

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 132

Representatives Hillyer, Jones

Cosponsors: Representatives Kick, Young, T., Cross, Seitz, Miller, J.

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A BILL

To amend sections 4513.601, 4513.62, 5322.01, 1  
5322.02, and 5322.03 and to enact sections 2  
4505.104, 4513.602, and 4513.603 of the Revised 3  
Code to amend the law regarding self-service 4  
storage facilities and towing. 5

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

**Section 1.** That sections 4513.601, 4513.62, 5322.01, 6  
5322.02, and 5322.03 be amended and sections 4505.104, 4513.602, 7  
and 4513.603 of the Revised Code be enacted to read as follows: 8

**Sec. 4505.104.** (A) A towing service or storage facility 9  
that is in possession of a motor vehicle may obtain a 10  
certificate of title to the vehicle as provided in division (B) 11  
of this section if all of the following apply: 12

(1) The motor vehicle was towed or stored pursuant to 13  
section 4513.60, 4513.61, or 4513.66 of the Revised Code. 14

(2) A search was made of the records of the bureau of 15  
motor vehicles to ascertain the identity of the owner and any 16  
lienholder of the motor vehicle. 17

(3) Upon obtaining the identity in division (A) (2) of this section, notice was sent to the last known address of the owner and any lienholder, by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner and lienholder that the towing service or storage facility will obtain title to the motor vehicle if not claimed within sixty days after the date the notice was received. 18  
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(4) The motor vehicle has been left unclaimed for sixty days after one of the following: 27  
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(a) The date the notice sent under division (A) (3) of this section was received, as evidenced by a receipt signed by any person; 29  
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(b) The date the towing service or storage facility received notification that the delivery of the notice sent under division (A) (3) of this section was not possible. 32  
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(5) A sheriff, chief of police, or state highway patrol trooper, as applicable, has made a determination that the vehicle or items in the vehicle are not necessary to a criminal investigation. 35  
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(6) An agent of the towing service or storage facility executes an affidavit, in a form established by the registrar of motor vehicles not later than ninety days after the effective date of this section, affirming that conditions in divisions (A) (1) to (5) of this section are met. 39  
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(B) The clerk of court shall issue a certificate of title, free and clear of all liens and encumbrances, to the towing service or storage facility that presents an affidavit that 44  
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affirms that the conditions in divisions (A) (1) to (5) of this 47  
section are met. 48

(C) After obtaining title to a motor vehicle under this 49  
section, the towing service or storage facility shall retain any 50  
money arising from the disposal of the vehicle. 51

(D) A towing service or storage facility that obtains 52  
title to a motor vehicle under this section shall notify the 53  
entity that ordered the motor vehicle into storage that the 54  
motor vehicle has been so disposed. The towing service or 55  
storage facility shall provide the notice on the last business 56  
day of the month in which the service or facility obtained title 57  
to the motor vehicle. 58

(E) As used in this section, "towing service or storage 59  
facility" means any for-hire motor carrier that removes a motor 60  
vehicle under the authority of section 4513.60, 4513.61, or 61  
4513.66 of the Revised Code and any place to which such a for- 62  
hire motor carrier delivers a motor vehicle towed under those 63  
sections. 64

**Sec. 4513.601.** (A) The owner of a private property may 65  
establish a private tow-away zone, but may do so only if all of 66  
the following conditions are satisfied: 67

(1) The owner of the private property posts on the 68  
property a sign, that is at least eighteen inches by twenty-four 69  
inches in size, that is visible from all entrances to the 70  
property, and that includes all of the following information: 71

(a) A statement that the property is a tow-away zone; 72

(b) A description of persons authorized to park on the 73  
property. If the property is a residential property, the owner 74  
of the private property may include on the sign a statement that 75

only tenants and guests may park in the private tow-away zone, 76  
subject to the terms of the property owner. If the property is a 77  
commercial property, the owner of the private property may 78  
include on the sign a statement that only customers may park in 79  
the private tow-away zone. In all cases, if it is not apparent 80  
which persons may park in the private tow-away zone, the owner 81  
of the private property shall include on the sign the address of 82  
the property on which the private tow-away zone is located or 83  
the name of the business that is located on the property 84  
designated as a private tow-away zone. 85

(c) If the private tow-away zone is not enforceable at all 86  
times, the times during which the parking restrictions are 87  
enforced; 88

(d) The telephone number and the address of the place from 89  
which a towed vehicle may be recovered at any time during the 90  
day or night; 91

(e) A statement that the failure to recover a towed 92  
vehicle may result in the loss of title to the vehicle as 93  
provided in division (B) of section 4505.101 of the Revised 94  
Code. 95

In order to comply with the requirements of division (A) 96  
(1) of this section, the owner of a private property may modify 97  
an existing sign by affixing to the existing sign stickers or an 98  
addendum in lieu of replacing the sign. 99

(2) A towing service ensures that a vehicle towed under 100  
this section is taken to a location from which it may be 101  
recovered that complies with all of the following: 102

(a) It is located within twenty-five linear miles of the 103  
location of the private tow-away zone, unless it is not 104

practicable to take the vehicle to a place of storage within 105  
twenty-five linear miles. 106

(b) It is well-lighted. 107

(c) It is on or within a reasonable distance of a 108  
regularly scheduled route of one or more modes of public 109  
transportation, if any public transportation is available in the 110  
municipal corporation or township in which the private tow-away 111  
zone is located. 112

(B) (1) If a vehicle is parked on private property that is 113  
established as a private tow-away zone in accordance with 114  
division (A) of this section, without the consent of the owner 115  
of the private property or in violation of any posted parking 116  
condition or regulation, the owner of the private property may 117  
cause the removal of the vehicle by a towing service. The towing 118  
service shall remove the vehicle in accordance with this 119  
section. The vehicle owner and the operator of the vehicle are 120  
considered to have consented to the removal and storage of the 121  
vehicle, to the payment of the applicable fees established by 122  
the public utilities commission in rules adopted under section 123  
4921.25 of the Revised Code, and to the right of a towing 124  
service to obtain title to the vehicle if it remains unclaimed 125  
as provided in section 4505.101 of the Revised Code. The owner 126  
or lienholder of a vehicle that has been removed under this 127  
section, subject to division (C) of this section, may recover 128  
the vehicle in accordance with division (G) of this section. 129

(2) If a municipal corporation requires tow trucks and tow 130  
truck operators to be licensed, no owner of a private property 131  
located within the municipal corporation shall cause the removal 132  
and storage of any vehicle pursuant to division (B) of this 133  
section by an unlicensed tow truck or unlicensed tow truck 134

operator. 135

(3) No towing service shall remove a vehicle from a 136  
private tow-away zone except pursuant to a written contract for 137  
the removal of vehicles entered into with the owner of the 138  
private property on which the private tow-away zone is located. 139

(C) If the owner or operator of a vehicle that is being 140  
removed under authority of division (B) of this section arrives 141  
after the vehicle has been prepared for removal, but prior to 142  
its actual removal from the property, the towing service shall 143  
give the vehicle owner or operator oral or written notification 144  
at the time of such arrival that the vehicle owner or operator 145  
may pay a fee of not more than one-half of the fee for the 146  
removal of the vehicle established by the public utilities 147  
commission in rules adopted under section 4921.25 of the Revised 148  
Code in order to obtain release of the vehicle. That fee may be 149  
paid by use of a major credit card unless the towing service 150  
uses a mobile credit card processor and mobile service is not 151  
available at the time of the transaction. Upon payment of that 152  
fee, the towing service shall give the vehicle owner or operator 153  
a receipt showing both the full amount normally assessed and the 154  
actual amount received and shall release the vehicle to the 155  
owner or operator. Upon its release, the owner or operator 156  
immediately shall move the vehicle so that the vehicle is not 157  
parked on the private property established as a private tow-away 158  
zone without the consent of the owner of the private property or 159  
in violation of any posted parking condition or regulation. 160

(D) (1) Prior to towing a vehicle under division (B) of 161  
this section, a towing service shall make all reasonable efforts 162  
to take as many photographs as necessary to evidence that the 163  
vehicle is clearly parked on private property in violation of a 164

private tow-away zone established under division (A) of this 165  
section. 166

The towing service shall record the time and date of the 167  
photographs taken under this section. The towing service shall 168  
retain the photographs and the record of the time and date, in 169  
electronic or printed form, for at least thirty days after the 170  
date on which the vehicle is recovered by the owner or 171  
lienholder or at least two years after the date on which the 172  
vehicle was towed, whichever is earlier. 173

(2) A towing service shall deliver a vehicle towed under 174  
division (B) of this section to the location from which it may 175  
be recovered not more than two hours after the time it was 176  
removed from the private tow-away zone, unless the towing 177  
service is unable to deliver the motor vehicle within two hours 178  
due to an uncontrollable force, natural disaster, or other event 179  
that is not within the power of the towing service. 180

(E) (1) If an owner of a private property that is 181  
established as a private tow-away zone in accordance with 182  
division (A) of this section causes the removal of a vehicle 183  
from that property by a towing service under division (B) of 184  
this section, the towing service, within two hours of removing 185  
the vehicle, shall provide notice to the sheriff of the county 186  
or the police department of the municipal corporation, township, 187  
port authority, or township or joint police district in which 188  
the property is located concerning all of the following: 189

(a) The vehicle's license number, make, model, and color; 190

(b) The location from which the vehicle was removed; 191

(c) The date and time the vehicle was removed; 192

(d) The telephone number of the person from whom the 193

vehicle may be recovered;	194
(e) The address of the place from which the vehicle may be recovered.	195 196
(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, or township or joint police district shall maintain a record of any vehicle removed from private property in the sheriff's or chief's jurisdiction that is established as a private tow-away zone of which the sheriff or chief has received notice under this section. The record shall include all information submitted by the towing service. The sheriff or chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.	197 198 199 200 201 202 203 204 205 206 207 208
(F) (1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. The registrar of motor vehicles shall ensure that such information is provided in a timely manner. Subject to division (F) (4) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:	209 210 211 212 213 214 215 216 217 218 219
(a) Within five business days after the registrar of motor vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or	220 221 222 223

express mail with return receipt requested or by a commercial 224  
carrier service utilizing any form of delivery requiring a 225  
signed receipt; 226

(b) If the vehicle remains unclaimed thirty days after the 227  
first notice is sent, in the manner required under division (F) 228  
(1) (a) of this section; 229

~~(c) If the vehicle remains unclaimed forty five days after 230  
the first notice is sent, in the manner required under division 231  
(F) (1) (a) of this section. 232~~

(2) Sixty days after any notice sent pursuant to division 233  
(F) (1) of this section is received, as evidenced by a receipt 234  
signed by any person, or the towing service or storage facility 235  
has been notified that delivery was not possible, the towing 236  
service or storage facility, if authorized under division (B) of 237  
section 4505.101 of the Revised Code, may initiate the process 238  
for obtaining a certificate of title to the motor vehicle as 239  
provided in that section. 240

(3) A towing service or storage facility that does not 241  
receive a signed receipt of notice, or a notification that 242  
delivery was not possible, shall not obtain, and shall not 243  
attempt to obtain, a certificate of title to the motor vehicle 244  
under division (B) of section 4505.101 of the Revised Code. 245

(4) With respect to a vehicle concerning which a towing 246  
service or storage facility is not eligible to obtain title 247  
under section 4505.101 of the Revised Code, the towing service 248  
or storage facility need only comply with the initial notice 249  
required under division (F) (1) (a) of this section. 250

(G) (1) The owner or lienholder of a vehicle that is 251  
removed under division (B) of this section may reclaim it upon 252

both of the following:	253
(a) Presentation of proof of ownership, which may be	254
evidenced by a certificate of title to the vehicle, a	255
certificate of registration for the motor vehicle, or a lease	256
agreement;	257
(b) Payment of the following fees:	258
(i) All applicable fees established by the public	259
utilities commission in rules adopted under section 4921.25 of	260
the Revised Code, except that the lienholder of a vehicle may	261
retrieve the vehicle without paying any storage fee for the	262
period of time that the vehicle was in the possession of the	263
towing service or storage facility prior to the date the	264
lienholder received the notice sent under division (F) (1) (a) of	265
this section;	266
(ii) If notice has been sent to the owner and lienholder	267
as described in division (F) of this section, a processing fee	268
of twenty-five dollars.	269
(2) A towing service or storage facility in possession of	270
a vehicle that is removed under authority of division (B) of	271
this section shall show the vehicle owner, operator, or	272
lienholder who contests the removal of the vehicle all	273
photographs taken under division (D) of this section. Upon	274
request, the towing service or storage facility shall provide a	275
copy of all photographs in the medium in which the photographs	276
are stored, whether paper, electronic, or otherwise.	277
(3) When the owner of a vehicle towed under this section	278
retrieves the vehicle, the towing service or storage facility in	279
possession of the vehicle shall give the owner written notice	280
that if the owner disputes that the motor vehicle was lawfully	281

towed, the owner may be able to file a civil action under 282  
section 4513.611 of the Revised Code. 283

(4) Upon presentation of proof of ownership, which may be 284  
evidenced by a certificate of title to the vehicle, a 285  
certificate of registration for the motor vehicle, or a lease 286  
agreement, the owner of a vehicle that is removed under 287  
authority of division (B) of this section may retrieve any 288  
personal items from the vehicle without retrieving the vehicle 289  
and without paying any fee. The owner of the vehicle shall not 290  
retrieve any personal items from a vehicle if it would endanger 291  
the safety of the owner, unless the owner agrees to sign a 292  
waiver of liability. For purposes of division (G) (4) of this 293  
section, "personal items" do not include any items that are 294  
attached to the vehicle. 295

(H) No person shall remove, or cause the removal of, any 296  
vehicle from private property that is established as a private 297  
tow-away zone under this section or store such a vehicle other 298  
than in accordance with this section, or otherwise fail to 299  
comply with any applicable requirement of this section. 300

(I) This section does not affect or limit the operation of 301  
section 4513.60 or sections 4513.61 to 4613.65 of the Revised 302  
Code as they relate to property other than private property that 303  
is established as a private tow-away zone under division (A) of 304  
this section. 305

(J) Whoever violates division (H) of this section is 306  
guilty of a minor misdemeanor. 307

(K) As used in this section, "owner of a private property" 308  
or "owner of the private property" includes, with respect to a 309  
private property, any of the following: 310

(1) Any person who holds title to the property;	311
(2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;	312 313
(3) A person who is authorized to manage the property;	314
(4) A duly authorized agent of any person listed in divisions (K) (1) to (3) of this section.	315 316
<u>Sec. 4513.602. (A) As used in this section and section 4513.603 of the Revised Code:</u>	317 318
<u>(1) "Motor vehicle dealer" has the same meaning as in section 4517.01 of the Revised Code.</u>	319 320
<u>(2) "Repair facility" means any business with which a person has entered into an agreement to repair a vehicle.</u>	321 322
<u>(3) "Towing service" means any for-hire motor carrier that removes a motor vehicle from a motor vehicle dealer or repair facility.</u>	323 324 325
<u>(4) "Storage facility" means any place to which a towing service delivers a motor vehicle from a motor vehicle dealer or repair facility.</u>	326 327 328
<u>(B) A motor vehicle dealer or repair facility that is in possession of a motor vehicle may cause the removal of the motor vehicle by a towing service if all of the following apply:</u>	329 330 331
<u>(1) A search was made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle.</u>	332 333 334
<u>(2) Upon obtaining the identity under division (B) (1) of this section, notice was sent to the owner's and any lienholder's last known address by certified or express mail</u>	335 336 337

with return receipt requested or by a commercial carrier service 338  
utilizing any form of delivery requiring a signed receipt, and 339  
the notice informs the owner and any lienholder of the 340  
following: 341

(a) The address where the motor vehicle is located; 342

(b) That the motor vehicle dealer or repair facility will 343  
cause the vehicle to be towed if not claimed within fourteen 344  
calendar days after either the date the notice was received or 345  
the date the motor vehicle dealer or repair facility receives 346  
notification that delivery was not possible; 347

(c) That a towing service that removes the motor vehicle 348  
or a storage facility that stores the motor vehicle may obtain 349  
title to it under section 4513.603 of the Revised Code. 350

(3) The motor vehicle has been left unclaimed for fourteen 351  
days after one of the following: 352

(a) The date the notice sent under division (B)(2) of this 353  
section was received, as evidenced by a receipt signed by any 354  
person; 355

(b) The date the motor vehicle dealer or repair facility 356  
received notification that the delivery of the notice sent under 357  
division (B)(2) of this section was not possible. 358

The procedure described in division (B) of this section 359  
applies regardless of who leaves the motor vehicle on the motor 360  
vehicle dealer's property or the repair facility's property. 361

(C) A motor vehicle owner's or lienholder's failure to 362  
remove the vehicle from the property within the time period 363  
specified in division (B)(3) of this section constitutes consent 364  
to all of the following: 365

<u>(1) The motor vehicle's removal and storage;</u>	366
<u>(2) The payment of any charges incurred for the removal and storage of the motor vehicle;</u>	367 368
<u>(3) The right of a towing service that removes the motor vehicle or storage facility that stores the motor vehicle to obtain title to the motor vehicle under section 4513.603 of the Revised Code.</u>	369 370 371 372
<u>(D) After a motor vehicle has been removed by a towing service, a motor vehicle owner or lienholder may reclaim the motor vehicle from the towing service or storage facility that is in possession of the motor vehicle if all of the following apply:</u>	373 374 375 376 377
<u>(1) The owner presents proof of ownership evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement.</u>	378 379 380
<u>(2) The owner or lienholder makes payment of any charges incurred for the removal and storage of the motor vehicle.</u>	381 382
<u>(3) Title to the motor vehicle has not been issued to the towing service or storage facility under section 4513.603 of the Revised Code.</u>	383 384 385
<u>(E) Any towing service that removes a motor vehicle under this section shall not charge a fee greater than those established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code.</u>	386 387 388 389
<u>(F) (1) Any motor vehicle dealer, repair facility, towing service, or storage facility that complies with this section is not liable for any damage, claim of conversion, or any other claim resulting from the removal, towing, or storage of the</u>	390 391 392 393

motor vehicle. 394

(2) A motor vehicle dealer or repair facility does not 395  
forego, release, or otherwise relinquish any legal recourse or 396  
right of action against a titled owner or lienholder of a motor 397  
vehicle by causing the vehicle to be removed under division (B) 398  
of this section, unless possession of the motor vehicle is 399  
required for the cause of action. 400

**Sec. 4513.603.** (A) A towing service or storage facility 401  
that is in possession of a motor vehicle obtained under section 402  
4513.602 of the Revised Code may obtain a certificate of title 403  
to the motor vehicle, regardless of the motor vehicle's value, 404  
as provided in division (B) of this section if all of the 405  
following apply: 406

(1) A search was made by the towing service or storage 407  
facility of the records of the bureau of motor vehicles to 408  
ascertain the identity of the owner and any lienholder of the 409  
motor vehicle. 410

(2) Upon obtaining the identity in division (A)(1) of this 411  
section, the towing service or storage facility sent notice to 412  
the owner's and any lienholder's last known address, by 413  
certified or express mail with return receipt requested or by a 414  
commercial carrier service utilizing any form of delivery 415  
requiring a signed receipt, that informs the owner and any 416  
lienholder that the towing service or storage facility will 417  
obtain title to the motor vehicle if not claimed within sixty 418  
days after the date the notice was received. 419

(3) The motor vehicle has been left unclaimed for sixty 420  
days after one of the following: 421

(a) The date the notice sent under division (A)(2) of this 422

section was received, as evidenced by a receipt signed by any 423  
person; 424

(b) The date the towing service or storage facility 425  
receives notification that the delivery of the notice sent under 426  
division (A) (2) of this section was not possible. 427

(4) An agent of the towing service or storage facility 428  
executes an affidavit, in a form established by the registrar of 429  
motor vehicles not later than ninety days after the effective 430  
date of this section, affirming that conditions in divisions (A) 431  
(1) to (3) of this section are met. 432

(B) The clerk of court shall issue a certificate of title, 433  
free and clear of all liens and encumbrances, to a towing 434  
service or storage facility that presents an affidavit that 435  
affirms that the conditions in divisions (A) (1) to (3) of this 436  
section are met. 437

(C) After obtaining title to a motor vehicle under this 438  
section, the towing service or storage facility may retain any 439  
money arising from the disposal of the vehicle. 440

**Sec. 4513.62.** ~~Unclaimed~~An unclaimed motor vehicles 441  
vehicle ordered into storage pursuant to division (A) (1) of 442  
section 4513.60 or section 4513.61 of the Revised Code ~~shall be~~ 443  
~~disposed of at the order of the~~ is subject to one of the 444  
following: 445

(A) The sheriff of the county or the chief of police of 446  
the municipal corporation, township, port authority, or township 447  
or joint police district ~~to~~ may dispose of it with a motor 448  
vehicle salvage dealer or scrap metal processing facility as 449  
defined in section 4737.05 of the Revised Code, or ~~to~~ with any 450  
other facility owned by or under contract with the county, 451

municipal corporation, port authority, or township, for the 452  
disposal of such motor vehicles, ~~or shall be sold by the.~~ 453

(B) The sheriff, chief of police, or a licensed auctioneer 454  
may sell the motor vehicle at public auction, after giving 455  
notice thereof by advertisement, published once a week for two 456  
successive weeks in a newspaper of general circulation in the 457  
county or as provided in section 7.16 of the Revised Code. ~~Any~~ 458

(C) A towing service or storage facility may obtain title 459  
to the motor vehicle in accordance with section 4505.104 of the 460  
Revised Code. 461

~~Any moneys accruing from the disposition of an unclaimed~~ 462  
~~motor vehicle accrued pursuant to division (A) or (B) of this~~ 463  
~~section~~ that are in excess of the expenses resulting from the 464  
removal and storage of the vehicle shall be credited to the 465  
general fund of the county, municipal corporation, port 466  
authority, township, or joint police district, as the case may 467  
be. 468

**Sec. 5322.01.** As used in sections 5322.01 to 5322.05 of 469  
the Revised Code: 470

(A) "Self-service storage facility" means any real 471  
property that is designed and used only for the purpose of 472  
renting or leasing individual storage space in the facility 473  
under the following conditions: 474

(1) The occupants have access to the storage space only 475  
for the purpose of storing and removing personal property. 476

(2) The owner does not issue a warehouse receipt, bill of 477  
lading, or other document of title, as defined in section 478  
1301.201 of the Revised Code, for the personal property stored 479  
in the storage space. 480

"Self-service storage facility" does not include any 481  
garage used principally for parking motor vehicles, any garage 482  
or storage area in a private residence, an establishment 483  
licensed pursuant to sections 915.14 to 915.24 of the Revised 484  
Code, or any property of a bank or savings and loan association 485  
that contains vaults, safe deposit boxes, or other receptacles 486  
for the uses, purposes, and benefits of the bank's or savings 487  
and loan association's customers. 488

(B) "Owner" means a person that is ~~either the owner or~~ 489  
operator of a self-service storage facility ~~or, the lessor or~~ 490  
sublessor of an entire self-service storage facility ~~and that~~ 491  
receives, the agent of any of the foregoing, or any other person 492  
authorized by any of the foregoing to manage the facility or to 493  
receive rent from an occupant pursuant to a rental agreement 494  
~~that the person enters into with the occupant.~~ 495

(C) "Occupant" means a person that rents storage space at 496  
a self-service storage facility pursuant to a rental agreement 497  
that the person enters into with the owner. 498

(D) "Rental agreement" means any written agreement that is 499  
entered into by the owner and the occupant and that establishes 500  
the terms and conditions of the occupant's use of storage space 501  
at a self-service storage facility. 502

(E) "Personal property" means money and every animate or 503  
inanimate tangible thing that is the subject of ownership, 504  
except anything forming part of a parcel of real estate, as 505  
defined in section 5701.02 of the Revised Code, and except 506  
anything that is an agricultural commodity, as defined in 507  
division (A) of section 926.01 of the Revised Code. 508

(F) "Late fee" means any fee or charge assessed for an 509

occupant's failure to pay rent when due. "Late fee" does not 510  
include interest on a debt, reasonable expenses incurred in the 511  
collection of unpaid rent, or costs associated with the 512  
enforcement of any other remedy provided by statute or contract. 513

(G) "Last known address" means either of the following: 514

(1) The mailing address or electronic mail address 515  
provided by the occupant in the most recent rental agreement or 516  
the mailing address or electronic mail address provided by the 517  
occupant in a subsequent written notice of a change of address; 518

(2) The mailing address or electronic mail address of any 519  
of the persons described in division (A) of section 5322.03 of 520  
the Revised Code that is provided by any of those persons to the 521  
owner of a self-service storage facility or that is discovered 522  
by the owner of a self-service storage facility. 523

**Sec. 5322.02.** (A) The owner of a self-service storage 524  
facility has a lien against the occupant on the personal 525  
property stored pursuant to a rental agreement in any storage 526  
space at the self-service storage facility, or on the proceeds 527  
of the personal property subject to the defaulting occupant's 528  
rental agreement in the owner's possession, for rent, labor, 529  
late fees, or other charges in relation to the personal property 530  
that are specified in the rental agreement and that have become 531  
due and for expenses necessary for the preservation of the 532  
personal property or expenses reasonably incurred in the 533  
enforcement of the lien or in the sale or other disposition of 534  
the personal property pursuant to law. The owner's lien provided 535  
for in this section is also effective against the following 536  
persons: 537

(1) A person who has an unfiled security interest in the 538

personal property, except that the owner's lien is not effective 539  
against a person who has a valid security interest in a motor 540  
vehicle or a valid security interest in a watercraft, whether or 541  
not the security interest in the motor vehicle or watercraft is 542  
filed; 543

(2) A person who meets both of the following requirements: 544

(a) The person has a legal interest in the personal 545  
property, a filed security interest in the personal property, or 546  
a valid security interest in the personal property that is a 547  
motor vehicle. 548

(b) The person consents in writing to the storage of the 549  
personal property. 550

(B) The owner's lien created by division (A) of this 551  
section attaches as of the date the personal property is brought 552  
to the self-service storage facility. An owner loses the owner's 553  
lien on any personal property that the owner voluntarily permits 554  
to be removed from the self-service storage facility or 555  
unjustifiably refuses to permit to be removed from the self- 556  
service storage facility. 557

**Sec. 5322.03.** An owner's lien created by division (A) of 558  
section 5322.02 of the Revised Code for a claim that has become 559  
due may be enforced only as follows: 560

(A) The following persons shall be notified in accordance 561  
with divisions (B) and (C) of this section: 562

(1) All persons whom the owner has actual knowledge of and 563  
who claim an interest in the personal property; 564

(2) All persons holding liens on any motor vehicle,  565  
trailer, or watercraft amongst the property; 566

(3) All persons who have filed security agreements in the name of the occupant evidencing a security interest in the personal property with either the secretary of state or the county recorder of the county in which the self-service storage facility is located or the Ohio county of the last known address of the occupant.

(B) The notice shall be delivered in person, sent by electronic mail, sent by certified mail, or sent by first-class mail or private delivery service with a certificate or verification of mailing to the last known address of each person who is required to be notified by division (A) of this section;

(C) The notice shall include all of the following:

(1) The name and last known address of the occupant who rented the storage space in which the personal property was stored;

(2) An itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;

(3) A brief and general description of the personal property subject to the lien. The description shall be reasonably adequate to permit the person notified to identify it except that any container including, but not limited to, a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner that deters immediate access to its contents and that has not been opened by the owner prior to the date on which the notice is given may be described as such without describing its contents.

(4) A notice of denial of access to the personal property, if a denial of access is permitted under the terms of the rental

agreement, which notice provides the name, street address, and 596  
telephone number of the person whom the person notified may 597  
contact to pay the claim and to either obtain the personal 598  
property or enter into a rental agreement for the storage of the 599  
personal property; 600

(5) A demand for payment within a specified time not less 601  
than ten days after delivery of the notice; 602

(6) A conspicuous statement that unless the claim is paid 603  
within that time the personal property will be advertised for 604  
sale and will be sold by auction ~~at a specified time and place~~ 605  
and that, if no person purchases the personal property at the 606  
auction, the personal property may be sold at a private sale or 607  
destroyed; 608

(7) The street or internet address of the place at which 609  
the sale will be held, if the sale will be held at a place other 610  
than the self-service storage facility in which the personal 611  
property was stored. 612

(D) (1) Any notice given pursuant to this section ~~shall be~~ 613  
~~presumed delivered, if the notice that is~~ sent by first-class 614  
mail or private delivery service with a certificate or 615  
verification of mailing, shall be deemed delivered when it is 616  
deposited with the United States postal service or private 617  
delivery service and properly addressed with proper postage 618  
prepaid. 619

(2) Any notice given pursuant to this section that is sent 620  
by electronic mail shall be deemed delivered when it is properly 621  
addressed and sent. 622

(E) The sale of the personal property shall conform to the 623  
terms of the notice as provided for in this section. 624

(F) The sale of the personal property ~~shall~~may be held at 625  
the self-service storage facility or, if the street or internet 626  
address of the place was included in the notice as required by 627  
division (C) (7) of this section, on the internet or at the 628  
nearest suitable place to the self-service storage facility at 629  
which the personal property is stored. 630

(G) After the expiration of the time given in the notice, 631  
an advertisement of the sale shall be published once a week for 632  
two consecutive weeks in a newspaper of general circulation in 633  
the county in which the self-service storage facility is located 634  
or any other commercially reasonable manner. The manner of 635  
advertisement shall be deemed commercially reasonable if at 636  
least three independent bidders register for, view, or attend 637  
the sale ~~at the time and place advertised~~. The advertisement 638  
shall include all of the following: 639

(1) A brief and general description of the personal 640  
property as required by division (C) (3) of this section, except 641  
that the description shall describe the contents of any trunk, 642  
valise, or box that is locked, fastened, sealed, or tied in a 643  
manner that deters immediate access to its contents, if the 644  
trunk, valise, or box is opened by the owner prior to the date 645  
on which the advertisement of sale is published; 646

(2) The name and last known address of the occupant who 647  
rented the storage space in which the personal property was 648  
stored; 649

(3) The street address of the self-service storage 650  
facility; 651

(4) The time, place, and manner of the sale. 652

The sale shall take place at least fifteen days after the 653

first publication. 654

(H) (1) Any person who has a ~~a~~ security interest in, or who 655  
holds a lien against, a motor vehicle or watercraft may pay the 656  
amount necessary to satisfy the lien created by division (A) of 657  
section 5322.02 of the Revised Code and the reasonable expenses 658  
incurred under this section. That person, upon payment of the 659  
amount necessary to satisfy the lien plus expenses, may enter 660  
into a new rental agreement for the storage of the motor vehicle 661  
or watercraft. Any person who presents proof of a security 662  
interest in or lien on a motor vehicle or watercraft or a court 663  
order authorizing the person to take possession of a motor 664  
vehicle or watercraft may immediately remove the motor vehicle 665  
or watercraft from the self-service storage facility without 666  
satisfying the lien or expenses of the owner. 667

(2) Before any sale of personal property other than a 668  
motor vehicle or watercraft pursuant to this section, any person 669  
who has a legal interest or a security interest in, or who holds 670  
a lien against, any personal property other than a motor vehicle 671  
or watercraft may pay the amount necessary to satisfy the lien 672  
created by division (A) of section 5322.02 of the Revised Code 673  
and the reasonable expenses incurred under this section and 674  
remove the personal property in which the person has the 675  
interest or against which the person holds the lien. After 676  
removal of all the personal property, including any motor 677  
vehicle or watercraft, from the storage space of the self- 678  
service storage facility by any means under this section, ~~any~~ 679  
~~person can the owner may~~ enter into a rental agreement ~~for the~~ 680  
~~storage of personal property with the owner with a new occupant~~ 681  
for the storage space, and the owner has no obligation to the 682  
prior occupant of that storage space ~~in the self-service storage~~ 683  
~~facility. Before entering into a new rental agreement, the owner~~ 684

~~must have any motor vehicle or watercraft towed from that~~ 685  
~~storage space.~~ 686

(3) Upon receipt of the payment from a person other than 687  
the occupant, the owner ~~shall may, at the owner's sole~~ 688  
discretion, enter into a new rental agreement for the storage of 689  
the personal property or, if the person meets the conditions set 690  
forth in division (H) (2) of this section, shall permit the 691  
person to remove the personal property from the self-service 692  
storage facility. 693

(4) If the occupant pays the amount necessary to satisfy 694  
the lien created by division (A) of section 5322.02 of the 695  
Revised Code and the reasonable expenses incurred under this 696  
section, the occupant shall immediately remove all of the 697  
occupant's personal property from the self-service storage 698  
facility, unless the owner of the self-service storage facility 699  
agrees to enter into a new rental agreement for the storage of 700  
the property. 701

(I) (1) If property on which there is a lien under division 702  
(A) of section 5322.02 of the Revised Code is not sold at 703  
auction, but is claimed under division (H) of this section and 704  
the owner's lien is satisfied, then all legal or security 705  
interest in, or any other liens held against, the property shall 706  
remain intact. 707

(2) A purchaser at auction in good faith, except an owner 708  
or an owner's agent, of the personal property sold to satisfy an 709  
owner's lien created by division (A) of section 5322.02 of the 710  
Revised Code takes the property free and clear of any rights of 711  
persons against whom the lien was valid, or any persons who had 712  
an interest in, or who held, any other lien against the 713  
property, despite noncompliance by the owner with the 714

requirements of this section. 715

(J) The owner may examine any personal property to be sold 716  
pursuant to this section. The examination may include, but is 717  
not limited to, the opening of any trunk, valise, box, or other 718  
container that is locked, fastened, sealed, tied, or otherwise 719  
closed in a manner that deters immediate access to its contents. 720

(K) (1) If the property upon which ~~the lien created under~~ 721  
~~division (A) of this section is claimed~~ 5322.02 of the Revised 722  
Code creates a lien is a motor vehicle, trailer, or a 723  
watercraft, the owner ~~shall~~ may, at the owner's sole discretion, 724  
have the motor vehicle, trailer, or watercraft towed from the 725  
premises if any of the following circumstances applies: 726

(a) The notice was delivered or sent pursuant to division 727  
(B) of this section to all persons holding a lien on the motor 728  
vehicle, trailer, or watercraft, and thirty days have elapsed 729  
since the notice was delivered or sent ~~without a response from~~ 730  
~~any of those persons.~~ 731

(b) Rent and other charges related to the property remain 732  
unpaid or unsatisfied by the occupant for sixty days, and no 733  
lien holders have been identified. 734

(c) The owner is planning to hold or has held a sale ~~at~~ 735  
~~auction of~~ for the personal property that was stored in the 736  
self-service storage ~~unit~~ space with that motor vehicle, 737  
trailer, or watercraft, in which case the motor vehicle, 738  
trailer, or watercraft ~~shall~~ may, at the owner's sole 739  
discretion, be towed prior to or following the ~~auction~~ sale. 740

(2) The owner shall not be liable for the motor vehicle, 741  
trailer, or watercraft or any damages to the motor vehicle, 742  
trailer, or watercraft once the ~~tower~~ towing service or storage 743

facility takes possession of the property. The notice delivered 744  
or sent pursuant to division (B) of this section to all persons 745  
holding a lien on the motor vehicle, trailer, or watercraft 746  
shall include the name of the ~~towing company~~ towing service or 747  
storage facility. The name and the street address of the ~~towing~~ 748  
~~company~~ towing service or storage facility shall also be made 749  
available to the occupant or any lien holder upon the 750  
presentation of a document of title or another document that 751  
confirms an interest in the motor vehicle, trailer, or 752  
watercraft. 753

As used in this division, "towing service or storage 754  
facility" means any for-hire motor carrier that removes a motor 755  
vehicle, trailer, or watercraft from a self-service storage 756  
facility pursuant to this division and any place to which that 757  
for-hire motor carrier delivers the motor vehicle, trailer, or 758  
watercraft. 759

(L) The owner may satisfy the owner's lien from the 760  
proceeds of any sale held pursuant to this section, but shall 761  
mail the balance, if any, by certified mail, or by first class 762  
mail or private delivery service with a certificate or 763  
verification of mailing, to the occupant at the occupant's last 764  
known mailing address. If the balance is returned to the owner 765  
after the owner mailed the balance by certified mail, first 766  
class mail, or private delivery service to the occupant or if 767  
the mailing address of the occupant is not known, the owner 768  
shall hold the balance for two years after the date of the sale 769  
for delivery on demand to the occupant or to any other person 770  
who would have been entitled to possession of the personal 771  
property. After the expiration of the two-year period, the 772  
balance shall become unclaimed funds, as defined in division (B) 773  
of section 169.01 of the Revised Code, and shall be disposed of 774

pursuant to Chapter 169. of the Revised Code.	775
(M) An owner may buy at any public sale held pursuant to this section.	776 777
(N) The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against a debtor.	778 779 780
(O) (1) If the owner complies with the requirements for sale under this section, the owner's liability to persons who have an interest in the personal property sold is limited to the balance of the proceeds of the sale after the owner has satisfied the owner's lien.	781 782 783 784 785
(2) The owner is liable for damages caused by the failure to comply with the requirements for sale under this section and is liable for conversion for willful violation of the requirements for sale under this section.	786 787 788 789
(P) If no person purchases the personal property at the auction and if the owner has complied with this section, the owner may do any of the following:	790 791 792
(1) Advertise and sell the personal property pursuant to divisions (F) to (O) of this section;	793 794
(2) Sell the personal property at a private sale;	795
(3) Dispose of the personal property in any manner considered appropriate by the owner including, but not limited to, destroying the personal property.	796 797 798
<b>Section 2.</b> That existing sections 4513.601, 4513.62, 5322.01, 5322.02, and 5322.03 of the Revised Code are hereby repealed.	799 800 801