

Sub. H.B. 110

As Passed by the Senate

moved to amend as follows:

In line 95 of the title, after "4511.191," insert "4513.601,	1
4513.62,"	2
In line 120 of the title, after "5301.21," insert "5322.01,	3
5322.02, 5322.03,"	4
In line 166 of the title, after "4303.237," insert "4505.104,	5
4513.602, 4513.603,"	6
In line 304, after "4511.191," insert "4513.601, 4513.62,"	7
In line 323, after "5301.21," insert "5322.01, 5322.02,	8
5322.03,"	9
In line 356, after "4303.237," insert "4505.104, 4513.602,	10
4513.603,"	11
After line 56823, insert:	12
 <u>"Sec. 4505.104. (A) A towing service or storage facility that</u>	13
<u>is in possession of a motor vehicle may obtain a certificate of</u>	14
<u>title to the vehicle as provided in division (B) of this section</u>	15
<u>if all of the following apply:</u>	16
<u>(1) The motor vehicle was towed or stored pursuant to section</u>	17
<u>4513.60, 4513.61, or 4513.66 of the Revised Code.</u>	18
<u>(2) A search was made of the records of the bureau of motor</u>	19

<u>vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle.</u>	20 21
<u>(3) Upon obtaining the identity in division (A)(2) of this section, notice was sent to the last known address of the owner and any 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. The notice shall inform the owner and lienholder that the towing service or storage facility will obtain title to the motor vehicle if not claimed within sixty days after the date the notice was received.</u>	22 23 24 25 26 27 28 29
<u>(4) The motor vehicle has been left unclaimed for sixty days after one of the following:</u>	30 31
<u>(a) The date the notice sent under division (A)(3) of this section was received, as evidenced by a receipt signed by any person;</u>	32 33 34
<u>(b) The date the towing service or storage facility received notification that the delivery of the notice sent under division (A)(3) of this section was not possible.</u>	35 36 37
<u>(5) A sheriff, chief of police, or state highway patrol trooper, as applicable, has made a determination that the vehicle or items in the vehicle are not necessary to a criminal investigation.</u>	38 39 40 41
<u>(6) An agent of the towing service or storage facility executes an affidavit, in a form established by the registrar of motor vehicles not later than ninety days after the effective date of this section, affirming that conditions in divisions (A)(1) to (5) of this section are met.</u>	42 43 44 45 46
<u>(B) The clerk of court shall issue a certificate of title, free and clear of all liens and encumbrances, to the towing</u>	47 48

<u>service or storage facility that presents an affidavit that</u>	49
<u>affirms that the conditions in divisions (A)(1) to (5) of this</u>	50
<u>section are met.</u>	51
<u>(C) After obtaining title to a motor vehicle under this</u>	52
<u>section, the towing service or storage facility shall retain any</u>	53
<u>money arising from the disposal of the vehicle.</u>	54
<u>(D) A towing service or storage facility that obtains title</u>	55
<u>to a motor vehicle under this section shall notify the entity that</u>	56
<u>ordered the motor vehicle into storage that the motor vehicle has</u>	57
<u>been so disposed. The towing service or storage facility shall</u>	58
<u>provide the notice on the last business day of the month in which</u>	59
<u>the service or facility obtained title to the motor vehicle.</u>	60
<u>(E) As used in this section, "towing service or storage</u>	61
<u>facility" means any for-hire motor carrier that removes a motor</u>	62
<u>vehicle under the authority of section 4513.60, 4513.61, or</u>	63
<u>4513.66 of the Revised Code and any place to which such a for-hire</u>	64
<u>motor carrier delivers a motor vehicle towed under those</u>	65
<u>sections."</u>	66
After line 57526, insert:	67
"Sec. 4513.601. (A) The owner of a private property may	68
establish a private tow-away zone, but may do so only if all of	69
the following conditions are satisfied:	70
(1) The owner of the private property posts on the property a	71
sign, that is at least eighteen inches by twenty-four inches in	72
size, that is visible from all entrances to the property, and that	73
includes all of the following information:	74
(a) A statement that the property is a tow-away zone;	75
(b) A description of persons authorized to park on the	76

property. If the property is a residential property, the owner of
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the private property may include on the sign a statement that only
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tenants and guests may park in the private tow-away zone, subject
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to the terms of the property owner. If the property is a
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commercial property, the owner of the private property may include
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on the sign a statement that only customers may park in the
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private tow-away zone. In all cases, if it is not apparent which
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persons may park in the private tow-away zone, the owner of the
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private property shall include on the sign the address of the
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property on which the private tow-away zone is located or the name
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of the business that is located on the property designated as a
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private tow-away zone.
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(c) If the private tow-away zone is not enforceable at all
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times, the times during which the parking restrictions are
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enforced;
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(d) The telephone number and the address of the place from
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which a towed vehicle may be recovered at any time during the day
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or night;
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(e) A statement that the failure to recover a towed vehicle
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may result in the loss of title to the vehicle as provided in
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division (B) of section 4505.101 of the Revised Code.
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In order to comply with the requirements of division (A)(1)
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of this section, the owner of a private property may modify an
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existing sign by affixing to the existing sign stickers or an
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addendum in lieu of replacing the sign.
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(2) A towing service ensures that a vehicle towed under this
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section is taken to a location from which it may be recovered that
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complies with all of the following:
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(a) It is located within twenty-five linear miles of the
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location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within twenty-five linear miles.	106 107 108
(b) It is well-lighted.	109
(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.	110 111 112 113 114
(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 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.	115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131
(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	132 133 134 135

section by an unlicensed tow truck or unlicensed tow truck operator.	136
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(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.	138
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(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 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.	142
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(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	163
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is clearly parked on private property in violation of a private tow-away zone established under division (A) of this section. 166
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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. 168
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(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. 175
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(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, port authority, or township or joint police district in which the property is located concerning all of the following: 182
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- (a) The vehicle's license number, make, model, and color; 191
- (b) The location from which the vehicle was removed; 192
- (c) The date and time the vehicle was removed; 193
- (d) The telephone number of the person from whom the vehicle 194

may be recovered;	195
(e) The address of the place from which the vehicle may be recovered.	196
(e) The address of the place from which the vehicle may be recovered.	197
(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, 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.	198
(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, 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.	199
(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, 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.	200
(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, 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.	201
(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, 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.	202
(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, 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.	203
(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, 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.	204
(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, 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.	205
(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, 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.	206
(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, 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.	207
(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, 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.	208
(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, 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.	209
(F)(1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered 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. Subject to division (F)(4) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:	210
(a) Within five business days after the registrar of motor vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle 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	220
(a) Within five business days after the registrar of motor vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle 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	221
(a) Within five business days after the registrar of motor vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle 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	222
(a) Within five business days after the registrar of motor vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle 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	223
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carrier service utilizing any form of delivery requiring a signed receipt;	225
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(b) If the vehicle remains unclaimed thirty days after the first notice is sent, in the manner required under division (F)(1)(a) of this section;	227
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(e) If the vehicle remains unclaimed forty five days after the first notice is sent, in the manner required under division (F)(1)(a) of this section.	230
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(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 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.	233
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(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.	241
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(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.	246
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(G)(1) The owner or lienholder of a vehicle that is removed under division (B) of this section may reclaim it upon both of the following:	251
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(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;	254 255 256
(b) Payment of the following fees:	257
(i) 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;	258 259 260 261 262 263 264
(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.	265 266 267
(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 a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.	268 269 270 271 272 273 274 275
(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.	276 277 278 279 280 281
(4) Upon presentation of proof of ownership, which may be	282

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)(4) of this section, "personal items" do not include any items that are attached to the vehicle.	283 284 285 286 287 288 289 290 291 292
(H) No 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.	293 294 295 296 297
(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.	298 299 300 301 302
(J) Whoever violates division (H) of this section is guilty of a minor misdemeanor.	303 304
(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:	305 306 307
(1) Any person who holds title to the property;	308
(2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;	309 310
(3) A person who is authorized to manage the property;	311

(4) A duly authorized agent of any person listed in divisions	312
(K)(1) to (3) of this section.	313
<u>Sec. 4513.602. (A) As used in this section and section</u>	314
<u>4513.603 of the Revised Code:</u>	315
<u>(1) "Motor vehicle dealer" has the same meaning as in section</u>	316
<u>4517.01 of the Revised Code.</u>	317
<u>(2) "Repair facility" means any business with which a person</u>	318
<u>has entered into an agreement to repair a vehicle.</u>	319
<u>(3) "Towing service" means any for-hire motor carrier that</u>	320
<u>removes a motor vehicle from a motor vehicle dealer or repair</u>	321
<u>facility.</u>	322
<u>(4) "Storage facility" means any place to which a towing</u>	323
<u>service delivers a motor vehicle from a motor vehicle dealer or</u>	324
<u>repair facility.</u>	325
<u>(B) A motor vehicle dealer or repair facility that is in</u>	326
<u>possession of a motor vehicle may cause the removal of the motor</u>	327
<u>vehicle by a towing service if all of the following apply:</u>	328
<u>(1) A search was made of the records of the bureau of motor</u>	329
<u>vehicles to ascertain the identity of the owner and any lienholder</u>	330
<u>of the motor vehicle.</u>	331
<u>(2) Upon obtaining the identity under division (B)(1) of this</u>	332
<u>section, notice was sent to the owner's and any lienholder's last</u>	333
<u>known address by certified or express mail with return receipt</u>	334
<u>requested or by a commercial carrier service utilizing any form of</u>	335
<u>delivery requiring a signed receipt, and the notice informs the</u>	336
<u>owner and any lienholder of the following:</u>	337
<u>(a) The address where the motor vehicle is located;</u>	338

<u>(b) That the motor vehicle dealer or repair facility will cause the vehicle to be towed if not claimed within fourteen calendar days after either the date the notice was received or the date the motor vehicle dealer or repair facility receives notification that delivery was not possible;</u>	339 340 341 342 343
<u>(c) That a towing service that removes the motor vehicle or a storage facility that stores the motor vehicle may obtain title to it under section 4513.603 of the Revised Code.</u>	344 345 346
<u>(3) The motor vehicle has been left unclaimed for fourteen days after one of the following:</u>	347 348
<u>(a) The date the notice sent under division (B)(2) of this section was received, as evidenced by a receipt signed by any person;</u>	349 350 351
<u>(b) The date the motor vehicle dealer or repair facility received notification that the delivery of the notice sent under division (B)(2) of this section was not possible.</u>	352 353 354
<u>The procedure described in division (B) of this section applies regardless of who leaves the motor vehicle on the motor vehicle dealer's property or the repair facility's property.</u>	355 356 357
<u>(C) A motor vehicle owner's or lienholder's failure to remove the vehicle from the property within the time period specified in division (B)(3) of this section constitutes consent to all of the following:</u>	358 359 360 361
<u>(1) The motor vehicle's removal and storage;</u>	362
<u>(2) The payment of any charges incurred for the removal and storage of the motor vehicle;</u>	363 364
<u>(3) The right of a towing service that removes the motor vehicle or storage facility that stores the motor vehicle to</u>	365 366

<u>obtain title to the motor vehicle under section 4513.603 of the Revised Code.</u>	367 368
<u>(D) After a motor vehicle has been removed by a towing service, a motor vehicle owner or lienholder may reclaim the motor vehicle from the towing service or storage facility that is in possession of the motor vehicle if all of the following apply:</u>	369 370 371 372
<u>(1) The owner presents proof of ownership evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement.</u>	373 374 375
<u>(2) The owner or lienholder makes payment of any charges incurred for the removal and storage of the motor vehicle.</u>	376 377
<u>(3) Title to the motor vehicle has not been issued to the towing service or storage facility under section 4513.603 of the Revised Code.</u>	378 379 380
<u>(E) Any towing service that removes a motor vehicle under this section shall not charge a fee greater than those established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code.</u>	381 382 383 384
<u>(F)(1) Any motor vehicle dealer, repair facility, towing service, or storage facility that complies with this section is not liable for any damage, claim of conversion, or any other claim resulting from the removal, towing, or storage of the motor vehicle.</u>	385 386 387 388 389
<u>(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.</u>	390 391 392 393 394 395

<u>Sec. 4513.603. (A) A towing service or storage facility that</u>	396
<u>is in possession of a motor vehicle obtained under section</u>	397
<u>4513.602 of the Revised Code may obtain a certificate of title to</u>	398
<u>the motor vehicle, regardless of the motor vehicle's value, as</u>	399
<u>provided in division (B) of this section if all of the following</u>	400
<u>apply:</u>	401
<u>(1) A search was made by the towing service or storage</u>	402
<u>facility of the records of the bureau of motor vehicles to</u>	403
<u>ascertain the identity of the owner and any lienholder of the</u>	404
<u>motor vehicle.</u>	405
<u>(2) Upon obtaining the identity in division (A)(1) of this</u>	406
<u>section, the towing service or storage facility sent notice to the</u>	407
<u>owner's and any lienholder's last known address, by certified or</u>	408
<u>express mail with return receipt requested or by a commercial</u>	409
<u>carrier service utilizing any form of delivery requiring a signed</u>	410
<u>receipt, that informs the owner and any lienholder that the towing</u>	411
<u>service or storage facility will obtain title to the motor vehicle</u>	412
<u>if not claimed within sixty days after the date the notice was</u>	413
<u>received.</u>	414
<u>(3) The motor vehicle has been left unclaimed for sixty days</u>	415
<u>after one of the following:</u>	416
<u>(a) The date the notice sent under division (A)(2) of this</u>	417
<u>section was received, as evidenced by a receipt signed by any</u>	418
<u>person;</u>	419
<u>(b) The date the towing service or storage facility receives</u>	420
<u>notification that the delivery of the notice sent under division</u>	421
<u>(A)(2) of this section was not possible.</u>	422
<u>(4) An agent of the towing service or storage facility</u>	423
<u>executes an affidavit, in a form established by the registrar of</u>	424

<u>motor vehicles not later than ninety days after the effective date of this section, affirming that conditions in divisions (A)(1) to (3) of this section are met.</u>	425 426 427
<u>(B) The clerk of court shall issue a certificate of title, free and clear of all liens and encumbrances, to a towing service or storage facility that presents an affidavit that affirms that the conditions in divisions (A)(1) to (3) of this section are met.</u>	428 429 430 431
<u>(C) After obtaining title to a motor vehicle under this section, the towing service or storage facility may retain any money arising from the disposal of the vehicle.</u>	432 433 434
Sec. 4513.62. Unclaimed An unclaimed motor vehicles vehicle ordered into storage pursuant to division (A)(1) of section 4513.60 or section 4513.61 of the Revised Code shall be disposed of at the order of the is subject to one of the following:	435 436 437 438
<u>(A) The sheriff of the county or the chief of police of the municipal corporation, township, port authority, or township or joint police district to may dispose of it with a motor vehicle salvage dealer or scrap metal processing facility as defined in section 4737.05 of the Revised Code, or to with any other facility owned by or under contract with the county, municipal corporation, port authority, or township, for the disposal of such motor vehicles, or shall be sold by the.</u>	439 440 441 442 443 444 445 446
<u>(B) The sheriff, chief of police, or a licensed auctioneer may sell the motor vehicle at public auction, after giving notice thereof by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code. Any</u>	447 448 449 450 451
<u>(C) A towing service or storage facility may obtain title to the motor vehicle in accordance with section 4505.104 of the</u>	452 453

<u>Revised Code.</u>	454
Any moneys accruing from the disposition of an unclaimed motor vehicle accrued pursuant to division (A) or (B) of this section that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the general fund of the county, municipal corporation, port authority, township, or joint police district, as the case may be."	455 456 457 458 459 460
After line 70901, insert:	461
"Sec. 5322.01. As used in sections 5322.01 to 5322.05 of the Revised Code:	462 463
(A) "Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:	464 465 466 467
(1) The occupants have access to the storage space only for the purpose of storing and removing personal property.	468 469
(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.	470 471 472 473
"Self-service storage facility" does not include any garage used principally for parking motor vehicles, any garage or storage area in a private residence, an establishment 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.	474 475 476 477 478 479 480 481

(B) "Owner" means a person that is either the owner <u>or</u> <u>operator</u> of a self-service storage facility or the lessor <u>or</u> <u>sublessor</u> 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.	482 483 484 485 486 487 488
(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.	489 490 491
(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.	492 493 494 495
(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.	496 497 498 499 500 501
(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.	502 503 504 505 506
(G) "Last known address" means either of the following:	507
(1) The mailing address <u>or electronic mail address</u> provided by the occupant in the most recent rental agreement or the mailing address <u>or electronic mail address</u> provided by the occupant in a	508 509 510

subsequent written notice of a change of address;	511
(2) The mailing address <u>or electronic mail address</u> of any of the persons described in division (A) of section 5322.03 of the Revised Code that is provided by any of those persons to the owner of a self-service storage facility or that is discovered by the owner of a self-service storage facility.	512
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 Sec. 5322.02. (A) The owner of a self-service storage facility has a lien against the occupant on the personal property stored pursuant to a rental agreement in any storage space at the self-service storage facility, or on the proceeds of the personal property subject to the defaulting occupant's rental agreement in the owner's possession, for rent, labor, <u>late fees</u> , or other charges in relation to the personal property that are specified in the rental agreement and that have become due and for expenses necessary for the preservation of the personal property or expenses reasonably incurred <u>in the enforcement of the lien or</u> in the sale or other disposition of the personal property pursuant to law. The owner's lien provided for in this section is also effective against the following persons:	517
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(1) A person who has an unfiled security interest in the personal property, except that the owner's lien is not effective against a person who has a valid security interest in a motor vehicle or a valid security interest in a watercraft, whether or not the security interest in the motor vehicle or watercraft is filed;	530
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(2) A person who meets both of the following requirements:	536
(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	537
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vehicle.	540
(b) The person consents in writing to the storage of the personal property.	541
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(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.	543
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 Sec. 5322.03. 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:	550
(A) The following persons shall be notified in accordance with divisions (B) and (C) of this section:	553
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(1) All persons whom the owner has actual knowledge of and who claim an interest in the personal property;	555
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(2) All persons holding liens on any motor vehicle or watercraft amongst the property;	557
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(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 county recorder of the county in which the self-service storage facility is located or the Ohio county of the last known address of the occupant.	559
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(B)(1) The notice shall be delivered in person, sent by certified mail, <u>sent by electronic mail</u> , or sent by first-class mail <u>or private delivery service</u> with a certificate <u>or</u>	565
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<u>verification of mailing to the last known address of each person who is required to be notified by division (A) of this section;</u>	568 569
<u>(2) If the notice is sent by electronic mail, then the notice shall also be sent via either certified or first-class mail to the last known address of each person who is required to be notified by division (A) of this section.</u>	570 571 572 573
(C) The notice shall include all of the following:	574
(1) The name and last known address of the occupant who rented the storage space in which the personal property was stored;	575 576 577
(2) An itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;	578 579 580
(3) A brief and general description of the personal property subject to the lien. The description shall be reasonably adequate to permit the person notified to identify it except that any container including, but not limited to, a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner that deters immediate access to its contents and that has not been opened by the owner prior to the date on which the notice is given may be described as such without describing its contents.	581 582 583 584 585 586 587 588
(4) A notice of denial of access to the personal property, if a denial of access is permitted under the terms of the rental agreement, which notice provides the name, street address, and telephone number of the person whom the person notified may contact to pay the claim and to either obtain the personal property or enter into a rental agreement for the storage of the personal property;	589 590 591 592 593 594 595
(5) A demand for payment within a specified time not less	596

than ten days after delivery of the notice;	597
(6) A conspicuous statement that unless the claim is paid within that time the personal property will be advertised for sale and will be sold by auction at a specified time and place and that, if no person purchases the personal property at the auction, the personal property may be sold at a private sale or destroyed;	598 599 600 601 602
(7) The <u>street or internet</u> address of the place at which the sale will be held, if the sale will be held at a place other than the self-service storage facility in which the personal property was stored.	603 604 605 606
(D)(1) Any notice given pursuant to this section shall be presumed delivered, if the notice that is sent by first-class mail or private delivery service with a certificate or verification of mailing, <u>shall be deemed delivered</u> when it is deposited with the United States postal service or private delivery service and properly addressed with proper postage prepaid.	607 608 609 610 611 612
(2) Any notice given pursuant to this section that is sent by <u>electronic mail</u> <u>shall be deemed delivered when it is properly</u> <u>addressed and sent.</u>	613 614 615
(E) The sale of the personal property shall conform to the terms of the notice as provided for in this section.	616 617
(F) The sale of the personal property shall <u>may</u> be held at the self-service storage facility or, if the <u>street or internet</u> address of the place was included in the notice as required by division (C)(7) of this section, <u>on the internet or</u> at the nearest suitable place to the self-service storage facility at which the personal property is stored.	618 619 620 621 622 623
(G) After the expiration of the time given in the notice, an advertisement of the sale shall be published once a week for two	624 625

consecutive weeks in a newspaper of general circulation in the	626
county in which the self-service storage facility is located or	627
any other commercially reasonable manner. The manner of	628
advertisement shall be deemed commercially reasonable if at least	629
three independent bidders <u>register for, view, or</u> attend the sale	630
at the time and place advertised. The advertisement shall include	631
all of the following:	632
(1) A brief and general description of the personal property	633
as required by division (C)(3) of this section, except that the	634
description shall describe the contents of any trunk, valise, or	635
box that is locked, fastened, sealed, or tied in a manner that	636
deters immediate access to its contents, if the trunk, valise, or	637
box is opened by the owner prior to the date on which the	638
advertisement of sale is published;	639
(2) The name and last known address of the occupant who	640
rented the storage space in which the personal property was	641
stored;	642
(3) The <u>street</u> address of the self-service storage facility;	643
(4) The time, place, and manner of the sale.	644
The sale shall take place at least fifteen days after the	645
first publication.	646
(H)(1) Any person who has a security interest in, or who	647
holds a lien against, a motor vehicle or watercraft may pay the	648
amount necessary to satisfy the lien created by division (A) of	649
section 5322.02 of the Revised Code and the reasonable expenses	650
incurred under this section. That person, upon payment of the	651
amount necessary to satisfy the lien plus expenses, may enter into	652
a new rental agreement for the storage of the motor vehicle or	653
watercraft. Any person who presents proof of a security interest	654

in or lien on a motor vehicle or watercraft or a court order 655
authorizing the person to take possession of a motor vehicle or 656
watercraft may immediately remove the motor vehicle or watercraft 657
from the self-service storage facility without satisfying the lien 658
or expenses of the owner. 659

(2) Before any sale of personal property other than a motor 660
vehicle or watercraft pursuant to this section, any person who has 661
a legal interest or a security interest in, or who holds a lien 662
against, any personal property other than a motor vehicle or 663
watercraft may pay the amount necessary to satisfy the lien 664
created by division (A) of section 5322.02 of the Revised Code and 665
the reasonable expenses incurred under this section and remove the 666
personal property in which the person has the interest or against 667
which the person holds the lien. After removal of all the personal 668
property, including any motor vehicle or watercraft, from the 669
storage space of the self-service storage facility by any means 670
under this section, ~~any person can~~ the owner may enter into a 671
rental agreement ~~for the storage of personal property with the~~ 672
~~owner with a new occupant for the storage space~~, and the owner has 673
no obligation to the prior occupant of that storage space ~~in the~~ 674
~~self-service storage facility. Before entering into a new rental~~ 675
~~agreement, the owner must have any motor vehicle or watercraft~~ 676
~~towed from that storage space.~~ 677

(3) Upon receipt of the payment from a person other than the 678
occupant, the owner ~~shall~~ may, at the owner's sole discretion, 679
enter into a new rental agreement for the storage of the personal 680
property or, if the person meets the conditions set forth in 681
division (H)(2) of this section, shall permit the person to remove 682
the personal property from the self-service storage facility. 683

(4) If the occupant pays the amount necessary to satisfy the 684
lien created by division (A) of section 5322.02 of the Revised 685

Code and the reasonable expenses incurred under this section, the 686
occupant shall immediately remove all of the occupant's personal 687
property from the self-service storage facility, unless the owner 688
of the self-service storage facility agrees to enter into a new 689
rental agreement for the storage of the property. 690

(I)(1) If property on which there is a lien under division 691
(A) of section 5322.02 of the Revised Code is not sold at auction, 692
but is claimed under division (H) of this section and the owner's 693
lien is satisfied, then all legal or security interest in, or any 694
other liens held against, the property shall remain intact. 695

(2) A purchaser at auction in good faith, except an owner or 696
an owner's agent, of the personal property sold to satisfy an 697
owner's lien created by division (A) of section 5322.02 of the 698
Revised Code takes the property free and clear of any rights of 699
persons against whom the lien was valid, or any persons who had an 700
interest in, or who held, any other lien against the property, 701
despite noncompliance by the owner with the requirements of this 702
section. 703

(J) The owner may examine any personal property to be sold 704
pursuant to this section. The examination may include, but is not 705
limited to, the opening of any trunk, valise, box, or other 706
container that is locked, fastened, sealed, tied, or otherwise 707
closed in a manner that deters immediate access to its contents. 708

(K)(1) If the property upon which the lien created under 709
division (A) of this section is claimed is a motor vehicle or a 710
watercraft, the owner shall have the motor vehicle or watercraft 711
towed from the premises if any of the following circumstances 712
applies: 713

(a) The notice was delivered or sent pursuant to division (B) 714
of this section to all persons holding a lien on the motor vehicle 715

or watercraft, and thirty days have elapsed since the notice was 716
delivered or sent without a response from any of those persons. 717

(b) Rent and other charges related to the property remain 718
unpaid or unsatisfied by the occupant for sixty days, and no lien 719
holders have been identified. 720

(c) The owner is planning to hold a sale at auction of the 721
personal property that was stored in the self-service storage unit 722
with that motor vehicle or watercraft, in which case the motor 723
vehicle or watercraft shall be towed prior to the auction. 724

(2) The owner shall not be liable for the motor vehicle or 725
watercraft or any damages to the motor vehicle or watercraft once 726
the tower takes possession of the property. The notice delivered 727
or sent pursuant to division (B) of this section to all persons 728
holding a lien on the motor vehicle or watercraft shall include 729
the name of the towing company. The name and the address of the 730
towing company shall also be made available to the occupant or any 731
lien holder upon the presentation of a document of title or 732
another document that confirms an interest in the motor vehicle or 733
watercraft. 734

(L) The owner may satisfy the owner's lien from the proceeds 735
of any sale held pursuant to this section, but shall mail the 736
balance, if any, by certified mail, or by first class mail or 737
private delivery service with a certificate or verification of 738
mailing, to the occupant at the occupant's last known mailing 739
address. If the balance is returned to the owner after the owner 740
mailed the balance by certified mail, first class mail, or private 741
delivery service to the occupant or if the mailing address of the 742
occupant is not known, the owner shall hold the balance for two 743
years after the date of the sale for delivery on demand to the 744
occupant or to any other person who would have been entitled to 745

possession of the personal property. After the expiration of the
two-year period, the balance shall become unclaimed funds, as
defined in division (B) of section 169.01 of the Revised Code, and
shall be disposed of pursuant to Chapter 169. of the Revised Code. 746
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(M) An owner may buy at any public sale held pursuant to this
section. 750
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(N) The rights provided by this section shall be in addition
to all other rights allowed by law to a creditor against a debtor. 752
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(O)(1) If the owner complies with the requirements for sale
under this section, the owner's liability to persons who have an
interest in the personal property sold is limited to the balance
of the proceeds of the sale after the owner has satisfied the
owner's lien. 754
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(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. 759
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(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: 763
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(1) Advertise and sell the personal property pursuant to
divisions (F) to (O) of this section; 766
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(2) Sell the personal property at a private sale; 768

(3) Dispose of the personal property in any manner considered
appropriate by the owner including, but not limited to, destroying
the personal property." 769
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In line 80616, after "4511.191," insert "4513.601, 4513.62," 772

In line 80635, after "5301.21," insert "5322.01, 5322.02, 773

5322.03, "

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The motion was _____ agreed to.

SYNOPSIS

Towing law changes	775
R.C. 4505.104, 4513.601, 4513.602, 4513.603, and 4513.62	776
Establishes procedures that allow a towing service or a storage facility to obtain title to another's motor vehicle after either of the following have occurred:	777
1. Law enforcement ordered the motor vehicle towed; or	780
2. A motor vehicle dealership or repair facility requested the motor vehicle towed after certain conditions were met.	781
Establishes procedures for the owner or any lienholder to reclaim the motor vehicle after it is towed.	783
Requires a clerk of court to issue a certificate of title for a motor vehicle to a towing service or storage facility that presents an affidavit affirming compliance with all necessary procedures.	785
Reduces the number of notices from three to two that must be sent to an owner and any lienholder of a motor vehicle after that motor vehicle has been towed from a private tow-away zone and before a towing service or storage facility may take title to the motor vehicle.	789
Self-service storage facilities	794
R.C. 5322.01, 5322.02, and 5322.03	795

Allows the sale of personal property in a self-service storage facility for the satisfaction of amounts due the facility owner to take place on the internet.	796
Allows notices required to be sent before the sale of personal property kept in self-service storage facilities to be delivered by private delivery service or by email.	799
Requires that, if a required notice is sent by email, then the notice is to also be sent via certified or first-class mail.	800
Requires that, if a required notice is sent by email, then the notice is to also be sent via certified or first-class mail.	801
Expands the class of persons who may enforce liens under the Self-Service Storage Facility Law to include the sublessor of an entire self-service storage facility as well as agents of facility owners, lessors, and sublessors.	802
Expands the costs to which proceeds from the sale of personal property held in a self-service storage facility may be applied to include late fees and expenses incurred to enforce a lien.	803
Grants self-service storage facility owners discretion as to whether to rent previously delinquent self-service storage facility space or allow removal of the personal property following payment by a person other than the occupant.	804
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