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# OHIO LEGISLATIVE SERVICE COMMISSION

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R-135-3990

**To:** The Honorable Bill Dean  
Ohio House of Representatives

**From:** Margaret E. Marcy, Attorney *MEM*

**Date:** June 3, 2024

**Subject:** Abandoned junk motor vehicles vs. abandoned derelict aircraft

You recently asked for a comparison of the process for disposing of an abandoned junk motor vehicle with the process of disposing of a derelict aircraft under H.B. 554 of the 135<sup>th</sup> General Assembly (As Introduced). The following table compares the specific elements of each process (e.g., length of abandonment, records searched, types of notification, etc.).

Concerning disposal of a motor vehicle, the table uses the process that applies to an abandoned junk motor vehicle ordered removed by law enforcement.<sup>1</sup> The process for disposal after a law enforcement-ordered tow from an accident or other private property is slightly different.<sup>2</sup> Additionally, the process for disposal when a motor vehicle is left improperly in a private tow-away zone, at a dealer or repair facility, or at a repair garage or place of storage also varies, based on the removal location.<sup>3</sup> However, abandoned junk motor vehicle disposal is most comparable to the situation H.B. 554 seeks to address with respect to derelict aircraft.

Additionally, as indicated above, the table concerns the disposal of a derelict aircraft.<sup>4</sup> H.B. 554 also establishes a process related to an abandoned aircraft that does not meet the definition of a derelict aircraft. Under H.B. 554, a public-use airport can only place a lien on an

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<sup>1</sup> R.C. 4513.63.

<sup>2</sup> R.C. 4505.104, 4513.60, 4513.61, 4513.62, and 4513.66.

<sup>3</sup> R.C. 4505.101, 4513.601, 4513.602, and 4513.603.

<sup>4</sup> “Derelict aircraft” means an aircraft that meets all of the following: (1) It is located on the premises of a public-use airport. (2) It is not in a flyable condition. (3) It does not comply with the U.S. Federal Aviation Administration (FAA) regulations that would allow it to be operated or flown. (4) It does not have a written repair plan that is approved and signed by either an FAA certified airframe and power plant mechanic or a person otherwise authorized to perform maintenance on the aircraft, in accordance with FAA regulations. (5) The owner or operator of the aircraft has not paid any tie-down, hangar, rent, or storage costs for use of the premises for at least 90 consecutive days. R.C. 4561.26(A)(1).

abandoned aircraft to be reimbursed after the aircraft is sold. However, the public-use airport cannot sell an abandoned aircraft.<sup>5</sup>

Disposal of abandoned forms of transportation		
Characteristic	Motor vehicle <sup>6</sup>	Derelict aircraft <sup>7</sup>
Length of abandonment	48 hours or longer	90 consecutive days or longer
Location of abandonment	Private property, public street, right-of-way, highway, or other property open to the public for vehicular travel or parking	Public-use airport
Characteristics of abandoned property	Three years old or older; Extensively damaged, such as missing wheels, tires, motor, or transmission; and Apparently inoperable.	Not in a flyable condition; Does not comply with the U.S. Federal Aviation Administration (FAA) regulations that would allow it to be operated or flown; and Does not have the appropriate written repair plan.
Value of abandoned property	\$1,500 or less	Unspecified
Entity doing disposal	Law enforcement agency <sup>8</sup>	Director of public-use airport
Records searched for owner	Bureau of Motor Vehicles or the records of a vendor(s) approved by the Registrar of Motor Vehicles	FAA's registration branch and the Office of Aviation (within the Ohio Department of Transportation)
Notification	To the owner and any lienholder by certified or express mail with return receipt	To the owner or any person having a legal or equitable interest by certified or express

<sup>5</sup> "Abandoned aircraft" means an aircraft located on the premises of a public-use airport when the owner or operator has not paid any tie-down, hangar, rent, or storage costs for use of the premises for at least 90 consecutive days. R.C. 1311.71, H.B. 554 of the 135<sup>th</sup> General Assembly.

<sup>6</sup> R.C. 4513.61 and 4513.63.

<sup>7</sup> R.C. 4561.26 and 4561.27.

<sup>8</sup> Specifically, sheriff of a county or chief of a law enforcement agency of a municipal corporation, townships, port authority, conservancy district, or township or joint police district, or a state highway patrol trooper.

Disposal of abandoned forms of transportation		
Characteristic	Motor vehicle <sup>6</sup>	Derelict aircraft <sup>7</sup>
	requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt.	mail with return receipt requested, by certified mail with electronic tracking, by a commercial carrier service utilizing any form of delivery requiring a signed receipt, or by personal service.  Must also file a copy of the notice with the FAA's registration branch and post on the airport's website.
Time after notice before disposal	10 days	30 days
Method of disposal	Motor vehicle salvage dealer; or Scrap metal processing facility under contract with the overseeing political subdivision for the destruction of such motor vehicles.	Sell at public auction; or Dispose of through an aircraft salvage or scrap metal dealer.
Retention of records	Two years after disposal	Unspecified
Money from disposal	Deposited into the general fund of the county, township, conservancy district, or the municipal corporation, as applicable	Reimburses the public-use airport for accrued fees and charges;  Any other lienholders, according to lien priority;  The owner, if determined and located, or the Unclaimed Funds Trust Fund (within the Department of Commerce).

I hope that this information is helpful to you. Please feel free to contact me if you have additional questions or concerns.