

**As Reported by the Senate Financial Institutions and Technology  
Committee**

**135th General Assembly**

**Regular Session  
2023-2024**

**Sub. S. B. No. 94**

**Senators Brenner, Landis**

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**A BILL**

To amend sections 317.13, 317.32, 317.36, 1113.13, 1  
1337.04, 2329.02, 4505.104, 4511.01, 4513.61, 2  
4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 3  
4513.69, and 5323.02 and to enact section 4  
5301.234 of the Revised Code and to amend 5  
Section 413.10 of H.B. 33 of the 135th General 6  
Assembly to make various changes regarding 7  
recorded instruments, powers of attorney, 8  
judgment liens, mortgage subrogation, law 9  
enforcement towing laws, and state stock banks, 10  
and to make an appropriation. 11

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

**Section 1.** That sections 317.13, 317.32, 317.36, 1113.13, 12  
1337.04, 2329.02, 4505.104, 4511.01, 4513.61, 4513.62, 4513.63, 13  
4513.64, 4513.65, 4513.66, 4513.69, and 5323.02 be amended and 14  
section 5301.234 of the Revised Code be enacted to read as 15  
follows: 16

**Sec. 317.13.** (A) Except as otherwise provided in division 17  
(B) of this section, the county recorder shall record in the 18  
official records, in legible handwriting, typewriting, or 19

printing, or by any authorized photographic or electronic 20  
process, all deeds, mortgages, plats, or other instruments of 21  
writing that are required or authorized by the Revised Code to 22  
be recorded and that are presented to the county recorder for 23  
that purpose. The county recorder shall record the instruments 24  
in regular succession, according to the priority of 25  
presentation, and shall enter the file number at the beginning 26  
of the record. On the record of each instrument, the county 27  
recorder shall record the date and precise time the instrument 28  
was presented for record. All records made, prior to July 28, 29  
1949, by means authorized by this section or by section 9.01 of 30  
the Revised Code shall be deemed properly made. 31

(B) (1) The county recorder may refuse to record an 32  
instrument of writing presented for recording if the instrument 33  
is not required or authorized by the Revised Code to be recorded 34  
or the county recorder has reasonable cause to believe the 35  
instrument is materially false or fraudulent. 36

(2) The county recorder shall refuse to record a right-to- 37  
list home sale agreement described in division (B) of section 38  
5301.94 of the Revised Code. 39

Division (B) of this section does not create a duty upon a 40  
recorder to inspect, evaluate, or investigate an instrument of 41  
writing, including a right-to-list home sale agreement, that is 42  
presented for recording. 43

(C) If a person presents an instrument of writing to the 44  
county recorder for recording and the county recorder, pursuant 45  
to division (B) of this section, refuses to record the 46  
instrument, the person has a cause of action for an order from 47  
the court of common pleas in the county that the county recorder 48  
serves, to require the county recorder to record the instrument. 49

If the court determines that the instrument is required or 50  
authorized by the Revised Code to be recorded, is not materially 51  
false or fraudulent, and is not a right-to-list home sale 52  
agreement, it shall order the county recorder to record the 53  
instrument. 54

(D) The county recorder shall keep confidential 55  
information that is subject to a real property confidentiality 56  
notice under section 111.431 of the Revised Code, in accordance 57  
with that section. A copy of the real property confidentiality 58  
notice shall accompany subsequent recordings of the property, 59  
unless the program participant's certification has been canceled 60  
under section 111.431 or 111.45 of the Revised Code. 61

(E) (1) Not later than June 30, 2026, each county recorder, 62  
county auditor, and county engineer shall make available to the 63  
public a method for electronically recording instruments related 64  
to conveyances of real property that adheres to the standards 65  
governing conveyances of real property adopted by a county in 66  
accordance with section 319.203 of the Revised Code. 67

(2) Not later than June 30, 2026, a county recorder shall 68  
make available to the public a method for electronically 69  
recording instruments, other than those related to conveyances 70  
of real property, specified in division (A) or (D) of section 71  
317.08 of the Revised Code, except division (A)(24) of that 72  
section. 73

(3) Divisions (E) (1) and (2) of this section do not apply 74  
to instruments specifically exempt from recording under either 75  
of the following: 76

(a) The standards governing conveyances of real property 77  
adopted by a county in accordance with section 319.203 of the 78

Revised Code; or 79

(b) The minimum standards for boundary surveys promulgated 80  
by the board of registration for professional engineers and 81  
surveyors pursuant to Chapter 4733. of the Revised Code. 82

(F) Not later than June 30, 2026, a county recorder shall 83  
make available to the public on the county recorder's web site 84  
electronic indexes for, and electronic versions of, all 85  
instruments recorded on or after January 1, 1980, except veteran 86  
discharge papers recorded under section 317.24 of the Revised 87  
Code or any instrument or portion thereof prohibited from being 88  
disclosed under federal or state law. A county recorder may 89  
require a username and password to access the electronic indexes 90  
and instruments, but may not require a fee to create a username 91  
and password or to otherwise access the electronic indexes and 92  
instruments. 93

**Sec. 317.32.** The county recorder shall charge and collect 94  
~~the following fees,~~ to include, except as otherwise provided in 95  
division (A) (2) of this section, base fees for the recorder's 96  
services and housing trust fund fees collected pursuant to 97  
section 317.36 of the Revised Code, and may charge and collect a 98  
document preservation surcharge, as follows: 99

(A) (1) Except as otherwise provided in division (A) (2) of 100  
this section, for recording and indexing an instrument if the 101  
photocopy or any similar process is employed, ~~a:~~ 102

(a) A base fee of seventeen dollars for the first two 103  
pages and a housing trust fund fee of seventeen dollars, and a 104  
base fee of four dollars and a housing trust fund fee of four 105  
dollars for each subsequent page, size eight and one-half inches 106  
by fourteen inches, or fraction of a page, including the caption 107

page, of such instrument; and 108

(b) A document preservation surcharge of up to five 109  
dollars, which shall be deposited in the county treasury to the 110  
credit of the county general fund. 111

(2) For recording and indexing an instrument described in 112  
division (D) of section 317.08 of the Revised Code if the 113  
photocopy or any similar process is employed, a fee of ~~twenty-~~ 114  
~~eight-thirty-four~~ dollars for the first two pages to be 115  
deposited as specified elsewhere in this division, and a fee of 116  
eight dollars to be deposited in the same manner for each 117  
subsequent page, size eight and one-half inches by fourteen 118  
inches, or fraction of a page, including the caption page, of 119  
that instrument. If the county recorder's technology fund has 120  
been established under section 317.321 of the Revised Code, of 121  
the ~~twenty-eight-thirty-four~~ dollars, ~~fourteen-seventeen~~ dollars 122  
shall be deposited into the county treasury to the credit of the 123  
county recorder's technology fund and ~~fourteen-seventeen~~ dollars 124  
shall be deposited into the county treasury to the credit of the 125  
county general fund. If the county recorder's technology fund 126  
has not been established, the ~~twenty-eight-thirty-four~~ dollars 127  
shall be deposited into the county treasury to the credit of the 128  
county general fund. 129

(3) The document preservation surcharge is intended to 130  
support the preservation and digitization of documents and 131  
ongoing costs incurred by a county recorder's office to make 132  
available to the public a web site with appropriate security 133  
features, electronic document hosting, online viewing, and print 134  
and download features that enable an individual to print or 135  
download a copy of a public record from the web site. 136

(B) For certifying a copy or electronic record from the 137

record previously recorded, a base fee of one dollar and a 138  
housing trust fund fee of one dollar per page, size eight and 139  
one-half inches by fourteen inches, or fraction of a page; for 140  
each certification if the recorder's seal is required, except as 141  
to instruments issued by the armed forces of the United States, 142  
a base fee of fifty cents and a housing trust fund fee of fifty 143  
cents; 144

(C) For entering or indexing any marginal reference, or 145  
any reference previously accomplished as a marginal reference 146  
now accomplished through electronic means, by separate recorded 147  
instrument, a base fee of two dollars and a housing trust fund 148  
fee of two dollars for each marginal reference, or reference 149  
previously accomplished as a marginal reference now accomplished 150  
through electronic means, set out in that instrument, in 151  
addition to the fees set forth in division (A) (1) of this 152  
section; 153

(D) For indexing in the real estate mortgage records, 154  
pursuant to section 1309.519 of the Revised Code, financing 155  
statements covering crops growing or to be grown, timber to be 156  
cut, minerals or the like, including oil and gas, accounts 157  
subject to section 1309.301 of the Revised Code, or fixture 158  
filings made pursuant to section 1309.334 of the Revised Code, a 159  
base fee of two dollars and a housing trust fund fee of two 160  
dollars for each name indexed; 161

(E) For filing zoning resolutions, including text and 162  
maps, in the office of the recorder as required under sections 163  
303.11 and 519.11 of the Revised Code, a base fee of twenty-five 164  
dollars and a housing trust fund fee of twenty-five dollars, 165  
regardless of the size or length of the resolutions; 166

(F) For filing zoning amendments, including text and maps, 167

in the office of the recorder as required under sections 303.12 168  
and 519.12 of the Revised Code, a base fee of ten dollars and a 169  
housing trust fund fee of ten dollars regardless of the size or 170  
length of the amendments; 171

(G) For photocopying a document, other than at the time of 172  
recording and indexing as provided for in division (A)(1) or (2) 173  
of this section, a base fee of one dollar and a housing trust 174  
fund fee of one dollar per page, size eight and one-half inches 175  
by fourteen inches, or fraction thereof; 176

(H) For local facsimile or electronic transmission of a 177  
document, a base fee of one dollar and a housing trust fund fee 178  
of one dollar per page, size eight and one-half inches by 179  
fourteen inches, or fraction thereof; for long distance 180  
facsimile transmission of a document, a base fee of two dollars 181  
and a housing trust fund fee of two dollars per page, size eight 182  
and one-half inches by fourteen inches, or fraction thereof; 183

(I) For recording a declaration executed pursuant to 184  
section 2133.02 of the Revised Code or a durable power of 185  
attorney for health care executed pursuant to section 1337.12 of 186  
the Revised Code, or both a declaration and a durable power of 187  
attorney for health care, a base fee of at least ~~fourteen~~ 188  
seventeen dollars but not more than twenty dollars and a housing 189  
trust fund fee of at least ~~fourteen~~ seventeen dollars but not 190  
more than twenty dollars. 191

In any county in which the recorder employs the 192  
photostatic or any similar process for recording maps, plats, or 193  
prints the recorder shall determine, charge, and collect for the 194  
recording or rerecording of any map, plat, or print, a base fee 195  
of five cents and a housing trust fund fee of five cents per 196  
square inch, for each square inch of the map, plat, or print 197

filed for that recording or rerecording, with a minimum base fee 198  
of twenty dollars and a minimum housing trust fund fee of twenty 199  
dollars; for certifying a copy from the record, a base fee of 200  
two cents and a housing trust fund fee of two cents per square 201  
inch of the record, with a minimum base fee of two dollars and a 202  
minimum housing trust fund fee of two dollars. 203

The fees provided in this section shall be paid upon the 204  
presentation of the instruments for record or upon the 205  
application for any certified copy of the record, except that 206  
the payment of fees for providing copies of instruments 207  
conveying or extinguishing agricultural easements to the office 208  
of farmland preservation in the department of agriculture under 209  
division (H) of section 5301.691 of the Revised Code shall be 210  
governed by that division, and payment of fees for electronic 211  
recording may be made by electronic funds transfer, automated 212  
clearing house, or other electronic means after presentation. 213

The fees provided for in this section shall not apply to 214  
the recording, indexing, or making of a certified copy or to the 215  
filing of any instrument by a county land reutilization 216  
corporation. 217

The fees provided for in this section shall not apply to 218  
the recording, indexing, or making of a certified copy or to the 219  
filing of any instrument by a county land reutilization 220  
corporation's wholly owned subsidiary or any other electing 221  
subdivision as defined in section 5722.01 of the Revised Code if 222  
the wholly owned subsidiary or the electing subdivision is 223  
acting in capacity consistent with the purpose of the land 224  
reutilization program. 225

**Sec. 317.36.** (A) The county recorder shall collect the 226  
low- and moderate-income housing trust fund fee as specified in 227



sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 228  
4509.60, 5164.56, 5310.15, 5703.93, 5719.07, 5727.56, 5733.22, 229  
6101.09, and 6115.09 of the Revised Code. The amount of any 230  
housing trust fund fee the recorder is authorized to collect is 231  
equal to the amount of any base fee the recorder is authorized 232  
to collect for services. The housing trust fund fee shall be 233  
collected in addition to the base fee. 234

(B) The recorder shall certify the amounts collected as 235  
housing trust fund fees pursuant to division (A) of this section 236  
into the county treasury as housing trust fund fees to be paid 237  
to the treasurer of state pursuant to section 319.63 of the 238  
Revised Code. 239

(C) The document preservation surcharge collected under 240  
section 317.32 of the Revised Code is not a base fee under this 241  
section. 242

**Sec. 1113.13.** (A) After subscriptions to shares have been 243  
received by the incorporators, the board of directors of a stock 244  
state bank may, subject to the requirements of this section, 245  
adopt amendments to the bank's articles of incorporation to do 246  
any of the following: 247

(1) Authorize the shares necessary to meet conversion or 248  
option rights when all of the following apply: 249

(a) The bank has issued shares of one class convertible 250  
into shares of another class or obligations convertible into 251  
shares of the bank, or has granted options to purchase shares. 252

(b) The conversion or option rights are set forth in the 253  
articles of incorporation or have been approved by the same vote 254  
of shareholders as, at the time of the approval, would have been 255  
required to amend the articles of incorporation to authorize the 256

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| shares required for that purpose.   | 257  |
| (c) The bank does not have sufficient authorized and unissued shares available to satisfy the conversion or option rights.  | 258<br>259<br>260                                    |
| (2) Reduce the authorized number of shares of a class by the number of shares of that class that have been redeemed, or have been surrendered to or acquired by the bank upon conversion, exchange, purchase, or otherwise, or to eliminate from the articles of incorporation all references to the shares of a class, and to make any other change required, when all of the authorized shares of that class have been redeemed, or surrendered to or acquired by the bank; | 261<br>262<br>263<br>264<br>265<br>266<br>267<br>268 |
| (3) Reduce the authorized number of shares of a class by the number of shares of that class that were canceled for not being issued or reissued and for not being fully paid in within one year after the date they were authorized or otherwise became authorized and unissued shares;   | 269<br>270<br>271<br>272<br>273                      |
| <u>(4) For any purpose authorized by section 1701.70 of the Revised Code.</u>   | 274<br>275   |
| (B) The board of directors of a stock state bank may adopt amended articles of incorporation to consolidate the original articles of incorporation and all previously adopted amendments to the articles of incorporation that are in force at the time.  | 276<br>277<br>278<br>279                             |
| (C) Amended articles of incorporation shall set forth all provisions required in, and only provisions that may properly be in, original articles of incorporation or amendments to articles of incorporation at the time the amended articles of incorporation are adopted, and shall state that they supersede the existing articles of incorporation.   | 280<br>281<br>282<br>283<br>284<br>285               |

(D) (1) If the board of directors propose the adoption of 286  
any amendment to a stock state bank's articles of incorporation 287  
or amended articles of incorporation, the bank shall send to the 288  
superintendent of financial institutions a copy of the proposed 289  
amendment or amended articles of incorporation for review and 290  
approval prior to adoption by the board. 291

(2) Upon receiving a proposed amendment or amended 292  
articles of incorporation, the superintendent shall conduct 293  
whatever examination the superintendent considers necessary to 294  
determine if both of the following conditions are satisfied: 295

(a) The proposed amendment or amended articles of 296  
incorporation comply with the requirements of the Revised Code. 297

(b) The proposed amendment or amended articles of 298  
incorporation will not adversely affect the interests of the 299  
bank's depositors and creditors. 300

(3) Within forty-five days after receiving the proposed 301  
amendment or amended articles of incorporation, the 302  
superintendent shall notify the bank of the superintendent's 303  
approval or disapproval unless the superintendent determines 304  
additional information is required. In that event, the 305  
superintendent shall request the information in writing within 306  
twenty days after the date the proposed amendment or amended 307  
articles of incorporation were received. The bank shall have 308  
thirty days to submit the information to the superintendent. The 309  
superintendent shall notify the bank of the superintendent's 310  
approval or disapproval of the proposed amendment or amended 311  
articles of incorporation within forty-five days after the date 312  
the additional information is received. If the proposed 313  
amendment or amended articles of incorporation are disapproved 314  
by the superintendent, the superintendent shall notify the bank 315

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| of the reasons for the disapproval.                              | 316 |
| (4) If the superintendent fails to approve or disapprove         | 317 |
| the proposed amendment or amended articles of incorporation      | 318 |
| within the time period required by division (D)(3) of this       | 319 |
| section, the proposed amendment or amended articles of           | 320 |
| incorporation shall be considered approved.                      | 321 |
| (5) If the proposed amendment or amended articles of             | 322 |
| incorporation are approved, in no event shall that approval be   | 323 |
| construed or represented as an affirmative endorsement of the    | 324 |
| amendment or amended articles of incorporation by the            | 325 |
| superintendent.  | 326 |
| (E) (1) Upon adoption by the board of directors of any           | 327 |
| approved amendment to a stock state bank's articles of           | 328 |
| incorporation, the bank shall send to the superintendent a       | 329 |
| certificate containing a copy of the directors' resolution       | 330 |
| adopting the amendment and a statement of the manner of and      | 331 |
| basis for its adoption. The certificate shall be signed by the   | 332 |
| bank's authorized representatives in accordance with section     | 333 |
| 1103.19 of the Revised Code.                                     | 334 |
| (2) Upon adoption by the board of directors of approved          | 335 |
| amended articles of incorporation, the bank shall send to the    | 336 |
| superintendent a copy of the amended articles of incorporation,  | 337 |
| accompanied by a certificate containing a copy of the directors' | 338 |
| resolution adopting the amended articles of incorporation and a  | 339 |
| statement of the manner of and basis for its adoption. The       | 340 |
| certificate shall be signed by the bank's authorized             | 341 |
| representatives in accordance with section 1103.19 of the        | 342 |
| Revised Code.  | 343 |
| (F) Upon receiving a certificate required by division (E)        | 344 |

of this section, the superintendent shall conduct whatever 345  
examination the superintendent considers necessary to determine 346  
if the manner of and basis for adoption of the amendment or 347  
amended articles of incorporation comply with the requirements 348  
of the Revised Code. 349

(G) (1) Within thirty days after receiving a certificate 350  
required by division (E) of this section, the superintendent 351  
shall approve or disapprove the amendment or amended articles of 352  
incorporation. If the superintendent approves the amendment or 353  
amended articles of incorporation, the superintendent shall 354  
forward a certificate of that approval, a copy of the 355  
certificate required by division (E) of this section, and a copy 356  
of the amendment or amended articles of incorporation to the 357  
secretary of state, who shall file the documents. Upon filing by 358  
the secretary of state, the amendment or amended articles of 359  
incorporation shall be effective. 360

(2) If the superintendent fails to approve or disapprove 361  
the amendment or amended articles of incorporation within thirty 362  
days after receiving a certificate required by division (E) of 363  
this section, the bank shall forward a copy of the certificate 364  
and a copy of the amendment or amended articles of incorporation 365  
to the secretary of state, who shall file the documents. Upon 366  
filing by the secretary of state, the amendment or amended 367  
articles of incorporation shall be effective. 368

**Sec. 1337.04.** ~~A power of attorney for the conveyance, (A)~~ 369  
As used in this section, "real property interest" means a deed, 370  
mortgage, land installment contract, or lease of an interest in 371  
real property must. 372

(B) A power of attorney used for the execution of a real 373  
property instrument shall be properly executed and acknowledged 374

by the principal before the execution and acknowledgement of 375  
such real property instrument executed by virtue of such power 376  
of attorney. 377

For purposes of this section, if the execution and 378  
acknowledgement of the power of attorney is dated the same date 379  
as the execution and acknowledgment of the real property 380  
instrument, the power of attorney shall be presumed to have been 381  
executed and acknowledged before the execution and 382  
acknowledgment of the real property instrument. 383

(C) A power of attorney used for the execution of a real 384  
property instrument shall be recorded in the office of the 385  
county recorder of the county in which such property is 386  
situated, ~~previous to~~ before the recording of a deed, mortgage, 387  
~~or lease~~ the real property instrument executed by virtue of such 388  
power of attorney. 389

For purposes of this section, a power of attorney that is 390  
known to have been recorded the same day, but after, the 391  
recording of the real property instrument shall be considered to 392  
have been recorded before the real property instrument. 393

If a power of attorney is not recorded before, or is not 394  
known to have been recorded on the same day as, the recording of 395  
the real property instrument executed by virtue of such power of 396  
attorney, the power of attorney may be subsequently placed of 397  
record as an attachment to a supporting affidavit made by any 398  
person having knowledge of the facts or competent to testify 399  
concerning them in open court, so long as the power of attorney 400  
was executed and acknowledged not later than the day of the 401  
execution of the real property instrument. The supporting 402  
affidavit shall include all of the following: 403

(1) The name of the person appearing by record to be the 404  
owner of the property described in the real property instrument 405  
executed by virtue of the power of attorney at the time of the 406  
recording of the affidavit; 407

(2) The permanent parcel number of the property; 408

(3) The legal description of the property subject to the 409  
real property instrument executed by virtue of the power of 410  
attorney; 411

(4) The official record reference of the real property 412  
instrument executed by virtue of the power of attorney; 413

(5) If the power of attorney that the affidavit 414  
accompanies is a photocopy of the power of attorney, rather than 415  
the original, a statement that the photocopy is a true and 416  
accurate copy and a statement regarding why the original is not 417  
being recorded. 418

(D) The county recorder shall record the supporting 419  
affidavit in the official records, indexed by the name of the 420  
current record owner. 421

(E) Notwithstanding any contrary provision set forth in 422  
this section, a real property instrument executed by virtue of a 423  
power of attorney that has been of record for a period of ten 424  
years or more shall be presumed valid and of full force and 425  
effect if the power of attorney has not been placed of record. 426

(F) The amendments to this section by S.B. 94 of the 135th 427  
general assembly have no effect on the rights of a bona fide 428  
purchaser for value who acquired those rights without actual 429  
knowledge or constructive notice of the power of attorney, the 430  
real property instrument executed by virtue of the power of 431  
attorney, or an affidavit that meets the requirements of 432

division (C) of this section. 433

(G) The amendments to this section by S.B. 94 of the 135th 434  
general assembly have no effect on the law of constructive 435  
notice or chain of title analysis set forth in *Spring Lakes* 436  
*Ltd. v. O.F.M. Co.*, 12 Ohio St.3d 333 (1984); *Ohio Turnpike* 437  
*Commission v. Spellman Outdoor Advertising Services, LLC*, 2010- 438  
Ohio-1705; and *Spellman Outdoor Advertising Services, LLC v.* 439  
*Ohio Turnpike and Infrastructure Commission*, 2016-Ohio-7152. 440

(H) The amendments to this section by S.B. 94 of the 135th 441  
general assembly shall be given retroactive effect to the 442  
fullest extent permitted under Section 28 of Article II, Ohio 443  
Constitution. The amendments to this section shall not be given 444  
retroactive effect if to do so would affect any accrued 445  
substantive right or vested rights in any person or in any real 446  
property instrument. 447

**Sec. 2329.02.** Any judgment or decree rendered by any court 448  
of general jurisdiction, including district courts of the United 449  
States, within this state shall be a lien upon lands and 450  
tenements of each judgment debtor within any county of this 451  
state from the time there is filed in the office of the clerk of 452  
the court of common pleas of such county a certificate of such 453  
judgment, setting forth ~~the~~ all of the following: 454

(A) The court in which the same was rendered, ~~the;~~ 455

(B) The title and number of the action, ~~the;~~ 456

(C) The names of the judgment creditors and judgment 457  
debtors, ~~the;~~ 458

(D) The last known address, without further inquiry or 459  
investigation, that is not a post office box, of each judgment 460  
debtor; 461



(E) The amount of the judgment and costs, ~~the;~~ 462

(F) The rate of interest, if the judgment provides for 463  
interest, and the date from which such interest accrues, ~~the;~~ 464

(G) The date of rendition of the judgment, ~~and the;~~ 465

(H) The volume and page, or instrument number, if any, of 466  
the journal entry thereof. 467

No such judgment or decree shall be a lien upon any lands, 468  
whether or not situated within the county in which such judgment 469  
is rendered, registered under sections 5309.02 to 5309.98, ~~—~~ 470  
~~inclusive,~~ and 5310.01 to 5310.21, ~~inclusive,~~ of the Revised 471  
Code, until a certificate under the hand and official seal of 472  
the clerk of the court in which the same is entered or of 473  
record, stating the date and purport of the judgment, giving the 474  
number of the case, the full names of the parties, plaintiff and 475  
defendant, the last known address that is not a post office box 476  
of each defendant, and the volume and page, or instrument 477  
number, of the journal or record in which it is entered, or a 478  
certified copy of such judgment, stating such facts, is filed 479  
and noted in the office of the county recorder of the county in 480  
which the land is situated, and a memorial of the same is 481  
entered upon the register of the last certificate of title to 482  
the land to be affected. 483

Such certificate shall be made by the clerk of the court 484  
in which the judgment was rendered, under the seal of said 485  
court, upon the order of any person in whose favor such judgment 486  
was rendered or upon the order of any person claiming under him 487  
a person in whose favor such judgment was rendered, and shall be 488  
delivered to the party so ordering the same; and the fee 489  
therefor shall be taxed in the costs of the action. 490

When any such certificate is delivered to the clerk of the 491  
court of common pleas of any county in this state, the same 492  
shall be filed by such clerk, and ~~he~~the clerk shall docket and 493  
index it under the names of the judgment creditors and the 494  
judgment debtors in a judgment docket or similar record, which 495  
shall show as to each judgment all of the matters set forth in 496  
such certificate as required by this section. The fee for such 497  
filing, docketing, and indexing shall be taxed as increased 498  
costs of such judgment upon such judgment docket or similar 499  
record and shall be included in the lien of the judgment. 500

When the clerk of any court, other than that rendering the 501  
judgment, in whose office any such certificate is filed, has 502  
docketed and indexed the same, ~~he~~the clerk shall indorse upon 503  
such certificate the fact of such filing with the date thereof 504  
and the volume and page of the docket entry of such certificate 505  
and shall return the same so indorsed to the clerk of the court 506  
in which the judgment was rendered, who shall note upon the 507  
original docket the fact of the filing of said certificate, 508  
showing the county in which the same was filed and the date of 509  
such filing. When such certificate is filed, docketed, and 510  
indexed in the office of the clerk of the court which rendered 511  
the judgment, such clerk shall likewise indorse the certificate 512  
and make like notation upon the original docket. 513

Each such judgment shall be deemed to have been rendered 514  
in the county in which is kept the journal of the court 515  
rendering the same, in which journal such judgment is entered. 516

Certificates or certified copies of judgments or decrees 517  
of any courts of general jurisdiction, including district courts 518  
of the United States, within this state, may be filed, 519  
registered, noted, and memorials thereof entered, in the office 520

of the recorder of any county in which is situated land 521  
registered under sections 5309.02 to 5309.98, ~~inclusive,~~ and 522  
5310.01 to 5310.21, ~~inclusive,~~ of the Revised Code, for the 523  
purpose of making such judgments liens upon such registered 524  
land. 525

Notwithstanding any other provision of the Revised Code, 526  
any judgment issued in a court of record may be transferred to 527  
any other court of record. Any proceedings for collection may be 528  
had on such judgment the same as if it had been issued by the 529  
transferee court. 530

**Sec. 4505.104.** (A) A towing service or storage facility 531  
that is in possession of a motor vehicle may obtain a 532  
certificate of title to the vehicle as provided in division (B) 533  
of this section if all of the following apply: 534

(1) The motor vehicle was towed or stored pursuant to 535  
section 4513.60, 4513.61, or 4513.66 of the Revised Code. 536

(2) A search was made of the records of an applicable 537  
entity listed in division (F)(1) of section 4513.601 of the 538  
Revised Code to ascertain the identity of the owner and any 539  
lienholder of the motor vehicle. 540

(3) Upon obtaining the identity in division (A)(2) of this 541  
section, notice was sent to the last known address of the owner 542  
and any lienholder, by certified or express mail with return 543  
receipt requested, by certified mail with electronic tracking, 544  
or by a commercial carrier service utilizing any form of 545  
delivery requiring a signed receipt. The notice shall inform the 546  
owner and lienholder that the towing service or storage facility 547  
will obtain title to the motor vehicle if not claimed within 548  
sixty days after the date the notice was received. 549

(4) The motor vehicle has been left unclaimed for sixty 550  
days after one of the following: 551

(a) The date the notice sent under division (A) (3) of this 552  
section was received, as evidenced by a receipt signed by any 553  
person; 554

(b) The date the towing service or storage facility 555  
received notification that the delivery of the notice sent under 556  
division (A) (3) of this section was not possible. 557

(5) A sheriff, chief of a law enforcement agency, ~~or~~ state 558  
highway patrol trooper, natural resources officer, or wildlife 559  
officer, as applicable, has made a determination that the 560  
vehicle or items in the vehicle are not necessary to a criminal 561  
investigation. 562

(6) An agent of the towing service or storage facility 563  
executes an affidavit, in a form established by the registrar of 564  
motor vehicles not later than ninety days after September 30, 565  
2021, affirming that conditions in divisions (A) (1) to (5) of 566  
this section are met. 567

(B) The clerk of court shall issue a certificate of title, 568  
free and clear of all liens and encumbrances, to the towing 569  
service or storage facility that presents an affidavit that 570  
affirms that the conditions in divisions (A) (1) to (5) of this 571  
section are met. 572

(C) After obtaining title to a motor vehicle under this 573  
section, the towing service or storage facility shall retain any 574  
money arising from the disposal of the vehicle. 575

(D) A towing service or storage facility that obtains 576  
title to a motor vehicle under this section shall notify the 577  
entity that ordered the motor vehicle into storage that the 578

motor vehicle has been so disposed. The towing service or 579  
storage facility shall provide the notice on the last business 580  
day of the month in which the service or facility obtained title 581  
to the motor vehicle. 582

(E) As used in this section, ~~"towing"~~: 583

(1) "Towing service or storage facility" means any for- 584  
hire motor carrier that removes a motor vehicle under the 585  
authority of section 4513.60, 4513.61, or 4513.66 of the Revised 586  
Code and any place to which such a for-hire motor carrier 587  
delivers a motor vehicle towed under those sections. 588

(2) "Natural resources officer" means an officer appointed 589  
pursuant to section 1501.24 of the Revised Code. 590

(3) "Wildlife officer" means an officer designated 591  
pursuant to section 1531.13 of the Revised Code. 592

**Sec. 4511.01.** As used in this chapter and in Chapter 4513. 593  
of the Revised Code: 594

(A) "Vehicle" means every device, including a motorized 595  
bicycle and an electric bicycle, in, upon, or by which any 596  
person or property may be transported or drawn upon a highway, 597  
except that "vehicle" does not include any motorized wheelchair, 598  
any electric personal assistive mobility device, any low-speed 599  
micromobility device, any personal delivery device as defined in 600  
section 4511.513 of the Revised Code, any device that is moved 601  
by power collected from overhead electric trolley wires or that 602  
is used exclusively upon stationary rails or tracks, or any 603  
device, other than a bicycle, that is moved by human power. 604

(B) "Motor vehicle" means every vehicle propelled or drawn 605  
by power other than muscular power or power collected from 606  
overhead electric trolley wires, except motorized bicycles, 607

electric bicycles, road rollers, traction engines, power 608  
shovels, power cranes, and other equipment used in construction 609  
work and not designed for or employed in general highway 610  
transportation, hole-digging machinery, well-drilling machinery, 611  
ditch-digging machinery, farm machinery, and trailers designed 612  
and used exclusively to transport a boat between a place of 613  
storage and a marina, or in and around a marina, when drawn or 614  
towed on a street or highway for a distance of no more than ten 615  
miles and at a speed of twenty-five miles per hour or less. 616

(C) "Motorcycle" means every motor vehicle, other than a 617  
tractor, having a seat or saddle for the use of the operator and 618  
designed to travel on not more than three wheels in contact with 619  
the ground, including, but not limited to, motor vehicles known 620  
as "motor-driven cycle," "motor scooter," "autocycle," "cab- 621  
enclosed motorcycle," or "motorcycle" without regard to weight 622  
or brake horsepower. 623

(D) "Emergency vehicle" means emergency vehicles of 624  
municipal, township, or county departments or public utility 625  
corporations when identified as such as required by law, the 626  
director of public safety, or local authorities, and motor 627  
vehicles when commandeered by a police officer. 628

(E) "Public safety vehicle" means any of the following: 629

(1) Ambulances, including private ambulance companies 630  
under contract to a municipal corporation, township, or county, 631  
and private ambulances and nontransport vehicles bearing license 632  
plates issued under section 4503.49 of the Revised Code; 633

(2) Motor vehicles used by public law enforcement officers 634  
or other persons sworn to enforce the criminal and traffic laws 635  
of the state; 636

(3) Any motor vehicle when properly identified as required 637  
by the director of public safety, when used in response to fire 638  
emergency calls or to provide emergency medical service to ill 639  
or injured persons, and when operated by a duly qualified person 640  
who is a member of a volunteer rescue service or a volunteer 641  
fire department, and who is on duty pursuant to the rules or 642  
directives of that service. The state fire marshal shall be 643  
designated by the director of public safety as the certifying 644  
agency for all public safety vehicles described in division (E) 645  
(3) of this section. 646

(4) Vehicles used by fire departments, including motor 647  
vehicles when used by volunteer fire fighters responding to 648  
emergency calls in the fire department service when identified 649  
as required by the director of public safety. 650

Any vehicle used to transport or provide emergency medical 651  
service to an ill or injured person, when certified as a public 652  
safety vehicle, shall be considered a public safety vehicle when 653  
transporting an ill or injured person to a hospital regardless 654  
of whether such vehicle has already passed a hospital. 655

(5) Vehicles used by the motor carrier enforcement unit 656  
for the enforcement of orders and rules of the public utilities 657  
commission as specified in section 5503.34 of the Revised Code. 658

(F) "School bus" means every bus designed for carrying 659  
more than nine passengers that is owned by a public, private, or 660  
governmental agency or institution of learning and operated for 661  
the transportation of children to or from a school session or a 662  
school function, or owned by a private person and operated for 663  
compensation for the transportation of children to or from a 664  
school session or a school function, provided "school bus" does 665  
not include a bus operated by a municipally owned transportation 666

system, a mass transit company operating exclusively within the 667  
territorial limits of a municipal corporation, or within such 668  
limits and the territorial limits of municipal corporations 669  
immediately contiguous to such municipal corporation, nor a 670  
common passenger carrier certified by the public utilities 671  
commission unless such bus is devoted exclusively to the 672  
transportation of children to and from a school session or a 673  
school function, and "school bus" does not include a van or bus 674  
used by a licensed child care center or type A family child care 675  
home to transport children from the child care center or type A 676  
family child care home to a school if the van or bus does not 677  
have more than fifteen children in the van or bus at any time. 678

(G) "Bicycle" means every device, other than a device that 679  
is designed solely for use as a play vehicle by a child, that is 680  
propelled solely by human power upon which a person may ride, 681  
and that has two or more wheels, any of which is more than 682  
fourteen inches in diameter. 683

(H) "Motorized bicycle" or "moped" means any vehicle 684  
having either two tandem wheels or one wheel in the front and 685  
two wheels in the rear, that may be pedaled, and that is 686  
equipped with a helper motor of not more than fifty cubic 687  
centimeters piston displacement that produces not more than one 688  
brake horsepower and is capable of propelling the vehicle at a 689  
speed of not greater than twenty miles per hour on a level 690  
surface. "Motorized bicycle" or "moped" does not include an 691  
electric bicycle. 692

(I) "Commercial tractor" means every motor vehicle having 693  
motive power designed or used for drawing other vehicles and not 694  
so constructed as to carry any load thereon, or designed or used 695  
for drawing other vehicles while carrying a portion of such 696



other vehicles, or load thereon, or both. 697

(J) "Agricultural tractor" means every self-propelling 698  
vehicle designed or used for drawing other vehicles or wheeled 699  
machinery but having no provision for carrying loads 700  
independently of such other vehicles, and used principally for 701  
agricultural purposes. 702

(K) "Truck" means every motor vehicle, except trailers and 703  
semitrailers, designed and used to carry property. 704

(L) "Bus" means every motor vehicle designed for carrying 705  
more than nine passengers and used for the transportation of 706  
persons other than in a ridesharing arrangement, and every motor 707  
vehicle, automobile for hire, or funeral car, other than a 708  
taxicab or motor vehicle used in a ridesharing arrangement, 709  
designed and used for the transportation of persons for 710  
compensation. 711

(M) "Trailer" means every vehicle designed or used for 712  
carrying persons or property wholly on its own structure and for 713  
being drawn by a motor vehicle, including any such vehicle when 714  
formed by or operated as a combination of a "semitrailer" and a 715  
vehicle of the dolly type, such as that commonly known as a 716  
"trailer dolly," a vehicle used to transport agricultural 717  
produce or agricultural production materials between a local 718  
place of storage or supply and the farm when drawn or towed on a 719  
street or highway at a speed greater than twenty-five miles per 720  
hour, and a vehicle designed and used exclusively to transport a 721  
boat between a place of storage and a marina, or in and around a 722  
marina, when drawn or towed on a street or highway for a 723  
distance of more than ten miles or at a speed of more than 724  
twenty-five miles per hour. 725

(N) "Semitrailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

(O) "Pole trailer" means every trailer or semitrailer attached to the towing vehicle by means of a reach, pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(P) "Railroad" means a carrier of persons or property operating upon rails placed principally on a private right-of-way.

(Q) "Railroad train" means a steam engine or an electric or other motor, with or without cars coupled thereto, operated by a railroad.

(R) "Streetcar" means a car, other than a railroad train, for transporting persons or property, operated upon rails principally within a street or highway.

(S) "Trackless trolley" means every car that collects its power from overhead electric trolley wires and that is not operated upon rails or tracks.

(T) "Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or

mixture may cause such a sudden generation of highly heated 755  
gases that the resultant gaseous pressures are capable of 756  
producing destructive effects on contiguous objects, or of 757  
destroying life or limb. Manufactured articles shall not be held 758  
to be explosives when the individual units contain explosives in 759  
such limited quantities, of such nature, or in such packing, 760  
that it is impossible to procure a simultaneous or a destructive 761  
explosion of such units, to the injury of life, limb, or 762  
property by fire, by friction, by concussion, by percussion, or 763  
by a detonator, such as fixed ammunition for small arms, 764  
firecrackers, or safety fuse matches. 765

(U) "Flammable liquid" means any liquid that has a flash 766  
point of seventy degrees fahrenheit, or less, as determined by a 767  
tagliabue or equivalent closed cup test device. 768

(V) "Gross weight" means the weight of a vehicle plus the 769  
weight of any load thereon. 770

(W) "Person" means every natural person, firm, co- 771  
partnership, association, or corporation. 772

(X) "Pedestrian" means any natural person afoot. 773  
"Pedestrian" includes a personal delivery device as defined in 774  
section 4511.513 of the Revised Code unless the context clearly 775  
suggests otherwise. 776

(Y) "Driver or operator" means every person who drives or 777  
is in actual physical control of a vehicle, trackless trolley, 778  
or streetcar. 779

(Z) "Police officer" means every officer authorized to 780  
direct or regulate traffic, or to make arrests for violations of 781  
traffic regulations. 782

(AA) "Local authorities" means every county, municipal, 783

|  |  |
|--|--|
| and other local board or body having authority to adopt police regulations under the constitution and laws of this state.  | 784<br>785                             |
| (BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.  | 786<br>787<br>788                      |
| (CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway. | 789<br>790<br>791<br>792<br>793<br>794 |
| (DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.   | 795<br>796<br>797<br>798               |
| (EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively.  | 799<br>800<br>801<br>802<br>803        |
| (FF) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.  | 804<br>805<br>806                      |
| (GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.  | 807<br>808<br>809                      |
| (HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code.   | 810<br>811                             |

(II) "State highway" means a highway under the 812  
jurisdiction of the department of transportation, outside the 813  
limits of municipal corporations, provided that the authority 814  
conferred upon the director of transportation in section 5511.01 815  
of the Revised Code to erect state highway route markers and 816  
signs directing traffic shall not be modified by sections 817  
4511.01 to 4511.79 and 4511.99 of the Revised Code. 818

(JJ) "State route" means every highway that is designated 819  
with an official state route number and so marked. 820

(KK) "Intersection" means: 821

(1) The area embraced within the prolongation or 822  
connection of the lateral curb lines, or, if none, the lateral 823  
boundary lines of the roadways of two highways that join one 824  
another at, or approximately at, right angles, or the area 825  
within which vehicles traveling upon different highways that 826  
join at any other angle might come into conflict. The junction 827  
of an alley or driveway with a roadway or highway does not 828  
constitute an intersection unless the roadway or highway at the 829  
junction is controlled by a traffic control device. 830

(2) If a highway includes two roadways that are thirty 831  
feet or more apart, then every crossing of each roadway of such 832  
divided highway by an intersecting highway constitutes a 833  
separate intersection. If both intersecting highways include two 834  
roadways thirty feet or more apart, then every crossing of any 835  
two roadways of such highways constitutes a separate 836  
intersection. 837

(3) At a location controlled by a traffic control signal, 838  
regardless of the distance between the separate intersections as 839  
described in division (KK) (2) of this section: 840

(a) If a stop line, yield line, or crosswalk has not been 841  
designated on the roadway within the median between the separate 842  
intersections, the two intersections and the roadway and median 843  
constitute one intersection. 844

(b) Where a stop line, yield line, or crosswalk line is 845  
designated on the roadway on the intersection approach, the area 846  
within the crosswalk and any area beyond the designated stop 847  
line or yield line constitute part of the intersection. 848

(c) Where a crosswalk is designated on a roadway on the 849  
departure from the intersection, the intersection includes the 850  
area that extends to the far side of the crosswalk. 851

(LL) "Crosswalk" means: 852

(1) That part of a roadway at intersections ordinarily 853  
included within the real or projected prolongation of property 854  
lines and curb lines or, in the absence of curbs, the edges of 855  
the traversable roadway; 856

(2) Any portion of a roadway at an intersection or 857  
elsewhere, distinctly indicated for pedestrian crossing by lines 858  
or other markings on the surface; 859

(3) Notwithstanding divisions (LL) (1) and (2) of this 860  
section, there shall not be a crosswalk where local authorities 861  
have placed signs indicating no crossing. 862

(MM) "Safety zone" means the area or space officially set 863  
apart within a roadway for the exclusive use of pedestrians and 864  
protected or marked or indicated by adequate signs as to be 865  
plainly visible at all times. 866

(NN) "Business district" means the territory fronting upon 867  
a street or highway, including the street or highway, between 868

successive intersections within municipal corporations where 869  
fifty per cent or more of the frontage between such successive 870  
intersections is occupied by buildings in use for business, or 871  
within or outside municipal corporations where fifty per cent or 872  
more of the frontage for a distance of three hundred feet or 873  
more is occupied by buildings in use for business, and the 874  
character of such territory is indicated by official traffic 875  
control devices. 876

(OO) "Residence district" means the territory, not 877  
comprising a business district, fronting on a street or highway, 878  
including the street or highway, where, for a distance of three 879  
hundred feet or more, the frontage is improved with residences 880  
or residences and buildings in use for business. 881

(PP) "Urban district" means the territory contiguous to 882  
and including any street or highway which is built up with 883  
structures devoted to business, industry, or dwelling houses 884  
situated at intervals of less than one hundred feet for a 885  
distance of a quarter of a mile or more, and the character of 886  
such territory is indicated by official traffic control devices. 887

(QQ) "Traffic control device" means a flagger, sign, 888  
signal, marking, or other device used to regulate, warn, or 889  
guide traffic, placed on, over, or adjacent to a street, 890  
highway, private road open to public travel, pedestrian 891  
facility, or shared-use path by authority of a public agency or 892  
official having jurisdiction, or, in the case of a private road 893  
open to public travel, by authority of the private owner or 894  
private official having jurisdiction. 895

(RR) "Traffic control signal" means any highway traffic 896  
signal by which traffic is alternately directed to stop and 897  
permitted to proceed. 898

(SS) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(TT) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trackless trolleys, and other devices, either singly or together, while using for purposes of travel any highway or private road open to public travel.

(UU) "Right-of-way" means either of the following, as the context requires:

(1) The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(XX) "Alley" means a street or highway intended to provide



access to the rear or side of lots or buildings in urban 928  
districts and not intended for the purpose of through vehicular 929  
traffic, and includes any street or highway that has been 930  
declared an "alley" by the legislative authority of the 931  
municipal corporation in which such street or highway is 932  
located. 933

(YY) "Freeway" means a divided multi-lane highway for 934  
through traffic with all crossroads separated in grade and with 935  
full control of access. 936

(ZZ) "Expressway" means a divided arterial highway for 937  
through traffic with full or partial control of access with an 938  
excess of fifty per cent of all crossroads separated in grade. 939

(AAA) "Thruway" means a through highway whose entire 940  
roadway is reserved for through traffic and on which roadway 941  
parking is prohibited. 942

(BBB) "Stop intersection" means any intersection at one or 943  
more entrances of which stop signs are erected. 944

(CCC) "Arterial street" means any United States or state 945  
numbered route, controlled access highway, or other major radial 946  
or circumferential street or highway designated by local 947  
authorities within their respective jurisdictions as part of a 948  
major arterial system of streets or highways. 949

(DDD) "Ridesharing arrangement" means the transportation 950  
of persons in a motor vehicle where such transportation is 951  
incidental to another purpose of a volunteer driver and includes 952  
ridesharing arrangements known as carpools, vanpools, and 953  
buspools. 954

(EEE) "Motorized wheelchair" means any self-propelled 955  
vehicle designed for, and used by, a person with a disability 956

and that is incapable of a speed in excess of eight miles per 957  
hour. 958

(FFF) "Child care center" and "type A family child care 959  
home" have the same meanings as in section 5104.01 of the 960  
Revised Code. 961

(GGG) "Multi-wheel agricultural tractor" means a type of 962  
agricultural tractor that has two or more wheels or tires on 963  
each side of one axle at the rear of the tractor, is designed or 964  
used for drawing other vehicles or wheeled machinery, has no 965  
provision for carrying loads independently of the drawn vehicles 966  
or machinery, and is used principally for agricultural purposes. 967

(HHH) "Operate" means to cause or have caused movement of 968  
a vehicle, streetcar, or trackless trolley. 969

(III) "Predicate motor vehicle or traffic offense" means 970  
any of the following: 971

(1) A violation of section 4511.03, 4511.051, 4511.12, 972  
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 973  
4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 974  
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 975  
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 976  
4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 977  
4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 978  
4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 979  
4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 980  
4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 981  
4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 982  
4511.84 of the Revised Code; 983

(2) A violation of division (A) (2) of section 4511.17, 984  
divisions (A) to (D) of section 4511.51, or division (A) of 985

|  |                                      |
|--|--------------------------------------|
| section 4511.74 of the Revised Code;   | 986                                  |
| (3) A violation of any provision of sections 4511.01 to 4511.76 of the Revised Code for which no penalty otherwise is provided in the section that contains the provision violated;  | 987<br>988<br>989                    |
| (4) A violation of section 4511.214 of the Revised Code;   | 990                                  |
| (5) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in division (III) (1), (2), (3), or (4) of this section.   | 991<br>992<br>993<br>994             |
| (JJJ) "Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights.  | 995<br>996<br>997<br>998             |
| (KKK) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode.  | 999<br>1000                          |
| (LLL) "Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications.   | 1001<br>1002<br>1003<br>1004<br>1005 |
| (MMM) "Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp. | 1006<br>1007<br>1008<br>1009<br>1010 |
| (NNN) "Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median   | 1011<br>1012<br>1013                 |

may be different between intersections, between interchanges, 1014  
and at opposite approaches of the same intersection. 1015

(OOO) "Private road open to public travel" means a private 1016  
toll road or road, including any adjacent sidewalks that 1017  
generally run parallel to the road, within a shopping center, 1018  
airport, sports arena, or other similar business or recreation 1019  
facility that is privately owned but where the public is allowed 1020  
to travel without access restrictions. "Private road open to 1021  
public travel" includes a gated toll road but does not include a 1022  
road within a private gated property where access is restricted 1023  
at all times, a parking area, a driving aisle within a parking 1024  
area, or a private grade crossing. 1025

(PPP) "Shared-use path" means a bikeway outside the 1026  
traveled way and physically separated from motorized vehicular 1027  
traffic by an open space or barrier and either within the 1028  
highway right-of-way or within an independent alignment. A 1029  
shared-use path also may be used by pedestrians, including 1030  
skaters, joggers, users of manual and motorized wheelchairs, and 1031  
other authorized motorized and non-motorized users. A shared-use 1032  
path does not include any trail that is intended to be used 1033  
primarily for mountain biking, hiking, equestrian use, or other 1034  
similar uses, or any other single track or natural surface trail 1035  
that has historically been reserved for nonmotorized use. 1036

(QQQ) "Highway maintenance vehicle" means a vehicle used 1037  
in snow and ice removal or road surface maintenance, including a 1038  
snow plow, traffic line striper, road sweeper, mowing machine, 1039  
asphalt distributing vehicle, or other such vehicle designed for 1040  
use in specific highway maintenance activities. 1041

(RRR) "Waste collection vehicle" means a vehicle used in 1042  
the collection of garbage, refuse, trash, or recyclable 1043

materials. 1044

(SSS) "Electric bicycle" means a "class 1 electric bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle" as defined in this section. 1045  
1046  
1047

(TTT) "Class 1 electric bicycle" means a bicycle that is 1048  
equipped with fully operable pedals and an electric motor of 1049  
less than seven hundred fifty watts that provides assistance 1050  
only when the rider is pedaling and ceases to provide assistance 1051  
when the bicycle reaches the speed of twenty miles per hour. 1052

(UUU) "Class 2 electric bicycle" means a bicycle that is 1053  
equipped with fully operable pedals and an electric motor of 1054  
less than seven hundred fifty watts that may provide assistance 1055  
regardless of whether the rider is pedaling and is not capable 1056  
of providing assistance when the bicycle reaches the speed of 1057  
twenty miles per hour. 1058

(VVV) "Class 3 electric bicycle" means a bicycle that is 1059  
equipped with fully operable pedals and an electric motor of 1060  
less than seven hundred fifty watts that provides assistance 1061  
only when the rider is pedaling and ceases to provide assistance 1062  
when the bicycle reaches the speed of twenty-eight miles per 1063  
hour. 1064

(WWW) "Low-speed micromobility device" means a device 1065  
weighing less than one hundred pounds that has handlebars, is 1066  
propelled by an electric motor or human power, and has an 1067  
attainable speed on a paved level surface of not more than 1068  
twenty miles per hour when propelled by the electric motor. 1069

(XXX) "Natural resources officer" means an officer 1070  
appointed pursuant to section 1501.24 of the Revised Code. 1071

(YYY) "Wildlife officer" means an officer designated 1072

pursuant to section 1531.13 of the Revised Code. 1073

**Sec. 4513.61.** (A) The sheriff of a county or chief of a 1074  
law enforcement agency of a municipal corporation, township, 1075  
port authority, conservancy district, university campus police 1076  
department, park district police force, or township or joint 1077  
police district, within the sheriff's or chief's respective 1078  
territorial jurisdiction, or a state highway patrol trooper, 1079  
natural resources officer, or wildlife officer, upon 1080  
notification to the sheriff ~~or,~~ chief, or department of natural 1081  
resources, as applicable, of such action and of the location of 1082  
the place of storage, may order into storage any motor vehicle, 1083  
including an abandoned junk motor vehicle as defined in section 1084  
4513.63 of the Revised Code, that: 1085

(1) Has come into the possession of the sheriff, chief, ~~or~~ 1086  
state highway patrol trooper, or officer as a result of the 1087  
performance of the sheriff's, chief's, ~~or~~ trooper's, or 1088  
officer's duties; or 1089

(2) Has been left on a public street or other property 1090  
open to the public for purposes of vehicular travel, or upon or 1091  
within the right-of-way of any road or highway, for forty-eight 1092  
hours or longer without notification to the sheriff ~~or,~~ chief, 1093  
or department of the reasons for leaving the motor vehicle in 1094  
such place. However, when such a motor vehicle constitutes an 1095  
obstruction to traffic it may be ordered into storage 1096  
immediately unless either of the following applies: 1097

(a) The vehicle was involved in an accident and is subject 1098  
to section 4513.66 of the Revised Code; 1099

(b) The vehicle is a commercial motor vehicle. If the 1100  
vehicle is a commercial motor vehicle, the sheriff, chief, ~~or~~ 1101

~~state highway patrol trooper, or officer~~ shall allow the owner 1102  
or operator of the vehicle the opportunity to arrange for the 1103  
removal of the motor vehicle within a period of time specified 1104  
by the sheriff, chief, ~~or state highway patrol trooper, or~~ 1105  
officer. If the sheriff, chief, ~~or state highway patrol trooper,~~ 1106  
or officer determines that the vehicle cannot be removed within 1107  
the specified period of time, the sheriff, chief, ~~or state~~ 1108  
~~highway patrol trooper, or officer~~ shall order the removal of 1109  
the vehicle. 1110

Subject to division (C) of this section, the sheriff ~~or,~~ 1111  
chief, or department shall designate the place of storage of any 1112  
motor vehicle so ordered removed. 1113

(B) If the sheriff, chief, ~~or a state highway patrol~~ 1114  
~~trooper, or officer~~ issues an order under division (A) of this 1115  
section and arranges for the removal of a motor vehicle by a 1116  
towing service, the towing service shall deliver the motor 1117  
vehicle to the location designated by the sheriff ~~or,~~ chief, or 1118  
department not more than two hours after the time it is removed. 1119

(C) (1) The sheriff ~~or,~~ chief, or department shall cause a 1120  
search to be made of the records of an applicable entity listed 1121  
in division (F) (1) of section 4513.601 of the Revised Code to 1122  
ascertain the identity of the owner and any lienholder of a 1123  
motor vehicle ordered into storage by the sheriff ~~or,~~ chief, ~~or~~ 1124  
~~by a state highway patrol trooper, or officer~~ within five 1125  
business days of the removal of the vehicle. Upon obtaining such 1126  
identity, the sheriff ~~or,~~ chief, or department shall send or 1127  
cause to be sent to the owner ~~or and any~~ lienholder at the 1128  
owner's ~~or and any~~ lienholder's last known address by certified 1129  
or express mail with return receipt requested, by certified mail 1130  
with electronic tracking, or by a commercial carrier service 1131

utilizing any form of delivery requiring a signed receipt. The 1132  
notice shall inform the owner ~~or~~ and any lienholder that the 1133  
motor vehicle will be declared a nuisance and disposed of if not 1134  
claimed within ten days of the date of the sending of the 1135  
notice. 1136

(2) The owner or lienholder of the motor vehicle may 1137  
reclaim the motor vehicle upon payment of any expenses or 1138  
charges incurred in its removal and storage, and presentation of 1139  
proof of ownership, which may be evidenced by a certificate of 1140  
title or memorandum certificate of title to the motor vehicle, a 1141  
certificate of registration for the motor vehicle, or a lease 1142  
agreement. Upon presentation of proof of ownership evidenced as 1143  
provided above, the owner of the motor vehicle also may retrieve 1144  
any personal items from the vehicle without retrieving the 1145  
vehicle and without paying any fee. However, a towing service or 1146  
storage facility may charge an after-hours retrieval fee 1147  
established by the public utilities commission in rules adopted 1148  
under section 4921.25 of the Revised Code if the owner retrieves 1149  
the personal items after hours, unless the towing service or 1150  
storage facility fails to provide the notice required under 1151  
division (B) (3) of section 4513.69 of the Revised Code, if 1152  
applicable. However, the owner shall not do either of the 1153  
following: 1154

(a) Retrieve any personal item that has been determined by 1155  
the sheriff, chief, ~~or a state highway patrol trooper,~~ or 1156  
officer, as applicable, to be necessary to a criminal 1157  
investigation; 1158

(b) Retrieve any personal item from a vehicle if it would 1159  
endanger the safety of the owner, unless the owner agrees to 1160  
sign a waiver of liability. 1161



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

(3) If the owner or lienholder of the motor vehicle reclaims it after a search of the applicable records has been conducted and after notice has been sent to the owner ~~or~~ and any lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of twenty-five dollars, in addition to any expenses or charges incurred in the removal and storage of the vehicle.

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

, chief's, or department's records, and shall furnish two copies 1193  
to the motor vehicle salvage dealer or other facility. Upon 1194  
presentation of a copy of the affidavit by the motor vehicle 1195  
salvage dealer, the clerk of courts, within thirty days of the 1196  
presentation, shall issue a salvage certificate of title, free 1197  
and clear of all liens and encumbrances. 1198

(E) Whenever a motor vehicle salvage dealer or other 1199  
facility receives an affidavit for the disposal of a motor 1200  
vehicle as provided in this section, the dealer or facility 1201  
shall not be required to obtain an Ohio certificate of title to 1202  
the motor vehicle in the dealer's or facility's own name if the 1203  
vehicle is dismantled or destroyed and both copies of the 1204  
affidavit are delivered to the clerk of courts. 1205

(F) No towing service or storage facility shall fail to 1206  
comply with this section. 1207

**Sec. 4513.62.** An unclaimed motor vehicle ordered into 1208  
storage pursuant to division (A) (1) of section 4513.60 or 1209  
section 4513.61 of the Revised Code is subject to one of the 1210  
following: 1211

(A) The sheriff of the county or the chief of a law 1212  
enforcement agency of the municipal corporation, township, port 1213  
authority, conservancy district, university campus police 1214  
department, park district police force, or township or joint 1215  
police district, or the department of natural resources may 1216  
dispose of it with a motor vehicle salvage dealer or scrap metal 1217  
processing facility as defined in section 4737.05 of the Revised 1218  
Code, or with any other facility owned by or under contract with 1219  
the county, municipal corporation, port authority, conservancy 1220  
district, university campus, park district, ~~or~~ township, or 1221  
department for the disposal of such motor vehicles. 1222

(B) The sheriff, chief, department, or a licensed 1223  
auctioneer may sell the motor vehicle at public auction, after 1224  
giving notice thereof by advertisement, published once a week 1225  
for two successive weeks in a newspaper of general circulation 1226  
in the county or as provided in section 7.16 of the Revised 1227  
Code. 1228

(C) A towing service or storage facility may obtain title 1229  
to the motor vehicle in accordance with section 4505.104 of the 1230  
Revised Code. 1231

~~Any moneys~~ (D) (1) Except as provided in division (D) (2) of 1232  
this section, money accrued pursuant to division (A) or (B) of 1233  
this section that are in excess of the expenses resulting from 1234  
the removal and storage of the vehicle shall be credited to the 1235  
general fund of the county, municipal corporation, port 1236  
authority, township, conservancy district, university campus, 1237  
park district, or joint police district, as the case may be. 1238

(2) Any money accrued by the department of natural 1239  
resources pursuant to division (A) or (B) of this section that 1240  
is in excess of the expenses resulting from the removal and 1241  
storage of the vehicle shall be credited as follows: 1242

(a) To the wildlife fund created under section 1531.17 of 1243  
the Revised Code if the unclaimed motor vehicle was removed from 1244  
property under the control or jurisdiction of the division of 1245  
wildlife; 1246

(b) To the state park fund created under section 1546.21 1247  
of the Revised Code if the unclaimed motor vehicle was removed 1248  
from property under the control or jurisdiction of the 1249  
department of natural resources other than property under the 1250  
control or jurisdiction of the division of wildlife. 1251

**Sec. 4513.63.** ~~"Abandoned~~ As used in this section, 1252  
"abandoned junk motor vehicle" means any motor vehicle meeting 1253  
all of the following requirements: 1254

~~(A)~~ (1) Left on private property for forty-eight hours or 1255  
longer without the permission of the person having the right to 1256  
the possession of the property, on a public street or other 1257  
property open to the public for purposes of vehicular travel or 1258  
parking, or upon or within the right-of-way of any road or 1259  
highway, for forty-eight hours or longer; 1260

~~(B)~~ (2) Three years old, or older; 1261

~~(C)~~ (3) Extensively damaged, such damage including but not 1262  
limited to any of the following: missing wheels, tires, motor, 1263  
or transmission; 1264

~~(D)~~ (4) Apparently inoperable; 1265

~~(E)~~ (5) Having a fair market value of one thousand five 1266  
hundred dollars or less. 1267

(B) The sheriff of a county or chief of a law enforcement 1268  
agency of a municipal corporation, township, port authority, 1269  
conservancy district, university campus police department, park 1270  
district police force, or township or joint police district, 1271  
within the sheriff's or chief's respective territorial 1272  
jurisdiction, or a state highway patrol trooper, natural 1273  
resources officer, or wildlife officer, upon notification to the 1274  
sheriff ~~or,~~ chief, or department of natural resources of such 1275  
action, shall order any abandoned junk motor vehicle to be 1276  
photographed by a law enforcement officer. The officer shall 1277  
record the make of motor vehicle, the serial number when 1278  
available, and shall also detail the damage or missing equipment 1279  
to substantiate the value of one thousand five hundred dollars 1280

or less. The sheriff ~~or~~, chief, or department shall thereupon 1281  
immediately dispose of the abandoned junk motor vehicle to a 1282  
motor vehicle salvage dealer as defined in section 4738.01 of 1283  
the Revised Code or a scrap metal processing facility as defined 1284  
in section 4737.05 of the Revised Code which is under contract 1285  
to the county, township, port authority, conservancy district, 1286  
university campus, park district, or municipal corporation, or 1287  
department, or to any other facility owned by or under contract 1288  
with the county, township, port authority, conservancy district, 1289  
university campus, park district, or municipal corporation, or 1290  
department for the destruction of such motor vehicles. The 1291  
records and photograph relating to the abandoned junk motor 1292  
vehicle shall be retained by the law enforcement agency or 1293  
department ordering the disposition of such vehicle for a period 1294  
of at least two years. The law enforcement agency or department 1295  
shall execute in quadruplicate an affidavit, as prescribed by 1296  
the registrar of motor vehicles, describing the motor vehicle 1297  
and the manner in which it was disposed of, and that all 1298  
requirements of this section have been complied with, and, 1299  
within thirty days of disposing of the vehicle, shall sign and 1300  
file the affidavit with the clerk of courts of the county in 1301  
which the motor vehicle was abandoned. The clerk of courts shall 1302  
retain the original of the affidavit for the clerk's files, 1303  
shall furnish one copy thereof to the registrar, one copy to the 1304  
motor vehicle salvage dealer or other facility handling the 1305  
disposal of the vehicle, and one copy to the law enforcement 1306  
agency or department ordering the disposal, who shall file such 1307  
copy with the records and photograph relating to the disposal. 1308  
~~Any moneys~~ 1309  
(C) (1) Except as provided in division (C) (2) of this 1310  
section, any money arising from the disposal of an abandoned 1311

junk motor vehicle shall be deposited in the general fund of the 1312  
county, township, port authority, conservancy district, 1313  
university campus, park district, or the municipal corporation, 1314  
as the case may be. 1315

(2) Any money arising from the disposal of an abandoned 1316  
junk motor vehicle by the department of natural resources shall 1317  
be deposited as follows: 1318

(a) To the wildlife fund created under section 1531.17 of 1319  
the Revised Code if the abandoned junk motor vehicle was removed 1320  
from property under the control or jurisdiction of the division 1321  
of wildlife; 1322

(b) To the state park fund created under section 1546.21 1323  
of the Revised Code if the abandoned junk motor vehicle was 1324  
removed from property under the control or jurisdiction of the 1325  
department of natural resources other than property under the 1326  
control or jurisdiction of the division of wildlife. 1327

(D) Notwithstanding section 4513.61 of the Revised Code, 1328  
any motor vehicle meeting the requirements of divisions ~~(C),~~ 1329  
~~(D), and (E)~~ (A) (3), (4), and (5) of this section which has 1330  
remained unclaimed by the owner or lienholder for a period of 1331  
ten days or longer following notification as provided in section 1332  
4513.61 of the Revised Code may be disposed of as provided in 1333  
this section. 1334

**Sec. 4513.64.** (A) No person shall willfully leave an 1335  
abandoned junk motor vehicle as defined in section 4513.63 of 1336  
the Revised Code on private property for more than seventy-two 1337  
hours without the permission of the person having the right to 1338  
the possession of the property, or on a public street or other 1339  
property open to the public for purposes of vehicular travel or 1340

parking, or upon or within the right-of-way of any road or 1341  
highway, for forty-eight hours or longer without notification to 1342  
the sheriff of the county or chief of a law enforcement agency 1343  
of the municipal corporation, township, port authority, 1344  
conservancy district, university campus police department, park 1345  
district police force, or township or joint police district, or 1346  
to the department of natural resources of the reasons for 1347  
leaving the motor vehicle in such place. 1348

For purposes of this section, the fact that a motor 1349  
vehicle has been so left without permission or notification is 1350  
prima-facie evidence of abandonment. 1351

Nothing contained in sections 4513.60, 4513.61, and 1352  
4513.63 of the Revised Code shall invalidate the provisions of 1353  
municipal ordinances or township resolutions regulating or 1354  
prohibiting the abandonment of motor vehicles on streets, 1355  
highways, public property, or private property within municipal 1356  
corporations or townships. 1357

(B) Whoever violates this section is guilty of a minor 1358  
misdemeanor and shall also be assessed any costs incurred by the 1359  
county, township, joint police district, port authority, 1360  
conservancy district, university campus, park district, ~~or~~ 1361  
municipal corporation, or department in disposing of the 1362  
abandoned junk motor vehicle that is the basis of the violation, 1363  
less any money accruing to the county, township, joint police 1364  
district, port authority, conservancy district, university 1365  
campus, park district, ~~or~~ municipal corporation, or department 1366  
from this disposal of the vehicle. 1367

**Sec. 4513.65.** (A) For purposes of this section, "junk 1368  
motor vehicle" means any motor vehicle meeting the requirements 1369  
of divisions ~~(B), (C), (D), and (E)~~ (A) (2), (3), (4), and (5) of 1370

section 4513.63 of the Revised Code that is left uncovered in 1371  
the open on private property for more than seventy-two hours 1372  
with the permission of the person having the right to the 1373  
possession of the property, except if the person is operating a 1374  
junk yard or scrap metal processing facility licensed under 1375  
authority of sections 4737.05 to 4737.12 of the Revised Code, or 1376  
regulated under authority of a political subdivision; or if the 1377  
property on which the motor vehicle is left is not subject to 1378  
licensure or regulation by any governmental authority, unless 1379  
the person having the right to the possession of the property 1380  
can establish that the motor vehicle is part of a bona fide 1381  
commercial operation; or if the motor vehicle is a collector's 1382  
vehicle. 1383

No political subdivision shall prevent a person from 1384  
storing or keeping, or restrict a person in the method of 1385  
storing or keeping, any collector's vehicle on private property 1386  
with the permission of the person having the right to the 1387  
possession of the property; except that a political subdivision 1388  
may require a person having such permission to conceal, by means 1389  
of buildings, fences, vegetation, terrain, or other suitable 1390  
obstruction, any unlicensed collector's vehicle stored in the 1391  
open. 1392

The sheriff of a county, or chief of a law enforcement 1393  
agency of a municipal corporation or port authority, or 1394  
conservancy district within the sheriff's or chief's respective 1395  
territorial jurisdiction, a state highway patrol trooper, a 1396  
natural resources officer, a wildlife officer, a board of 1397  
township trustees, the legislative authority of a municipal 1398  
corporation or port authority, or the zoning authority of a 1399  
township or a municipal corporation, may send notice, by 1400  
certified mail with return receipt requested, to the person 1401



having the right to the possession of the property on which a 1402  
junk motor vehicle is left, that within ten days of receipt of 1403  
the notice, the junk motor vehicle either shall be covered by 1404  
being housed in a garage or other suitable structure, or shall 1405  
be removed from the property. 1406

No person shall willfully leave a junk motor vehicle 1407  
uncovered in the open for more than ten days after receipt of a 1408  
notice as provided in this section. The fact that a junk motor 1409  
vehicle is so left is prima-facie evidence of willful failure to 1410  
comply with the notice, and each subsequent period of thirty 1411  
days that a junk motor vehicle continues to be so left 1412  
constitutes a separate offense. 1413

(B) Whoever violates this section is guilty of a minor 1414  
misdemeanor. 1415

**Sec. 4513.66.** (A) If a motor vehicle accident occurs on 1416  
any highway, public street, or other property open to the public 1417  
for purposes of vehicular travel and if any motor vehicle, 1418  
cargo, or personal property that has been damaged or spilled as 1419  
a result of the motor vehicle accident is blocking the highway, 1420  
street, or other property or is otherwise endangering public 1421  
safety, a public safety official may do either of the following 1422  
without the consent of the owner but with the approval of the 1423  
law enforcement agency conducting any investigation of the 1424  
accident: 1425

(1) Remove, or order the removal of, the motor vehicle if 1426  
the motor vehicle is unoccupied, cargo, or personal property 1427  
from the portion of the highway, public street, or property 1428  
ordinarily used for vehicular travel on the highway, public 1429  
street, or other property open to the public for purposes of 1430  
vehicular travel. 1431

(2) If the motor vehicle is a commercial motor vehicle, 1432  
allow the owner or operator of the vehicle the opportunity to 1433  
arrange for the removal of the motor vehicle within a period of 1434  
time specified by the public safety official. If the public 1435  
safety official determines that the motor vehicle cannot be 1436  
removed within the specified period of time, the public safety 1437  
official shall remove or order the removal of the motor vehicle. 1438

(B) (1) Except as provided in division (B) (2) of this 1439  
section, the department of transportation, any employee of the 1440  
department of transportation, or a public safety official who 1441  
authorizes or participates in the removal of any unoccupied 1442  
motor vehicle, cargo, or personal property as authorized by 1443  
division (A) of this section, regardless of whether the removal 1444  
is executed by a private towing service, is not liable for civil 1445  
damages for any injury, death, or loss to person or property 1446  
that results from the removal of that unoccupied motor vehicle, 1447  
cargo, or personal property. Further, except as provided in 1448  
division (B) (2) of this section, if a public safety official 1449  
authorizes, employs, or arranges to have a private towing 1450  
service remove any unoccupied motor vehicle, cargo, or personal 1451  
property as authorized by division (A) of this section, that 1452  
private towing service is not liable for civil damages for any 1453  
injury, death, or loss to person or property that results from 1454  
the removal of that unoccupied motor vehicle, cargo, or personal 1455  
property. 1456

(2) Division (B) (1) of this section does not apply to any 1457  
of the following: 1458

(a) Any person or entity involved in the removal of an 1459  
unoccupied motor vehicle, cargo, or personal property pursuant 1460  
to division (A) of this section if that removal causes or 1461

contributes to the release of a hazardous material or to 1462  
structural damage to the roadway; 1463

(b) A private towing service that was not authorized, 1464  
employed, or arranged by a public safety official to remove an 1465  
unoccupied motor vehicle, cargo, or personal property under this 1466  
section; 1467

(c) Except as provided in division (B) (2) (d) of this 1468  
section, a private towing service that was authorized, employed, 1469  
or arranged by a public safety official to perform the removal 1470  
of the unoccupied motor vehicle, cargo, or personal property but 1471  
the private towing service performed the removal in a negligent 1472  
manner; 1473

(d) A private towing service that was authorized, 1474  
employed, or arranged by a public safety official to perform the 1475  
removal of the unoccupied motor vehicle, cargo, or personal 1476  
property that was endangering public safety but the private 1477  
towing service performed the removal in a reckless manner. 1478

(C) As used in this section: 1479

(1) "Public safety official" means any of the following: 1480

(a) The sheriff of the county, or the chief of a law 1481  
enforcement agency in the municipal corporation, township, port 1482  
authority, conservancy district, university campus police 1483  
department, park district police force, or township or joint 1484  
police district, in which the accident occurred; 1485

(b) A state highway patrol trooper; 1486

(c) The chief of the fire department having jurisdiction 1487  
where the accident occurred; 1488

(d) A duly authorized subordinate acting on behalf of an 1489

official specified in divisions (C) (1) (a) to (c) of this 1490  
section; 1491

(e) A natural resources officer or a wildlife officer. 1492

(2) "Hazardous material" has the same meaning as in 1493  
section 2305.232 of the Revised Code. 1494

**Sec. 4513.69.** (A) A storage facility shall ensure that the 1495  
facility remains open during both of the following periods of 1496  
time to allow a vehicle owner or lienholder to retrieve a 1497  
vehicle in the possession of the storage facility: 1498

(1) Any time during which a towing service is towing a 1499  
vehicle pursuant to section 4513.601 of the Revised Code and the 1500  
vehicle will be held by the storage facility; 1501

(2) Between nine o'clock in the morning and noon on the 1502  
day after any day during which the storage facility accepted for 1503  
storage a vehicle towed under section 4513.60, 4513.601, or 1504  
4513.61 of the Revised Code. 1505

(B) (1) A storage facility that accepts for storage 1506  
vehicles towed under section 4513.60, 4513.601, or 4513.61 of 1507  
the Revised Code shall ensure that a notice is conspicuously 1508  
posted at the entrance to the storage facility that states the 1509  
telephone number at which the owner or lienholder of a vehicle 1510  
may contact the owner or a representative of the storage 1511  
facility for the purpose of determining whether the person may 1512  
retrieve a vehicle or personal items when the storage facility 1513  
is closed. The storage facility also shall provide that 1514  
telephone number to the sheriff of a county or chief of a law 1515  
enforcement agency of a municipal corporation, township, port 1516  
authority, conservancy district, or township or joint police 1517  
district, or the department of natural resources, as applicable. 1518

The storage facility shall ensure that a process is in place for 1519  
purposes of answering calls at all times day or night. 1520

(2) After receiving a call from the owner or lienholder of 1521  
a vehicle who seeks to recover a vehicle that was towed pursuant 1522  
to section 4513.601 of the Revised Code, the storage facility 1523  
shall ensure that, within three hours of receiving the phone 1524  
call, a representative of the storage facility is available to 1525  
release the vehicle upon being presented with proof of ownership 1526  
of the vehicle, which may be evidenced by a certificate of title 1527  
to the vehicle, a certificate of registration for the motor 1528  
vehicle, or a lease agreement, and payment of an after-hours 1529  
vehicle retrieval fee established under section 4921.25 of the 1530  
Revised Code along with all other applicable fees. 1531

(3) If a storage facility receives a call from a person 1532  
who seeks to recover personal items from a vehicle that was 1533  
towed pursuant to section 4513.60 or 4513.61 of the Revised Code 1534  
and the storage facility is not open to the public, the storage 1535  
facility shall notify the person that an after-hours retrieval 1536  
fee applies and shall state the amount of the fee as established 1537  
by the public utilities commission in rules adopted under 1538  
section 4921.25 of the Revised Code. The storage facility shall 1539  
allow the person to retrieve personal items in accordance with 1540  
division (D)(2) of section 4513.60 or division (C)(2) of section 1541  
4513.61 of the Revised Code, but shall not charge an after-hours 1542  
retrieval fee unless notice is provided in accordance with this 1543  
division. 1544

(C) No storage facility shall fail to comply with division 1545  
(A) or (B) of this section. 1546

**Sec. 5301.234.** (A) A mortgage encumbering real property 1547  
granted to secure the repayment of funds used to satisfy a 1548

mortgage or lien on such real property shall be subrogated to 1549  
the priority of the mortgage or lien that was satisfied to the 1550  
extent of the amount satisfied if both of the following apply: 1551

(1) The intent of the parties to the new mortgage is that 1552  
the new mortgage would have the priority of the mortgage or lien 1553  
satisfied. 1554

(2) The expectation of the holder of a subordinate 1555  
mortgage or lien at the time that it received its interest was 1556  
that it would be junior to the mortgage or lien that was 1557  
satisfied. 1558

(B) A mortgagee seeking to be subrogated pursuant to 1559  
division (A) of this section to the priority of a lien that the 1560  
mortgagee has satisfied shall not be denied subrogation for any 1561  
of the following reasons: 1562

(1) The mortgagee meets any of the following criteria: 1563

(a) The mortgagee is engaged in the business of lending. 1564

(b) The mortgagee had actual knowledge or constructive 1565  
notice of the mortgage or lien over which the mortgagee would 1566  
gain priority through subrogation. 1567

(c) The mortgagee or a third party committed a mistake or 1568  
was negligent. 1569

(2) The lien for which the mortgagee seeks to be 1570  
subrogated was released. 1571

(3) The mortgagee obtained a title insurance policy. 1572

(C) Notwithstanding division (A) of this section, the 1573  
holder of a subordinate mortgage or lien shall retain the same 1574  
subordinate position that such person would have had if the 1575

prior mortgage or lien had not been satisfied. 1576

**Sec. 5323.02.** (A) An owner of residential rental property 1577  
shall file with the county auditor of the county in which the 1578  
property is located the following information: 1579

(1) The name, address, and telephone number of the owner; 1580

(2) If the residential rental property is owned by a 1581  
trust, business trust, estate, partnership, limited partnership, 1582  
limited liability company, association, corporation, or any 1583  
other business entity, the name, address, and telephone number 1584  
of the following: 1585

(a) A trustee, in the case of a trust or business trust; 1586

(b) The executor or administrator, in the case of an 1587  
estate; 1588

(c) A general partner, in the case of a partnership or a 1589  
limited partnership; 1590

(d) A member, manager, or officer, in the case of a 1591  
limited liability company; 1592

(e) An associate, in the case of an association; 1593

(f) An officer, in the case of a corporation; 1594

(g) A member, manager, or officer, in the case of any 1595  
other business entity. 1596

(3) The street address and permanent parcel number of the 1597  
residential rental property. 1598

(B) The information required under division (A) of this 1599  
section shall be filed and maintained on the tax list or the 1600  
real property record. 1601

(C) An owner of residential rental property shall update 1602  
the information required under division (A) of this section 1603  
within sixty days after any change in the information occurs. 1604

(D) The county auditor shall provide an owner of 1605  
residential rental property located in a county that has a 1606  
population of more than two hundred thousand according to the 1607  
most recent decennial census with notice pursuant to division 1608  
(B) of section 323.131 of the Revised Code of the requirement to 1609  
file the information required under division (A) of this section 1610  
and the requirement to update that information under division 1611  
(C) of this section. 1612

(E) The owner of residential real property shall comply 1613  
with the requirements under divisions (A) and (C) of this 1614  
section within sixty days after receiving the notice provided 1615  
under division (D) of this section, division (D) of section 1616  
319.202, or division (B) of section 323.131 of the Revised Code. 1617

(F) Any agent designated by the owner to manage the 1618  
property on the owner's behalf may file or update any 1619  
information, or do anything otherwise required by this section, 1620  
on the owner's behalf. 1621

**Section 2.** That existing sections 317.13, 317.32, 317.36, 1622  
1113.13, 1337.04, 2329.02, 4505.104, 4511.01, 4513.61, 4513.62, 1623  
4513.63, 4513.64, 4513.65, 4513.66, 4513.69, and 5323.02 of the 1624  
Revised Code are hereby repealed. 1625

**Section 3.** That Section 413.10 of H.B. 33 of the 135th 1626  
General Assembly be amended to read as follows: 1627

**Sec. 413.10.** 1628



|   | 1           | 2             | 3  | 4            | 5   |
|---|-------------|---------------|--|--------------|---|
| A |             |               | TOS TREASURER OF STATE   |              |   |
| B |             |               | General Revenue Fund   |              |   |
| C | GRF         | 090321        | Operating Expenses   | \$6,478,000  | \$5,432,000                                   |
| D | GRF         | 090406        | Treasury Management System<br>Lease Rental Payments                                | \$1,120,000  | \$1,120,000                                   |
| E | <u>GRF</u>  | <u>090409</u> | <u>County Recorder Electronic</u><br><u>Record Modernization</u><br><u>Program</u> | <u>\$0</u>   | <u>\$4,500,000</u>                            |
| F | TOTAL GRF   |               | General Revenue Fund   | \$7,598,000  | <del>\$6,552,000</del><br><u>\$11,052,000</u> |
| G |             |               | Dedicated Purpose Fund Group   |              |   |
| H | 4E90        | 090603        | Securities Lending Income  | \$10,022,465 | \$11,068,905                                  |
| I | 4X90        | 090614        | Political Subdivision<br>Obligation  | \$35,000     | \$35,000                                      |
| J | 5770        | 090605        | Investment Pool<br>Reimbursement   | \$1,700,000  | \$1,700,000                                   |
| K | 5C50        | 090602        | County Treasurer Education   | \$250,000    | \$250,000                                     |
| L | <u>5BD1</u> | <u>090576</u> | <u>County Recorder Electronic</u><br><u>Record Supplement</u>                      | <u>\$0</u>   | <u>\$1,500,000</u>                            |

|   |   |        |   |                         |  |
|---|---|--------|---|-------------------------|--|
| M | 6050                                    | 090609 | Treasurer of State<br>Administrative Fund | \$1,800,000             | \$1,800,000                                    |
| N | TOTAL DPF Dedicated Purpose Fund Group  |        |   | \$13,807,465            | <del>\$14,853,905</del><br><u>\$16,353,905</u> |
| O | Fiduciary Fund Group                    |        |   |                         |  |
| P | 4250                                    | 090635 | Tax Refunds                               | \$12,000,000            | \$12,000,000                                   |
| Q | TOTAL FID Fiduciary Fund Group          |        |   | \$12,000,000            | \$12,000,000                                   |
| R | <del>TOTAL ALL BUDGET FUND GROUPS</del> |        |   | <del>\$33,405,465</del> | <del>\$33,405,905</del>                        |
| S | <u>TOTAL ALL BUDGET FUND GROUPS</u>     |        |   | <u>\$33,405,465</u>     | <u>\$39,405,905</u>                            |

**Section 4.** That existing Section 413.10 of H.B. 33 of the 1630  
135th General Assembly is hereby repealed. 1631

**Section 5.** COUNTY RECORDER ELECTRONIC RECORD MODERNIZATION 1632  
FUND 1633

The County Recorder Electronic Modernization Fund (Fund 1634  
5BD1) is created in the state treasury. Money in the fund shall 1635  
be used to distribute funds to reimburse counties under the 1636  
County Recorder Electronic Record Modernization Program, for use 1637  
by county recorder's offices to implement the requirements set 1638  
forth in divisions (E) and (F) of section 317.13 of the Revised 1639  
Code, upon the effective date of that section, as amended by 1640  
this act. The Treasurer of State shall reimburse counties on a 1641  
rolling basis until the appropriation is expended. Counties that 1642  
meet the requirements set forth in divisions (E) and (F) of 1643  
section 317.13 of the Revised Code on the effective date of that 1644  
section, as amended by this act, are ineligible for funds under 1645

the Program. To be eligible for reimbursement under the Program, 1646  
an expense must be incurred on or after the effective date of 1647  
section 317.13 of the Revised Code as amended by this act; 1648  
expenses incurred before the effective date of section 317.13 of 1649  
the Revised Code, as amended by this act, are not eligible for 1650  
reimbursement. A county that receives funds under the Program 1651  
shall credit those funds to the Recorder's Technology Fund at 1652  
least to the extent necessary to reimburse the fund for money 1653  
the county recorder spent to implement the requirements set 1654  
forth in divisions (E) and (F) of section 317.13 of the Revised 1655  
Code, as amended by this act. 1656

On July 1, 2023, or as soon as possible thereafter, the 1657  
Treasurer of State shall transfer \$1,500,000 cash from the 1658  
Assurance Fund in the custody of the Treasurer of State, to the 1659  
County Recorder Electronic Modernization Fund (Fund 5BD1). 1660

**Section 6.** If a county utilizes funds received under 1661  
Section 5 of this act to implement the requirements set forth in 1662  
divisions (E) and (F) of section 317.13 of the Revised Code as 1663  
amended by this act, it shall be within the county recorder's 1664  
discretion whether to hire new staff or enter into a contract 1665  
with a private entity in order to implement those requirements. 1666