356

(3) "Towing service" means any for-hire motor carrier that 357  
removes a motor vehicle from a motor vehicle dealer or repair 358  
facility and any place to which such a for-hire motor carrier 359  
delivers such a motor vehicle. 360

(B) A motor vehicle dealer or repair facility that is in 361  
possession of a motor vehicle may cause the removal of the motor 362

vehicle by a towing service if all of the following apply: 363

(1) A search was made of the records of the bureau of 364  
motor vehicles to ascertain the identity of the owner and any 365  
lienholder of the motor vehicle. 366

(2) Upon obtaining the identity under division (B) (1) of 367  
this section, notice was sent to the owner's and any 368  
lienholder's last known address by certified mail with return 369  
receipt requested or by a commercial carrier service utilizing 370  
any form of delivery requiring a signed receipt, and the notice 371  
informs the owner and any lienholder of the following: 372

(a) The address where the motor vehicle is located; 373

(b) That the motor vehicle dealer or repair facility will 374  
cause the vehicle to be towed if not claimed within fourteen 375  
calendar days after either the date the notice was received or 376  
the date the motor vehicle dealer or repair facility receives 377  
notification that delivery was not possible; 378

(c) That a towing service that removes the motor vehicle 379  
may obtain title to it under section 4513.603 of the Revised 380  
Code. 381

(3) The motor vehicle has been left unclaimed for fourteen 382  
days after either of the following: 383

(a) The date the notice sent under division (B) (2) of this 384  
section was received, as evidenced by a receipt signed by any 385  
person; 386

(b) The date the motor vehicle dealer or repair facility 387  
received notification that the delivery of the notice sent under 388  
division (B) (2) of this section was not possible. 389

The procedure described in division (B) of this section 390

applies regardless of who leaves the motor vehicle on the motor 391  
vehicle dealer's property or the repair facility's property. 392

(C) A motor vehicle owner's or lienholder's failure to 393  
remove the vehicle from the property within the time period 394  
specified in division (B) (3) of this section constitutes consent 395  
to all of the following: 396

(1) The motor vehicle's removal and storage; 397

(2) The payment of any charges incurred for the removal 398  
and storage of the motor vehicle; 399

(3) The right of a towing service that removes the motor 400  
vehicle to obtain title to the motor vehicle under section 401  
4513.603 of the Revised Code. 402

(D) A motor vehicle owner or lienholder may reclaim the 403  
vehicle from a motor vehicle dealer, repair facility, or towing 404  
service that is in possession of the vehicle if all of the 405  
following apply: 406

(1) The owner presents proof of ownership evidenced by a 407  
certificate of title to the vehicle, a certificate of 408  
registration for the motor vehicle, or a lease agreement. 409

(2) The owner or lienholder makes payment of any charges 410  
incurred for the removal and storage of the motor vehicle. 411

(3) Title to the motor vehicle has not been issued to the 412  
towing service under section 4513.603 of the Revised Code. 413

(E) Any towing service that removes a vehicle under this 414  
section shall not charge a fee greater than those established by 415  
the public utilities commission in rules adopted under section 416  
4921.25 of the Revised Code. 417

(F) (1) Any motor vehicle dealer, repair facility, or towing service that complies with this section is not liable for any damage, claim of conversion, or any other claim resulting from the removal or towing of the motor vehicle. 418  
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(2) A motor vehicle dealer or repair facility does not forego, release, or otherwise relinquish any legal recourse or right of action against a titled owner or lienholder of a motor vehicle by causing the vehicle to be removed under division (B) of this section, unless possession of the motor vehicle is required for the cause of action. 422  
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**Sec. 4513.603.** (A) A towing service as defined in section 4513.602 of the Revised Code that is in possession of a motor vehicle obtained under that section may obtain a certificate of title to the motor vehicle, regardless of the motor vehicle's value, as provided in division (B) of this section if all of the following apply: 428  
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(1) A search was made by the towing service of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. 434  
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(2) Upon obtaining the identity in division (A)(1) of this section, the towing service sent notice to the owner's and any lienholder's last known address, by certified mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt, that informs the owner and any lienholder that the towing service will obtain title to the motor vehicle if not claimed within sixty days after the date the notice was received. 437  
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(3) The motor vehicle has been left unclaimed for sixty days after the date the notice sent under division (A)(2) of 445  
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this section was received, as evidenced by a receipt signed by 447  
any person, or the towing service receives notification that the 448  
delivery of the notice was not possible. 449

(4) An agent of the towing service executes an affidavit, 450  
in a form established by the registrar of motor vehicles not 451  
later than ninety days after the effective date of this section, 452  
affirming that conditions in divisions (A) (1) to (3) of this 453  
section are met. 454

(B) The clerk of court shall issue a certificate of title, 455  
free and clear of all liens and encumbrances, to a towing 456  
service that presents an affidavit that affirms that the 457  
conditions in divisions (A) (1) to (3) of this section are met. 458

(C) After obtaining title to a motor vehicle under this 459  
section, the towing service may retain any money arising from 460  
the disposal of the vehicle. 461

**Sec. 4513.62.** ~~Unclaimed~~ An unclaimed motor vehicles 462  
vehicle ordered into storage pursuant to division (A) (1) of 463  
section 4513.60 or section 4513.61 of the Revised Code shall be 464  
disposed of at the order of the is subject to one of the 465  
following: 466

(A) The sheriff of the county or the chief of police of 467  
the municipal corporation, township, port authority, or township 468  
or joint police district ~~to~~ may dispose of it with a motor 469  
vehicle salvage dealer or scrap metal processing facility as 470  
defined in section 4737.05 of the Revised Code, or ~~to~~ with any 471  
other facility owned by or under contract with the county, 472  
municipal corporation, port authority, or township, for the 473  
disposal of such motor vehicles, ~~or shall be sold by the.~~ 474

(B) The sheriff, chief of police, or a licensed auctioneer 475

may sell the motor vehicle at public auction, after giving 476  
notice thereof by advertisement, published once a week for two 477  
successive weeks in a newspaper of general circulation in the 478  
county or as provided in section 7.16 of the Revised Code. ~~Any~~ 479

(C) A towing service or storage facility may obtain title 480  
to the motor vehicle in accordance with section 4505.104 of the 481  
Revised Code. 482

~~Any moneys accruing from the disposition of an unclaimed 483  
motor vehicle accrued pursuant to division (A) or (B) of this 484  
section that are in excess of the expenses resulting from the 485  
removal and storage of the vehicle shall be credited to the 486  
general fund of the county, municipal corporation, port 487  
authority, township, or joint police district, as the case may 488  
be.~~ 489

**Sec. 5322.01.** As used in sections 5322.01 to 5322.05 of 490  
the Revised Code: 491

(A) "Self-service storage facility" means any real 492  
property that is designed and used only for the purpose of 493  
renting or leasing individual storage space in the facility 494  
under the following conditions: 495

(1) The occupants have access to the storage space only 496  
for the purpose of storing and removing personal property. 497

(2) The owner does not issue a warehouse receipt, bill of 498  
lading, or other document of title, as defined in section 499  
1301.201 of the Revised Code, for the personal property stored 500  
in the storage space. 501

"Self-service storage facility" does not include any 502  
garage used principally for parking motor vehicles, any garage 503  
or storage area in a private residence, an establishment 504

licensed pursuant to sections 915.14 to 915.24 of the Revised Code, or any property of a bank or savings and loan association that contains vaults, safe deposit boxes, or other receptacles for the uses, purposes, and benefits of the bank's or savings and loan association's customers.

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

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

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

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

(F) "Late fee" means any fee or charge assessed for an occupant's failure to pay rent when due. "Late fee" does not include interest on a debt, reasonable expenses incurred in the collection of unpaid rent, or costs associated with the

enforcement of any other remedy provided by statute or contract. 534

(G) "Last known address" means either of the following: 535

(1) The mailing address or electronic mail address 536  
provided by the occupant in the most recent rental agreement or 537  
the mailing address or electronic mail address provided by the 538  
occupant in a subsequent written notice of a change of address; 539

(2) The mailing address or electronic mail address of any 540  
of the persons described in division (A) of section 5322.03 of 541  
the Revised Code that is provided by any of those persons to the 542  
owner of a self-service storage facility or that is discovered 543  
by the owner of a self-service storage facility. 544

**Sec. 5322.02.** (A) The owner of a self-service storage 545  
facility has a lien against the occupant on the personal 546  
property stored pursuant to a rental agreement in any storage 547  
space at the self-service storage facility, or on the proceeds 548  
of the personal property subject to the defaulting occupant's 549  
rental agreement in the owner's possession, for rent, labor, 550  
late fees, or other charges in relation to the personal property 551  
that are specified in the rental agreement and that have become 552  
due and for expenses necessary for the preservation of the 553  
personal property or expenses reasonably incurred in the 554  
enforcement of the lien or in the sale or other disposition of 555  
the personal property pursuant to law. The owner's lien provided 556  
for in this section is also effective against the following 557  
persons: 558

(1) A person who has an unfiled security interest in the 559  
personal property, except that the owner's lien is not effective 560  
against a person who has a valid security interest in a motor 561  
vehicle or a valid security interest in a watercraft, whether or 562

not the security interest in the motor vehicle or watercraft is filed;	563 564
(2) A person who meets both of the following requirements:	565
(a) The person has a legal interest in the personal property, a filed security interest in the personal property, or a valid security interest in the personal property that is a motor vehicle.	566 567 568 569
(b) The person consents in writing to the storage of the personal property.	570 571
(B) The owner's lien created by division (A) of this section attaches as of the date the personal property is brought to the self-service storage facility. An owner loses the owner's lien on any personal property that the owner voluntarily permits to be removed from the self-service storage facility or unjustifiably refuses to permit to be removed from the self- service storage facility.	572 573 574 575 576 577 578
<b>Sec. 5322.03.</b> An owner's lien created by division (A) of section 5322.02 of the Revised Code for a claim that has become due may be enforced only as follows:	579 580 581
(A) The following persons shall be notified in accordance with divisions (B) and (C) of this section:	582 583
(1) All persons whom the owner has actual knowledge of and who claim an interest in the personal property;	584 585
(2) All persons holding liens on any motor vehicle, <u>trailer,</u> <u>trailer,</u> or watercraft amongst the property;	586 587
(3) All persons who have filed security agreements in the name of the occupant evidencing a security interest in the personal property with either the secretary of state or the	588 589 590

county recorder of the county in which the self-service storage 591  
facility is located or the Ohio county of the last known address 592  
of the occupant. 593

(B) The notice shall be delivered in person, sent by 594  
electronic mail, sent by certified mail, or sent by first-class 595  
mail or private delivery service with a certificate or 596  
verification of mailing to the last known address of each person 597  
who is required to be notified by division (A) of this section; 598

(C) The notice shall include all of the following: 599

(1) The name and last known address of the occupant who 600  
rented the storage space in which the personal property was 601  
stored; 602

(2) An itemized statement of the owner's claim showing the 603  
sum due at the time of the notice and the date when the sum 604  
became due; 605

(3) A brief and general description of the personal 606  
property subject to the lien. The description shall be 607  
reasonably adequate to permit the person notified to identify it 608  
except that any container including, but not limited to, a 609  
trunk, valise, or box that is locked, fastened, sealed, or tied 610  
in a manner that deters immediate access to its contents and 611  
that has not been opened by the owner prior to the date on which 612  
the notice is given may be described as such without describing 613  
its contents. 614

(4) A notice of denial of access to the personal property, 615  
if a denial of access is permitted under the terms of the rental 616  
agreement, which notice provides the name, street address, and 617  
telephone number of the person whom the person notified may 618  
contact to pay the claim and to either obtain the personal 619

property or enter into a rental agreement for the storage of the 620  
personal property; 621

(5) A demand for payment within a specified time not less 622  
than ten days after delivery of the notice; 623

(6) A conspicuous statement that unless the claim is paid 624  
within that time the personal property will be advertised for 625  
sale and will be sold by auction ~~at a specified time and place~~ 626  
and that, if no person purchases the personal property at the 627  
auction, the personal property may be sold at a private sale or 628  
destroyed; 629

(7) The street or internet address of the place at which 630  
the sale will be held, if the sale will be held at a place other 631  
than the self-service storage facility in which the personal 632  
property was stored. 633

(D) ~~(1)~~ Any notice given pursuant to this section ~~shall be~~ 634  
~~presumed delivered, if the notice that~~ is sent by first-class 635  
mail or private delivery service with a certificate or 636  
verification of mailing, shall be presumed delivered when it is 637  
deposited with the United States postal service or private 638  
delivery service and properly addressed with proper postage 639  
prepaid. 640

(2) Any notice given pursuant to this section that is sent 641  
by electronic mail shall be presumed delivered when it is 642  
properly addressed and sent. 643

(E) The sale of the personal property shall conform to the 644  
terms of the notice as provided for in this section. 645

(F) The sale of the personal property ~~shall~~ may be held at 646  
the self-service storage facility or, if the street or internet 647  
address of the place was included in the notice as required by 648

division (C) (7) of this section, on the internet or at the 649  
nearest suitable place to the self-service storage facility at 650  
which the personal property is stored. 651

(G) After the expiration of the time given in the notice, 652  
an advertisement of the sale shall be published once a week for 653  
two consecutive weeks in a newspaper of general circulation in 654  
the county in which the self-service storage facility is located 655  
or any other commercially reasonable manner. The manner of 656  
advertisement shall be deemed commercially reasonable if at 657  
least three independent bidders register for, view, or attend 658  
~~the sale at the time and place advertised.~~ The advertisement 659  
shall include all of the following: 660

(1) A brief and general description of the personal 661  
property as required by division (C) (3) of this section, except 662  
that the description shall describe the contents of any trunk, 663  
valise, or box that is locked, fastened, sealed, or tied in a 664  
manner that deters immediate access to its contents, if the 665  
trunk, valise, or box is opened by the owner prior to the date 666  
on which the advertisement of sale is published; 667

(2) The name and last known address of the occupant who 668  
rented the storage space in which the personal property was 669  
stored; 670

(3) The street address of the self-service storage 671  
facility; 672

(4) The time, place, and manner of the sale. 673

The sale shall take place at least fifteen days after the 674  
first publication. 675

(H) (1) Any person who has a security interest in, or who 676  
holds a lien against, a motor vehicle or watercraft may pay the 677

amount necessary to satisfy the lien created by division (A) of 678  
section 5322.02 of the Revised Code and the reasonable expenses 679  
incurred under this section. That person, upon payment of the 680  
amount necessary to satisfy the lien plus expenses, may enter 681  
into a new rental agreement for the storage of the motor vehicle 682  
or watercraft. Any person who presents proof of a security 683  
interest in or lien on a motor vehicle or watercraft or a court 684  
order authorizing the person to take possession of a motor 685  
vehicle or watercraft may immediately remove the motor vehicle 686  
or watercraft from the self-service storage facility without 687  
satisfying the lien or expenses of the owner. 688

(2) Before any sale of personal property other than a 689  
motor vehicle or watercraft pursuant to this section, any person 690  
who has a legal interest or a security interest in, or who holds 691  
a lien against, any personal property other than a motor vehicle 692  
or watercraft may pay the amount necessary to satisfy the lien 693  
created by division (A) of section 5322.02 of the Revised Code 694  
and the reasonable expenses incurred under this section and 695  
remove the personal property in which the person has the 696  
interest or against which the person holds the lien. After 697  
removal of all the personal property, including any motor 698  
vehicle or watercraft, from the storage space of the self- 699  
service storage facility by any means under this section, ~~any-~~ 700  
~~person can the owner may enter into a rental agreement for the~~ 701  
~~storage of personal property with the owner with a new occupant~~ 702  
~~for the storage space,~~ and the owner has no obligation to the 703  
prior occupant of that storage space ~~in the self-service storage~~ 704  
~~facility. Before entering into a new rental agreement, the owner~~ 705  
~~must have any motor vehicle or watercraft towed from that~~ 706  
~~storage space.~~ 707

(3) Upon receipt of the payment from a person other than 708

the occupant, the owner ~~shall may, at the owner's sole~~ 709  
discretion, enter into a new rental agreement for the storage of 710  
the personal property or, if the person meets the conditions set 711  
forth in division (H) (2) of this section, shall permit the 712  
person to remove the personal property from the self-service 713  
storage facility. 714

(4) If the occupant pays the amount necessary to satisfy 715  
the lien created by division (A) of section 5322.02 of the 716  
Revised Code and the reasonable expenses incurred under this 717  
section, the occupant shall immediately remove all of the 718  
occupant's personal property from the self-service storage 719  
facility, unless the owner of the self-service storage facility 720  
agrees to enter into a new rental agreement for the storage of 721  
the property. 722

(I) (1) If property on which there is a lien under division 723  
(A) of section 5322.02 of the Revised Code is not sold at 724  
auction, but is claimed under division (H) of this section and 725  
the owner's lien is satisfied, then all legal or security 726  
interest in, or any other liens held against, the property shall 727  
remain intact. 728

(2) A purchaser at auction in good faith, except an owner 729  
or an owner's agent, of the personal property sold to satisfy an 730  
owner's lien created by division (A) of section 5322.02 of the 731  
Revised Code takes the property free and clear of any rights of 732  
persons against whom the lien was valid, or any persons who had 733  
an interest in, or who held, any other lien against the 734  
property, despite noncompliance by the owner with the 735  
requirements of this section. 736

(J) The owner may examine any personal property to be sold 737  
pursuant to this section. The examination may include, but is 738

not limited to, the opening of any trunk, valise, box, or other 739  
container that is locked, fastened, sealed, tied, or otherwise 740  
closed in a manner that deters immediate access to its contents. 741

(K) (1) If the property upon which ~~the lien created under~~ 742  
division (A) of ~~this section is claimed~~ 5322.02 of the Revised 743  
Code creates a lien is a motor vehicle, trailer, or a 744  
watercraft, the owner ~~shall~~ may, at the owner's sole discretion, 745  
have the motor vehicle, trailer, or watercraft towed from the 746  
premises if any of the following circumstances applies: 747

(a) The notice was delivered or sent pursuant to division 748  
(B) of this section to all persons holding a lien on the motor 749  
vehicle, trailer, or watercraft, and thirty days have elapsed 750  
since the notice was delivered or sent ~~without a response from~~ 751  
~~any of those persons.~~ 752

(b) Rent and other charges related to the property remain 753  
unpaid or unsatisfied by the occupant for sixty days, and no 754  
lien holders have been identified. 755

(c) The owner is planning to hold or has held a sale at 756  
~~auction of for~~ the personal property that was stored in the 757  
self-service storage ~~unit~~ space with that motor vehicle, 758  
trailer, or watercraft, in which case the motor vehicle, 759  
trailer, or watercraft ~~shall~~ may, at the owner's sole 760  
discretion, be towed prior to or following the ~~auction sale.~~ 761

(2) The owner shall not be liable for the motor vehicle, 762  
trailer, or watercraft or any damages to the motor vehicle, 763  
trailer, or watercraft once the tower takes possession of the 764  
property. The notice delivered or sent pursuant to division (B) 765  
of this section to all persons holding a lien on the motor 766  
vehicle, trailer, or watercraft shall include the name of the 767

towing company. The name and the street address of the towing 768  
company shall also be made available to the occupant or any lien 769  
holder upon the presentation of a document of title or another 770  
document that confirms an interest in the motor vehicle,  771  
trailer, or watercraft. 772

(L) The owner may satisfy the owner's lien from the 773  
proceeds of any sale held pursuant to this section, but shall 774  
mail the balance, if any, by certified mail, or by first class 775  
mail or private delivery service with a certificate or 776  
verification of mailing, to the occupant at the occupant's last 777  
known mailing address. If the balance is returned to the owner 778  
after the owner mailed the balance by certified mail, first 779  
class mail, or private delivery service to the occupant or if 780  
the mailing address of the occupant is not known, the owner 781  
shall hold the balance for two years after the date of the sale 782  
for delivery on demand to the occupant or to any other person 783  
who would have been entitled to possession of the personal 784  
property. After the expiration of the two-year period, the 785  
balance shall become unclaimed funds, as defined in division (B) 786  
of section 169.01 of the Revised Code, and shall be disposed of 787  
pursuant to Chapter 169. of the Revised Code. 788

(M) An owner may buy at any public sale held pursuant to 789  
this section. 790

(N) The rights provided by this section shall be in 791  
addition to all other rights allowed by law to a creditor 792  
against a debtor. 793

(O) (1) If the owner complies with the requirements for 794  
sale under this section, the owner's liability to persons who 795  
have an interest in the personal property sold is limited to the 796  
balance of the proceeds of the sale after the owner has 797

satisfied the owner's lien.	798
(2) The owner is liable for damages caused by the failure to comply with the requirements for sale under this section and is liable for conversion for willful violation of the requirements for sale under this section.	799 800 801 802
(P) If no person purchases the personal property at the auction and if the owner has complied with this section, the owner may do any of the following:	803 804 805
(1) Advertise and sell the personal property pursuant to divisions (F) to (O) of this section;	806 807
(2) Sell the personal property at a private sale;	808
(3) Dispose of the personal property in any manner considered appropriate by the owner including, but not limited to, destroying the personal property.	809 810 811
<b>Section 2.</b> That existing sections 1345.022, 4513.601, 4513.62, 5322.01, 5322.02, and 5322.03 of the Revised Code are hereby repealed.	812 813 814