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Am. Sub. H. B. No. 211

Representative Arndt

Cosponsors: Representatives Becker, Miller, J., Seitz, Schaffer, Green, Hoops, Jones, Blair, Blessing, Brent, Brown, Carfagna, Carruthers, Clites, Crossman, Ghanbari, Greenspan, Hambley, Hillyer, Kick, Leland, Lepore-Hagan, Lipps, Miller, A., Miranda, O'Brien, Oelslager, Patterson, Patton, Perales, Reineke, Riedel, Rogers, Russo, Ryan, Scherer, Sheehy, Sobecki, Upchurch, West

Senators Manning, Blessing, Brenner, Craig, Gavarone, Hackett, Hoagland, Huffman, S., Kunze, Lehner, O'Brien, Rulli, Schaffer, Thomas, Wilson, Yuko

A BILL

To amend section 1547.30; to enact sections 1
1547.305 and 1547.58; and to repeal sections 2
4585.31, 4585.32, 4585.33, and 4585.34 of the 3
Revised Code to alter the process by which a 4
person may obtain title to a watercraft vessel 5
or outboard motor valued under \$10,000 that has 6
been left on the person's property. 7

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

Section 1. That section 1547.30 be amended and sections 8
1547.305 and 1547.58 of the Revised Code be enacted to read as 9
follows: 10

Sec. 1547.30. (A) As used in this section and sections 11
1547.301, and 1547.302, ~~and 1547.304~~ of the Revised Code: 12

(1) "Vessel or outboard motor" excludes an abandoned junk 13
vessel or outboard motor, as defined in section 1547.303 of the 14

Revised Code, or any ~~watercraft~~ vessel or outboard motor under 15
section ~~4585.31~~ 1547.305 of the Revised Code. 16

(2) "Law enforcement agency" means any organization or 17
unit comprised of law enforcement officers, as defined in 18
section 2901.01 of the Revised Code. 19

(B) (1) The sheriff of a county, chief of police of a 20
municipal corporation, township, township police district, or 21
joint police district, or other chief of a law enforcement 22
agency, within the sheriff's or chief's respective territorial 23
jurisdiction, upon complaint of any person adversely affected, 24
may order into storage any vessel or outboard motor that has 25
been left on private property, other than a private dock or 26
mooring facility or structure, for at least seventy-two hours 27
without the permission of the person having the right to the 28
possession of the property. The sheriff or chief, upon complaint 29
of the owner of a marine repair facility or place of storage, 30
may order into storage any vessel or outboard motor that has 31
been left at the facility or place of storage for a longer 32
period than that agreed upon. The place of storage shall be 33
designated by the sheriff or chief. When ordering a vessel or 34
motor into storage under division (B) (1) of this section, a 35
sheriff or chief, whenever possible, shall arrange for the 36
removal of the vessel or motor by a private tow truck operator 37
or towing company. 38

(2) (a) Except as provided in division (B) (2) (d) of this 39
section, no person, without the consent of the owner or other 40
person authorized to give consent, shall moor, anchor, or tie a 41
vessel or outboard motor at a private dock or mooring facility 42
or structure owned by another person if the owner has posted, in 43
a conspicuous manner, a prohibition against the mooring, 44

anchoring, or tying of vessels or outboard motors at the dock, 45
facility, or structure by any person not having the consent of 46
the owner or other person authorized to give consent. 47

(b) If the owner of a private dock or mooring facility or 48
structure has posted at the dock, facility, or structure, in a 49
conspicuous manner, conditions and regulations under which the 50
mooring, anchoring, or tying of vessels or outboard motors is 51
permitted at the dock, facility, or structure, no person, except 52
as provided in division (B) (2) (d) of this section, shall moor, 53
anchor, or tie a vessel or outboard motor at the dock, facility, 54
or structure in violation of the posted conditions and 55
regulations. 56

(c) The owner of a private dock or mooring facility or 57
structure may order towed into storage any vessel or outboard 58
motor found moored, anchored, or tied in violation of division 59
(B) (2) (a) or (b) of this section, provided that the owner of the 60
dock, facility, or structure posts on it a sign that states that 61
the dock, facility, or structure is private, is visible from all 62
entrances to the dock, facility, or structure, and contains all 63
of the following information: 64

(i) The information specified in division (B) (2) (a) or (b) 65
of this section, as applicable; 66

(ii) A notice that violators will be towed and that 67
violators are responsible for paying the cost of the towing; 68

(iii) The telephone number of the person from whom a towed 69
vessel or outboard motor may be recovered, and the address of 70
the place to which the vessel or outboard motor will be taken 71
and the place from which it may be recovered. 72

(d) Divisions (B) (2) (a) and (b) of this section do not 73

prohibit a person from mooring, anchoring, or tying a vessel or 74
outboard motor at a private dock or mooring facility or 75
structure if either of the following applies: 76

(i) The vessel or outboard motor is disabled due to a 77
mechanical or structural malfunction, provided that the person 78
immediately removes the vessel or outboard motor from the dock, 79
facility, or structure when the malfunction is corrected or when 80
a reasonable attempt has been made to correct it; 81

(ii) Weather conditions are creating an imminent threat to 82
safe operation of the vessel or outboard motor, provided that 83
the person immediately removes the vessel or outboard motor from 84
the dock, facility, or structure when the weather conditions 85
permit safe operation of the vessel or outboard motor. 86

(e) A person whose vessel or outboard motor is towed into 87
storage under division (B) (2) (c) of this section either shall 88
pay the costs of the towing of the vessel or outboard motor or 89
shall reimburse the owner of the dock or mooring facility or 90
structure for the costs that the owner incurs in towing the 91
vessel or outboard motor. 92

(3) Subject to division (C) of this section, the owner of 93
a vessel or motor that has been removed under division (B) of 94
this section may recover the vessel or motor only in accordance 95
with division (F) of this section. 96

(C) If the owner or operator of a vessel or outboard motor 97
that has been ordered into storage under division (B) of this 98
section arrives after the vessel or motor has been prepared for 99
removal, but prior to its actual removal from the property, the 100
owner or operator shall be given the opportunity to pay a fee of 101
not more than one-half of the charge for the removal of vessels 102

or motors under division (B) of this section that normally is 103
assessed by the person who has prepared the vessel or motor for 104
removal, in order to obtain release of the vessel or motor. Upon 105
payment of that fee, the vessel or motor shall be released to 106
the owner or operator, and upon its release, the owner or 107
operator immediately shall move it so that it is not on the 108
private property without the permission of the person having the 109
right to possession of the property, or is not at the facility 110
or place of storage without the permission of the owner, 111
whichever is applicable. 112

(D) Each county sheriff, each chief of police of a 113
municipal corporation, township, township police district, or 114
joint police district, and each other chief of a law enforcement 115
agency shall maintain a record of vessels or outboard motors 116
that are ordered into storage under division (B) (1) of this 117
section. The record shall include an entry for each such vessel 118
or motor that identifies the vessel's hull identification number 119
or serial number, if any, the vessel's or motor's make, model, 120
and color, the location from which it was removed, the date and 121
time of its removal, the telephone number of the person from 122
whom it may be recovered, and the address of the place to which 123
it has been taken and from which it may be recovered. Any 124
information in the record that pertains to a particular vessel 125
or motor shall be provided to any person who, pursuant to a 126
statement the person makes either in person or by telephone, is 127
identified as the owner or operator of the vessel or motor and 128
requests information pertaining to its location. 129

(E) Any person who registers a complaint that is the basis 130
of a sheriff's or chief's order for the removal and storage of a 131
vessel or outboard motor under division (B) (1) of this section 132
shall provide the identity of the law enforcement agency with 133

which the complaint was registered to any person who, pursuant 134
to a statement the person makes, is identified as the owner or 135
operator of the vessel or motor and requests information 136
pertaining to its location. 137

(F) (1) The owner of a vessel or outboard motor that is 138
ordered into storage under division (B) of this section may 139
reclaim it upon payment of any expenses or charges incurred in 140
its removal, in an amount not to exceed two hundred dollars, and 141
storage, in an amount not to exceed five dollars per twenty- 142
four-hour period, and upon presentation of proof of ownership, 143
which may be evidenced by a certificate of title to the vessel 144
or motor, certificate of United States coast guard 145
documentation, or certificate of registration if the vessel or 146
motor is not subject to titling under section 1548.01 of the 147
Revised Code. 148

(2) If a vessel or outboard motor that is ordered into 149
storage under division (B) (1) of this section remains unclaimed 150
by the owner for thirty days, the procedures established by 151
sections 1547.301 and 1547.302 of the Revised Code shall apply. 152

(3) If a vessel or outboard motor ordered into storage 153
under division (B) (2) of this section remains unclaimed for 154
seventy-two hours after being stored, the tow truck operator or 155
towing company that removed the vessel or outboard motor shall 156
provide notice of the removal and storage to the sheriff of a 157
county, chief of police of a municipal corporation, township, 158
township police district, or joint police district, or other 159
chief of a law enforcement agency within whose territorial 160
jurisdiction the vessel or outboard motor had been moored, 161
anchored, or tied in violation of division (B) (2) of this 162
section. The notice shall be in writing and include the vessel's 163

hull identification number or serial number, if any, the 164
vessel's or outboard motor's make, model, and color, the 165
location from which it was removed, the date and time of its 166
removal, the telephone number of the person from whom it may be 167
recovered, and the address of the place to which it has been 168
taken and from which it may be recovered. 169

Upon receipt of the notice, the sheriff or chief 170
immediately shall cause a search to be made of the records of 171
the division of parks and watercraft to ascertain the owner and 172
any lienholder of the vessel or outboard motor, and, if known, 173
shall send notice to the owner and lienholder, if any, at the 174
owner's and lienholder's last known address by certified mail, 175
return receipt requested, that the vessel or outboard motor will 176
be declared a nuisance and disposed of if not claimed not later 177
than thirty days after the date of the mailing of the notice. 178

If the owner or lienholder makes no claim to the vessel or 179
outboard motor within thirty days of the date of the mailing of 180
the notice, the sheriff or chief shall file with the clerk of 181
courts of the county in which the place of storage is located an 182
affidavit showing compliance with the requirements of division 183
(F) (3) of this section, and the vessel or outboard motor shall 184
be disposed of in accordance with section 1547.302 of the 185
Revised Code. 186

(G) No person shall remove, or cause the removal of, any 187
vessel or outboard motor from private property other than in 188
accordance with division (B) of this section or section 1547.301 189
of the Revised Code. 190

Sec. 1547.305. (A) In lieu of the processes set forth in 191
sections 1547.30 to 1547.303 of the Revised Code, a person may 192
obtain a certificate of title to a vessel or outboard motor of 193

another if all of the following apply: 194

(1) The person requests a watercraft dealer certified in accordance with section 1547.543 of the Revised Code or an independent marine surveyor and appraiser to appraise the vessel or outboard motor and secures written confirmation that the fair market value of the vessel or outboard motor is less than ten thousand dollars. 195
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(2) The vessel or outboard motor has been left unclaimed on the person's property for twenty days or more without permission prior to the provision of notice under division (A) (4) of this section and the person does not have a valid storage or repair contract with the owner or lienholder of the vessel or outboard motor. 201
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(3) Prior to sending a notice under division (A) (4) of this section, the person causes a search to be made of the records of both of the following to identify any owner or lienholder of the vessel or outboard motor: 207
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(a) The division of parks and watercraft in the department of natural resources or, if it is known or should be known that the vessel was last registered in another state, that state's database in which vessel records are kept; 211
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(b) The United States coast guard vessel documentation database. 215
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(4) The person sends notice by certified mail, return receipt requested, to the last known address of any owner and any lienholder of the vessel or outboard motor. The person shall include both of the following in the notice: 217
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(a) A statement that the vessel or outboard motor must be removed from the property within ten days after receiving the 221
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<u>notice;</u>	223
<u>(b) A statement that informs the recipient of the vessel</u>	224
<u>or outboard motor's location.</u>	225
<u>(5) The person either received the signed receipt from the</u>	226
<u>certified mail or was notified that the delivery of the</u>	227
<u>certified mail was not possible.</u>	228
<u>(6) The vessel or outboard motor continues to remain</u>	229
<u>unclaimed for more than ten days after the date that the</u>	230
<u>required notice was received by the owner or lienholder, as</u>	231
<u>evidenced by a signed receipt, or the date that the person was</u>	232
<u>notified that the delivery was not possible. If a lienholder</u>	233
<u>does not claim the vessel or outboard motor within that ten-day</u>	234
<u>period, the lienholder's lien is invalid.</u>	235
<u>(7) The person that mailed the notice under division (A)</u>	236
<u>(4) of this section executes an affidavit, in a form established</u>	237
<u>by the director of natural resources by rule adopted under</u>	238
<u>Chapter 119. of the Revised Code, affirming that all of the</u>	239
<u>requirements of this section necessary to authorize the issuance</u>	240
<u>of a certificate of title for the vessel or outboard motor have</u>	241
<u>been met. The person shall include all of the following in the</u>	242
<u>affidavit:</u>	243
<u>(a) A statement of the length of time that the vessel or</u>	244
<u>outboard motor remained unclaimed prior to sending the notice</u>	245
<u>under division (A) (4) of this section;</u>	246
<u>(b) A statement that the person does not have a valid</u>	247
<u>storage or repair contract with the owner or lienholder of the</u>	248
<u>vessel or outboard motor;</u>	249
<u>(c) A statement that, prior to sending a notice under</u>	250
<u>division (A) (4) of this section, a search of the records of the</u>	251

department of natural resources was made to identify any owner 252
or lienholder of the vessel or outboard motor; 253

(d) A statement that the notice to remove the vessel or 254
outboard motor was mailed to any owner and any lienholder by 255
certified mail, return receipt requested, under division (A)(4) 256
of this section; 257

(e) A statement that the vessel or outboard motor remains 258
unclaimed for more than ten days after the date that the 259
required notice was received by the owner or lienholder, as 260
evidenced by a signed receipt, or the date that the person was 261
notified that the delivery was not possible; 262

(f) A statement that the vessel or outboard motor remains 263
unclaimed at the time the affidavit is presented under division 264
(C) of this section; 265

(g) A statement that the vessel or outboard motor's fair 266
market value is less than ten thousand dollars after appraisal 267
by a watercraft dealer certified in accordance with section 268
1547.543 of the Revised Code or an independent marine surveyor 269
and appraiser. The person shall include with the affidavit the 270
written confirmation secured under division (A)(1) of this 271
section. 272

(B) The clerk of courts shall issue a certificate of 273
title, free and clear of all liens and encumbrances, to a person 274
that presents an affidavit that complies with all of the 275
requirements of division (A) of this section. 276

(C) (1) A person that owns property where a vessel or 277
outboard motor has been left unclaimed may bring a civil action 278
in a court of common pleas or other court of competent 279
jurisdiction against the owner of the vessel or outboard motor 280

<u>to recover the costs of storing or removing the vessel or</u>	281
<u>outboard motor if both of the following apply:</u>	282
<u>(a) The vessel or outboard motor has been left unclaimed</u>	283
<u>on the person's property for twenty days or more prior to the</u>	284
<u>provision of notice under division (A) (4) of this section.</u>	285
<u>(b) The person does not have a valid storage or repair</u>	286
<u>contract with the owner of the vessel or outboard motor.</u>	287
<u>(2) A person that owns property where a vessel or outboard</u>	288
<u>motor has been left unclaimed may have the vessel or outboard</u>	289
<u>motor impounded until the costs of storing the vessel or</u>	290
<u>outboard motor have been paid or until the clerk of courts</u>	291
<u>issues the property owner a certificate of title under division</u>	292
<u>(B) of this section if all of the following apply:</u>	293
<u>(a) The vessel or outboard motor has been left unclaimed</u>	294
<u>on the person's property for twenty days or more prior to the</u>	295
<u>provision of notice under division (A) (4) of this section.</u>	296
<u>(b) The property owner sends notice in accordance with</u>	297
<u>division (A) (4) of this section to any owner and any lienholder</u>	298
<u>of the vessel or outboard motor.</u>	299
<u>(c) The person does not have a valid storage or repair</u>	300
<u>contract with the owner of the vessel or outboard motor.</u>	301
<u>Sec. 1547.58. When the chief of the division of parks and</u>	302
<u>watercraft issues a registration certificate under section</u>	303
<u>1547.54 of the Revised Code, the chief also shall provide to the</u>	304
<u>owner of the registered watercraft a disclosure statement</u>	305
<u>regarding the requirements and procedures established under</u>	306
<u>section 1547.305 of the Revised Code.</u>	307
<u>The disclosure statement shall inform the owner that if</u>	308

the watercraft is left on private property of another without a 309
valid service, repair, or storage contract, the watercraft may 310
be rendered abandoned and subject to the process set forth in 311
section 1547.305 of the Revised Code. 312

Section 2. That existing section 1547.30 of the Revised 313
Code is hereby repealed. 314

Section 3. That sections 4585.31, 4585.32, 4585.33, and 315
4585.34 of the Revised Code are hereby repealed. 316