

_____ moved to amend as follows:

In line 3 of the title, delete the first "and"; after "4513.70" insert ", and 4513.71"

In line 10, delete the first "and"; after "4513.70" insert ", and 4513.71"

After line 2269, insert:

"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 a certificate of title to or is a lessee of a towed commercial motor vehicle. "Motor vehicle owner" does not include a lienholder or leasing company.

(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 division (A) (2) of section 4513.66 of the



Revised Code:	17
(a) The recovery of the motor vehicle, cargo, or personal property that was removed, towed, or stored;	18 19
(b) Objecting to the amount billed by the towing service or storage facility for the removal, towing, or storage.	20 21
(2) The motor vehicle owner may commence the civil action on behalf of that owner or on behalf of a third party for whom the owner commercially transports the cargo that is the subject of the civil action.	22 23 24 25
(C) A towing service or storage facility may commence a civil action against a motor vehicle owner for payment of the amount billed by the towing service or storage facility in accordance with this section if all of the following apply:	26 27 28 29
(1) The motor vehicle, cargo, or personal property was removed, towed, or stored pursuant to division (A) (2) of section 4513.66 of the Revised Code;	30 31 32
(2) The motor vehicle owner has not paid the amount billed or commenced a civil action in accordance with division (B) of this section within forty-five days after the motor vehicle owner received the bill sent by the towing service or storage facility;	33 34 35 36 37
(3) The towing service or storage facility is not seeking title to the motor vehicle, if applicable, in accordance with section 4505.104 of the Revised Code, until judgment is entered in any civil action filed under this section.	38 39 40 41
(D) (1) The motor vehicle owner, towing service, or storage facility may file the action in the <u>court of common pleas,</u> municipal <u>court,</u> or county court with territorial jurisdiction	42 43 44

over the location from which the motor vehicle, cargo, or 45
personal property was removed, towed, or stored. 46

(2) The motor vehicle owner, towing service, or storage 47
facility, as applicable, shall send a copy of the filing to any 48
lienholder, if known, of the subject motor vehicle, cargo, or 49
personal property. 50

(E) If the motor vehicle owner objects to the amount 51
billed by the towing service or storage facility, the motor 52
vehicle owner shall include in the owner's complaint, answer, or 53
objection to the action, as applicable, the amount of the bill 54
that is undisputed and the reasons the owner objects to the 55
remainder of the bill. The motor vehicle owner shall file a copy 56
of the bill and any evidence supporting the assertion that the 57
billed amount is unreasonable. The motor vehicle owner shall pay 58
the undisputed amount to the towing service or service facility 59
and post a bond equal to the disputed amount of the bill. 60

(F) Not later than two business days after receipt of 61
payment of the undisputed amount of the bill and service of the 62
motor vehicle owner's complaint or answer to the civil action, 63
as applicable, the towing service or storage facility shall 64
release the motor vehicle, cargo, or personal property that is 65
the subject of the complaint to the motor vehicle owner. 66

(G) When an action filed under this section involves a 67
dispute over the amount of the bill, the court shall make a 68
determination as to whether the amount charged by the towing 69
service or facility is unreasonable. If the court determines 70
that the amount is reasonable, the court shall order the motor 71
vehicle owner to pay the amount billed minus the undisputed 72
amount that the owner previously paid to the towing service or 73
storage facility. If the court determines that the amount 74

charged was unreasonable, the court shall determine a reasonable amount and order the motor vehicle owner to pay that amount minus the undisputed amount that the owner previously paid to the towing service or storage facility. The court may also require either party to pay or refund any additional amount and may impose any monetary penalties that the court determines to be appropriate.

(H) Any money owed by the motor vehicle owner shall be paid from the bond posted by the owner. If any amount of the bond remains after payment, the remainder shall be returned to the motor vehicle owner.

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

In line 2272, delete "and"; after "4513.70" insert ", and 4513.71"

The motion was _____ agreed to.

SYNOPSIS 92

Civil actions for commercial motor vehicle towing 93

R.C. 4513.71 94

Extends the jurisdiction for civil actions related to the costs of towing and storage of a commercial motor vehicle to a court of common pleas. 95
96
97