

As Introduced

136th General Assembly

Regular Session

2025-2026

S. B. No. 304

Senator Lang

To amend section 4513.61 of the Revised Code to
address lienholder responsibility for the
payment of towing and storage charges for
specified motor vehicles.

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

Section 1. That section 4513.61 of the Revised Code be
amended to read as follows:

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

(1) Has come into the possession of the sheriff, chief,
state highway patrol trooper, or officer as a result of the

performance of the sheriff's, chief's, trooper's, or officer's 21
duties; or 22

(2) Has been left on a public street or other property 23
open to the public for purposes of vehicular travel, or upon or 24
within the right-of-way of any road or highway, for forty-eight 25
hours or longer without notification to the sheriff, chief, or 26
department of the reasons for leaving the motor vehicle in such 27
place. However, when such a motor vehicle constitutes an 28
obstruction to traffic it may be ordered into storage 29
immediately unless either of the following applies: 30

(a) The vehicle was involved in an accident and is subject 31
to section 4513.66 of the Revised Code; 32

(b) The vehicle is a commercial motor vehicle. If the 33
vehicle is a commercial motor vehicle, the sheriff, chief, 34
trooper, or officer shall allow the owner or operator of the 35
vehicle the opportunity to arrange for the removal of the motor 36
vehicle within a period of time specified by the sheriff, chief, 37
trooper, or officer. If the sheriff, chief, trooper, or officer 38
determines that the vehicle cannot be removed within the 39
specified period of time, the sheriff, chief, trooper, or 40
officer shall order the removal of the vehicle. 41

Subject to division (C) of this section, the sheriff, 42
chief, or department shall designate the place of storage of any 43
motor vehicle so ordered removed. 44

(B) If the sheriff, chief, trooper, or officer issues an 45
order under division (A) of this section and arranges for the 46
removal of a motor vehicle by a towing service, the towing 47
service shall deliver the motor vehicle to the location 48
designated by the sheriff, chief, or department not more than 49

two hours after the time it is removed. 50

(C) (1) The sheriff, chief, or department shall cause a 51
search to be made of the records of an applicable entity listed 52
in division (F) (1) of section 4513.601 of the Revised Code to 53
ascertain the identity of the owner and any lienholder of a 54
motor vehicle ordered into storage by the sheriff, chief, 55
trooper, or officer within five business days of the removal of 56
the vehicle. Upon obtaining such identity, the sheriff, chief, 57
or department shall send or cause notice to be sent to the owner 58
and any lienholder at the owner's and any lienholder's last 59
known address by certified or express mail with return receipt 60
requested, by certified mail with electronic tracking, or by a 61
commercial carrier service utilizing any form of delivery 62
requiring a signed receipt. The notice shall inform the owner 63
and any lienholder that the motor vehicle will be declared a 64
nuisance and disposed of if not claimed within ten days of the 65
date of the sending of the notice. 66

(2) ~~The~~ Subject to division (G) of this section, the owner 67
or lienholder of the motor vehicle is responsible for payment of 68
any expenses or charges incurred in its removal and storage and 69
may reclaim the motor vehicle upon payment of those expenses or 70
charges, and presentation of proof of ownership, which may be 71
evidenced by a certificate of title or memorandum certificate of 72
title to the motor vehicle, a certificate of registration for 73
the motor vehicle, or a lease agreement. Upon presentation of 74
proof of ownership evidenced as provided above, the owner of the 75
motor vehicle also may retrieve any personal items from the 76
vehicle without retrieving the vehicle and without paying any 77
fee. However, a towing service or storage facility may charge an 78
after-hours retrieval fee established by the public utilities 79
commission in rules adopted under section 4921.25 of the Revised 80

Code if the owner retrieves the personal items after hours, 81
unless the towing service or storage facility fails to provide 82
the notice required under division (B) (3) of section 4513.69 of 83
the Revised Code, if applicable. However, the owner shall not do 84
either of the following: 85

(a) Retrieve any personal item that has been determined by 86
the sheriff, chief, trooper, or officer, as applicable, to be 87
necessary to a criminal investigation; 88

(b) Retrieve any personal item from a vehicle if it would 89
endanger the safety of the owner, unless the owner agrees to 90
sign a waiver of liability. 91

For purposes of division (C) (2) of this section, "personal 92
items" do not include any items that are attached to the 93
vehicle. 94

(3) If the owner or lienholder of the motor vehicle 95
reclaims it after a search of the applicable records has been 96
conducted and after notice has been sent to the owner and any 97
lienholder as described in this section, and the search was 98
conducted by the place of storage, and the notice was sent to 99
the motor vehicle owner by the place of storage, the owner or 100
lienholder shall pay to the place of storage a processing fee of 101
twenty-five dollars, in addition to any expenses or charges 102
incurred in the removal and storage of the vehicle. 103

(D) If the owner or lienholder makes no claim to the motor 104
vehicle within ten days of the date of sending the notice, and 105
if the vehicle is to be disposed of at public auction as 106
provided in section 4513.62 of the Revised Code, the sheriff, 107
chief, or department, without charge to any party, shall file 108
with the clerk of courts of the county in which the place of 109

storage is located an affidavit showing compliance with the 110
requirements of this section. Upon presentation of the 111
affidavit, the clerk, without charge, shall issue a salvage 112
certificate of title, free and clear of all liens and 113
encumbrances, to the sheriff, chief, or department. If the 114
vehicle is to be disposed of to a motor vehicle salvage dealer 115
or other facility as provided in section 4513.62 of the Revised 116
Code, the sheriff, chief, or department shall execute in 117
triplicate an affidavit, as prescribed by the registrar of motor 118
vehicles, describing the motor vehicle and the manner in which 119
it was disposed of, and that all requirements of this section 120
have been complied with. The sheriff, chief, or department shall 121
retain the original of the affidavit for the sheriff's, chief's, 122
or department's records, and shall furnish two copies to the 123
motor vehicle salvage dealer or other facility. Upon 124
presentation of a copy of the affidavit by the motor vehicle 125
salvage dealer, the clerk of courts, within thirty days of the 126
presentation, shall issue a salvage certificate of title, free 127
and clear of all liens and encumbrances. 128

(E) Whenever a motor vehicle salvage dealer or other 129
facility receives an affidavit for the disposal of a motor 130
vehicle as provided in this section, the dealer or facility 131
shall not be required to obtain an Ohio certificate of title to 132
the motor vehicle in the dealer's or facility's own name if the 133
vehicle is dismantled or destroyed and both copies of the 134
affidavit are delivered to the clerk of courts. 135

(F) No towing service or storage facility shall fail to 136
comply with this section. 137

(G) A lienholder is not liable for any expenses or charges 138
incurred in the removal or storage of a vehicle under this 139

section if the lienholder does not reclaim the motor vehicle. 140

Section 2. That existing section 4513.61 of the Revised 141
Code is hereby repealed. 142