

Am. H. B. No. 132
As Passed by the House

_____ moved to amend as follows:

In line 1 of the title, after "sections" insert "4505.101, 1
4505.103,"; after "4513.601" insert ", 4513.61, 4513.611" 2

In line 6, after "sections" insert "4505.101, 4505.103,"; after 3
"4513.601" insert ", 4513.61, 4513.611" 4

After line 8, insert: 5

"Sec. 4505.101. (A) (1) Any repair garage or place of 6
storage in which a motor vehicle with a value of less than three 7
thousand five hundred dollars has been left unclaimed for 8
fifteen days or more following completion of the requested 9
repair or the agreed term of storage shall send ~~by certified~~ 10
~~mail, return receipt requested, a notice to remove the motor~~ 11
~~vehicle~~ to the last known address of any owner and any 12
lienholder of the motor vehicle ~~a notice to remove the motor~~ 13
~~vehicle. The repair garage or place of storage shall send the~~ 14
~~notice by certified or express mail with return receipt~~ 15
~~requested, by certified mail with electronic tracking, or by a~~ 16
~~commercial carrier service utilizing any form of delivery~~ 17
~~requiring a signed receipt.~~ In order to identify any owner or 18

lienholder, prior to sending a notice, the repair garage or 19
place of storage shall cause a search to be made of the records 20
of ~~the bureau of motor vehicles~~an applicable entity listed in 21
division (F) (1) of section 4513.601 of the Revised Code. Any 22
notice to a lienholder shall state where the motor vehicle is 23
located and the value of the vehicle. If the person who 24
requested the repair or who agreed to the storage of the motor 25
vehicle is not the owner or a lienholder of the motor vehicle as 26
indicated in the title records of the bureau, the repair garage 27
or place of storage also shall notify the sheriff of the county 28
or the police department of the municipal corporation, township, 29
port authority, or township or joint police district in which 30
the repair garage or place of storage is located that the repair 31
garage or place of storage is in possession of the vehicle. 32

(2) The repair garage or place of storage may obtain a 33
certificate of title to the motor vehicle if all of the 34
following apply: 35

(a) The motor vehicle remains unclaimed by any owner or 36
lienholder of the vehicle for fifteen days after the mailing of 37
~~all the required notices~~notice. 38

(b) For ~~each the~~ notice, the repair garage or place of 39
storage has either received the signed receipt ~~from the~~ 40
~~certified mail~~ or has been notified that the delivery was not 41
possible. Unless the lienholder claims the motor vehicle within 42
fifteen days from the mailing of the notice, the lienholder's 43
lien is invalid. 44

(c) An agent of the repair garage or place of storage that 45
mailed the notice executes an affidavit, in a form established 46
by the registrar of motor vehicles by rule, affirming that all 47
of the requirements of this section necessary to authorize the 48

issuance of a certificate of title for the motor vehicle have 49
been met. The affidavit shall set forth an itemized statement of 50
the value of the motor vehicle; the length of time that the 51
motor vehicle has remained unclaimed; that a notice to remove 52
the vehicle has been mailed to any titled owner or lienholder ~~by~~ 53
~~certified mail, return receipt requested~~ in a manner authorized 54
by division (A) (1) of this section; and that a search of ~~the~~ 55
title records of the bureau of motor vehicles has been made in 56
accordance with division (A) (1) of this section. 57

(B) A towing service or storage facility that is in 58
possession of a vehicle may obtain a certificate of title to the 59
vehicle as provided in division (C) of this section if all of 60
the following apply: 61

(1) The vehicle was towed under division (B) of section 62
4513.601 of the Revised Code. 63

(2) The vehicle has a value of less than three thousand 64
five hundred dollars. 65

(3) The vehicle has been left unclaimed for sixty days 66
after the date the earliest notice required by division ~~(F) (1)~~ 67
(F) of section 4513.601 of the Revised Code is received, as 68
evidenced by a receipt signed by any person, or the towing 69
service or storage facility has been notified that the delivery 70
was not possible. 71

(4) An agent of the towing service or storage facility 72
executes an affidavit, in a form established by the registrar of 73
motor vehicles by rule, affirming that all of the requirements 74
of this section necessary to authorize the issuance of a 75
certificate of title for the motor vehicle have been met. The 76
affidavit shall set forth an itemized statement of the value of 77

the motor vehicle; that notices to remove the vehicle have been 78
mailed to the owner and any lienholder as required under 79
division (F) of section 4513.601 of the Revised Code; the length 80
of time that the motor vehicle has remained unclaimed after the 81
date the earliest notice required under division (F) of section 82
4513.601 of the Revised Code was received or the towing service 83
or storage facility was notified that delivery was not possible; 84
and that a search of the records of the ~~bureau of motor vehicles~~ 85
applicable entity has been made for outstanding liens on the 86
motor vehicle. 87

(C) (1) The clerk of courts shall issue a certificate of 88
title, free and clear of all liens and encumbrances as follows: 89

(a) To a repair garage or place of storage that presents 90
an affidavit that complies with all of the requirements of 91
division (A) of this section; 92

(b) To a towing service or storage facility that presents 93
an affidavit in compliance with division (B) of this section. 94

(2) A repair garage or place of storage may use the 95
process established under division (A) of this section in order 96
to take title to a motor vehicle even if the person who 97
requested the repair or who agreed to the storage of the motor 98
vehicle is not the owner or a lienholder of the motor vehicle as 99
indicated in the title records ~~of the bureau of motor vehicles~~. 100

(3) Upon receipt of the certificate of title, a repair 101
garage or place of storage, or a towing service or storage 102
facility, shall pay to the clerk of courts the value of the 103
motor vehicle minus both of the following: 104

(a) If the motor vehicle was towed by the party seeking 105
title to the motor vehicle under this section, a towing fee; 106

(b) Storage fees for the period of time the vehicle was stored without payment.	107 108
The clerk of courts shall deposit any money received under this section into the county general fund.	109 110
(D) Whoever violates this section shall be fined not more than two hundred dollars, imprisoned not more than ninety days, or both.	111 112 113
(E) As used in this section:	114
(1) "Repair garage or place of storage" means any business with which a person entered into an agreement for the repair of a motor vehicle or any business with which a person entered into an agreement for the storage of a motor vehicle.	115 116 117 118
(2) "Towing service or storage facility" means any for-hire motor carrier that removes a motor vehicle under the authority of section 4513.601 of the Revised Code and any place to which such a for-hire motor carrier delivers a motor vehicle towed under that section.	119 120 121 122 123
(3) "Value" means the wholesale value for that make and model of motor vehicle at the time an affidavit is submitted under division (C) of this section, as provided in a vehicle valuation guide that is generally available and recognized by the motor vehicle industry, minus both of the following:	124 125 126 127 128
(a) The estimated cost of repairs to restore the motor vehicle to the wholesale value for that make and model of motor vehicle;	129 130 131
(b) The cost of any agreed-upon repairs.	132
Sec. 4505.103. (A) As used in this section:	133

(1) "Authorized entity" means any business with which a person entered into an agreement for the repair of a motor vehicle, any for-hire motor carrier that tows motor vehicles, or any place to which such a for-hire motor carrier delivers a towed motor vehicle for storage.

(2) "Motor vehicle salvage dealer" has the same meaning as in section 4738.01 of the Revised Code.

(3) "Scrap metal processing facility" has the same meaning as in section 4737.05 of the Revised Code.

(4) "Value" means the wholesale value for that make and model of motor vehicle at the time an affidavit is submitted under this section, as provided in a vehicle valuation guide that is generally available and recognized by the motor vehicle industry, minus all of the following:

(a) The estimated cost of repairs to restore the motor vehicle to the wholesale value for that make and model of motor vehicle;

(b) If the motor vehicle was towed by the party seeking title to the motor vehicle under this section, a towing fee;

(c) Storage fees for the period of time that the vehicle was stored without payment, up to a maximum of thirty days of storage fees.

(B) (1) An authorized entity may obtain a salvage certificate of title to a motor vehicle in the possession of the authorized entity for purposes of disposing of the motor vehicle through a motor vehicle salvage dealer or a scrap metal processing facility if all of the following apply to the motor vehicle:

(a) The motor vehicle has a value of less than one thousand five hundred dollars. 162
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(b) The motor vehicle is inoperable. 164

(c) The motor vehicle is impossible to restore for highway operation. 165
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(2) In order to obtain a salvage certificate of title to a motor vehicle, the authorized entity shall cause a search to be made of the records of ~~the bureau of motor vehicles~~ an applicable entity listed in division (F) (1) of section 4513.601 of the Revised Code 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.~~ Within eight business days after ~~the registrar provides receiving~~ the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, the authorized entity shall send written notice to any owner and any lienholder of the vehicle by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. If the motor vehicle came into the possession of a towing service or storage facility as a result of being towed, the notice shall include notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under section 4513.611 of the Revised Code. 167
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(3) Not sooner than thirty days after the notice has been received, as evidenced by a receipt signed by any person, or the authorized entity has been notified that the delivery was not possible, an agent of the authorized entity may complete and sign an affidavit, on a form prescribed by the registrar of 187
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motor vehicles, attesting that the motor vehicle qualifies for 192
disposal under this section and that all of the requirements of 193
this section have been complied with. The affidavit shall 194
include the make and model of the motor vehicle; the vehicle 195
identification number if available; an itemized statement of the 196
value of the motor vehicle; a description of the damage to the 197
motor vehicle; the length of time that the motor vehicle has 198
remained unclaimed; that a notice to remove the motor vehicle 199
has been mailed to any titled owner or lienholder by certified 200
or express mail with return receipt requested, by certified mail 201
with electronic tracking, or by a commercial carrier service 202
utilizing any form of delivery requiring a signed receipt; and 203
that a search of the title records ~~of the bureau of motor~~ 204
~~vehicles~~ has been made for outstanding liens on the motor 205
vehicle. The authorized entity also shall photograph the motor 206
vehicle to substantiate the determination that the value of the 207
motor vehicle is less than one thousand five hundred dollars. 208

(C) An agent of the authorized entity may present the 209
affidavit along with the photographs, an application for a 210
salvage certificate of title, and a fee of four dollars to the 211
clerk of courts. Upon receipt of a properly executed application 212
and the required fee and documents, the clerk of courts shall 213
issue a salvage certificate of title to the motor vehicle, on a 214
form prescribed by the registrar, and shall mark the certificate 215
of title with the words "FOR DESTRUCTION." The clerk shall 216
retain a record of the issuance of the salvage certificate of 217
title and all accompanying documentation in the automated title 218
processing system for not less than ten years. The clerk shall 219
deposit the four-dollar fee into the certificate of title 220
administration fund established under section 325.33 of the 221
Revised Code. 222

A salvage certificate of title issued under this section 223
is free and clear of all liens and shall be used solely for 224
purposes of disposing of the vehicle through a motor vehicle 225
salvage dealer or a scrap metal processing facility. No motor 226
vehicle for which a certificate of title has been issued under 227
this section shall be used for anything except parts and scrap 228
metal. 229

(D) At the time of disposal, the authorized entity shall 230
deliver the salvage certificate of title to the motor vehicle 231
salvage dealer or scrap metal processing facility for its 232
records. Any money arising from the disposal of the motor 233
vehicle may be retained by the authorized entity." 234

In line 15, delete "the records of the bureau of" 235

In line 16, delete "motor vehicles" and insert "an applicable entity 236
listed in division (F) (1) of section 4513.601 of the Revised Code" 237

In line 21, after "requested" insert ", by certified mail with 238
electronic tracking," 239

In line 212, after "the" insert "following to ascertain the identity 240
of the owner and any lienholder of the vehicle:" 241

(a) The" 242

In line 213, strike through "to ascertain the" 243

In line 214, strike through "identity of the owner and any 244
lienholder of the motor vehicle" and insert ";" 245

(b) The records of any vendor or vendors, approved by the 246
registrar of motor vehicles, that are capable of providing real- 247
time access to owner and lienholder information" 248

In line 215, strike through "The registrar of motor vehicles" and 249

insert " <u>The towing service or storage facility may search the national</u>	250
<u>motor vehicle title information system in order to determine the state in</u>	251
<u>which the vehicle is titled. The entity that provides the record of the</u>	252
<u>owner and any lienholder under this division"</u>	253
In line 216, strike through "Subject" and insert:	254
" <u>(2) Subject</u> "	255
In line 217, strike through "(F) (4)" and insert " <u>(F) (5)</u> "	256
In line 220, strike through "registrar of motor"	257
In line 221, strike through "vehicles" and insert " <u>applicable</u>	258
<u>entity"</u>	259
In line 224, after "requested" insert " <u>, by certified mail with</u>	260
<u>electronic tracking,</u> "	261
In line 228, strike through "(F)"	262
In line 229, strike through "(1) (a)" and insert " <u>(F) (2) (a)</u> "	263
In line 233, strike through "(2)" and insert " <u>(3)</u> "	264
In line 234, strike through "(F) (1)" and insert " <u>(F) (2)</u> "	265
In line 241, strike through "(3)" and insert " <u>(4)</u> "	266
In line 246, strike through "(4)" and insert " <u>(5)</u> "	267
In line 250, strike through "(F) (1) (a)" and insert " <u>(F) (2) (a)</u> "	268
In line 265, strike through "(F) (1) (a)" and insert " <u>(F) (2) (a)</u> "	269
In line 332, delete " <u>the bureau of</u> "	270
In line 333, delete " <u>motor vehicles</u> " and insert " <u>an applicable</u>	271
<u>entity listed in division (F) (1) of section 4513.601 of the Revised Code"</u>	272
In line 338, after " <u>requested</u> " insert " <u>, by certified mail with</u>	273

<u>electronic tracking,"</u>	274
In line 408, delete " <u>the bureau of motor vehicles</u> " and insert " <u>an applicable entity listed in division (F)(1) of section 4513.601 of the Revised Code</u> "	275 276 277
In line 414, after " <u>requested</u> " insert " <u>, by certified mail with electronic tracking,"</u>	278 279
After line 440, insert:	280
"Sec. 4513.61. (A) The sheriff of a county or chief of police of a municipal corporation, township, port authority, or township or joint police district, within the sheriff's or chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the sheriff or chief of police 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:	281 282 283 284 285 286 287 288 289
(1) Has come into the possession of the sheriff, chief of police, or state highway patrol trooper as a result of the performance of the sheriff's, chief's, or trooper's duties; or	290 291 292
(2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer without notification to the sheriff or chief of police of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:	293 294 295 296 297 298 299 300
(a) The vehicle was involved in an accident and is subject	301

to section 4513.66 of the Revised Code; 302

(b) The vehicle is a commercial motor vehicle. If the 303
vehicle is a commercial motor vehicle, the sheriff, chief of 304
police, or state highway patrol trooper shall allow the owner or 305
operator of the vehicle the opportunity to arrange for the 306
removal of the motor vehicle within a period of time specified 307
by the sheriff, chief of police, or state highway patrol 308
trooper. If the sheriff, chief of police, or state highway 309
patrol trooper determines that the vehicle cannot be removed 310
within the specified period of time, the sheriff, chief of 311
police, or state highway patrol trooper shall order the removal 312
of the vehicle. 313

Subject to division (C) of this section, the sheriff or 314
chief of police shall designate the place of storage of any 315
motor vehicle so ordered removed. 316

(B) If the sheriff, chief of police, or a state highway 317
patrol trooper issues an order under division (A) of this 318
section and arranges for the removal of a motor vehicle by a 319
towing service, the towing service shall deliver the motor 320
vehicle to the location designated by the sheriff or chief of 321
police not more than two hours after the time it is removed. 322

(C) (1) The sheriff or chief of police shall cause a search 323
to be made of ~~the records of the bureau of motor vehicles~~ an 324
applicable entity listed in division (F) (1) of section 4513.601 325
of the Revised Code to ascertain the identity of the owner and 326
any lienholder of a motor vehicle ordered into storage by the 327
sheriff or chief of police, or by a state highway patrol trooper 328
within five business days of the removal of the vehicle. Upon 329
obtaining such identity, the sheriff or chief of police shall 330
send or cause notice to be sent to the owner or lienholder at 331

the owner's or lienholder's last known address by certified or 332
express mail with return receipt requested, ~~notice that informs~~ 333
by certified mail with electronic tracking, or by a commercial 334
carrier service utilizing any form of delivery requiring a 335
signed receipt. The notice shall inform the owner or lienholder 336
that the motor vehicle will be declared a nuisance and disposed 337
of if not claimed within ten days of the date of mailing of the 338
notice. 339

(2) The owner or lienholder of the motor vehicle may 340
reclaim the motor vehicle upon payment of any expenses or 341
charges incurred in its removal and storage, and presentation of 342
proof of ownership, which may be evidenced by a certificate of 343
title or memorandum certificate of title to the motor vehicle, a 344
certificate of registration for the motor vehicle, or a lease 345
agreement. Upon presentation of proof of ownership evidenced as 346
provided above, the owner of the motor vehicle also may retrieve 347
any personal items from the vehicle without retrieving the 348
vehicle and without paying any fee. However, a towing service or 349
storage facility may charge an after-hours retrieval fee 350
established by the public utilities commission in rules adopted 351
under section 4921.25 of the Revised Code if the owner retrieves 352
the personal items after hours, unless the towing service or 353
storage facility fails to provide the notice required under 354
division (B) (3) of section 4513.69 of the Revised Code, if 355
applicable. However, the owner shall not do either of the 356
following: 357

(a) Retrieve any personal item that has been determined by 358
the sheriff, chief of police, or a state highway patrol trooper, 359
as applicable, to be necessary to a criminal investigation; 360

(b) Retrieve any personal item from a vehicle if it would 361

endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

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 ~~of the bureau~~ has been conducted and after notice has been sent to the owner or 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 mailing of 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 of police, 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 of police. 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 of police 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 392
sheriff or chief of police shall retain the original of the 393
affidavit for the sheriff's or chief's records, and shall 394
furnish two copies to the motor vehicle salvage dealer or other 395
facility. Upon presentation of a copy of the affidavit by the 396
motor vehicle salvage dealer, the clerk of courts, within thirty 397
days of the presentation, shall issue a salvage certificate of 398
title, free and clear of all liens and encumbrances. 399

(E) Whenever a motor vehicle salvage dealer or other 400
facility receives an affidavit for the disposal of a motor 401
vehicle as provided in this section, the dealer or facility 402
shall not be required to obtain an Ohio certificate of title to 403
the motor vehicle in the dealer's or facility's own name if the 404
vehicle is dismantled or destroyed and both copies of the 405
affidavit are delivered to the clerk of courts. 406

(F) No towing service or storage facility shall fail to 407
comply with this section. 408

Sec. 4513.611. (A) As used in this section: 409

(1) "Minor violation" means any of the following: 410

(a) Failure to deliver a vehicle to the designated 411
location within two hours after removal, unless the towing 412
service was unable to deliver the motor vehicle within two hours 413
due to an uncontrollable force, natural disaster, or other event 414
that was not within the power of the towing service, as required 415
under division (A) (2) of section 4513.60 or division (D) (2) of 416
section 4513.601 of the Revised Code; 417

(b) Failure to provide a receipt as required under 418
division (B) of section 4513.60 or division (C) of section 419
4513.601 of the Revised Code; 420

(c) Failure to take a towed vehicle to a location that 421
meets the requirements of division (A) (2) of section 4513.601 of 422
the Revised Code as required under that division; 423

(d) Failure to comply with any photograph-related 424
requirement established under division (D) (1) or (G) (2) of 425
section 4513.601 of the Revised Code. If a court determines that 426
a towing service or storage facility committed more than one 427
violation of divisions (D) (1) and (G) (2) of section 4513.601 of 428
the Revised Code with regard to the same transaction, the court 429
shall find the towing service or storage facility liable for 430
only one minor violation under this section. 431

(e) Failure to send notice to the owner and any lienholder 432
as required under division ~~(F) (1) (a)~~ (F) (2) (a) of section 433
4513.601 of the Revised Code; 434

(f) Failure to provide an estimate as required under 435
section 4513.68 of the Revised Code, containing the information 436
required under that section; 437

(g) Charging a fee that does not comply with division (C) 438
of section 4513.68 of the Revised Code if the towing service fee 439
is required to be reduced under that division; 440

(h) Failure to post a notice pertaining to fee limitations 441
as required under division (D) of section 4513.68 of the Revised 442
Code. 443

(2) "Major violation" means any of the following: 444

(a) Failure to give the owner of a vehicle, who arrives 445
after the owner's vehicle has been prepared for removal but 446
prior to its actual removal, notification that the owner may pay 447
a fee of not more than one-half of the fee for the removal of 448

the vehicle for the immediate release of the vehicle as required 449
under division (B) of section 4513.60 or division (C) of section 450
4513.601 of the Revised Code; 451

(b) Failure to release a vehicle upon payment of not more 452
than one-half of the fee for the removal of the vehicle as 453
permitted under division (B) of section 4513.60 or division (C) 454
of section 4513.601 of the Revised Code; 455

(c) Refusal to allow a vehicle owner to reclaim the 456
owner's vehicle upon payment of the applicable fees established 457
by the public utilities commission and presentation of proof of 458
ownership as permitted under division (D) (1) of section 4513.60 459
or division (G) (1) of section 4513.601 of the Revised Code; 460

(d) Refusal to allow a vehicle owner to retrieve personal 461
items from the owner's vehicle under circumstances in which the 462
owner is permitted to retrieve personal items under division (D) 463
(2) of section 4513.60 or division (G) (4) of section 4513.601 of 464
the Revised Code; 465

(e) Failure to provide notice to the appropriate law 466
enforcement agency within two hours of removing a vehicle as 467
required under division (E) (1) of section 4513.601 of the 468
Revised Code; 469

(f) Failure to send notice that a vehicle has been towed 470
to the vehicle owner and any known lienholder within thirty days 471
of removal of the vehicle from a private tow-away zone under 472
section 4513.601 of the Revised Code. If a court determines that 473
a towing service or storage facility committed a violation 474
specified in division (A) (2) (f) of this section and a violation 475
of division (A) (1) (e) of this section with regard to the same 476
transaction, the court shall find the towing service or storage 477

facility liable for only the major violation;	478
(g) Failure to visibly display the certificate of public convenience and necessity number as required under division (B) (1) of section 4513.67 of the Revised Code.	479 480 481
(B) (1) A vehicle owner may bring a civil action in a court of competent jurisdiction against a towing service or storage facility that commits a major or minor violation.	482 483 484
(2) If a court determines that the towing service or storage facility committed a minor violation, the court shall award the vehicle owner the following:	485 486 487
(a) If the towing service or storage facility has not committed a prior minor violation within one year of the minor violation for which the court has determined the towing service or storage facility is liable, one hundred fifty dollars.	488 489 490 491
(b) If the towing service or storage facility has committed one prior minor violation within one year of the minor violation for which the court has determined the towing service or storage facility is liable, three hundred fifty dollars.	492 493 494 495
(c) If the towing service or storage facility has committed two prior minor violations within one year of the minor violation for which the court has determined the towing service or storage facility is liable, the violation constitutes a major violation and division (B) (3) of this section applies.	496 497 498 499 500
(d) If the towing service or storage facility has committed three prior minor violations within one year of the minor violation for which the court has determined the towing service or storage facility is liable, one thousand five hundred dollars.	501 502 503 504 505

(e) If the towing service or storage facility has 506
committed four prior minor violations within one year of the 507
minor violation for which the court has determined the towing 508
service or storage facility is liable, two thousand dollars. 509

(f) If the towing service or storage facility has 510
committed five prior minor violations within one year of the 511
minor violation for which the court has determined the towing 512
service or storage facility is liable, the violation constitutes 513
a major violation and division (B) (3) of this section applies. 514

(g) If the towing service or storage facility has 515
committed six or seven prior minor violations within one year of 516
the minor violation for which the court has determined the 517
towing service or storage facility is liable, two thousand five 518
hundred dollars. 519

(h) If the towing service or storage facility has 520
committed eight prior minor violations within one year of the 521
minor violation for which the court has determined the towing 522
service or storage facility is liable, the violation constitutes 523
a major violation and division (B) (3) of this section applies. 524

(3) If a court determines that the towing service or 525
storage facility committed a major violation, the court shall 526
award the vehicle owner the following: 527

(a) If the towing service or storage facility has not 528
committed any prior major violations within one year of the 529
major violation for which the court has determined the towing 530
service or storage facility is liable, one thousand dollars; 531

(b) If the towing service or storage facility has 532
committed one prior major violation within one year of the major 533
violation for which the court has determined the towing service 534

or storage facility is liable, two thousand five hundred 535
dollars; 536

(c) If the towing service or storage facility has 537
committed two prior major violations within one year of the 538
major violation for which the court has determined the towing 539
service or storage facility is liable, three thousand five 540
hundred dollars. In addition, the court shall order the public 541
utilities commission to revoke the towing service's or storage 542
facility's certificate of public convenience and necessity for 543
six months. The commission shall comply with the order. 544

Upon expiration of the six-month revocation under division 545
(B) (3) (c) of this section, a court shall not consider any 546
violation committed by the towing service or storage facility 547
prior to the revocation for purposes of a civil action initiated 548
after the expiration of the six-month revocation. 549

(4) If a vehicle owner brings a civil action against a 550
towing service or storage facility that alleges multiple minor 551
or major violations, the court shall award, with regard to each 552
violation for which the towing service or storage facility is 553
determined to be liable, a civil penalty as required under 554
division (B) (2) or (3) of this section. The court shall consider 555
each violation as a separate violation for purposes of 556
determining how many violations the towing service or storage 557
facility has committed within one year. 558

(5) In determining if a towing service or storage facility 559
has committed prior minor or major violations within the 560
applicable one-year period, a court shall consider only 561
violations that have been determined by a court of competent 562
jurisdiction to have been committed by the towing service or 563
storage facility. 564

(C) In addition to an award made under division (B) of this section, if a court determines that a towing service or storage facility committed a violation that caused actual damages, the court shall award the vehicle owner three times the actual damages and reasonable attorney's fees.

(D) A court that issues a judgment under this section against a towing service or storage facility shall send a copy of that judgment to the public utilities commission. The commission shall provide a copy of the judgment upon request."

In line 804, after "sections" insert "4505.101, 4505.103,"; after "4513.601" insert ", 4513.61, 4513.611"

The motion was _____ agreed to.

SYNOPSIS 576

Towing law changes 577

R.C. 4505.101, 4505.103, 4505.104, 4513.601, 4513.602, 4513.603, 4513.61, and 4513.611 578
579

Authorizes the Registrar of Motor Vehicles to select a vendor or vendors that can provide real-time access to motor vehicle owner and lienholder information to a towing service, storage facility, or law enforcement after a vehicle is towed. (Under current law such information may only be obtained by a search of the records of the Bureau of Motor Vehicles.)

Adds certified mail with electronic tracking as a new option by which notice may be sent to a towed vehicle's owner and any lienholders.

Makes the bill's new towing provisions and current law	589
consistent by making conforming changes that address the notice	590
required after a vehicle is towed.	591