As Reported by the Senate Transportation, Commerce and Workforce Committee

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Representative Hillyer
Cosponsors: Representatives Seitz, Becker, Hambley, Blessing, Carruthers, Holmes, A., Jones, Lang, Patton, Perales, Scherer
Senator Hoagland

A B I L L

To amend sections 1345.022, 4513.601, 4513.62, 5322.01, 5322.02, and 5322.03 and to enact sections 4505.104, 4513.602, and 4513.603 of the Revised Code to amend the law regarding self-service storage facilities, unsafe tires, and towing.

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

Section 1. That sections 1345.022, 4513.601, 4513.62, 5322.01, 5322.02, and 5322.03 be amended and sections 4505.104, 4513.602, and 4513.603 of the Revised Code be enacted to read as follows:

Sec. 1345.022. (A) As used in this section:

(1) "Multipurpose passenger vehicle," "passenger car," and "truck" have the same meaning as in section 4513.021 of the Revised Code.

(2) "Unsafe used tire" means a used tire to which any of
the following criteria applies:

(a) The tire is worn to two thirty-seconds of an inch tread depth or less on any area of the tread.

(b) The tire has any damage exposing the reinforcing plies of the tire, including cuts, cracks, punctures, scrapes, or wear.

(c) The tire has any repair in the tread shoulder or belt edge area.

(d) The tire has a puncture that has not been both sealed or patched on the inside and repaired with a cured rubber stem through the outside.

(e) The tire has repair to the sidewall or bead area of the tire.

(f) The tire has a puncture repair of damage larger than one-fourth of an inch.

(g) The tire shows evidence of prior use of a temporary tire sealant without evidence of a subsequent proper repair.

(h) The tire has a defaced or removed United States department of transportation tire identification number.

(i) The tire has any inner liner damage or bead damage.

(j) There is indication of internal separation, such as bulges or local areas of irregular tread wear indicating possible tread or belt separation.

(B)(1) No supplier shall install an unsafe used tire on a passenger car, multipurpose passenger vehicle, or truck designed primarily for carrying passengers that will operate on a public highway.
(2) A violation of division (B)(1) of this section shall be considered an unconscionable consumer sales act or practice under section 1345.03 of the Revised Code.

(C) This section shall not apply to tires mounted on wheels or rims that are temporarily removed from a vehicle and reinstalled on the same vehicle.

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

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

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

(3) Upon obtaining the identity in division (A)(2) of this section, notice was sent to the last known address of the owner and any lienholder, by certified mail with return receipt requested, that informs the owner and lienholder that the towing service or storage facility will obtain title to the motor vehicle if not claimed within sixty days after the date the notice was received.

(4) The motor vehicle has been left unclaimed for sixty days after the date the notice sent under division (A)(3) of this section was received, as evidenced by a receipt signed by any person, or a notification that the delivery was not possible.

(5) A sheriff, chief of police, or state highway patrol trooper, as applicable, has made a determination that the
vehicle or items in the vehicle are not necessary to a criminal investigation.

(6) An agent of the towing service or storage facility executes an affidavit, in a form established by the registrar of motor vehicles not later than ninety days after the effective date of this section, affirming that conditions in divisions (A)(1) to (5) of this section are met.

(B) The clerk of court shall issue a certificate of title, free and clear of all liens and encumbrances, to the owner of a towing service or storage facility that presents an affidavit that affirms that the conditions in divisions (A)(1) to (5) of this section are met.

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

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

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

Sec. 4513.601. (A) The owner of a 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 of the private property posts on the 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 of the private property 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 which a towed vehicle may be recovered at any time during the day or night;

(e) A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in division (B) of section 4505.101 of the Revised...
In order to comply with the requirements of division (A) (1) of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

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

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

(b) It is well-lighted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Within five business days after the registrar of motor
vehicles provides the identity of the owner and any lienholder
of the motor vehicle, if the vehicle remains unclaimed, to the
owner's and lienholder's last known address by certified or
express mail with return receipt requested or by a commercial
carrier service utilizing any form of delivery requiring a
signed receipt;

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

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

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

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

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

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

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

(b) Payment of the following fees:

(i) 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;

(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.

(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 a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.

(3) 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.

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

(H) No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under this section or store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.
(I) This section does not affect or limit the operation of section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code as they relate to property other than private property that is established as a private tow-away zone under division (A) of this section.

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

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

(1) Any person who holds title to the property;

(2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;

(3) A person who is authorized to manage the property;

(4) A duly authorized agent of any person listed in divisions (K)(1) to (3) of this section.

Sec. 4513.602. (A) As used in this section:

(1) "Motor vehicle dealer" has the same meaning as in section 4517.01 of the Revised Code.

(2) "Repair facility" means any business with which a person has entered into an agreement to repair a vehicle.

(3) "Towing service" means any for-hire motor carrier that removes a motor vehicle from a motor vehicle dealer or repair facility and any place to which such a for-hire motor carrier delivers such a motor vehicle.

(B) A motor vehicle dealer or repair facility that is in possession of a motor vehicle may cause the removal of the motor
vehicle by a towing service if all of the following apply:

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

(2) Upon obtaining the identity under division (B)(1) of
this section, notice was sent to the owner's and any
lienholder's last known address by certified mail with return
receipt requested or by a commercial carrier service utilizing
any form of delivery requiring a signed receipt, and the notice
informs the owner and any lienholder of the following:

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

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

(c) That a towing service that removes the motor vehicle
may obtain title to it under section 4513.603 of the Revised
Code.

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

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

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

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

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

(1) The motor vehicle's removal and storage;

(2) The payment of any charges incurred for the removal and storage of the motor vehicle;

(3) The right of a towing service that removes the motor vehicle to obtain title to the motor vehicle under section 4513.603 of the Revised Code.

(D) A motor vehicle owner or lienholder may reclaim the vehicle from a motor vehicle dealer, repair facility, or towing service that is in possession of the vehicle if all of the following apply:

(1) The owner presents proof of ownership evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement.

(2) The owner or lienholder makes payment of any charges incurred for the removal and storage of the motor vehicle.

(3) Title to the motor vehicle has not been issued to the towing service under section 4513.603 of the Revised Code.

(E) Any towing service that removes a vehicle under this section shall not charge a fee greater than those established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code.
(F)(1) Any motor vehicle dealer, repair facility, or towing service that complies with this section is not liable for any damage, claim of conversion, or any other claim resulting from the removal or towing of the motor vehicle.

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

Sec. 4513.603. (A) A towing service as defined in section 4513.602 of the Revised Code that is in possession of a motor vehicle obtained under that section may obtain a certificate of title to the motor vehicle, regardless of the motor vehicle's value, as provided in division (B) of this section if all of the following apply:

(1) A search was made by the towing service of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle.

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

(3) The motor vehicle has been left unclaimed for sixty days after the date the notice sent under division (A)(2) of
this section was received, as evidenced by a receipt signed by any person, or the towing service receives notification that the delivery of the notice was not possible.

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

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

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

Sec. 4513.62. Unclaimed. An unclaimed motor vehicle ordered into storage pursuant to division (A)(1) of section 4513.60 or section 4513.61 of the Revised Code shall be disposed of at the order of the sheriff of the county or the chief of police of the municipal corporation, township, port authority, or township or joint police district to may dispose of it with a motor vehicle salvage dealer or scrap metal processing facility as defined in section 4737.05 of the Revised Code, or to with any other facility owned by or under contract with the county, municipal corporation, port authority, or township, for the disposal of such motor vehicles, or shall be sold by the

(B) The sheriff, chief of police, or a licensed auctioneer
may sell the motor vehicle at public auction, after giving notice thereof by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code. Any towing service or storage facility may obtain title to the motor vehicle in accordance with section 4505.104 of the Revised Code. Any moneys accruing from the disposition of an unclaimed motor vehicle accrued pursuant to division (A) or (B) of this section that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the general fund of the county, municipal corporation, port authority, township, or joint police district, as the case may be.

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

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

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

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

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

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

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

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

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

(F) "Late fee" means any fee or charge assessed for an occupant's failure to pay rent when due. "Late fee" does not include interest on a debt, reasonable expenses incurred in the collection of unpaid rent, or costs associated with the
enforcement of any other remedy provided by statute or contract.

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

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

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

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

(1) A person who has an unfiled security interest in the personal property, except that the owner's lien is not effective against a person who has a valid security interest in a motor vehicle or a valid security interest in a watercraft, whether or
(2) A person who meets both of the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) A notice of denial of access to the personal property,
if a denial of access is permitted under the terms of the rental
agreement, which notice provides the name, street address, and
telephone number of the person whom the person notified may
contact to pay the claim and to either obtain the personal
property or enter into a rental agreement for the storage of the personal property;

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

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

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

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

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

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

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

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

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

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

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

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

The sale shall take place at least fifteen days after the first publication.

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

(2) Before any sale of personal property other than a motor vehicle or watercraft pursuant to this section, any person who has a legal interest or a security interest in, or who holds a lien against, any personal property other than a motor vehicle or watercraft may pay the amount necessary to satisfy the lien created by division (A) of section 5322.02 of the Revised Code and the reasonable expenses incurred under this section and remove the personal property in which the person has the interest or against which the person holds the lien. After removal of all the personal property, including any motor vehicle or watercraft, from the storage space of the self-service storage facility by any means under this section, any person can the owner may enter into a rental agreement for the storage of personal property with the owner with a new occupant for the storage space, and the owner has no obligation to the prior occupant of that storage space in the self-service storage facility. Before entering into a new rental agreement, the owner must have any motor vehicle or watercraft towed from that storage space.

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

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

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

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

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

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

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

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

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

(2) The owner shall not be liable for the motor vehicle, trailer, or watercraft or any damages to the motor vehicle, trailer, or watercraft once the tower takes possession of the property. The notice delivered or sent pursuant to division (B) of this section to all persons holding a lien on the motor vehicle, trailer, or watercraft shall include the name of the
towing company. The name and the street address of the towing company shall also be made available to the occupant or any lien holder upon the presentation of a document of title or another document that confirms an interest in the motor vehicle, trailer, or watercraft.

(L) The owner may satisfy the owner's lien from the proceeds of any sale held pursuant to this section, but shall mail the balance, if any, by certified mail, or by first class mail or private delivery service with a certificate or verification of mailing, to the occupant at the occupant's last known mailing address. If the balance is returned to the owner after the owner mailed the balance by certified mail, first class mail, or private delivery service to the occupant or if the mailing address of the occupant is not known, the owner shall hold the balance for two years after the date of the sale for delivery on demand to the occupant or to any other person who would have been entitled to possession of the personal property. After the expiration of the two-year period, the balance shall become unclaimed funds, as defined in division (B) of section 169.01 of the Revised Code, and shall be disposed of pursuant to Chapter 169. of the Revised Code.

(M) An owner may buy at any public sale held pursuant to this section.

(N) The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against a debtor.

(O)(1) If the owner complies with the requirements for sale under this section, the owner's liability to persons who have an interest in the personal property sold is limited to the balance of the proceeds of the sale after the owner has
satisfied the owner's lien.

(2) The owner is liable for damages caused by the failure to comply with the requirements for sale under this section and is liable for conversion for willful violation of the requirements for sale under this section.

(P) If no person purchases the personal property at the auction and if the owner has complied with this section, the owner may do any of the following:

(1) Advertise and sell the personal property pursuant to divisions (F) to (O) of this section;

(2) Sell the personal property at a private sale;

(3) Dispose of the personal property in any manner considered appropriate by the owner including, but not limited to, destroying the personal property.

Section 2. That existing sections 1345.022, 4513.601, 4513.62, 5322.01, 5322.02, and 5322.03 of the Revised Code are hereby repealed.