

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,  
4513.62," 1 2

In line 120 of the title, after "5301.21," insert "5322.01,  
5322.02, 5322.03," 3 4

In line 166 of the title, after "4303.237," insert "4505.104,  
4513.602, 4513.603," 5 6

In line 304, after "4511.191," insert "4513.601, 4513.62," 7

In line 323, after "5301.21," insert "5322.01, 5322.02,  
5322.03," 8 9

In line 356, after "4303.237," insert "4505.104, 4513.602,  
4513.603," 10 11

After line 56823, insert: 12

"Sec. 4505.104. (A) A towing service or storage facility that 13  
is in possession of a motor vehicle may obtain a certificate of 14  
title to the vehicle as provided in division (B) of this section 15  
if all of the following apply: 16

(1) The motor vehicle was towed or stored pursuant to section 17  
4513.60, 4513.61, or 4513.66 of the Revised Code. 18

(2) A search was made of the records of the bureau of motor 19

vehicles to ascertain the identity of the owner and any lienholder  
of the motor vehicle.

(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.

(4) The motor vehicle has been left unclaimed for sixty days  
after one of the following:

(a) The date the notice sent under division (A)(3) of this  
section was received, as evidenced by a receipt signed by any  
person;

(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.

(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.

(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.

(B) The clerk of court shall issue a certificate of title,  
free and clear of all liens and encumbrances, to the towing

service or storage facility that presents an affidavit that  
affirms that the conditions in divisions (A)(1) to (5) of this  
section are met.

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

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

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

After line 57526, insert:

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

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

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

(b) A description of persons authorized to park on the

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

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

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

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

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

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

(a) It is located within twenty-five linear miles of the

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

(b) It is well-lighted.

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

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

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

section by an unlicensed tow truck or unlicensed tow truck operator. 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.

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

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

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

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

may be recovered;

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

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(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. The record shall include all information submitted by the towing service. The sheriff or chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.

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(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:

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(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

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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 227  
first notice is sent, in the manner required under division 228  
(F)(1)(a) of this section. 229

~~(c) If the vehicle remains unclaimed forty five days after 230~~  
~~the first notice is sent, in the manner required under division 231~~  
~~(F)(1)(a) of this section. 232~~

(2) Sixty days after any notice sent pursuant to division 233  
(F)(1) of this section is received, as evidenced by a receipt 234  
signed by any person, or the towing service or storage facility 235  
has been notified that delivery was not possible, the towing 236  
service or storage facility, if authorized under division (B) of 237  
section 4505.101 of the Revised Code, may initiate the process for 238  
obtaining a certificate of title to the motor vehicle as provided 239  
in that section. 240

(3) A towing service or storage facility that does not 241  
receive a signed receipt of notice, or a notification that 242  
delivery was not possible, shall not obtain, and shall not attempt 243  
to obtain, a certificate of title to the motor vehicle under 244  
division (B) of section 4505.101 of the Revised Code. 245

(4) With respect to a vehicle concerning which a towing 246  
service or storage facility is not eligible to obtain title under 247  
section 4505.101 of the Revised Code, the towing service or 248  
storage facility need only comply with the initial notice required 249  
under division (F)(1)(a) of this section. 250

(G)(1) The owner or lienholder of a vehicle that is removed 251  
under division (B) of this section may reclaim it upon both of the 252  
following: 253

(a) Presentation of proof of ownership, which may be	254
evidenced by a certificate of title to the vehicle, a certificate	255
of registration for the motor vehicle, or a lease agreement;	256
(b) Payment of the following fees:	257
(i) All applicable fees established by the public utilities	258
commission in rules adopted under section 4921.25 of the Revised	259
Code, except that the lienholder of a vehicle may retrieve the	260
vehicle without paying any storage fee for the period of time that	261
the vehicle was in the possession of the towing service or storage	262
facility prior to the date the lienholder received the notice sent	263
under division (F)(1)(a) of this section;	264
(ii) If notice has been sent to the owner and lienholder as	265
described in division (F) of this section, a processing fee of	266
twenty-five dollars.	267
(2) A towing service or storage facility in possession of a	268
vehicle that is removed under authority of division (B) of this	269
section shall show the vehicle owner, operator, or lienholder who	270
contests the removal of the vehicle all photographs taken under	271
division (D) of this section. Upon request, the towing service or	272
storage facility shall provide a copy of all photographs in the	273
medium in which the photographs are stored, whether paper,	274
electronic, or otherwise.	275
(3) When the owner of a vehicle towed under this section	276
retrieves the vehicle, the towing service or storage facility in	277
possession of the vehicle shall give the owner written notice that	278
if the owner disputes that the motor vehicle was lawfully towed,	279
the owner may be able to file a civil action under section	280
4513.611 of the Revised Code.	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.

(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.

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

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

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

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

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

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

(4) A duly authorized agent of any person listed in divisions 312  
(K)(1) to (3) of this section. 313

Sec. 4513.602. (A) As used in this section and section 314  
4513.603 of the Revised Code: 315

(1) "Motor vehicle dealer" has the same meaning as in section 316  
4517.01 of the Revised Code. 317

(2) "Repair facility" means any business with which a person 318  
has entered into an agreement to repair a vehicle. 319

(3) "Towing service" means any for-hire motor carrier that 320  
removes a motor vehicle from a motor vehicle dealer or repair 321  
facility. 322

(4) "Storage facility" means any place to which a towing 323  
service delivers a motor vehicle from a motor vehicle dealer or 324  
repair facility. 325

(B) A motor vehicle dealer or repair facility that is in 326  
possession of a motor vehicle may cause the removal of the motor 327  
vehicle by a towing service if all of the following apply: 328

(1) A search was made of the records of the bureau of motor 329  
vehicles to ascertain the identity of the owner and any lienholder 330  
of the motor vehicle. 331

(2) Upon obtaining the identity under division (B)(1) of this 332  
section, notice was sent to the owner's and any lienholder's last 333  
known address by certified or express mail with return receipt 334  
requested or by a commercial carrier service utilizing any form of 335  
delivery requiring a signed receipt, and the notice informs the 336  
owner and any lienholder of the following: 337

(a) The address where the motor vehicle is located; 338

(b) That the motor vehicle dealer or repair facility will 339  
cause the vehicle to be towed if not claimed within fourteen 340  
calendar days after either the date the notice was received or the 341  
date the motor vehicle dealer or repair facility receives 342  
notification that delivery was not possible; 343

(c) That a towing service that removes the motor vehicle or a 344  
storage facility that stores the motor vehicle may obtain title to 345  
it under section 4513.603 of the Revised Code. 346

(3) The motor vehicle has been left unclaimed for fourteen 347  
days after one of the following: 348

(a) The date the notice sent under division (B)(2) of this 349  
section was received, as evidenced by a receipt signed by any 350  
person; 351

(b) The date the motor vehicle dealer or repair facility 352  
received notification that the delivery of the notice sent under 353  
division (B)(2) of this section was not possible. 354

The procedure described in division (B) of this section 355  
applies regardless of who leaves the motor vehicle on the motor 356  
vehicle dealer's property or the repair facility's property. 357

(C) A motor vehicle owner's or lienholder's failure to remove 358  
the vehicle from the property within the time period specified in 359  
division (B)(3) of this section constitutes consent to all of the 360  
following: 361

(1) The motor vehicle's removal and storage; 362

(2) The payment of any charges incurred for the removal and 363  
storage of the motor vehicle; 364

(3) The right of a towing service that removes the motor 365  
vehicle or storage facility that stores the motor vehicle to 366

obtain title to the motor vehicle under section 4513.603 of the  
Revised Code.

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(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:

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(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.

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

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(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.

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(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.

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(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.

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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.

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Sec. 4513.603. (A) A towing service or storage facility that 396  
is in possession of a motor vehicle obtained under section 397  
4513.602 of the Revised Code may obtain a certificate of title to 398  
the motor vehicle, regardless of the motor vehicle's value, as 399  
provided in division (B) of this section if all of the following 400  
apply: 401

(1) A search was made by the towing service or storage 402  
facility of the records of the bureau of motor vehicles to 403  
ascertain the identity of the owner and any lienholder of the 404  
motor vehicle. 405

(2) Upon obtaining the identity in division (A)(1) of this 406  
section, the towing service or storage facility sent notice to the 407  
owner's and any lienholder's last known address, by certified or 408  
express mail with return receipt requested or by a commercial 409  
carrier service utilizing any form of delivery requiring a signed 410  
receipt, that informs the owner and any lienholder that the towing 411  
service or storage facility will obtain title to the motor vehicle 412  
if not claimed within sixty days after the date the notice was 413  
received. 414

(3) The motor vehicle has been left unclaimed for sixty days 415  
after one of the following: 416

(a) The date the notice sent under division (A)(2) of this 417  
section was received, as evidenced by a receipt signed by any 418  
person; 419

(b) The date the towing service or storage facility receives 420  
notification that the delivery of the notice sent under division 421  
(A)(2) of this section was not possible. 422

(4) An agent of the towing service or storage facility 423  
executes an affidavit, in a form established by the registrar of 424

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.

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(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.

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(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.

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**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:

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(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.~~

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(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~~

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(C) A towing service or storage facility may obtain title to  
the motor vehicle in accordance with section 4505.104 of the

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Revised Code. 454

~~Any moneys accruing from the disposition of an unclaimed~~ 455  
~~motor vehicle accrued pursuant to division (A) or (B) of this~~ 456  
section that are in excess of the expenses resulting from the 457  
removal and storage of the vehicle shall be credited to the 458  
general fund of the county, municipal corporation, port authority, 459  
township, or joint police district, as the case may be." 460

After line 70901, insert: 461

"**Sec. 5322.01.** As used in sections 5322.01 to 5322.05 of the 462  
Revised Code: 463

(A) "Self-service storage facility" means any real property 464  
that is designed and used only for the purpose of renting or 465  
leasing individual storage space in the facility under the 466  
following conditions: 467

(1) The occupants have access to the storage space only for 468  
the purpose of storing and removing personal property. 469

(2) The owner does not issue a warehouse receipt, bill of 470  
lading, or other document of title, as defined in section 1301.201 471  
of the Revised Code, for the personal property stored in the 472  
storage space. 473

"Self-service storage facility" does not include any garage 474  
used principally for parking motor vehicles, any garage or storage 475  
area in a private residence, an establishment licensed pursuant to 476  
sections 915.14 to 915.24 of the Revised Code, or any property of 477  
a bank or savings and loan association that contains vaults, safe 478  
deposit boxes, or other receptacles for the uses, purposes, and 479  
benefits of the bank's or savings and loan association's 480  
customers. 481

(B) "Owner" means a person that is ~~either~~ the owner or 482  
operator of a self-service storage facility ~~or~~, the lessor or 483  
sublessor of an entire self-service storage facility ~~and that~~ 484  
~~receives~~ , the agent of any of the foregoing, or any other person 485  
authorized by any of the foregoing to manage the facility or to 486  
receive rent from an occupant pursuant to a rental agreement ~~that~~ 487  
~~the person enters into with the occupant.~~ 488

(C) "Occupant" means a person that rents storage space at a 489  
self-service storage facility pursuant to a rental agreement that 490  
the person enters into with the owner. 491

(D) "Rental agreement" means any written agreement that is 492  
entered into by the owner and the occupant and that establishes 493  
the terms and conditions of the occupant's use of storage space at 494  
a self-service storage facility. 495

(E) "Personal property" means money and every animate or 496  
inanimate tangible thing that is the subject of ownership, except 497  
anything forming part of a parcel of real estate, as defined in 498  
section 5701.02 of the Revised Code, and except anything that is 499  
an agricultural commodity, as defined in division (A) of section 500  
926.01 of the Revised Code. 501

(F) "Late fee" means any fee or charge assessed for an 502  
occupant's failure to pay rent when due. "Late fee" does not 503  
include interest on a debt, reasonable expenses incurred in the 504  
collection of unpaid rent, or costs associated with the 505  
enforcement of any other remedy provided by statute or contract. 506

(G) "Last known address" means either of the following: 507

(1) The mailing address or electronic mail address provided 508  
by the occupant in the most recent rental agreement or the mailing 509  
address or electronic mail address provided by the occupant in a 510

subsequent written notice of a change of address; 511

(2) The mailing address or electronic mail address of any of 512  
the persons described in division (A) of section 5322.03 of the 513  
Revised Code that is provided by any of those persons to the owner 514  
of a self-service storage facility or that is discovered by the 515  
owner of a self-service storage facility. 516

**Sec. 5322.02.** (A) The owner of a self-service storage 517  
facility has a lien against the occupant on the personal property 518  
stored pursuant to a rental agreement in any storage space at the 519  
self-service storage facility, or on the proceeds of the personal 520  
property subject to the defaulting occupant's rental agreement in 521  
the owner's possession, for rent, labor, late fees, or other 522  
charges in relation to the personal property that are specified in 523  
the rental agreement and that have become due and for expenses 524  
necessary for the preservation of the personal property or 525  
expenses reasonably incurred in the enforcement of the lien or in 526  
the sale or other disposition of the personal property pursuant to 527  
law. The owner's lien provided for in this section is also 528  
effective against the following persons: 529

(1) A person who has an unfiled security interest in the 530  
personal property, except that the owner's lien is not effective 531  
against a person who has a valid security interest in a motor 532  
vehicle or a valid security interest in a watercraft, whether or 533  
not the security interest in the motor vehicle or watercraft is 534  
filed; 535

(2) A person who meets both of the following requirements: 536

(a) The person has a legal interest in the personal property, 537  
a filed security interest in the personal property, or a valid 538  
security interest in the personal property that is a motor 539

vehicle. 540

(b) The person consents in writing to the storage of the 541  
personal property. 542

(B) The owner's lien created by division (A) of this section 543  
attaches as of the date the personal property is brought to the 544  
self-service storage facility. An owner loses the owner's lien on 545  
any personal property that the owner voluntarily permits to be 546  
removed from the self-service storage facility or unjustifiably 547  
refuses to permit to be removed from the self-service storage 548  
facility. 549

**Sec. 5322.03.** An owner's lien created by division (A) of 550  
section 5322.02 of the Revised Code for a claim that has become 551  
due may be enforced only as follows: 552

(A) The following persons shall be notified in accordance 553  
with divisions (B) and (C) of this section: 554

(1) All persons whom the owner has actual knowledge of and 555  
who claim an interest in the personal property; 556

(2) All persons holding liens on any motor vehicle or 557  
watercraft amongst the property; 558

(3) All persons who have filed security agreements in the 559  
name of the occupant evidencing a security interest in the 560  
personal property with either the secretary of state or the county 561  
recorder of the county in which the self-service storage facility 562  
is located or the Ohio county of the last known address of the 563  
occupant. 564

(B)(1) The notice shall be delivered in person, sent by 565  
certified mail, sent by electronic mail, or sent by first-class 566  
mail or private delivery service with a certificate or 567

verification of mailing to the last known address of each person 568  
who is required to be notified by division (A) of this section; 569

(2) If the notice is sent by electronic mail, then the notice 570  
shall also be sent via either certified or first-class mail to the 571  
last known address of each person who is required to be notified 572  
by division (A) of this section. 573

(C) The notice shall include all of the following: 574

(1) The name and last known address of the occupant who 575  
rented the storage space in which the personal property was 576  
stored; 577

(2) An itemized statement of the owner's claim showing the 578  
sum due at the time of the notice and the date when the sum became 579  
due; 580

(3) A brief and general description of the personal property 581  
subject to the lien. The description shall be reasonably adequate 582  
to permit the person notified to identify it except that any 583  
container including, but not limited to, a trunk, valise, or box 584  
that is locked, fastened, sealed, or tied in a manner that deters 585  
immediate access to its contents and that has not been opened by 586  
the owner prior to the date on which the notice is given may be 587  
described as such without describing its contents. 588

(4) A notice of denial of access to the personal property, if 589  
a denial of access is permitted under the terms of the rental 590  
agreement, which notice provides the name, street address, and 591  
telephone number of the person whom the person notified may 592  
contact to pay the claim and to either obtain the personal 593  
property or enter into a rental agreement for the storage of the 594  
personal property; 595

(5) A demand for payment within a specified time not less 596

than ten days after delivery of the notice;

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(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;

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(7) The street or internet 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.

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(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, shall be deemed delivered when it is deposited with the United States postal service or private delivery service and properly addressed with proper postage prepaid.

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

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

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

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(G) After the expiration of the time given in the notice, an advertisement of the sale shall be published once a week for two

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consecutive weeks in a newspaper of general circulation in the  
county in which the self-service storage facility is located or  
any other commercially reasonable manner. The manner of  
advertisement shall be deemed commercially reasonable if at least  
three independent bidders register for, view, or attend the sale  
~~at the time and place advertised.~~ The advertisement shall include  
all of the following:

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

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

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

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

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

(H)(1) Any person who has a ~~a~~ security interest in, or who  
holds a lien against, a motor vehicle or watercraft may pay the  
amount necessary to satisfy the lien created by division (A) of  
section 5322.02 of the Revised Code and the reasonable expenses  
incurred under this section. That person, upon payment of the  
amount necessary to satisfy the lien plus expenses, may enter into  
a new rental agreement for the storage of the motor vehicle or  
watercraft. Any person who presents proof of a security interest

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  
occupant shall immediately remove all of the occupant's personal  
property from the self-service storage facility, unless the owner  
of the self-service storage facility agrees to enter into a new  
rental agreement for the storage of the property.

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

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

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

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

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

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

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

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

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

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

possession of the personal property. After the expiration of the 746  
two-year period, the balance shall become unclaimed funds, as 747  
defined in division (B) of section 169.01 of the Revised Code, and 748  
shall be disposed of pursuant to Chapter 169. of the Revised Code. 749

(M) An owner may buy at any public sale held pursuant to this 750  
section. 751

(N) The rights provided by this section shall be in addition 752  
to all other rights allowed by law to a creditor against a debtor. 753

(O)(1) If the owner complies with the requirements for sale 754  
under this section, the owner's liability to persons who have an 755  
interest in the personal property sold is limited to the balance 756  
of the proceeds of the sale after the owner has satisfied the 757  
owner's lien. 758

(2) The owner is liable for damages caused by the failure to 759  
comply with the requirements for sale under this section and is 760  
liable for conversion for willful violation of the requirements 761  
for sale under this section. 762

(P) If no person purchases the personal property at the 763  
auction and if the owner has complied with this section, the owner 764  
may do any of the following: 765

(1) Advertise and sell the personal property pursuant to 766  
divisions (F) to (O) of this section; 767

(2) Sell the personal property at a private sale; 768

(3) Dispose of the personal property in any manner considered 769  
appropriate by the owner including, but not limited to, destroying 770  
the personal property." 771

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**

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#### **R.C. 4505.104, 4513.601, 4513.602, 4513.603, and 4513.62**

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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:

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1. Law enforcement ordered the motor vehicle towed; or

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2. A motor vehicle dealership or repair facility requested  
the motor vehicle towed after certain conditions were met.

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Establishes procedures for the owner or any lienholder to  
reclaim the motor vehicle after it is towed.

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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.

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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.

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#### **Self-service storage facilities**

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#### **R.C. 5322.01, 5322.02, and 5322.03**

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Allows the sale of personal property in a self-service	796
storage facility for the satisfaction of amounts due the facility	797
owner to take place on the internet.	798
Allows notices required to be sent before the sale of	799
personal property kept in self-service storage facilities to be	800
delivered by private delivery service or by email.	801
Requires that, if a required notice is sent by email, then	802
the notice is to also be sent via certified or first-class mail.	803
Expands the class of persons who may enforce liens under the	804
Self-Service Storage Facility Law to include the sublessor of an	805
entire self-service storage facility as well as agents of facility	806
owners, lessors, and sublessors.	807
Expands the costs to which proceeds from the sale of personal	808
property held in a self-service storage facility may be applied to	809
include late fees and expenses incurred to enforce a lien.	810
Grants self-service storage facility owners discretion as to	811
whether to rent previously delinquent self-service storage	812
facility space or allow removal of the personal property following	813
payment by a person other than the occupant.	814