

As Reported by the House Civil Justice Committee

135th General Assembly

Regular Session

2023-2024

Am. H. B. No. 403

Representative Cutrona

Cosponsors: Representatives Hillyer, Mathews, Schmidt

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**A BILL**

To enact section 4513.71 of the Revised Code to  
create new causes of action in relation to  
vehicles towed after an accident.

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

**Section 1.** That section 4513.71 of the Revised Code be  
enacted to read as follows:

**Sec. 4513.71.** (A) As used in this section:

(1) "Towing service" and "storage facility" have the same  
meanings as in section 4513.70 of the Revised Code.

(2) "Motor vehicle owner" means any person that holds  
title to or is a lienholder of a towed motor vehicle.

(B) (1) A motor vehicle owner may commence a civil action  
against a towing service or storage facility for either of the  
following reasons after the motor vehicle was removed, towed, or  
stored pursuant to section 4513.66 of the Revised Code:

(a) The recovery of the motor vehicle, cargo, or personal  
property that was removed, towed, or stored;

(b) Objecting to the amount billed by the towing service 17  
or storage facility for the removal, towing, or storage. 18

(2) The motor vehicle owner may commence the civil action 19  
on behalf of that owner or on behalf of a third party for whom 20  
the owner commercially transports the cargo that is the subject 21  
of the civil action. 22

(C) A towing service or storage facility may commence a 23  
civil action against a motor vehicle owner for payment of the 24  
amount billed by the towing service or storage facility in 25  
accordance with this section if all of the following apply: 26

(1) The motor vehicle, cargo, or personal property was 27  
removed, towed, or stored pursuant to section 4513.66 of the 28  
Revised Code; 29

(2) The motor vehicle owner has not paid the amount billed 30  
or commenced a civil action in accordance with division (B) of 31  
this section within forty-five days after the motor vehicle 32  
owner received the bill sent by the towing service or storage 33  
facility; 34

(3) The towing service or storage facility is not seeking 35  
title to the motor vehicle, if applicable, in accordance with 36  
section 4505.104 of the Revised Code, until judgment is entered 37  
in any civil action filed under this section. 38

(D) The motor vehicle owner, towing service, or storage 39  
facility may file the action in the municipal or county court 40  
with territorial jurisdiction over the location from which the 41  
motor vehicle, cargo, or personal property was removed, towed, 42  
or stored. 43

(E) If the motor vehicle owner objects to the amount 44  
billed by the towing service or storage facility, the motor 45

vehicle owner shall include in the owner's complaint, answer, or 46  
objection to the action, as applicable, the amount of the bill 47  
that is undisputed and the reasons the owner objects to the 48  
remainder of the bill. The motor vehicle owner shall file a copy 49  
of the bill and any evidence supporting the assertion that the 50  
billed amount is unreasonable. The motor vehicle owner shall pay 51  
the undisputed amount to the towing service or service facility 52  
and post a bond equal to the disputed amount of the bill. 53

(F) Not later than two business days after receipt of 54  
payment of the undisputed amount of the bill and service of the 55  
motor vehicle owner's complaint or answer to the civil action, 56  
as applicable, the towing service or storage facility shall 57  
release the motor vehicle, cargo, or personal property that is 58  
the subject of the complaint to the motor vehicle owner. 59

(G) When an action filed under this section involves a 60  
dispute over the amount of the bill, the court shall make a 61  
determination as to whether the amount charged by the towing 62  
service or facility is unreasonable. If the court determines 63  
that the amount is reasonable, the court shall order the motor 64  
vehicle owner to pay the amount billed minus the undisputed 65  
amount that the owner previously paid to the towing service or 66  
storage facility. If the court determines that the amount 67  
charged was unreasonable, the court shall determine a reasonable 68  
amount and order the motor vehicle owner to pay that amount 69  
minus the undisputed amount that the owner previously paid to 70  
the towing service or storage facility. The court may also 71  
require either party to pay or refund any additional amount and 72  
may impose any monetary penalties that the court determines to 73  
be appropriate. 74

(H) Any money owed by the motor vehicle owner shall be 75

paid from the bond posted by the owner. If any amount of the 76  
bond remains after payment, the remainder shall be returned to 77  
the motor vehicle owner. 78

(I) Nothing in this section creates, implies, or otherwise 79  
grants insurance coverage for the amount billed by the towing 80  
service or storage facility that is not within the owner's 81  
motor-vehicle liability policy, proof of financial 82  
responsibility, or other policy of insurance. 83