

As Passed by the House

131st General Assembly

Regular Session

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Sub. H. B. No. 341

Representatives Young, Sweeney

**Cosponsors: Representatives Becker, Boose, Hall, Retherford, Terhar, Thompson,
Amstutz, Barnes, Boyd, Conditt, Dever, Green, Grossman, Hambley, Howse,
Johnson, G., Rogers**

A BILL

To amend sections 4505.101, 4513.60, 4513.601, 1
4513.61, 4513.611, 4513.67, 4513.68, 4513.69, 2
and 4921.25 and to enact sections 4505.103, 3
4513.612, 4921.26, and 4921.27 of the Revised 4
Code to require the Public Utilities Commission 5
to establish towing and storage fees and to 6
review those fees every five years, to establish 7
an after-hours fee for the retrieval of personal 8
items from a motor vehicle, to modify the civil 9
penalties applicable to violations of the towing 10
law, to modify the value of an abandoned vehicle 11
to which a towing service or storage facility 12
may take title, to impose criminal penalties for 13
the failure of a towing service to obtain a 14
certificate of public convenience and necessity, 15
to establish the towing and quick clear board, 16
to allow a repair garage, towing service, or 17
storage facility to obtain a salvage certificate 18
of title to a motor vehicle under specified 19
circumstances, and to make other changes to the 20
towing law. 21

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

Section 1. That sections 4505.101, 4513.60, 4513.601, 22
4513.61, 4513.611, 4513.67, 4513.68, 4513.69, and 4921.25 be 23
amended and sections 4505.103, 4513.612, 4921.26, and 4921.27 of 24
the Revised Code be enacted to read as follows: 25

Sec. 4505.101. (A) (1) ~~The owner of any~~ Any repair garage 26
or place of storage in which a motor vehicle with a value of 27
less than ~~three-four~~ thousand ~~five-four~~ hundred dollars has been 28
left unclaimed for fifteen days or more following completion of 29
the requested repair or the agreed term of storage shall send by 30
certified mail, return receipt requested, to the last known 31
address of any owner and any lienholder of the motor vehicle a 32
notice to remove the motor vehicle. In order to identify any 33
owner or lienholder, prior to sending a notice, the repair 34
garage or place of storage shall cause a search to be made of 35
the records of the bureau of motor vehicles. Any notice to a 36
lienholder shall state where the motor vehicle is located and 37
the value of the vehicle. If the person who requested the repair 38
or who agreed to the storage of the motor vehicle is not the 39
owner or a lienholder of the motor vehicle as indicated in the 40
records of the bureau, the repair garage or place of storage 41
also shall notify the sheriff of the county or the police 42
department of the municipal corporation, township, or township 43
or joint police district in which the repair garage or place of 44
storage is located that the repair garage or place of storage is 45
in possession of the vehicle. 46

If the (2) The repair garage or place of storage may 47
obtain a certificate of title to the motor vehicle if all of the 48
following apply: 49

(a) The motor vehicle remains unclaimed by any owner or 50
lienholder of the vehicle for fifteen days after the mailing of 51
all required notices, and for . 52

(b) For each notice, the person on whose property the 53
vehicle has been abandoned either repair garage or place of 54
storage has either received the signed receipt from the 55
certified mail or has been notified that the delivery was not 56
possible, the person may obtain a certificate of title to the 57
motor vehicle in the person's name in the manner provided in 58
this section. Unless the lienholder claims the motor vehicle 59
within fifteen days from the mailing of the notice, the 60
lienholder's lien is invalid. 61

~~(2) The owner~~ (c) An agent of the repair garage or place 62
of storage that mailed the notice shall execute executes an 63
affidavit, in a form established by the registrar of motor 64
vehicles by rule, affirming that all of the requirements of this 65
section necessary to authorize the issuance of a certificate of 66
title for the motor vehicle have been met. The affidavit shall 67
set forth an itemized statement of the value of the motor 68
vehicle; the length of time that the motor vehicle has remained 69
unclaimed; that a notice to remove the vehicle has been mailed 70
to any titled owner or lienholder by certified mail, return 71
receipt requested; and that a search of the records of the 72
bureau of motor vehicles has been made in accordance with 73
division (A) (1) of this section. 74

(B) ~~The owner of a~~ A towing service or storage facility 75
that is in possession of a vehicle may obtain a certificate of 76
title to the vehicle as provided in division (C) of this section 77
if all of the following apply: 78

(1) The vehicle was towed under division (B) of section 79

4513.601 of the Revised Code. 80

(2) The vehicle has a value of less than ~~three~~four thousand ~~five~~four hundred dollars. 81
82

(3) The vehicle has been left unclaimed for sixty days 83
after the date the earliest notice required by division (F) (1) 84
of section 4513.601 of the Revised Code is received, as 85
evidenced by a receipt signed by any person, or the towing 86
service or storage facility has been notified that the delivery 87
was not possible. 88

(4) ~~The owner~~An agent of the towing service or storage 89
facility executes an affidavit, in a form established by the 90
registrar of motor vehicles by rule, affirming that all of the 91
requirements of this section necessary to authorize the issuance 92
of a certificate of title for the motor vehicle have been met. 93
The affidavit shall set forth an itemized statement of the value 94
of the motor vehicle; that notices to remove the vehicle have 95
been mailed to the owner and any lienholder as required under 96
division (F) of section 4513.601 of the Revised Code; the length 97
of time that the motor vehicle has remained unclaimed after the 98
date the earliest notice required under division (F) of section 99
4513.601 of the Revised Code was received or the towing service 100
or storage facility was notified that delivery was not possible; 101
and that a search of the records of the bureau of motor vehicles 102
has been made for outstanding liens on the motor vehicle. 103

(C) (1) The clerk of courts shall issue a certificate of 104
title, free and clear of all liens and encumbrances as follows: 105

~~(1)~~(a) To a repair garage or place of storage that 106
presents an affidavit that complies with all of the requirements 107
of division (A) of this section; 108

~~(2) (b)~~ To a towing service or storage facility that 109
presents an affidavit in compliance with division (B) of this 110
section. 111

(2) A repair garage or place of storage may use the 112
process established under division (A) of this section in order 113
to take title to a motor vehicle even if the person who 114
requested the repair or who agreed to the storage of the motor 115
vehicle is not the owner or a lienholder of the motor vehicle as 116
indicated in the records of the bureau of motor vehicles. 117

(3) Upon receipt of the certificate of title, a repair 118
garage or place of storage, or a towing service or storage 119
facility, shall pay to the clerk of courts the value of the 120
motor vehicle ~~for deposit~~ minus both of the following: 121

(a) If the motor vehicle was towed by the party seeking 122
title to the motor vehicle under this section, a towing fee; 123

(b) Storage fees for the period of time the vehicle was 124
stored without payment. 125

The clerk of courts shall deposit any money received under 126
this section into the county general fund. 127

(D) Whoever violates this section shall be fined not more 128
than two hundred dollars, imprisoned not more than ninety days, 129
or both. 130

(E) As used in this section: 131

(1) "Repair garage or place of storage" means any business 132
with which a person entered into an agreement for the repair of 133
a motor vehicle or any business with which a person entered into 134
an agreement for the storage of a motor vehicle. 135

(2) "Towing service or storage facility" means any for- 136

hire motor carrier that removes a motor vehicle under the 137
authority of section 4513.601 of the Revised Code and any place 138
to which such a for-hire motor carrier delivers a motor vehicle 139
towed under that section. 140

(3) "Value" means the wholesale value for that make and 141
model of motor vehicle at the time an affidavit is submitted 142
under division (C) of this section, as provided in a vehicle 143
valuation guide that is generally available and recognized by 144
the motor vehicle industry, minus both of the following: 145

(a) The estimated cost of repairs to restore the motor 146
vehicle to the wholesale value for that make and model of motor 147
vehicle; 148

(b) The cost of any agreed-upon repairs. 149

Sec. 4505.103. (A) (1) An authorized entity may obtain a 150
salvage certificate of title to a motor vehicle in the 151
possession of the authorized entity for purposes of disposing of 152
the motor vehicle through a motor vehicle salvage dealer or a 153
scrap metal processing facility if all of the following apply to 154
the motor vehicle: 155

(a) The motor vehicle has a value of less than one 156
thousand five hundred dollars. 157

(b) The motor vehicle is apparently inoperable. 158

(c) The motor vehicle is impossible to restore for highway 159
operation. 160

(2) In order to obtain a salvage certificate of title to a 161
motor vehicle, the authorized entity shall cause a search to be 162
made of the records of the bureau of motor vehicles to ascertain 163
the identity of the owner and any lienholder of the motor 164

vehicle. The registrar of motor vehicles shall ensure that such 165
information is provided in a timely manner. Within eight 166
business days after the registrar provides the identity of the 167
owner and any lienholder of the motor vehicle, if the vehicle 168
remains unclaimed, the authorized entity shall send written 169
notice to any owner and any lienholder of the vehicle by 170
certified or express mail with return receipt requested or by a 171
commercial carrier service utilizing any form of delivery 172
requiring a signed receipt. If the motor vehicle came into the 173
possession of an authorized entity as a result of being towed, 174
the authorized entity also shall notify the vehicle owner that 175
if the owner disputes that the motor vehicle was lawfully towed, 176
the owner may be able to file a civil action under section 177
4513.611 of the Revised Code. 178

(3) Not sooner than thirty days after the notice has been 179
received, as evidenced by a receipt signed by any person, or the 180
authorized entity has been notified that the delivery was not 181
possible, an agent of the authorized entity may complete and 182
sign an affidavit, on a form prescribed by the registrar of 183
motor vehicles, attesting that the motor vehicle qualifies for 184
disposal under this section and that all of the requirements of 185
this section have been complied with. The affidavit shall 186
include the make and model of the motor vehicle; the vehicle 187
identification number if available; an itemized statement of the 188
value of the motor vehicle; a description of the damage to the 189
motor vehicle; the length of time that the motor vehicle has 190
remained unclaimed; that a notice to remove the motor vehicle 191
has been mailed to any titled owner or lienholder by certified 192
or express mail with return receipt requested or by a commercial 193
carrier service utilizing any form of delivery requiring a 194
signed receipt; and that a search of the records of the bureau 195

of motor vehicles has been made for outstanding liens on the 196
motor vehicle. The authorized entity also shall photograph the 197
motor vehicle to substantiate the determination that the value 198
of the motor vehicle is less than one thousand five hundred 199
dollars. 200

(B) An agent of the authorized entity may present the 201
affidavit along with the photographs, an application for a 202
salvage certificate of title, and a fee of four dollars to the 203
clerk of courts. Upon receipt of a properly executed application 204
and the required fee and documents, the clerk of courts shall 205
issue a salvage certificate of title to the motor vehicle, on a 206
form prescribed by the registrar, and shall mark the certificate 207
of title with the words "FOR DESTRUCTION." The clerk shall 208
retain a record of the issuance of the salvage certificate of 209
title and all accompanying documentation in the automated title 210
processing system for not less than ten years. The clerk shall 211
deposit the four-dollar fee into the certificate of title 212
administration fund established under section 325.33 of the 213
Revised Code. 214

A salvage certificate of title issued under this section 215
is free and clear of all liens and shall be used solely for 216
purposes of disposing of the vehicle through a motor vehicle 217
salvage dealer or a scrap metal processing facility. No motor 218
vehicle for which a certificate of title has been issued under 219
this section shall be used for anything except parts and scrap 220
metal. 221

(C) At the time of disposal, the authorized entity shall 222
deliver the salvage certificate of title to the motor vehicle 223
salvage dealer or scrap metal processing facility for its 224
records. Any money arising from the disposal of the motor 225

<u>vehicle may be retained by the authorized entity.</u>	226
<u>(D) As used in this section:</u>	227
<u>(1) "Authorized entity" means any business with which a</u>	228
<u>person entered into an agreement for the repair of a motor</u>	229
<u>vehicle, any for-hire motor carrier that tows motor vehicles, or</u>	230
<u>any place to which such a for-hire motor carrier delivers a</u>	231
<u>towed motor vehicle for storage.</u>	232
<u>(2) "Scrap metal processing facility" has the same meaning</u>	233
<u>as defined in section 4737.05 of the Revised Code.</u>	234
<u>(3) "Value" means the wholesale value for that make and</u>	235
<u>model of motor vehicle at the time an affidavit is submitted</u>	236
<u>under this section, as provided in a vehicle valuation guide</u>	237
<u>that is generally available and recognized by the motor vehicle</u>	238
<u>industry, minus all of the following:</u>	239
<u>(a) The estimated cost of repairs to restore the motor</u>	240
<u>vehicle to the wholesale value for that make and model of motor</u>	241
<u>vehicle;</u>	242
<u>(b) If the motor vehicle was towed by the party seeking</u>	243
<u>title to the motor vehicle under this section, a towing fee;</u>	244
<u>(c) Storage fees for the period of time that the vehicle</u>	245
<u>was stored without payment, up to a maximum of thirty days of</u>	246
<u>storage fees.</u>	247
Sec. 4513.60. (A) (1) The sheriff of a county or chief of	248
police of a municipal corporation, township, or township or	249
joint police district, within the sheriff's or chief's	250
respective territorial jurisdiction, upon complaint of any	251
person adversely affected, may order into storage any motor	252
vehicle, other than an abandoned junk motor vehicle as defined	253

in section 4513.63 of the Revised Code, that has been left on 254
private residential or private agricultural property for at 255
least four hours without the permission of the person having the 256
right to the possession of the property. The sheriff or chief of 257
police, upon complaint of ~~the owner of~~ a repair garage or place 258
of storage, may order into storage any motor vehicle, other than 259
an abandoned junk motor vehicle, that has been left at the 260
garage or place of storage for a longer period than that agreed 261
upon. When ordering a motor vehicle into storage pursuant to 262
this division, a sheriff or chief of police may arrange for the 263
removal of the motor vehicle by a towing service and shall 264
designate a storage facility. 265

(2) A towing service towing a motor vehicle under division 266
(A) (1) of this section shall remove the motor vehicle in 267
accordance with that division. The towing service shall deliver 268
the motor vehicle to the location designated by the sheriff or 269
chief of police not more than two hours after the time it is 270
removed from the private property, unless it is not practicable. 271

(3) Subject to division (B) of this section, the owner of 272
a motor vehicle that has been removed pursuant to this division 273
may recover the vehicle only in accordance with division (D) of 274
this section. 275

(4) As used in this section, "private residential 276
property" means private property on which is located one or more 277
structures that are used as a home, residence, or sleeping place 278
by one or more persons, if no more than three separate 279
households are maintained in the structure or structures. 280
"Private residential property" does not include any private 281
property on which is located one or more structures that are 282
used as a home, residence, or sleeping place by two or more 283

persons, if more than three separate households are maintained 284
in the structure or structures. 285

(B) If the owner or operator of a motor vehicle that has 286
been ordered into storage pursuant to division (A)(1) of this 287
section arrives after the motor vehicle has been prepared for 288
removal, but prior to its actual removal from the property, the 289
towing service shall give the owner or operator oral or written 290
notification at the time of such arrival that the vehicle owner 291
or operator may pay a fee of not more than one-half of the fee 292
for the removal of the motor vehicle established by the public 293
utilities commission in rules adopted under ~~division (D)(1) of~~ 294
this section 4921.25 of the Revised Code, in order to obtain 295
release of the motor vehicle. However, if the vehicle is within 296
a municipal corporation and the municipal corporation has 297
established a vehicle removal fee, the towing service shall give 298
the owner or operator oral or written notification that the 299
owner or operator may pay not more than one-half of that fee to 300
obtain release of the motor vehicle. Upon payment of ~~that the~~ 301
applicable fee, which may be paid by use of a major credit card, 302
the towing service shall give the vehicle owner or operator a 303
receipt showing both the full amount normally assessed and the 304
actual amount received and shall release the motor vehicle to 305
the owner or operator. Upon its release, the owner or operator 306
immediately shall move it so that it is not on the private 307
residential or private agricultural property without the 308
permission of the person having the right to possession of the 309
property, or is not at the garage or place of storage without 310
the permission of the owner, whichever is applicable. 311

(C) (1) Each county sheriff and each chief of police of a 312
municipal corporation, township, or township or joint police 313
district shall maintain a record of motor vehicles that the 314

sheriff or chief orders into storage pursuant to division (A) (1) 315
of this section. The record shall include an entry for each such 316
motor vehicle that identifies the motor vehicle's license 317
number, make, model, and color, the location from which it was 318
removed, the date and time of its removal, the telephone number 319
of the person from whom it may be recovered, and the address of 320
the place to which it has been taken and from which it may be 321
recovered. A sheriff or chief of police shall provide any 322
information in the record that pertains to a particular motor 323
vehicle to any person who, either in person or pursuant to a 324
telephone call, identifies self as the owner or operator of the 325
motor vehicle and requests information pertaining to its 326
location. 327

(2) Any person who registers a complaint that is the basis 328
of a sheriff's or police chief's order for the removal and 329
storage of a motor vehicle under division (A) (1) of this section 330
shall provide the identity of the law enforcement agency with 331
which the complaint was registered to any person who identifies 332
self as the owner or operator of the motor vehicle and requests 333
information pertaining to its location. 334

(D) (1) The owner or lienholder of a motor vehicle that is 335
ordered into storage pursuant to division (A) (1) of this section 336
may reclaim it upon both of the following: 337

(a) Payment of ~~the following~~ all applicable fees: 338

~~(i) Not more than ninety dollars for the removal of the 339
motor vehicle. However, if the motor vehicle has a 340
manufacturer's gross vehicle weight rating in excess of ten 341
thousand pounds and is a truck, bus, or a combination of a 342
commercial tractor and trailer or semitrailer, not more than one 343
hundred fifty dollars for the removal. 344~~

~~(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 established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code or, if the vehicle was towed within a municipal corporation that has established fees for vehicle removal and storage, payment of all applicable fees established by the municipal corporation.~~

(b) 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.

When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written 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.

(2) 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 any personal items from the motor vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code if the owner retrieves the personal items after hours.

~~However, the~~ The owner may of a motor vehicle shall not retrieve 375
do either of the following: 376

(a) Retrieve any personal item that has been determined by 377
the sheriff or chief of police, as applicable, to be necessary 378
to a criminal investigation; 379

(b) Retrieve any personal item from a vehicle if it would 380
endanger the safety of the owner, unless the owner agrees to 381
sign a waiver of liability. 382

For purposes of division (D) (2) of this section, "personal 383
items" do not include any items that are attached to the motor 384
vehicle. 385

(3) If a motor vehicle that is ordered into storage 386
pursuant to division (A) (1) of this section remains unclaimed by 387
the owner for thirty days, the procedures established by 388
sections 4513.61 and 4513.62 of the Revised Code apply. 389

(E) (1) No person shall remove, or cause the removal of, 390
any motor vehicle from any private residential or private 391
agricultural property other than in accordance with division (A) 392
(1) of this section or sections 4513.61 to 4513.65 of the 393
Revised Code. 394

(2) No towing service or storage facility shall fail to 395
comply with the requirements of this section. 396

(F) This section does not apply to any private residential 397
or private agricultural property that is established as a 398
private tow-away zone in accordance with section 4513.601 of the 399
Revised Code. 400

~~(G) The owner of any towing service or storage facility~~ 401
~~that~~ Whoever violates division (E) of this section is guilty of 402

a minor misdemeanor. 403

Sec. 4513.601. (A) The owner of private property may 404
establish a private tow-away zone, but may do so only if all of 405
the following conditions are satisfied: 406

(1) The owner posts on the owner's property a sign, that 407
is at least eighteen inches by twenty-four inches in size, that 408
is visible from all entrances to the property, and that includes 409
all of the following information: 410

(a) A statement that the property is a tow-away zone; 411

(b) A description of persons authorized to park on the 412
property. If the property is a residential property, the owner 413
of the private property may include on the sign a statement that 414
only tenants and guests may park in the private tow-away zone, 415
subject to the terms of the property owner. If the property is a 416
commercial property, the owner of the private property may 417
include on the sign a statement that only customers may park in 418
the private tow-away zone. In all cases, if it is not apparent 419
which persons may park in the private tow-away zone, the owner 420
shall include on the sign the address of the property on which 421
the private tow-away zone is located or the name of the business 422
that is located on the property designated as a private tow-away 423
zone. 424

(c) If the private tow-away zone is not enforceable at all 425
times, the times during which the parking restrictions are 426
enforced; 427

(d) The telephone number and the address of the place from 428
which a towed vehicle may be recovered at any time during the 429
day or night; 430

(e) A statement that the failure to recover a towed 431

vehicle may result in the loss of title to the vehicle as 432
provided in division (B) of section 4505.101 of the Revised 433
Code. 434

~~Any owner of property that has been established as a 435
private tow-away zone under section 4513.60 of the Revised Code 436
as that section existed prior to March 23, 2015, who does not 437
have a contract with a towing service for the removal of 438
vehicles from the property may retain existing private tow-away 439
zone signs that comply with that section for up to six months 440
after March 23, 2015. At any time, in In order to comply with 441
the requirements of division ~~(B)~~ (A) (1) of this section, ~~such a~~ 442
property owner may modify ~~the~~ an existing sign by affixing to 443
the existing sign stickers or an addendum in lieu of replacing 444
the sign. 445~~

(2) A towing service ensures that a vehicle towed under 446
this section is taken to a location from which it may be 447
recovered that complies with all of the following: 448

(a) It is located within ~~twenty~~ twenty-five linear miles 449
of the location of the private tow-away zone, unless it is not 450
practicable to take the vehicle to a place of storage within 451
~~twenty~~ twenty-five linear miles. 452

(b) It is well-lighted. 453

(c) It is on or within a reasonable distance of a 454
regularly scheduled route of one or more modes of public 455
transportation, if any public transportation is available in the 456
municipal corporation or township in which the private tow-away 457
zone is located. 458

(B) (1) If a vehicle is parked on private property that is 459
established as a private tow-away zone in accordance with 460

division (A) of this section, without the consent of the owner 461
of the property or in violation of any posted parking condition 462
or regulation, the owner may cause the removal of the vehicle by 463
a towing service. The towing service shall remove the vehicle in 464
accordance with this section. The vehicle owner and the operator 465
of the vehicle are considered to have consented to the removal 466
and storage of the vehicle, to the payment of the applicable 467
fees established ~~under division (G) of this~~ by the public 468
utilities commission in rules adopted under section 4921.25 of 469
the Revised Code, and to the right of a towing service to obtain 470
title to the vehicle if it remains unclaimed as provided in 471
section 4505.101 of the Revised Code. The owner or lienholder of 472
a vehicle that has been removed under this section, subject to 473
division (C) of this section, may recover the vehicle in 474
accordance with division (G) of this section. 475

(2) If a municipal corporation requires tow trucks and tow 476
truck operators to be licensed, no owner of private property 477
located within the municipal corporation shall cause the removal 478
and storage of any vehicle pursuant to division (B) of this 479
section by an unlicensed tow truck or unlicensed tow truck 480
operator. 481

(3) No towing service shall remove a vehicle from a 482
private tow-away zone except pursuant to a written contract for 483
the removal of vehicles entered into with the owner of the 484
private property on which the private tow-away zone is located. 485

(C) If the owner or operator of a vehicle that is being 486
removed under authority of division (B) of this section arrives 487
after the vehicle has been prepared for removal, but prior to 488
its actual removal from the property, the towing service shall 489
give the vehicle owner or operator oral or written notification 490

at the time of such arrival that the vehicle owner or operator 491
may pay a fee of not more than one-half of the fee for the 492
removal of the vehicle established by the public utilities 493
commission in rules adopted under ~~division (G) of this~~ section 494
4921.25 of the Revised Code in order to obtain release of the 495
vehicle. Upon payment of that fee, which may be paid by use of a 496
major credit card, the towing service shall give the vehicle 497
owner or operator a receipt showing both the full amount 498
normally assessed and the actual amount received and shall 499
release the vehicle to the owner or operator. Upon its release, 500
the owner or operator immediately shall move the vehicle so that 501
the vehicle is not parked on the private property established as 502
a private tow-away zone without the consent of the owner or in 503
violation of any posted parking condition or regulation. 504

(D) (1) Prior to towing a vehicle under division (B) of 505
this section, a towing service shall make all reasonable efforts 506
to take as many photographs as necessary to evidence that the 507
vehicle is clearly parked on private property in violation of a 508
private tow-away zone established under division (A) of this 509
section. 510

The towing service shall record the time and date of the 511
photographs taken under this section. The towing service shall 512
retain the photographs and the record of the time and date, in 513
electronic or printed form, for at least thirty days after the 514
date on which the vehicle is recovered by the owner or 515
lienholder or at least two years after the date on which the 516
vehicle was towed, whichever is earlier. 517

(2) A towing service shall deliver a vehicle towed under 518
division (B) of this section to the location from which it may 519
be recovered not more than two hours after the time it was 520

removed from the private tow-away zone, unless it is not 521
practicable. 522

(E) (1) If an owner of private property that is established 523
as a private tow-away zone in accordance with division (A) of 524
this section causes the removal of a vehicle from that property 525
by a towing service under division (B) of this section, the 526
towing service, within two hours of removing the vehicle, shall 527
provide notice to the sheriff of the county or the police 528
department of the municipal corporation, township, or township 529
or joint police district in which the property is located 530
concerning all of the following: 531

(a) The vehicle's license number, make, model, and color; 532

(b) The location from which the vehicle was removed; 533

(c) The date and time the vehicle was removed; 534

(d) The telephone number of the person from whom the 535
vehicle may be recovered; 536

(e) The address of the place from which the vehicle may be 537
recovered. 538

(2) Each county sheriff and each chief of police of a 539
municipal corporation, township, or township or joint police 540
district shall maintain a record of any vehicle removed from 541
private property in the sheriff's or chief's jurisdiction that 542
is established as a private tow-away zone of which the sheriff 543
or chief has received notice under this section. The record 544
shall include all information submitted by the towing service. 545
The sheriff or chief shall provide any information in the record 546
that pertains to a particular vehicle to a person who, either in 547
person or pursuant to a telephone call, identifies self as the 548
owner, operator, or lienholder of the vehicle and requests 549

information pertaining to the vehicle. 550

(F) (1) When a vehicle is removed from private property in 551
accordance with this section, ~~the owner of~~ within five business 552
days of the removal, the towing service or storage facility from 553
which the vehicle may be recovered shall ~~immediately~~ cause a 554
search to be made of the records of the bureau of motor vehicles 555
to ascertain the identity of the owner and any lienholder of the 556
motor vehicle. The registrar of motor vehicles shall ensure that 557
such information is provided in a timely manner. Subject to 558
division (F) (4) of this section, ~~the owner of~~ the towing service 559
or storage facility shall send notice to the vehicle owner and 560
any known lienholder as follows: 561

(a) Within five business days ~~of removal of the vehicle~~ 562
~~from the private tow-away zone~~ after the registrar of motor 563
vehicles provides the identity of the owner and any lienholder 564
of the motor vehicle, if the vehicle ~~has not yet been recovered~~ 565
remains unclaimed, to the owner's and lienholder's last known 566
address by certified or express mail with return receipt 567
requested or by a commercial carrier service utilizing any form 568
of delivery requiring a signed receipt; 569

(b) If the vehicle remains unclaimed thirty days after the 570
first notice is sent, in the manner ~~authorized in~~ required under 571
division (F) (1) (a) of this section; 572

(c) If the vehicle remains unclaimed forty-five days after 573
the first notice is sent, in the manner ~~authorized in~~ required 574
under division (F) (1) (a) of this section. 575

(2) Sixty days after any notice sent pursuant to division 576
(F) (1) of this section is received, as evidenced by a receipt 577
signed by any person, or the towing service or storage facility 578

has been notified that delivery was not possible, the ~~owner of a~~ 579
towing service or storage facility, if authorized under division 580
(B) of section 4505.101 of the Revised Code, may initiate the 581
process for obtaining a certificate of title to the motor 582
vehicle as provided in that section. 583

(3) A towing service or storage facility that does not 584
receive a signed receipt of notice, or a notification that 585
delivery was not possible, shall not obtain, and shall not 586
attempt to obtain, a certificate of title to the motor vehicle 587
under division (B) of section 4505.101 of the Revised Code. 588

(4) The initial notice under division (F)(1)(a) of this 589
section shall include notice that if the owner disputes that the 590
motor vehicle was lawfully towed, the owner may be able to file 591
a civil action under section 4513.611 of the Revised Code. 592

(5) With respect to a vehicle concerning which a towing 593
service or storage facility is not eligible to obtain title 594
under section 4505.101 of the Revised Code, the towing service 595
or storage facility need only comply with the initial notice 596
required under division (F)(1)(a) of this section. 597

(G)(1) The owner or lienholder of a vehicle that is 598
removed under division (B) of this section may reclaim it upon 599
~~all both~~ of the following: 600

(a) Presentation of proof of ownership, which may be 601
evidenced by a certificate of title to the vehicle, a 602
certificate of registration for the motor vehicle, or a lease 603
agreement; 604

(b) Payment of the following fees: 605

(i) ~~Not more than ninety dollars for the removal of the~~ 606
~~vehicle. However, if the vehicle has a manufacturer's gross~~ 607

~~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.~~ 608
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~~(ii) Not more than twelve dollars per twenty-four-hour period for the storage of the vehicle. However, if the 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.~~ 612
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(iii) All applicable fees established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under division (F)(1)(a) of this section; 618
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(ii) If notice has been sent to the owner and lienholder as described in division (F) of this section, a processing fee of twenty-five dollars. 626
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(2) A towing service or storage facility in possession of a vehicle that is removed under authority of division (B) of this section shall show the vehicle owner, operator, or lienholder who contests the removal of the vehicle all photographs taken under division (D) of this section. Upon request, the towing service or storage facility shall provide ~~copies~~ a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise. 629
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(3) When the owner of a vehicle towed under this section 637
retrieves the vehicle, the towing service or storage facility in 638
possession of the vehicle shall give the owner written notice 639
that if the owner disputes that the motor vehicle was lawfully 640
towed, the owner may be able to file a civil action under 641
section 4513.611 of the Revised Code. 642

(4) Upon presentation of proof of ownership, which may be 643
evidenced by a certificate of title to the vehicle, a 644
certificate of registration for the motor vehicle, or a lease 645
agreement, the owner of a vehicle that is removed under 646
authority of division (B) of this section may retrieve any 647
personal items from the vehicle without retrieving the vehicle 648
and without paying any fee. However, a towing service or storage 649
facility may charge an after-hours retrieval fee established by 650
the public utilities commission in rules adopted under section 651
4921.25 of the Revised Code if the owner retrieves the personal 652
items after hours. The owner of the vehicle shall not retrieve 653
any personal items from a vehicle if it would endanger the 654
safety of the owner, unless the owner agrees to sign a waiver of 655
liability. For purposes of division (G) ~~(3)~~ (4) of this section, 656
"personal items" do not include any items that are attached to 657
the vehicle. 658

(H) No ~~towing service or storage facility person~~ shall 659
remove, or cause the removal of, any vehicle from private 660
property that is established as a private tow-away zone under 661
this section, or store such a vehicle other than in accordance 662
with this section, or otherwise fail to comply with any 663
applicable requirement of this section. 664

(I) This section does not affect or limit the operation of 665
section 4513.60 or sections 4513.61 to 4613.65 of the Revised 666

Code as they relate to property other than private property that 667
is established as a private tow-away zone under division (A) of 668
this section. 669

~~(J) The owner of any towing service or storage facility or~~ 670
~~property owner that~~ Whoever violates division (H) of this 671
section is guilty of a minor misdemeanor. 672

Sec. 4513.61. (A) The sheriff of a county or chief of 673
police of a municipal corporation, township, or township or 674
joint police district, within the sheriff's or chief's 675
respective territorial jurisdiction, or a state highway patrol 676
trooper, upon notification to the sheriff or chief of police of 677
such action and of the location of the place of storage, may 678
order into storage any motor vehicle, including an abandoned 679
junk motor vehicle as defined in section 4513.63 of the Revised 680
Code, that: 681

(1) Has come into the possession of the sheriff, chief of 682
police, or state highway patrol trooper as a result of the 683
performance of the sheriff's, chief's, or trooper's duties; or 684

(2) Has been left on a public street or other property 685
open to the public for purposes of vehicular travel, or upon or 686
within the right-of-way of any road or highway, for forty-eight 687
hours or longer without notification to the sheriff or chief of 688
police of the reasons for leaving the motor vehicle in such 689
place. However, when such a motor vehicle constitutes an 690
obstruction to traffic it may be ordered into storage 691
immediately unless either of the following applies: 692

(a) The vehicle was involved in an accident and is subject 693
to section 4513.66 of the Revised Code; 694

(b) The vehicle is a commercial motor vehicle. If the 695

vehicle is a commercial motor vehicle, the sheriff, chief of 696
police, or state highway patrol trooper shall allow the owner or 697
operator of the vehicle the opportunity to arrange for the 698
removal of the motor vehicle within a period of time specified 699
by the sheriff, chief of police, or state highway patrol 700
trooper. If the sheriff, chief of police, or state highway 701
patrol trooper determines that the vehicle cannot be removed 702
within the specified period of time, the sheriff, chief of 703
police, or state highway patrol trooper shall order the removal 704
of the vehicle. 705

Subject to division (C) of this section, the sheriff or 706
chief of police shall designate the place of storage of any 707
motor vehicle so ordered removed. 708

(B) If the sheriff, chief of police, or a state highway 709
patrol trooper issues an order under division (A) of this 710
section and arranges for the removal of a motor vehicle by a 711
towing service, the towing service shall deliver the motor 712
vehicle to the location designated by the sheriff or chief of 713
police not more than two hours after the time it is removed. 714

(C) (1) The sheriff or chief of police ~~immediately~~ shall 715
cause a search to be made of the records of the bureau of motor 716
vehicles to ascertain the identity of the owner and any 717
lienholder of a motor vehicle ordered into storage by the 718
sheriff or chief of police, or by a state highway patrol trooper 719
within five business days of the removal of the vehicle. Upon 720
obtaining such identity, the sheriff or chief of police shall 721
send or cause to be sent to the owner or lienholder at the 722
owner's or lienholder's last known address by certified mail 723
with return receipt requested, notice that informs the owner or 724
lienholder that the motor vehicle will be declared a nuisance 725

and disposed of if not claimed within ten days of the date of 726
mailing of the notice. 727

(2) The owner or lienholder of the motor vehicle may 728
reclaim the motor vehicle upon payment of any expenses or 729
charges incurred in its removal and storage, and presentation of 730
proof of ownership, which may be evidenced by a certificate of 731
title or memorandum certificate of title to the motor vehicle, a 732
certificate of registration for the motor vehicle, or a lease 733
agreement. Upon presentation of proof of ownership evidenced as 734
provided above, the owner of the motor vehicle also may retrieve 735
any personal items from the vehicle without retrieving the 736
vehicle and without paying any fee, except that a towing service 737
or storage facility may charge an after-hours retrieval fee 738
established by the public utilities commission in rules adopted 739
under section 4921.25 of the Revised Code if the owner retrieves 740
the personal items after hours. However, the owner ~~may~~ shall not 741
~~retrieve~~ do either of the following: 742

(a) Retrieve any personal item that has been determined by 743
the sheriff, chief of police, or a state highway patrol trooper, 744
as applicable, to be necessary to a criminal investigation; 745

(b) Retrieve any personal item from a vehicle if it would 746
endanger the safety of the owner, unless the owner agrees to 747
sign a waiver of liability. 748

For purposes of division (C) (2) of this section, "personal 749
items" do not include any items that are attached to the 750
vehicle. 751

(3) If the owner or lienholder of the motor vehicle 752
reclaims it after a search of the records of the bureau has been 753
conducted and after notice has been sent to the owner or 754

lienholder as described in this section, and the search was 755
conducted by ~~the owner of the place of storage or the owner's~~ 756
~~employee~~, and the notice was sent to the motor vehicle owner by 757
~~the owner of the place of storage or the owner's employee~~, the 758
owner or lienholder shall pay to the place of storage a 759
processing fee of twenty-five dollars, in addition to any 760
expenses or charges incurred in the removal and storage of the 761
vehicle. 762

(D) If the owner or lienholder makes no claim to the motor 763
vehicle within ten days of the date of mailing of the notice, 764
and if the vehicle is to be disposed of at public auction as 765
provided in section 4513.62 of the Revised Code, the sheriff or 766
chief of police, without charge to any party, shall file with 767
the clerk of courts of the county in which the place of storage 768
is located an affidavit showing compliance with the requirements 769
of this section. Upon presentation of the affidavit, the clerk, 770
without charge, shall issue a salvage certificate of title, free 771
and clear of all liens and encumbrances, to the sheriff or chief 772
of police. If the vehicle is to be disposed of to a motor 773
vehicle salvage dealer or other facility as provided in section 774
4513.62 of the Revised Code, the sheriff or chief of police 775
shall execute in triplicate an affidavit, as prescribed by the 776
registrar of motor vehicles, describing the motor vehicle and 777
the manner in which it was disposed of, and that all 778
requirements of this section have been complied with. The 779
sheriff or chief of police shall retain the original of the 780
affidavit for the sheriff's or chief's records, and shall 781
furnish two copies to the motor vehicle salvage dealer or other 782
facility. Upon presentation of a copy of the affidavit by the 783
motor vehicle salvage dealer, the clerk of courts, within thirty 784
days of the presentation, shall issue ~~to such owner~~ a salvage 785

certificate of title, free and clear of all liens and 786
encumbrances. 787

(E) Whenever a motor vehicle salvage dealer or other 788
facility receives an affidavit for the disposal of a motor 789
vehicle as provided in this section, the dealer or facility 790
shall not be required to obtain an Ohio certificate of title to 791
the motor vehicle in the dealer's or facility's own name if the 792
vehicle is dismantled or destroyed and both copies of the 793
affidavit are delivered to the clerk of courts. 794

(F) No towing service or storage facility shall fail to 795
comply with this section. 796

Sec. 4513.611. (A) As used in this section: 797

(1) "Minor violation" means any of the following: 798

(a) Failure to deliver a vehicle to the designated 799
location within two hours after removal, unless impracticable, 800
as required under division (A) (2) of section 4513.60 or division 801
(D) (2) of section 4513.601 of the Revised Code; 802

(b) Failure to provide a receipt as required under 803
division (B) of section 4513.60 or division (C) of section 804
4513.601 of the Revised Code; 805

(c) Failure to take a towed vehicle to a location that 806
meets the requirements of division (A) (2) of section 4513.601 of 807
the Revised Code as required under that division; 808

(d) Failure to comply with any photograph-related 809
requirement established under division (D) (1) or (G) (2) of 810
section 4513.601 of the Revised Code. If a court determines that 811
a towing service or storage facility committed more than one 812
violation of divisions (D) (1) and (G) (2) of section 4513.601 of 813

the Revised Code with regard to the same transaction, the court 814
shall find the towing service or storage facility liable for 815
only one minor violation under this section. 816

(e) Failure to send notice to the owner and any lienholder 817
as required under division (F) (1) (a) of section 4513.601 of the 818
Revised Code; 819

(f) Failure to provide an estimate as required under 820
section 4513.68 of the Revised Code, containing the information 821
required under that section; 822

(g) Charging a fee that does not comply with division (C) 823
of section 4513.68 of the Revised Code if the towing service fee 824
is required to be reduced under that division; 825

(h) Failure to post a notice pertaining to fee limitations 826
as required under division (D) of section 4513.68 of the Revised 827
Code. 828

(2) "Major violation" means any of the following: 829

(a) Failure to give the owner of a vehicle, who arrives 830
after the owner's vehicle has been prepared for removal but 831
prior to its actual removal, notification that the owner may pay 832
a fee of not more than one-half of the fee for the removal of 833
the vehicle for the immediate release of the vehicle as required 834
under division (B) of section 4513.60 or division (C) of section 835
4513.601 of the Revised Code; 836

(b) Failure to release a vehicle upon payment of not more 837
than one-half of the fee for the removal of the vehicle as 838
permitted under division (B) of section 4513.60 or division (C) 839
of section 4513.601 of the Revised Code; 840

(c) Refusal to allow a vehicle owner to reclaim the 841

owner's vehicle upon payment of the applicable fees established 842
by the public utilities commission and presentation of proof of 843
ownership as permitted under division (D) (1) of section 4513.60 844
or division (G) (1) of section 4513.601 of the Revised Code; 845

(d) Refusal to allow a vehicle owner to retrieve personal 846
items from the owner's vehicle under circumstances in which the 847
owner is permitted to retrieve personal items under division (D) 848
(2) of section 4513.60 or division (G) (4) of section 4513.601 of 849
the Revised Code; 850

(e) Failure to provide notice to the appropriate law 851
enforcement agency within two hours of removing a vehicle as 852
required under division (E) (1) of section 4513.601 of the 853
Revised Code; 854

(f) Failure to send notice that a vehicle has been towed 855
to the vehicle owner and any known lienholder within thirty days 856
of removal of the vehicle from a private tow-away zone under 857
section 4513.601 of the Revised Code. If a court determines that 858
a towing service or storage facility committed a violation 859
specified in division (A) (2) (f) of this section and a violation 860
of division (A) (1) (e) of this section with regard to the same 861
transaction, the court shall find the towing service or storage 862
facility liable for only the major violation; 863

(g) Failure to visibly display the certificate of public 864
convenience and necessity number as required under division (B) 865
(1) of section 4513.67 of the Revised Code. 866

(B) (1) A vehicle owner may bring a civil action in a court 867
of competent jurisdiction against a towing service or storage 868
facility that violates section 4513.60, 4513.601, or 4513.68 of 869
the Revised Code commits a major or minor violation. 870

(2) If a court determines that the towing service or storage facility committed ~~the~~ a minor violation, the court shall award the vehicle owner the following: 871
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~~(1)~~(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. 874
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(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. 878
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(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. 882
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(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. 887
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(e) If the towing service or storage facility has committed four prior minor violations within one year of the minor violation for which the court has determined the towing service or storage facility is liable, two thousand dollars. 892
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(f) If the towing service or storage facility has committed five 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 896
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a major violation and division (B) (3) of this section applies. 900

(g) If the towing service or storage facility has 901
committed six or seven prior minor violations within one year of 902
the minor violation for which the court has determined the 903
towing service or storage facility is liable, two thousand five 904
hundred dollars. 905

(h) If the towing service or storage facility has 906
committed eight prior minor violations within one year of the 907
minor violation for which the court has determined the towing 908
service or storage facility is liable, the violation constitutes 909
a major violation and division (B) (3) of this section applies. 910

(3) If a court determines that the towing service or 911
storage facility committed a major violation, the court shall 912
award the vehicle owner the following: 913

(a) If the towing service or storage facility has not 914
committed any prior major violations within one year of the 915
major violation for which the court has determined the towing 916
service or storage facility is liable, one thousand dollars; 917

~~(2)~~ (b) If the towing service or storage facility has 918
committed one prior major violation within one year of the major 919
violation for which the court has determined the towing service 920
or storage facility is liable, two thousand five hundred 921
dollars; 922

~~(3)~~ (c) If the towing service or storage facility has 923
committed two prior major violations within one year of the 924
major violation for which the court has determined the towing 925
service or storage facility is liable, ~~two~~ three thousand five 926
hundred dollars. In addition, the court shall order the public 927
utilities commission to revoke the towing service's or storage 928

facility's certificate of public convenience and necessity for 929
six months. The commission shall comply with the order. 930

~~(B)~~ Upon expiration of the six-month revocation under 931
division ~~(A)~~ ~~(B)~~ (3) (c) of this section, a court shall not 932
consider any violation committed by the towing service or 933
storage facility prior to the revocation for purposes of a civil 934
action initiated after the expiration of the six-month 935
revocation. 936

(4) If a vehicle owner brings a civil action against a 937
towing service or storage facility that alleges multiple minor 938
or major violations, the court shall award, with regard to each 939
violation for which the towing service or storage facility is 940
determined to be liable, a civil penalty as required under 941
division (B) (2) or (3) of this section. The court shall consider 942
each violation as a separate violation for purposes of 943
determining how many violations the towing service or storage 944
facility has committed within one year. 945

(5) In determining if a towing service or storage facility 946
has committed prior minor or major violations within the 947
applicable one-year period, a court shall consider only 948
violations that have been determined by a court of competent 949
jurisdiction to have been committed by the towing service or 950
storage facility. 951

(C) In addition to an award made under division ~~(A)~~ ~~(B)~~ of 952
this section, if a court determines that a towing service or 953
storage facility committed a violation that caused actual 954
damages, the court shall award the vehicle owner three times the 955
actual damages and reasonable attorney's fees. 956

(D) A court that issues a judgment under this section 957

against a towing service or storage facility shall send a copy 958
of that judgment to the public utilities commission. The 959
commission shall provide a copy of the judgment upon request. 960

Sec. 4513.612. (A) (1) No towing service shall knowingly 961
offer or provide any compensation, financial or otherwise, in 962
exchange for the authorization to tow motor vehicles from a 963
specified location or on behalf of the person to whom the towing 964
service offered or provided compensation. 965

(2) Division (A) (1) of this section does not prohibit a 966
towing service from negotiating or reducing towing and storage 967
fees. 968

(B) Whoever violates division (A) of this section is 969
guilty of a minor misdemeanor. 970

Sec. 4513.67. (A) As used in this section, "towing 971
service" means any for-hire motor carrier that is engaged on an 972
intrastate basis anywhere in this state in the business of 973
towing a motor vehicle over any public highway in this state. 974

(B) ~~No person shall operate a towing vehicle for a towing~~ 975
~~service and no person who owns a towing vehicle used by a towing~~ 976
~~service or has supervisory responsibility over a towing vehicle~~ 977
~~used by a towing service,~~ shall permit the operation of a towing 978
vehicle used by a on behalf of the towing service, unless both 979
of the following apply: 980

(1) The towing service holds a valid certificate of public 981
convenience and necessity as required by Chapter 4921. of the 982
Revised Code; and 983

(2) The certificate number and business telephone number 984
is visibly displayed on both the left and right sides of the 985
towing vehicle. 986

(C) (1) No towing service shall do either of the following:	987
(a) Fail to make its current certificate of public convenience and necessity available for public inspection during normal business hours;	988 989 990
(b) Fail to include its certificate number on all written estimates, contracts, invoices, and, subject to division (C) (2) of this section, advertising.	991 992 993
(2) The public utilities commission, by rule, may exempt from the requirements of division (C) (1) of this section any type of advertising where the size or nature of the advertisement makes it unreasonable to add a certificate number.	994 995 996 997
<u>(D) (1) Except as provided in division (D) (2) of this section, whoever violates division (B) (1) of this section is guilty of a minor misdemeanor. A towing service that is issued a citation for a violation of division (B) (1) of this section is not permitted to enter a written plea of guilty and waive the right to contest the citation in a trial but instead must designate an agent to appear in person in the proper court to answer the charge. If the towing service is convicted of or pleads guilty to the offense, the court shall notify the towing service that a subsequent offense will result in the seizure and impoundment of any tow truck that is used to tow vehicles on behalf of the towing service until the towing service obtains a certificate of public convenience and necessity.</u>	998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010
<u>(2) If a towing service previously has been convicted of or pleaded guilty to a violation of division (B) (1) of this section, a violation of division (B) (1) of this section is a misdemeanor and, notwithstanding sections 2929.24 to 2929.28 of the Revised Code, the court shall impose upon the towing service</u>	1011 1012 1013 1014 1015

a fine of five hundred dollars. The court shall require the 1016
towing service to disclose the license plate number of every 1017
vehicle used to tow vehicles on behalf of the towing service and 1018
the court shall order an appropriate law enforcement agency to 1019
seize and impound all such vehicles. Upon presentation of a 1020
certificate of public convenience and necessity for the towing 1021
service, the court shall terminate the order and the law 1022
enforcement agency in possession of the vehicles shall release 1023
the vehicles. 1024

(3) The offense established under division (B) (1) of this 1025
section is a strict liability offense and strict liability is a 1026
culpable mental state for purposes of section 2901.20 of the 1027
Revised Code. The designation of this offense as a strict 1028
liability offense shall not be construed to imply that any other 1029
offense, for which there is no specified degree of culpability, 1030
is not a strict liability offense. 1031

Sec. 4513.68. (A) If a towing service is removing a motor 1032
vehicle, and the removal was not authorized under section 1033
4513.60, 4513.601, 4513.61, or 4513.66 of the Revised Code, 1034
prior to removing the motor vehicle, the towing service shall 1035
provide a written estimate of the price for the removal to the 1036
operator of the motor vehicle ~~unless the operator is~~ 1037
~~incapacitated, seriously injured, or otherwise unavailable to~~ 1038
~~accept the estimate. The towing service shall not submit such an~~ 1039
~~estimate to any repair facility or storage facility to which the~~ 1040
~~motor vehicle is transported unless the operator of the motor~~ 1041
~~vehicle meets one of the conditions specified above, if~~ 1042
requested. 1043

(B) The towing service shall ensure that any estimate 1044
provided under division (A) of this section includes the fees, 1045

services to be rendered, and destination of the vehicle. 1046

(C) If a towing service fails to provide a written 1047
estimate as required by this section, the towing service shall 1048
not charge fees for the towing and storage of the motor vehicle 1049
that exceed twenty-five per cent of ~~the~~any applicable fees 1050
authorized established by the public utilities commission in 1051
rules adopted under division (G) (1) (b) of section 4513.601 1052
division (B) (4) of section 4921.25 of the Revised Code for a 1053
motor vehicle removed from a private tow away zone or, if the 1054
vehicle was towed within a municipal corporation that has 1055
established vehicle removal and storage fees, twenty-five per 1056
cent of the fees established by the municipal corporation. 1057

(D) Any storage facility that accepts towed vehicles shall 1058
conspicuously post a notice at the entrance to the storage 1059
facility that states the limitation on fees established under 1060
division (C) of this section. 1061

Sec. 4513.69. (A) ~~The owner of a~~A storage facility shall 1062
ensure that the facility remains open during both of the 1063
following periods of time to allow a vehicle owner or lienholder 1064
to retrieve a vehicle in the possession of the storage facility: 1065

(1) Any time during which a towing service is towing a 1066
vehicle pursuant to section ~~4513.60, 4513.601, or 4513.61~~ of the 1067
Revised Code and the vehicle will be held by the storage 1068
facility; 1069

(2) Between nine o'clock in the morning and noon on the 1070
day after any day during which the storage facility accepted for 1071
storage a vehicle towed under section 4513.60, 4513.601, or 1072
4513.61 of the Revised Code. 1073

(B) (1) ~~The owner of a~~A storage facility that accepts for 1074

storage vehicles towed under section 4513.60, 4513.601, or 1075
4513.61 of the Revised Code shall ensure that a notice is 1076
conspicuously posted at the entrance to the storage facility 1077
that states the telephone number at which the owner or 1078
lienholder of a vehicle may contact the owner or a 1079
representative of the storage facility for the purpose of 1080
retrieving a vehicle when the storage facility is closed. The 1081
~~owner of the~~ storage facility also shall provide that telephone 1082
number to the sheriff of a county or chief of police of a 1083
municipal corporation, township, or township or joint police 1084
district. The ~~owner of the~~ storage facility shall ensure that a 1085
process is in place for purposes of answering calls at all times 1086
day or night. 1087

(2) ~~After~~ If, after receiving a call from the owner or 1088
lienholder of a vehicle who seeks to recover ~~the a~~ vehicle, the 1089
~~owner of the~~ storage facility ~~shall ensure that, within three~~ 1090
~~hours of receiving the phone call, makes~~ a representative of the 1091
storage facility ~~is~~ available to release the vehicle ~~upon being~~ 1092
~~presented with proof of ownership of the vehicle, which may be~~ 1093
~~evidenced by a certificate of title to the vehicle, a~~ 1094
~~certificate of registration for the motor vehicle, or a lease~~ 1095
~~agreement, and payment of during a period of time that the~~ 1096
storage facility is closed to the public and is not required to 1097
be open under division (A) of this section, the storage facility 1098
may charge an after-hours vehicle retrieval fee established 1099
under section 4921.25 of the Revised Code ~~and~~ along with all 1100
other applicable fees. 1101

(C) No ~~owner of a~~ storage facility shall fail to comply 1102
with division (A) or (B) of this section. 1103

Sec. 4921.25. (A) Any person, firm, copartnership, 1104

voluntary association, joint-stock association, company, or 1105
corporation, wherever organized or incorporated, that is engaged 1106
in the towing of motor vehicles is subject to regulation by the 1107
public utilities commission as a for-hire motor carrier under 1108
this chapter. 1109

(B) The commission shall adopt rules under Chapter 111. of 1110
the Revised Code that do all of the following: 1111

(1) Establish the acceptable scope of public safety 1112
regulations applicable to a for-hire motor carrier engaged in 1113
the towing of motor vehicles under section 4513.60, 4513.601, or 1114
4513.61 of the Revised Code that a county or township may adopt 1115
pursuant to a resolution; 1116

(2) Establish safety standards for the type of equipment 1117
necessary to safely remove and tow vehicles based on the type of 1118
vehicle being removed or towed; 1119

(3) Establish standards for the removal of a vehicle from 1120
a private tow-away zone by a for-hire motor carrier engaged in 1121
the towing of motor vehicles in addition to standards and 1122
requirements established under section 4513.601 of the Revised 1123
Code. The standards may vary based on whether the private tow- 1124
away zone is located on residential, retail, or other commercial 1125
property. 1126

~~(4) Establish an Within one year of the effective date of~~ 1127
~~this amendment, establish maximum fees that may be charged by a~~ 1128
~~for-hire motor carrier engaged in the towing of motor vehicles~~ 1129
~~or a storage facility that accepts such vehicles under sections~~ 1130
~~4513.60 and 4513.601 of the Revised Code.~~ 1131

With respect to vehicles removed under section 4513.60 of 1132
the Revised Code, the fees established under division (B) (4) of 1133

this section do not apply to a vehicle that is removed or stored 1134
within a municipal corporation that has established fees for 1135
vehicle removal and storage. 1136

(5) Establish a process for reviewing the fees established 1137
under division (B)(4) of this section every five years, 1138
beginning on the five-year anniversary of the date the initial 1139
rules are adopted, to determine whether the fees are just, 1140
reasonable, and compensatory. If the commission determines that 1141
any existing fee is not just, reasonable, or compensatory, the 1142
commission shall, by rule, adjust the fee so that it is equal to 1143
an amount that the commission determines to be appropriate. 1144

(6) Establish an after-hours retrieval fee that may be 1145
charged for purposes of retrieving a vehicle under section 1146
4513.69 of the Revised Code. 1147

(5) or retrieving personal items under section 4513.60, 1148
4513.601, or 4513.61 of the Revised Code. The rules shall permit 1149
an after-hours retrieval fee to be charged only if the entity in 1150
possession of a vehicle is not open to the public and is not 1151
required to be open under division (A) of section 4513.69 of the 1152
Revised Code. 1153

(7) Adopt any other rules necessary to carry out the 1154
purposes of this section. 1155

Sec. 4921.26. (A) There is hereby created the towing and 1156
quick clear board. The board shall consist of the following 1157
seven members whom the governor shall appoint, with the advice 1158
and consent of the senate: 1159

(1) Two representatives of the towing industry, at least 1160
one of whom shall have experience in towing vehicles that have a 1161
manufacturer's gross vehicle weight rating in excess of ten 1162

thousand pounds; 1163

(2) Two representatives of the insurance industry, one of 1164
whom shall have experience with commercial lines automobile 1165
insurance claims and one of whom shall have experience with 1166
personal lines automobile insurance claims. Each representative 1167
shall represent an entity located within this state that issues 1168
policies of motor vehicle insurance. 1169

(3) One representative from either the department of 1170
transportation or the Ohio turnpike and infrastructure 1171
commission; 1172

(4) One representative of the department of public safety; 1173

(5) One representative of the public utilities commission. 1174

(B)(1) The initial members appointed to the board shall 1175
serve the following terms of office: 1176

(a) The representative of the department of public safety 1177
shall serve a two-year term. 1178

(b) Each representative of the towing industry and the 1179
insurance industry shall serve a four-year term. 1180

(c) All other members of the board shall serve a six-year 1181
term. 1182

(2) All members appointed to the board after the initial 1183
appointments shall serve six-year terms. 1184

(3) Each member shall hold office from the date of their 1185
appointment until the end of the term for which the member was 1186
appointed. If necessary, a member shall continue in office 1187
subsequent to the expiration date of the term until their 1188
successor takes office, or until a period of sixty days has 1189

elapsed, whichever occurs first. The governor may remove a 1190
member of the board at any time for misfeasance, nonfeasance, or 1191
malfeasance in office. The governor shall fill any vacancy on 1192
the board in the manner provided in section 3.03 of the Revised 1193
Code. Any member appointed to fill a vacancy occurring prior to 1194
the expiration of the term for which their predecessor was 1195
appointed shall hold office for the remainder of such term. 1196

(C) The representative of the public utilities commission 1197
shall be the chairperson of the board. The board shall select 1198
one member to be its vice-chairperson. The board shall appoint 1199
an executive secretary and such other employees as it considers 1200
necessary to carry out its powers and duties. 1201

(D) (1) The board shall meet at least once each calendar 1202
year and upon the call of the chairperson. Each member of the 1203
board shall serve without compensation, but shall be reimbursed 1204
for reasonable and necessary expenses incurred in the discharge 1205
of the member's duties. 1206

(2) The public utilities commission shall provide the 1207
board with a meeting place, supplies, and staff assistance as 1208
the board requests. 1209

(E) The board shall adopt rules as necessary to carry out 1210
the duties of the board under section 4921.27 of the Revised 1211
Code. 1212

(F) There is hereby created in the state treasury the 1213
towing and quick clear fund consisting of payments deposited 1214
under section 4921.27 of the Revised Code. The board shall 1215
administer the fund. The board shall use money in the fund 1216
solely for purposes of executing the duties of the board under 1217
section 4921.27 of the Revised Code. All investment earnings of 1218

the fund shall be credited to the fund. 1219

Sec. 4921.27. (A) (1) An insurance company, on its own 1220
behalf, on the behalf of the holder of a policy of automobile 1221
insurance, or on behalf of a motor vehicle owner, may file a 1222
short plain statement with the towing and quick clear board 1223
objecting to the amount of any portion of a bill for the towing 1224
of a motor vehicle for which the insurance company is 1225
responsible for payment. The insurance company shall file the 1226
statement within thirty days of the receipt of the bill by the 1227
insurance company. The statement shall include the amount of the 1228
bill that is undisputed and the reasons the insurance company 1229
objects to the remainder of the bill. Along with the short plain 1230
statement, the insurance company shall include a copy of the 1231
invoiced bill. 1232

(2) If an insurance company files a statement under 1233
division (A) (1) of this section, the insurance company shall 1234
immediately provide a copy of the statement and pay the 1235
undisputed portion of the bill to the towing company that 1236
performed the service. Within one business day after receipt of 1237
a copy of the statement and the payment, the towing company 1238
shall release the motor vehicle from storage to the owner of the 1239
motor vehicle or a representative of the insurance company. The 1240
board may impose a penalty of one hundred dollars per day 1241
against a towing company for each day the towing company holds 1242
the motor vehicle after the towing company is required to 1243
release it under this section. The towing company shall pay the 1244
penalty to the board to be deposited into the towing and quick 1245
clear fund. 1246

(B) (1) The board shall hold a public hearing, which shall 1247
be governed by the rules and procedures adopted by the board 1248

under section 4921.26 of the Revised Code, in order to resolve a 1249
dispute over a bill for which a statement has been filed under 1250
division (A) (1) of this section. The hearing shall address a 1251
single dispute and, in the event that one or both parties are 1252
involved in multiple disputes, the disputes shall be handled in 1253
separate proceedings. Upon completion of a hearing, the board 1254
shall issue a written decision that includes the amount the 1255
board determines to be appropriate for the services rendered by 1256
the towing company and the reasons supporting that 1257
determination. The board also shall order the insurance company 1258
to pay the amount the board determined to be appropriate minus 1259
any amount the insurance company paid to the towing company 1260
under division (A) (2) of this section. 1261

(2) If the amount originally billed by the towing company 1262
exceeds the amount determined to be appropriate by the board, 1263
the board may order the towing company to pay a penalty of not 1264
more than one thousand dollars to the board to be deposited into 1265
the towing and quick clear fund. If the board determines that 1266
the towing company has engaged in a pattern and practice of 1267
failing to charge a commercially reasonable rate, the board may 1268
recommend to the public utilities commission that the towing 1269
company's certificate of public convenience and necessity be 1270
revoked. 1271

(3) If the amount originally billed by the towing company 1272
is less than or equal to the amount determined to be appropriate 1273
by the board, the board may require the insurance company to pay 1274
to the towing company an amount up to three times the difference 1275
between the undisputed amount and the amount the board 1276
determined was appropriate. 1277

(4) A decision of the towing and quick clear board may be 1278

appealed to the court of common pleas in Franklin county. The 1279
court shall modify a decision of the board only if the court 1280
determines that the decision of the board involved an abuse of 1281
discretion. 1282

Section 2. That existing sections 4505.101, 4513.60, 1283
4513.601, 4513.61, 4513.611, 4513.67, 4513.68, 4513.69, and 1284
4921.25 of the Revised Code are hereby repealed. 1285

Section 3. (A) Commencing on the effective date of this 1286
act, and until the public utilities commission adopts rules 1287
under division (B) (4) of section 4921.25 of the Revised Code, a 1288
towing service shall charge not more than the following for the 1289
removal and storage of a vehicle under section 4513.60 or 1290
4513.601 of the Revised Code: 1291

(1) A maximum fee for the removal of a vehicle equal to 1292
ninety dollars; or for a vehicle that has a manufacturer's gross 1293
vehicle weight rating in excess of ten thousand pounds that is a 1294
truck, bus, or a combination of commercial tractor and trailer 1295
or semitrailer, a maximum fee equal to one hundred fifty 1296
dollars; 1297

(2) A maximum storage fee equal to twelve dollars per 1298
twenty-four-hour period; or for a vehicle that has a 1299
manufacturer's gross vehicle weight rating in excess of ten 1300
thousand pounds that is a truck, bus, or a combination of 1301
commercial tractor and trailer or semitrailer, a maximum storage 1302
fee equal to twenty dollars per twenty-four-hour period. 1303

(B) Notwithstanding division (A) of this section, with 1304
regard to a vehicle that is removed under section 4513.60 of the 1305
Revised Code within a municipal corporation that has established 1306
fees for vehicle removal and storage, a towing service may 1307

charge those fees, if applicable. 1308

Section 4. Not later than the date that is twenty-five 1309
months after the effective date of this act, the Towing and 1310
Quick Clear Board shall issue a report to the General Assembly. 1311
The report shall include all of the following: 1312

(A) The number of complaints objecting to a bill for the 1313
towing of a motor vehicle that have been filed with the Board 1314
within the two years the Board has been in existence; 1315

(B) Whether the number of complaints filed has diminished 1316
or increased over the two years the Board has been in existence; 1317

(C) The number of times the Board has imposed a penalty 1318
against an insurance company under division (B) (3) of section 1319
4921.27 of the Revised Code; 1320

(D) The number of times the Board has imposed a penalty 1321
against a towing company under division (B) (2) of section 1322
4921.27 of the Revised Code; 1323

(E) The number of times the Public Utilities Commission 1324
has revoked a towing company's certificate of public convenience 1325
and necessity due to the Board's determination that the company 1326
engaged in a pattern and practice of failing to charge a 1327
commercially reasonable rate; 1328

(F) A list of the towing companies and insurance companies 1329
upon which the Board has imposed penalties on multiple 1330
occasions, if any, and the dates those penalties were imposed. 1331