

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 301

Representatives Perales, Holmes, A.

Cosponsors: Representatives Arndt, Crossman, Green, Hoops, Riedel

A BILL

To enact section 4561.26 of the Revised Code to 1
establish a process by which a person may obtain 2
title to an aircraft that has been left on the 3
person's property. 4

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

Section 1. That section 4561.26 of the Revised Code be 5
enacted to read as follows: 6

Sec. 4561.26. (A) A person may obtain a certificate of 7
title to an aircraft of another if all of the following apply: 8

(1) The aircraft has been left unclaimed on the person's 9
property for twenty days or more prior to the provision of 10
notice under division (A)(2) of this section and the person does 11
not have a valid storage or repair contract with the owner or 12
lienholder of the aircraft. 13

(2) The person sends notice by certified mail, return 14
receipt requested, to the last known address of any owner and 15
any lienholder of the aircraft. The person shall include both of 16
the following in the notice: 17

(a) A statement that the aircraft must be removed from the property within ten days after receiving the notice; 18
19

(b) A statement that informs the recipient of the aircraft's location. 20
21

(3) The person either received the signed receipt from the certified mail or was notified that the delivery of the certified mail was not possible. 22
23
24

(4) The aircraft continues to remain unclaimed for more than ten days after the date that the required notice was received by the owner or lienholder, as evidenced by a signed receipt, or the date that the person was notified that the delivery was not possible. If a lienholder does not claim the aircraft within that ten-day period, the lienholder's lien is invalid. 25
26
27
28
29
30
31

(5) The person that mailed the notice under division (A) (2) of this section executes an affidavit, in a form that the director of transportation shall establish by rule adopted in accordance with Chapter 119. of the Revised Code, affirming that all of the requirements of this section necessary to authorize the issuance of a certificate of title for the aircraft have been met. The person shall include all of the following in the affidavit: 32
33
34
35
36
37
38
39

(a) A statement of the length of time that the aircraft remained unclaimed prior to sending the notice under division (A) (2) of this section; 40
41
42

(b) A statement that the person does not have a valid storage or repair contract with the owner or lienholder of the aircraft; 43
44
45

(c) A statement that, prior to sending a notice under 46

division (A) (2) of this section, a search of department of 47
transportation records, including aircraft registration 48
information through the office of aviation, was made to identify 49
any owner or lienholder of the aircraft; 50

(d) A statement that the notice to remove the aircraft was 51
mailed to any owner and any lienholder by certified mail, return 52
receipt requested, under division (A) (2) of this section; 53

(e) A statement that the aircraft remains unclaimed for 54
more than ten days after the date that the required notice was 55
received by the owner or lienholder, as evidenced by a signed 56
receipt, or the date that the person was notified that the 57
delivery was not possible; 58

(f) A statement that the aircraft remains unclaimed at the 59
time the affidavit is presented under division (C) of this 60
section. 61

(B) In order to identify any owner or lienholder, prior to 62
sending a notice under division (A) (2) of this section, the 63
person who seeks to obtain a certificate of title to an aircraft 64
of another shall cause a search to be made of the records of the 65
department of transportation. 66

(C) The clerk of courts shall issue a certificate of 67
title, free and clear of all liens and encumbrances, to a person 68
that presents an affidavit that complies with all of the 69
requirements of division (A) of this section. 70