

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 341**

**Representatives Young, Sweeney**

**Cosponsors: Representatives Becker, Boose, Hall, Retherford, Terhar, Thompson**

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**A BILL**

To amend sections 4505.101, 4513.60, 4513.601, 1  
4513.61, 4513.611, 4513.68, and 4921.25 and to 2  
enact sections 4505.103 and 4511.044 of the 3  
Revised Code to require the Public Utilities 4  
Commission to raise the existing statutorily 5  
designated towing and storage fees annually by 6  
the percentage increase in the consumer price 7  
index, to establish a \$35 fee for the retrieval 8  
of nonmedical personal items from a motor 9  
vehicle, to modify the civil penalties 10  
applicable to violations of the towing law, to 11  
modify the calculation of the value of an 12  
abandoned vehicle to which a towing service or 13  
storage facility seeks to take title, and to 14  
make other changes to the towing law. 15

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

**Section 1.** That sections 4505.101, 4513.60, 4513.601, 16  
4513.61, 4513.611, 4513.68, and 4921.25 be amended and sections 17  
4505.103 and 4511.044 of the Revised Code be enacted to read as 18  
follows: 19

**Sec. 4505.101.** (A) (1) The owner of any repair garage or 20  
place of storage in which a motor vehicle with a value of less 21  
than three thousand five hundred dollars has been left unclaimed 22  
for fifteen days or more following completion of the requested 23  
repair or the agreed term of storage shall send by certified 24  
mail, return receipt requested, to the last known address of any 25  
owner and any lienholder of the motor vehicle a notice to remove 26  
the motor vehicle. In order to identify any owner or lienholder, 27  
prior to sending a notice, the repair garage or place of storage 28  
shall cause a search to be made of the records of the bureau of 29  
motor vehicles. Any notice to a lienholder shall state where the 30  
motor vehicle is located and the value of the vehicle. 31

If the motor vehicle remains unclaimed by any owner or 32  
lienholder for fifteen days after the mailing of all required 33  
notices, and for each notice the person on whose property the 34  
vehicle has been abandoned either has received the signed 35  
receipt from the certified mail or has been notified that the 36  
delivery was not possible, the person may obtain a certificate 37  
of title to the motor vehicle in the person's name in the manner 38  
provided in this section. Unless the lienholder claims the motor 39  
vehicle within fifteen days from the mailing of the notice, the 40  
lienholder's lien is invalid. 41

(2) The owner of the repair garage or place of storage 42  
that mailed the notice shall execute an affidavit, in a form 43  
established by the registrar of motor vehicles by rule, 44  
affirming that all of the requirements of this section necessary 45  
to authorize the issuance of a certificate of title for the 46  
motor vehicle have been met. The affidavit shall set forth an 47  
itemized statement of the value of the motor vehicle; the length 48  
of time that the motor vehicle has remained unclaimed; that a 49  
notice to remove the vehicle has been mailed to any titled owner 50

or lienholder by certified mail, return receipt requested; and 51  
that a search of the records of the bureau of motor vehicles has 52  
been made in accordance with division (A) (1) of this section. 53

(B) The owner of a towing service or storage facility that 54  
is in possession of a vehicle may obtain a certificate of title 55  
to the vehicle as provided in division (C) of this section if 56  
all of the following apply: 57

(1) The vehicle was towed under division (B) of section 58  
4513.601 of the Revised Code. 59

(2) The vehicle has a value of less than three thousand 60  
five hundred dollars. 61

(3) The vehicle has been left unclaimed for sixty days 62  
after the date the earliest notice required by division (F) (1) 63  
of section 4513.601 of the Revised Code is received, as 64  
evidenced by a receipt signed by any person, or the towing 65  
service or storage facility has been notified that the delivery 66  
was not possible. 67

(4) The owner of the towing service or storage facility 68  
executes an affidavit, in a form established by the registrar of 69  
motor vehicles by rule, affirming that all of the requirements 70  
of this section necessary to authorize the issuance of a 71  
certificate of title for the motor vehicle have been met. The 72  
affidavit shall set forth an itemized statement of the value of 73  
the motor vehicle; that notices to remove the vehicle have been 74  
mailed to the owner and any lienholder as required under 75  
division (F) of section 4513.601 of the Revised Code; the length 76  
of time that the motor vehicle has remained unclaimed after the 77  
date the earliest notice required under division (F) of section 78  
4513.601 of the Revised Code was received or the towing service 79

or storage facility was notified that delivery was not possible; 80  
and that a search of the records of the bureau of motor vehicles 81  
has been made for outstanding liens on the motor vehicle. 82

(C) The clerk of courts shall issue a certificate of 83  
title, free and clear of all liens and encumbrances as follows: 84

(1) To a repair garage or place of storage that presents 85  
an affidavit that complies with all of the requirements of 86  
division (A) of this section; 87

(2) To a towing service or storage facility that presents 88  
an affidavit in compliance with division (B) of this section. 89

Upon receipt of the certificate of title, a repair garage 90  
or place of storage, or a towing service or storage facility, 91  
shall pay to the clerk of courts the value of the motor vehicle 92  
for deposit into the county general fund. 93

(D) Whoever violates this section shall be fined not more 94  
than two hundred dollars, imprisoned not more than ninety days, 95  
or both. 96

(E) As used in this section: 97

(1) "Repair garage or place of storage" means any business 98  
with which a person entered into an agreement for the repair of 99  
a motor vehicle or any business with which a person entered into 100  
an agreement for the storage of a motor vehicle. 101

(2) "Towing service or storage facility" means any for- 102  
hire motor carrier that removes a motor vehicle under the 103  
authority of section 4513.601 of the Revised Code and any place 104  
to which such a for-hire motor carrier delivers a motor vehicle 105  
towed under that section. 106

(3) "Value" means the wholesale value for that make and 107

model of motor vehicle at the time an affidavit is submitted 108  
under division (C) of this section, as provided in a vehicle 109  
valuation guide that is generally available and recognized by 110  
the motor vehicle industry, minus both of the following: 111

(a) The estimated cost of repairs to restore the motor 112  
vehicle to the wholesale value for that make and model of motor 113  
vehicle; 114

(b) The cost of any agreed-upon repairs; 115

(c) If the motor vehicle was towed by the party seeking 116  
title to the motor vehicle under this section, a towing fee; 117

(d) Storage fees for the period of time the vehicle was 118  
stored without payment, up to a maximum of sixty-five days of 119  
storage fees. 120

**Sec. 4505.103.** (A) The owner of a towing service or 121  
storage facility may obtain a salvage certificate of title to a 122  
vehicle in its possession for purposes of disposing of the 123  
vehicle through a motor vehicle salvage dealer or a scrap metal 124  
processing facility if the vehicle is at least three years old, 125  
is apparently inoperable, and is impossible to restore for 126  
highway operation. In order to obtain a salvage certificate of 127  
title to such a vehicle, the towing service or storage facility 128  
shall send written notice to any owner and any lienholder of the 129  
vehicle by certified or express mail with return receipt 130  
requested or by a commercial carrier service utilizing any form 131  
of delivery requiring a signed receipt. Not sooner than fifteen 132  
days after the notice has been received, as evidenced by a 133  
receipt signed by any person, or the towing service or storage 134  
facility has been notified that the delivery was not possible, 135  
the towing service or storage facility may arrange for a law 136

enforcement officer to inspect the vehicle. 137

As soon as practicable after receiving a request from a 138  
towing service or storage facility to inspect a vehicle under 139  
this section, a law enforcement officer shall inspect the 140  
vehicle to determine whether the vehicle is at least three years 141  
old, is apparently inoperable, and is impossible to restore for 142  
highway operation. If the vehicle is eligible for disposal under 143  
section 4513.62 or 4513.63 of the Revised Code, the law 144  
enforcement officer may arrange for disposal in accordance with 145  
the applicable procedures. If the law enforcement officer 146  
determines that the vehicle meets the requirements of this 147  
section and does not wish to dispose of the vehicle in 148  
accordance with an applicable procedure under section 4513.62 or 149  
4513.63 of the Revised Code, the officer shall sign an 150  
affidavit, on a form prescribed by the registrar of motor 151  
vehicles. The affidavit shall include the make and model of the 152  
vehicle, the vehicle identification number if available, a 153  
description of the damage to the vehicle, and a statement that 154  
the vehicle qualifies for disposal under this section and that 155  
all of the requirements of this section have been complied with. 156

(B) After obtaining an affidavit in accordance with 157  
division (A) of this section, a towing service or storage 158  
facility may present the affidavit along with an application for 159  
a salvage certificate of title and a fee of four dollars to the 160  
clerk of courts. Upon receipt of a properly executed 161  
application, the clerk of courts shall issue a salvage 162  
certificate of title to the motor vehicle, on a form prescribed 163  
by the registrar, and shall mark the certificate of title with 164  
the words "FOR DESTRUCTION." 165

A salvage certificate of title issued under this section 166

is free and clear of all liens and shall be used solely for 167  
purposes of disposing of the vehicle through a motor vehicle 168  
salvage dealer or a scrap metal processing facility. No motor 169  
vehicle the certificate of title to which has been issued under 170  
this section shall be used for anything except parts and scrap 171  
metal. 172

(C) At the time of disposal, the towing service or storage 173  
facility shall deliver a photocopy of the salvage certificate of 174  
title to the salvage dealer or scrap metal processing facility 175  
for its records. Any money arising from the disposal of the 176  
vehicle may be retained by the towing service or storage 177  
facility. 178

(D) As used in this section: 179

(1) "Towing service or storage facility" has the same 180  
meaning as defined in section 4505.101 of the Revised Code. 181

(2) "Motor vehicle salvage dealer" has the same meaning as 182  
defined in section 4738.01 of the Revised Code. 183

(3) "Scrap metal processing facility" has the same meaning 184  
as defined in section 4737.05 of the Revised Code. 185

**Sec. 4511.044.** (A) Notwithstanding sections 4511.12 and 186  
4511.33 of the Revised Code, the operator of a tow truck that is 187  
traveling to the scene of a motor vehicle accident and is 188  
displaying a flashing, oscillating, or rotating amber light may 189  
operate the tow truck in either of the following manners when 190  
the circumstances so warrant: 191

(1) Utilizing an opening or crossover of a highway in 192  
order to proceed in the opposite direction. The operator may 193  
utilize the opening or crossover even if the use of the opening 194  
or crossover is restricted to authorized vehicles such as 195

emergency vehicles and public safety vehicles. 196

(2) Upon the berm or shoulder adjacent to the roadway of a street or highway. 197  
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(B) This section does not relieve the operator of a tow truck from the duty to drive with due regard for the safety of all persons and property upon the highway. 199  
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**Sec. 4513.60.** (A) (1) The sheriff of a county or chief of police of a municipal corporation, township, or township or joint police district, within the sheriff's or chief's respective territorial jurisdiction, upon complaint of any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in section 4513.63 of the Revised Code, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. The sheriff or chief of police, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. When ordering a motor vehicle into storage pursuant to this division, a sheriff or chief of police may arrange for the removal of the motor vehicle by a towing service and shall designate a storage facility. 202  
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(2) A towing service towing a motor vehicle under division (A) (1) of this section shall remove the motor vehicle in accordance with that division. The towing service shall deliver the motor vehicle to the location designated by the sheriff or chief of police not more than two hours after the time it is removed from the private property. 220  
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(3) Subject to division (B) of this section, the owner of 226  
a motor vehicle that has been removed pursuant to this division 227  
may recover the vehicle only in accordance with division (D) of 228  
this section. 229

(4) As used in this section, "private residential 230  
property" means private property on which is located one or more 231  
structures that are used as a home, residence, or sleeping place 232  
by one or more persons, if no more than three separate 233  
households are maintained in the structure or structures. 234  
"Private residential property" does not include any private 235  
property on which is located one or more structures that are 236  
used as a home, residence, or sleeping place by two or more 237  
persons, if more than three separate households are maintained 238  
in the structure or structures. 239

(B) If the owner or operator of a motor vehicle that has 240  
been ordered into storage pursuant to division (A) (1) of this 241  
section arrives after the motor vehicle has been prepared for 242  
removal, but prior to its actual removal from the property, the 243  
towing service shall give the owner or operator oral or written 244  
notification at the time of such arrival that the vehicle owner 245  
or operator may pay a fee of not more than one-half of the fee 246  
for the removal of the motor vehicle established by the public 247  
utilities commission in rules adopted under ~~division (D) (1) of~~ 248  
this section 4921.25 of the Revised Code, in order to obtain 249  
release of the motor vehicle. Upon payment of that fee, the 250  
towing service shall give the vehicle owner or operator a 251  
receipt showing both the full amount normally assessed and the 252  
actual amount received and shall release the motor vehicle to 253  
the owner or operator. Upon its release, the owner or operator 254  
immediately shall move it so that it is not on the private 255  
residential or private agricultural property without the 256

permission of the person having the right to possession of the 257  
property, or is not at the garage or place of storage without 258  
the permission of the owner, whichever is applicable. 259

(C) (1) Each county sheriff and each chief of police of a 260  
municipal corporation, township, or township or joint police 261  
district shall maintain a record of motor vehicles that the 262  
sheriff or chief orders into storage pursuant to division (A) (1) 263  
of this section. The record shall include an entry for each such 264  
motor vehicle that identifies the motor vehicle's license 265  
number, make, model, and color, the location from which it was 266  
removed, the date and time of its removal, the telephone number 267  
of the person from whom it may be recovered, and the address of 268  
the place to which it has been taken and from which it may be 269  
recovered. A sheriff or chief of police shall provide any 270  
information in the record that pertains to a particular motor 271  
vehicle to any person who, either in person or pursuant to a 272  
telephone call, identifies self as the owner or operator of the 273  
motor vehicle and requests information pertaining to its 274  
location. 275

(2) Any person who registers a complaint that is the basis 276  
of a sheriff's or police chief's order for the removal and 277  
storage of a motor vehicle under division (A) (1) of this section 278  
shall provide the identity of the law enforcement agency with 279  
which the complaint was registered to any person who identifies 280  
self as the owner or operator of the motor vehicle and requests 281  
information pertaining to its location. 282

(D) (1) The owner or lienholder of a motor vehicle that is 283  
ordered into storage pursuant to division (A) (1) of this section 284  
may reclaim it upon ~~both of the following:~~ 285

~~(a) Payment of the following fees:~~ 286

~~(i) Not more than ninety dollars for the removal of the motor vehicle. However, if the motor vehicle has a manufacturer's gross vehicle weight rating in excess of ten thousand pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer, not more than one hundred fifty dollars for the removal.~~

~~(ii) Not more than twelve dollars per twenty-four-hour period for the storage of the motor vehicle. However, if the motor vehicle has a manufacturer's gross vehicle weight rating in excess of ten thousand pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer, not more than twenty dollars per twenty-four-hour period for storage.~~

~~(b) Presentation payment of all applicable fees established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code and presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement.~~

(2) (a) Upon presentation of proof of ownership as required under division (D) (1) ~~(b)~~ of this section, the owner of a motor vehicle that is ordered into storage under division (A) (1) of this section may ~~retrieve~~ do either of the following:

(i) Retrieve any medical personal items without retrieving the vehicle and without paying any fee;

(ii) Upon payment of a thirty-five dollar fee, retrieve any nonmedical personal items from the motor vehicle without retrieving the vehicle ~~and without paying any fee. However, the~~

(b) The owner of a motor vehicle may not retrieve any

personal item that has been determined by the sheriff or chief 316  
of police, as applicable, to be necessary to a criminal 317  
investigation. ~~For purposes of division (D) (2) of this section,~~ 318  
~~"personal items" do not include~~ 319

(c) A person is not permitted under this section to 320  
retrieve any items that are attached to the motor vehicle. 321

(d) A towing service or storage facility shall deduct any 322  
fee paid by the owner of a vehicle under division (D) (2) of this 323  
section from the balance of towing and storage fees that the 324  
owner must pay in order to retrieve the vehicle. 325

(e) As used in division (D) (2) of this section, "medical 326  
personal items" include any items that have been prescribed, 327  
provided, or recommended by a person's doctor for purposes of 328  
curing, mitigating, managing, or preventing a disease, illness, 329  
or injury, or any physiologic, mental, or psychological 330  
condition or disorder. 331

(3) If a motor vehicle that is ordered into storage 332  
pursuant to division (A) (1) of this section remains unclaimed by 333  
the owner for thirty days, the procedures established by 334  
sections 4513.61 and 4513.62 of the Revised Code apply. 335

(E) (1) No person shall remove, or cause the removal of, 336  
any motor vehicle from any private residential or private 337  
agricultural property other than in accordance with division (A) 338  
(1) of this section or sections 4513.61 to 4513.65 of the 339  
Revised Code. 340

(2) No towing service or storage facility shall fail to 341  
comply with the requirements of this section. 342

(F) This section does not apply to any private residential 343  
or private agricultural property that is established as a 344

private tow-away zone in accordance with section 4513.601 of the Revised Code.

(G) The owner of any towing service or storage facility that violates division (E) of this section is guilty of a minor misdemeanor.

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

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

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

(b) A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner shall include on the sign the address of the property on which the private tow-away zone is located or the name of the business that is located on the property designated as a private tow-away zone.

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

(d) The telephone number and the address of the place from 374  
which a towed vehicle may be recovered at any time during the 375  
day or night; 376

(e) A statement that the failure to recover a towed 377  
vehicle may result in the loss of title to the vehicle as 378  
provided in division (B) of section 4505.101 of the Revised 379  
Code. 380

Any owner of property that has been established as a 381  
private tow-away zone under section 4513.60 of the Revised Code 382  
as that section existed prior to March 23, 2015, who does not 383  
have a contract with a towing service for the removal of 384  
vehicles from the property may retain existing private tow-away 385  
zone signs that comply with that section for up to six months 386  
after March 23, 2015. At any time, in order to comply with the 387  
requirements of division (B)(1) of this section, such a property 388  
owner may modify the existing sign by affixing to the existing 389  
sign stickers or an addendum in lieu of replacing the sign. 390

(2) A towing service ensures that a vehicle towed under 391  
this section is taken to a location from which it may be 392  
recovered that complies with all of the following: 393

(a) It is located within twenty linear miles of the 394  
location of the private tow-away zone, unless it is not 395  
practicable to take the vehicle to a place of storage within 396  
twenty linear miles. 397

(b) It is well-lighted. 398

(c) It is on or within a reasonable distance of a 399  
regularly scheduled route of one or more modes of public 400  
transportation, if any public transportation is available in the 401  
municipal corporation or township in which the private tow-away 402

zone is located. 403

(B) (1) If a vehicle is parked on private property that is 404  
established as a private tow-away zone in accordance with 405  
division (A) of this section, without the consent of the owner 406  
of the property or in violation of any posted parking condition 407  
or regulation, the owner may cause the removal of the vehicle by 408  
a towing service. The towing service shall remove the vehicle in 409  
accordance with this section. The vehicle owner and the operator 410  
of the vehicle are considered to have consented to the removal 411  
and storage of the vehicle, to the payment of the applicable 412  
fees established ~~under division (C) of this~~ by the public 413  
utilities commission in rules adopted under section 4921.25 of 414  
the Revised Code, and to the right of a towing service to obtain 415  
title to the vehicle if it remains unclaimed as provided in 416  
section 4505.101 of the Revised Code. The owner or lienholder of 417  
a vehicle that has been removed under this section, subject to 418  
division (C) of this section, may recover the vehicle in 419  
accordance with division (G) of this section. 420

(2) If a municipal corporation requires tow trucks and tow 421  
truck operators to be licensed, no owner of private property 422  
located within the municipal corporation shall cause the removal 423  
and storage of any vehicle pursuant to division (B) of this 424  
section by an unlicensed tow truck or unlicensed tow truck 425  
operator. 426

(C) If the owner or operator of a vehicle that is being 427  
removed under authority of division (B) of this section arrives 428  
after the vehicle has been prepared for removal, but prior to 429  
its actual removal from the property, the towing service shall 430  
give the vehicle owner or operator oral or written notification 431  
at the time of such arrival that the vehicle owner or operator 432

may pay a fee of not more than one-half of the fee for the 433  
removal of the vehicle established by the public utilities 434  
commission in rules adopted under ~~division (G) of this~~ section 435  
4921.25 of the Revised Code in order to obtain release of the 436  
vehicle. Upon payment of that fee, the towing service shall give 437  
the vehicle owner or operator a receipt showing both the full 438  
amount normally assessed and the actual amount received and 439  
shall release the vehicle to the owner or operator. Upon its 440  
release, the owner or operator immediately shall move the 441  
vehicle so that the vehicle is not parked on the private 442  
property established as a private tow-away zone without the 443  
consent of the owner or in violation of any posted parking 444  
condition or regulation. 445

(D) (1) Prior to towing a vehicle under division (B) of 446  
this section, a towing service shall make all reasonable efforts 447  
to take as many photographs as necessary to evidence that the 448  
vehicle is clearly parked on private property in violation of a 449  
private tow-away zone established under division (A) of this 450  
section. 451

The towing service shall record the time and date of the 452  
photographs taken under this section. The towing service shall 453  
retain the photographs and the record of the time and date, in 454  
electronic or printed form, for at least thirty days after the 455  
date on which the vehicle is recovered by the owner or 456  
lienholder or at least two years after the date on which the 457  
vehicle was towed, whichever is earlier. 458

(2) A towing service shall deliver a vehicle towed under 459  
division (B) of this section to the location from which it may 460  
be recovered not more than two hours after the time it was 461  
removed from the private tow-away zone. 462



(E) (1) If an owner of private property that is established 463  
as a private tow-away zone in accordance with division (A) of 464  
this section causes the removal of a vehicle from that property 465  
by a towing service under division (B) of this section, the 466  
towing service, within two hours of removing the vehicle, shall 467  
provide notice to the sheriff of the county or the police 468  
department of the municipal corporation, township, or township 469  
or joint police district in which the property is located 470  
concerning all of the following: 471

(a) The vehicle's license number, make, model, and color; 472

(b) The location from which the vehicle was removed; 473

(c) The date and time the vehicle was removed; 474

(d) The telephone number of the person from whom the 475  
vehicle may be recovered; 476

(e) The address of the place from which the vehicle may be 477  
recovered. 478

(2) Each county sheriff and each chief of police of a 479  
municipal corporation, township, or township or joint police 480  
district shall maintain a record of any vehicle removed from 481  
private property in the sheriff's or chief's jurisdiction that 482  
is established as a private tow-away zone of which the sheriff 483  
or chief has received notice under this section. The record 484  
shall include all information submitted by the towing service. 485  
The sheriff or chief shall provide any information in the record 486  
that pertains to a particular vehicle to a person who, either in 487  
person or pursuant to a telephone call, identifies self as the 488  
owner, operator, or lienholder of the vehicle and requests 489  
information pertaining to the vehicle. 490

(F) (1) When a vehicle is removed from private property in 491

accordance with this section, the owner of the towing service or 492  
storage facility from which the vehicle may be recovered shall 493  
immediately cause a search to be made of the records of the 494  
bureau of motor vehicles to ascertain the identity of the owner 495  
and any lienholder of the motor vehicle. Subject to division (F) 496  
(4) of this section, the owner of the towing service or storage 497  
facility shall send notice to the vehicle owner and any known 498  
lienholder as follows: 499

(a) Within five business days of removal of the vehicle 500  
from the private tow-away zone, if the vehicle has not yet been 501  
recovered, to the owner's and lienholder's last known address by 502  
certified or express mail with return receipt requested or by a 503  
commercial carrier service utilizing any form of delivery 504  
requiring a signed receipt; 505

(b) If the vehicle remains unclaimed thirty days after the 506  
first notice is sent, in the manner authorized in division (F) 507  
(1)(a) of this section; 508

(c) If the vehicle remains unclaimed forty-five days after 509  
the first notice is sent, in the manner authorized in division 510  
(F)(1)(a) of this section. 511

(2) Sixty days after any notice sent pursuant to division 512  
(F)(1) of this section is received, as evidenced by a receipt 513  
signed by any person, or the towing service or storage facility 514  
has been notified that delivery was not possible, the owner of a 515  
towing service or storage facility, if authorized under division 516  
(B) of section 4505.101 of the Revised Code, may initiate the 517  
process for obtaining a certificate of title to the motor 518  
vehicle as provided in that section. 519

(3) A towing service or storage facility that does not 520

receive a signed receipt of notice, or a notification that 521  
delivery was not possible, shall not obtain, and shall not 522  
attempt to obtain, a certificate of title to the motor vehicle 523  
under division (B) of section 4505.101 of the Revised Code. 524

(4) With respect to a vehicle concerning which a towing 525  
service or storage facility is not eligible to obtain title 526  
under section 4505.101 of the Revised Code, the towing service 527  
or storage facility need only comply with the initial notice 528  
required under division (F)(1)(a) of this section. 529

(G)(1) The owner or lienholder of a vehicle that is 530  
removed under division (B) of this section may reclaim it upon 531  
~~all~~both of the following: 532

(a) Presentation of proof of ownership, which may be 533  
evidenced by a certificate of title to the vehicle, a 534  
certificate of registration for the motor vehicle, or a lease 535  
agreement; 536

(b) Payment of ~~the following fees:~~ 537

~~(i) Not more than ninety dollars for the removal of the 538  
vehicle. However, if the vehicle has a manufacturer's gross 539  
vehicle weight rating in excess of ten thousand pounds and is a 540  
truck, bus, or a combination of a commercial tractor and trailer 541  
or semitrailer, not more than one hundred fifty dollars for the 542  
removal.~~ 543

~~(ii) Not more than twelve dollars per twenty four hour 544  
period for the storage of the vehicle. However, if the vehicle 545  
has a manufacturer's gross vehicle weight rating in excess of 546  
ten thousand pounds and is a truck, bus, or a combination of a 547  
commercial tractor and trailer or semitrailer, not more than 548  
twenty dollars per twenty four hour period for storage. all 549~~

applicable fees established by the public utilities commission 550  
in rules adopted under section 4921.25 of the Revised Code, and 551

~~(iii) If~~ if notice has been sent to the owner and 552  
lienholder as described in division (F) of this section, a 553  
processing fee of twenty-five dollars. 554

(2) A towing service or storage facility in possession of 555  
a vehicle that is removed under authority of division (B) of 556  
this section shall show the vehicle owner, operator, or 557  
lienholder who contests the removal of the vehicle all 558  
photographs taken under division (D) of this section. Upon 559  
request, the towing service or storage facility shall provide 560  
copies of all photographs in the medium in which the photographs 561  
are stored, whether paper, electronic, or otherwise. 562

(3) (a) Upon presentation of proof of ownership, which may 563  
be evidenced by a certificate of title to the vehicle, a 564  
certificate of registration for the motor vehicle, or a lease 565  
agreement, the owner of a vehicle that is removed under 566  
authority of division (B) of this section may ~~retrieve~~ do either 567  
of the following: 568

(i) Retrieve any medical personal items without retrieving 569  
the vehicle and without paying any fee; 570

(ii) Upon payment of a thirty-five dollar fee, retrieve 571  
any nonmedical personal items from the vehicle without 572  
retrieving the vehicle ~~and without paying any fee. For purposes~~ 573  
~~of division (G) (3) of this section, "personal items" do not~~ 574  
~~include~~ 575

(b) A person is not permitted under this section to 576  
retrieve any items that are attached to the vehicle. 577

(c) A towing service or storage facility shall deduct any 578

fee paid by the owner of a vehicle under division (G) (3) of this 579  
section from the balance of towing and storage fees that the 580  
owner must pay in order to retrieve the vehicle. 581

(d) As used in division (G) (3) of this section, "medical 582  
personal items" include any items that have been prescribed, 583  
provided, or recommended by a person's doctor for purposes of 584  
curing, mitigating, managing, or preventing a disease, illness, 585  
or injury, or any physiologic, mental, or psychological 586  
condition or disorder. 587

(H) No towing service or storage facility shall remove, or 588  
cause the removal of, any vehicle from private property that is 589  
established as a private tow-away zone under this section, store 590  
such a vehicle other than in accordance with this section, or 591  
otherwise fail to comply with any applicable requirement of this 592  
section. 593

(I) This section does not affect or limit the operation of 594  
section 4513.60 or sections 4513.61 to 4613.65 of the Revised 595  
Code as they relate to property other than private property that 596  
is established as a private tow-away zone under division (A) of 597  
this section. 598

(J) The owner of any towing service or storage facility or 599  
property owner that violates division (H) of this section is 600  
guilty of a minor misdemeanor. 601

**Sec. 4513.61.** (A) The sheriff of a county or chief of 602  
police of a municipal corporation, township, or township or 603  
joint police district, within the sheriff's or chief's 604  
respective territorial jurisdiction, or a state highway patrol 605  
trooper, upon notification to the sheriff or chief of police of 606  
such action and of the location of the place of storage, may 607

order into storage any motor vehicle, including an abandoned 608  
junk motor vehicle as defined in section 4513.63 of the Revised 609  
Code, that: 610

(1) Has come into the possession of the sheriff, chief of 611  
police, or state highway patrol trooper as a result of the 612  
performance of the sheriff's, chief's, or trooper's duties; or 613

(2) Has been left on a public street or other property 614  
open to the public for purposes of vehicular travel, or upon or 615  
within the right-of-way of any road or highway, for forty-eight 616  
hours or longer without notification to the sheriff or chief of 617  
police of the reasons for leaving the motor vehicle in such 618  
place. However, when such a motor vehicle constitutes an 619  
obstruction to traffic it may be ordered into storage 620  
immediately unless either of the following applies: 621

(a) The vehicle was involved in an accident and is subject 622  
to section 4513.66 of the Revised Code; 623

(b) The vehicle is a commercial motor vehicle. If the 624  
vehicle is a commercial motor vehicle, the sheriff, chief of 625  
police, or state highway patrol trooper shall allow the owner or 626  
operator of the vehicle the opportunity to arrange for the 627  
removal of the motor vehicle within a period of time specified 628  
by the sheriff, chief of police, or state highway patrol 629  
trooper. If the sheriff, chief of police, or state highway 630  
patrol trooper determines that the vehicle cannot be removed 631  
within the specified period of time, the sheriff, chief of 632  
police, or state highway patrol trooper shall order the removal 633  
of the vehicle. 634

Subject to division (C) of this section, the sheriff or 635  
chief of police shall designate the place of storage of any 636

motor vehicle so ordered removed. 637

(B) If the sheriff, chief of police, or a state highway 638  
patrol trooper issues an order under division (A) of this 639  
section and arranges for the removal of a motor vehicle by a 640  
towing service, the towing service shall deliver the motor 641  
vehicle to the location designated by the sheriff or chief of 642  
police not more than two hours after the time it is removed. 643

(C) (1) The sheriff or chief of police immediately shall 644  
cause a search to be made of the records of the bureau of motor 645  
vehicles to ascertain the identity of the owner and any 646  
lienholder of a motor vehicle ordered into storage by the 647  
sheriff or chief of police, or by a state highway patrol 648  
trooper. Upon obtaining such identity, the sheriff or chief of 649  
police shall send or cause to be sent to the owner or lienholder 650  
at the owner's or lienholder's last known address by certified 651  
mail with return receipt requested, notice that informs the 652  
owner or lienholder that the motor vehicle will be declared a 653  
nuisance and disposed of if not claimed within ten days of the 654  
date of mailing of the notice. 655

(2) The owner or lienholder of the motor vehicle may 656  
reclaim the motor vehicle upon payment of any expenses or 657  
charges incurred in its removal and storage, and presentation of 658  
proof of ownership, which may be evidenced by a certificate of 659  
title or memorandum certificate of title to the motor vehicle, a 660  
certificate of registration for the motor vehicle, or a lease 661  
agreement. ~~Upon presentation of proof of ownership evidenced as~~ 662  
~~provided above, the owner of the motor vehicle also may retrieve~~ 663  
~~any personal items from the vehicle without retrieving the~~ 664  
~~vehicle and without paying any fee. However, the owner may not~~ 665  
~~retrieve any personal item that has been determined by the~~ 666

~~sheriff, chief of police, or a state highway patrol trooper, as applicable, to be necessary to a criminal investigation. 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 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 owner of the place of storage or the owner's employee, and the notice was sent to the motor vehicle owner by the owner of the place of storage or the owner's employee, 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.

(4) (a) Upon presentation of proof of ownership as required under division (D) (2) of this section, the owner of a motor vehicle that is ordered into storage under this section may do either of the following:

(i) Retrieve any medical personal items without retrieving the vehicle and without paying any fee;

(ii) Upon payment of a thirty-five dollar fee, retrieve any nonmedical personal items from the motor vehicle without retrieving the vehicle.

(b) The owner of a motor vehicle may not retrieve any personal item that has been determined by the sheriff, chief of police, or a state highway patrol trooper, as applicable, to be necessary to a criminal investigation.

(c) A person is not permitted under this section to



retrieve any items that are attached to the motor vehicle. 696

(d) A towing service or storage facility shall deduct any 697  
fee paid by the owner of a vehicle under division (C) (4) of this 698  
section from the balance of towing and storage fees that the 699  
owner must pay in order to retrieve the vehicle. 700

(e) As used in division (C) (4) of this section, "medical 701  
personal items" include any items that have been prescribed, 702  
provided, or recommended by the person's doctor for purposes of 703  
curing, mitigating, managing, or preventing a disease, illness, 704  
or injury, or any physiologic, mental, or psychological 705  
condition or disorder. 706

(D) If the owner or lienholder makes no claim to the motor 707  
vehicle within ten days of the date of mailing of the notice, 708  
and if the vehicle is to be disposed of at public auction as 709  
provided in section 4513.62 of the Revised Code, the sheriff or 710  
chief of police, without charge to any party, shall file with 711  
the clerk of courts of the county in which the place of storage 712  
is located an affidavit showing compliance with the requirements 713  
of this section. Upon presentation of the affidavit, the clerk, 714  
without charge, shall issue a salvage certificate of title, free 715  
and clear of all liens and encumbrances, to the sheriff or chief 716  
of police. If the vehicle is to be disposed of to a motor 717  
vehicle salvage dealer or other facility as provided in section 718  
4513.62 of the Revised Code, the sheriff or chief of police 719  
shall execute in triplicate an affidavit, as prescribed by the 720  
registrar of motor vehicles, describing the motor vehicle and 721  
the manner in which it was disposed of, and that all 722  
requirements of this section have been complied with. The 723  
sheriff or chief of police shall retain the original of the 724  
affidavit for the sheriff's or chief's records, and shall 725

furnish two copies to the motor vehicle salvage dealer or other 726  
facility. Upon presentation of a copy of the affidavit by the 727  
motor vehicle salvage dealer, the clerk of courts, within thirty 728  
days of the presentation, shall issue to such owner a salvage 729  
certificate of title, free and clear of all liens and 730  
encumbrances. 731

(E) Whenever a motor vehicle salvage dealer or other 732  
facility receives an affidavit for the disposal of a motor 733  
vehicle as provided in this section, the dealer or facility 734  
shall not be required to obtain an Ohio certificate of title to 735  
the motor vehicle in the dealer's or facility's own name if the 736  
vehicle is dismantled or destroyed and both copies of the 737  
affidavit are delivered to the clerk of courts. 738

(F) No towing service or storage facility shall fail to 739  
comply with this section. 740

**Sec. 4513.611.** (A) A vehicle owner may bring a civil 741  
action against a towing service or storage facility that 742  
violates section 4513.60, 4513.601, or 4513.68 of the Revised 743  
Code. If a court determines that the towing service or storage 744  
facility committed the violation, the court shall award the 745  
vehicle owner the following: 746

(1) If the towing service or storage facility has not 747  
committed any prior violations within one year of the violation, 748  
one thousand dollars; 749

(2) If the towing service or storage facility has 750  
committed one prior violation within one year of the violation, 751  
two thousand five hundred dollars; 752

(3) If the towing service or storage facility has 753  
committed two or more prior violations within one year of the 754

violation, ~~two~~three thousand five hundred dollars. In addition,  
the court shall order the public utilities commission to revoke  
the towing service's or storage facility's certificate of public  
convenience and necessity for six months. The commission shall  
comply with the order.

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

~~(C)~~ In addition to an award made under division (A) 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.

**Sec. 4513.68.** (A) If a towing service is removing a motor  
vehicle, and the removal was not authorized under section  
4513.60, 4513.601, 4513.61, or 4513.66 of the Revised Code,  
prior to removing the motor vehicle, the towing service shall  
provide a written estimate of the price for the removal to the  
operator of the motor vehicle unless the operator is  
incapacitated, seriously injured, or otherwise unavailable to  
accept the estimate. The towing service shall not submit such an  
estimate to any repair facility or storage facility to which the  
motor vehicle is transported unless the operator of the motor  
vehicle meets one of the conditions specified above.

(B) The towing service shall ensure that any estimate  
provided under division (A) of this section includes the fees,  
services to be rendered, and destination of the vehicle.

(C) If a towing service fails to provide a written 784  
estimate as required by this section, the towing service shall 785  
not charge fees for the towing and storage of the motor vehicle 786  
that exceed twenty-five per cent of the fees ~~authorized~~ 787  
established by the public utilities commission in rules adopted 788  
under division (C) (1) (b) of section 4513.601 divisions (B) (4) (a) 789  
(i) and (ii) of section 4921.25 of the Revised Code for a motor 790  
vehicle removed from a private tow-away zone. 791

(D) Any storage facility that accepts towed vehicles shall 792  
conspicuously post a notice at the entrance to the storage 793  
facility that states the limitation on fees established under 794  
division (C) of this section. 795

**Sec. 4921.25.** (A) Any person, firm, copartnership, 796  
voluntary association, joint-stock association, company, or 797  
corporation, wherever organized or incorporated, that is engaged 798  
in the towing of motor vehicles is subject to regulation by the 799  
public utilities commission as a for-hire motor carrier under 800  
this chapter. 801

(B) The commission shall adopt rules under Chapter 111. of 802  
the Revised Code that do all of the following: 803

(1) Establish the acceptable scope of public safety 804  
regulations applicable to a for-hire motor carrier engaged in 805  
the towing of motor vehicles under section 4513.60, 4513.601, or 806  
4513.61 of the Revised Code that a county or township may adopt 807  
pursuant to a resolution; 808

(2) Establish safety standards for the type of equipment 809  
necessary to safely remove and tow vehicles based on the type of 810  
vehicle being removed or towed; 811

(3) Establish standards for the removal of a vehicle from 812

a private tow-away zone by a for-hire motor carrier engaged in 813  
the towing of motor vehicles in addition to standards and 814  
requirements established under section 4513.601 of the Revised 815  
Code. The standards may vary based on whether the private tow- 816  
away zone is located on residential, retail, or other commercial 817  
property. 818

(4) (a) Establish ~~an~~ the following maximum fees that may be 819  
charged by a for-hire motor carrier engaged in the towing of 820  
motor vehicles under section 4513.60 and 4513.601 of the Revised 821  
Code: 822

(i) Ninety dollars for the removal of a vehicle; or for a 823  
vehicle that has a manufacturer's gross vehicle weight rating in 824  
excess of ten thousand pounds that is a truck, bus, or a 825  
combination of commercial tractor and trailer or semitrailer, 826  
one hundred fifty dollars; 827

(ii) Twelve dollars per twenty-four-hour storage period; 828  
or for a vehicle that has a manufacturer's gross vehicle weight 829  
rating in excess of ten thousand pounds that is a truck, bus, or 830  
a combination of commercial tractor and trailer or semitrailer, 831  
twenty dollars per twenty-four-hour storage period; 832

(iii) An after-hours retrieval fee for purposes of section 833  
4513.69 of the Revised Code~~+~~. 834

(b) On an annual basis, increase the fees established 835  
under divisions (B) (4) (a) (i) and (ii) of this section by the 836  
percentage increase, if any, in the consumer price index for all 837  
urban consumers (United States city average, all items) over the 838  
previous one-year period, as published by the United States 839  
department of labor, bureau of labor statistics. 840

(5) Adopt any other rules necessary to carry out the 841

purposes of this section. 842

**Section 2.** That existing sections 4505.101, 4513.60, 843  
4513.601, 4513.61, 4513.611, 4513.68, and 4921.25 of the Revised 844  
Code are hereby repealed. 845

**Section 3.** Commencing on the effective date of this act, 846  
and until the public utilities commission adopts rules under 847  
division (B) (4) of section 4921.25 of the Revised Code, a towing 848  
service shall charge not more than the following for the removal 849  
and storage of a vehicle under section 4513.60 or 4513.601 of 850  
the Revised Code: 851

(A) A maximum fee for the removal of a vehicle equal to 852  
ninety dollars; or for a vehicle that has a manufacturer's gross 853  
vehicle weight rating in excess of ten thousand pounds that is a 854  
truck, bus, or a combination of commercial tractor and trailer 855  
or semitrailer, a maximum fee equal to one hundred fifty 856  
dollars; 857

(B) A maximum storage fee equal to twelve dollars per 858  
twenty-four-hour period; or for a vehicle that has a 859  
manufacturer's gross vehicle weight rating in excess of ten 860  
thousand pounds that is a truck, bus, or a combination of 861  
commercial tractor and trailer or semitrailer, a maximum storage 862  
fee equal to twenty dollars per twenty-four-hour period. 863