

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 79

Senator Hoagland

A BILL

To amend sections 4513.601, 4513.62, 5322.01, 1
5322.02, and 5322.03 and to enact sections 2
4505.104, 4513.602, and 4513.603 of the Revised 3
Code to amend the law regarding self-service 4
storage facilities and towing. 5

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

Section 1. That sections 4513.601, 4513.62, 5322.01, 6
5322.02, and 5322.03 be amended and sections 4505.104, 4513.602, 7
and 4513.603 of the Revised Code be enacted to read as follows: 8

Sec. 4505.104. (A) A towing service or storage facility 9
that is in possession of a motor vehicle may obtain a 10
certificate of title to the vehicle as provided in division (B) 11
of this section if all of the following apply: 12

(1) The motor vehicle was towed or stored pursuant to 13
section 4513.60, 4513.61, or 4513.66 of the Revised Code. 14

(2) A search was made of the records of the bureau of 15
motor vehicles to ascertain the identity of the owner and any 16
lienholder of the motor vehicle. 17

(3) Upon obtaining the identity in division (A)(2) of this 18

section, notice was sent to the last known address of the owner 19
and any lienholder, by certified or express mail with return 20
receipt requested or by a commercial carrier service utilizing 21
any form of delivery requiring a signed receipt. The notice 22
shall inform the owner and lienholder that the towing service or 23
storage facility will obtain title to the motor vehicle if not 24
claimed within sixty days after the date the notice was 25
received. 26

(4) The motor vehicle has been left unclaimed for sixty 27
days after one of the following: 28

(a) The date the notice sent under division (A) (3) of this 29
section was received, as evidenced by a receipt signed by any 30
person; 31

(b) The date the towing service or storage facility 32
received notification that the delivery of the notice sent under 33
division (A) (3) of this section was not possible. 34

(5) A sheriff, chief of police, or state highway patrol 35
trooper, as applicable, has made a determination that the 36
vehicle or items in the vehicle are not necessary to a criminal 37
investigation. 38

(6) An agent of the towing service or storage facility 39
executes an affidavit, in a form established by the registrar of 40
motor vehicles not later than ninety days after the effective 41
date of this section, affirming that conditions in divisions (A) 42
(1) to (5) of this section are met. 43

(B) The clerk of court shall issue a certificate of title, 44
free and clear of all liens and encumbrances, to the towing 45
service or storage facility that presents an affidavit that 46
affirms that the conditions in divisions (A) (1) to (5) of this 47

section are met. 48

(C) After obtaining title to a motor vehicle under this 49
section, the towing service or storage facility shall retain any 50
money arising from the disposal of the vehicle. 51

(D) A towing service or storage facility that obtains 52
title to a motor vehicle under this section shall notify the 53
entity that ordered the motor vehicle into storage that the 54
motor vehicle has been so disposed. The towing service or 55
storage facility shall provide the notice on the last business 56
day of the month in which the service or facility obtained title 57
to the motor vehicle. 58

(E) As used in this section, "towing service or storage 59
facility" means any for-hire motor carrier that removes a motor 60
vehicle under the authority of section 4513.60, 4513.61, or 61
4513.66 of the Revised Code and any place to which such a for- 62
hire motor carrier delivers a motor vehicle towed under those 63
sections. 64

Sec. 4513.601. (A) The owner of a private property may 65
establish a private tow-away zone, but may do so only if all of 66
the following conditions are satisfied: 67

(1) The owner of the private property posts on the 68
property a sign, that is at least eighteen inches by twenty-four 69
inches in size, that is visible from all entrances to the 70
property, and that includes all of the following information: 71

(a) A statement that the property is a tow-away zone; 72

(b) A description of persons authorized to park on the 73
property. If the property is a residential property, the owner 74
of the private property may include on the sign a statement that 75
only tenants and guests may park in the private tow-away zone, 76

subject to the terms of the property owner. If the property is a 77
commercial property, the owner of the private property may 78
include on the sign a statement that only customers may park in 79
the private tow-away zone. In all cases, if it is not apparent 80
which persons may park in the private tow-away zone, the owner 81
of the private property shall include on the sign the address of 82
the property on which the private tow-away zone is located or 83
the name of the business that is located on the property 84
designated as a private tow-away zone. 85

(c) If the private tow-away zone is not enforceable at all 86
times, the times during which the parking restrictions are 87
enforced; 88

(d) The telephone number and the address of the place from 89
which a towed vehicle may be recovered at any time during the 90
day or night; 91

(e) A statement that the failure to recover a towed 92
vehicle may result in the loss of title to the vehicle as 93
provided in division (B) of section 4505.101 of the Revised 94
Code. 95

In order to comply with the requirements of division (A) 96
(1) of this section, the owner of a private property may modify 97
an existing sign by affixing to the existing sign stickers or an 98
addendum in lieu of replacing the sign. 99

(2) A towing service ensures that a vehicle towed under 100
this section is taken to a location from which it may be 101
recovered that complies with all of the following: 102

(a) It is located within twenty-five linear miles of the 103
location of the private tow-away zone, unless it is not 104
practicable to take the vehicle to a place of storage within 105

twenty-five linear miles. 106

(b) It is well-lighted. 107

(c) It is on or within a reasonable distance of a 108
regularly scheduled route of one or more modes of public 109
transportation, if any public transportation is available in the 110
municipal corporation or township in which the private tow-away 111
zone is located. 112

(B) (1) If a vehicle is parked on private property that is 113
established as a private tow-away zone in accordance with 114
division (A) of this section, without the consent of the owner 115
of the private property or in violation of any posted parking 116
condition or regulation, the owner of the private property may 117
cause the removal of the vehicle by a towing service. The towing 118
service shall remove the vehicle in accordance with this 119
section. The vehicle owner and the operator of the vehicle are 120
considered to have consented to the removal and storage of the 121
vehicle, to the payment of the applicable fees established by 122
the public utilities commission in rules adopted under section 123
4921.25 of the Revised Code, and to the right of a towing 124
service to obtain title to the vehicle if it remains unclaimed 125
as provided in section 4505.101 of the Revised Code. The owner 126
or lienholder of a vehicle that has been removed under this 127
section, subject to division (C) of this section, may recover 128
the vehicle in accordance with division (G) of this section. 129

(2) If a municipal corporation requires tow trucks and tow 130
truck operators to be licensed, no owner of a private property 131
located within the municipal corporation shall cause the removal 132
and storage of any vehicle pursuant to division (B) of this 133
section by an unlicensed tow truck or unlicensed tow truck 134
operator. 135

(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. 196

(2) Each county sheriff and each chief of police of a 197
municipal corporation, township, port authority, or township or 198
joint police district shall maintain a record of any vehicle 199
removed from private property in the sheriff's or chief's 200
jurisdiction that is established as a private tow-away zone of 201
which the sheriff or chief has received notice under this 202
section. The record shall include all information submitted by 203
the towing service. The sheriff or chief shall provide any 204
information in the record that pertains to a particular vehicle 205
to a person who, either in person or pursuant to a telephone 206
call, identifies self as the owner, operator, or lienholder of 207
the vehicle and requests information pertaining to the vehicle. 208

(F) (1) When a vehicle is removed from private property in 209
accordance with this section, within three business days of the 210
removal, the towing service or storage facility from which the 211
vehicle may be recovered shall cause a search to be made of the 212
records of the bureau of motor vehicles to ascertain the 213
identity of the owner and any lienholder of the motor vehicle. 214
The registrar of motor vehicles shall ensure that such 215
information is provided in a timely manner. Subject to division 216
(F) (4) of this section, the towing service or storage facility 217
shall send notice to the vehicle owner and any known lienholder 218
as follows: 219

(a) Within five business days after the registrar of motor 220
vehicles provides the identity of the owner and any lienholder 221
of the motor vehicle, if the vehicle remains unclaimed, to the 222
owner's and lienholder's last known address by certified or 223
express mail with return receipt requested or by a commercial 224
carrier service utilizing any form of delivery requiring a 225

signed receipt;	226
(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;	227 228 229
 (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.	230 231 232
(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 provided in that section.	233 234 235 236 237 238 239 240
(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.	241 242 243 244 245
(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.	246 247 248 249 250
(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:	251 252 253
(a) Presentation of proof of ownership, which may be	254

evidenced by a certificate of title to the vehicle, a 255
certificate of registration for the motor vehicle, or a lease 256
agreement; 257

(b) Payment of the following fees: 258

(i) All applicable fees established by the public 259
utilities commission in rules adopted under section 4921.25 of 260
the Revised Code, except that the lienholder of a vehicle may 261
retrieve the vehicle without paying any storage fee for the 262
period of time that the vehicle was in the possession of the 263
towing service or storage facility prior to the date the 264
lienholder received the notice sent under division (F)(1)(a) of 265
this section; 266

(ii) If notice has been sent to the owner and lienholder 267
as described in division (F) of this section, a processing fee 268
of twenty-five dollars. 269

(2) A towing service or storage facility in possession of 270
a vehicle that is removed under authority of division (B) of 271
this section shall show the vehicle owner, operator, or 272
lienholder who contests the removal of the vehicle all 273
photographs taken under division (D) of this section. Upon 274
request, the towing service or storage facility shall provide a 275
copy of all photographs in the medium in which the photographs 276
are stored, whether paper, electronic, or otherwise. 277

(3) When the owner of a vehicle towed under this section 278
retrieves the vehicle, the towing service or storage facility in 279
possession of the vehicle shall give the owner written notice 280
that if the owner disputes that the motor vehicle was lawfully 281
towed, the owner may be able to file a civil action under 282
section 4513.611 of the Revised Code. 283

(4) Upon presentation of proof of ownership, which may be 284
evidenced by a certificate of title to the vehicle, a 285
certificate of registration for the motor vehicle, or a lease 286
agreement, the owner of a vehicle that is removed under 287
authority of division (B) of this section may retrieve any 288
personal items from the vehicle without retrieving the vehicle 289
and without paying any fee. The owner of the vehicle shall not 290
retrieve any personal items from a vehicle if it would endanger 291
the safety of the owner, unless the owner agrees to sign a 292
waiver of liability. For purposes of division (G) (4) of this 293
section, "personal items" do not include any items that are 294
attached to the vehicle. 295

(H) No person shall remove, or cause the removal of, any 296
vehicle from private property that is established as a private 297
tow-away zone under this section or store such a vehicle other 298
than in accordance with this section, or otherwise fail to 299
comply with any applicable requirement of this section. 300

(I) This section does not affect or limit the operation of 301
section 4513.60 or sections 4513.61 to 4613.65 of the Revised 302
Code as they relate to property other than private property that 303
is established as a private tow-away zone under division (A) of 304
this section. 305

(J) Whoever violates division (H) of this section is 306
guilty of a minor misdemeanor. 307

(K) As used in this section, "owner of a private property" 308
or "owner of the private property" includes, with respect to a 309
private property, any of the following: 310

(1) Any person who holds title to the property; 311

(2) Any person who is a lessee or sublessee with respect 312

to a lease or sublease agreement for the property;	313
(3) A person who is authorized to manage the property;	314
(4) A duly authorized agent of any person listed in divisions (K) (1) to (3) of this section.	315 316
<u>Sec. 4513.602. (A) As used in this section and section 4513.603 of the Revised Code:</u>	317 318
<u>(1) "Motor vehicle dealer" has the same meaning as in section 4517.01 of the Revised Code.</u>	319 320
<u>(2) "Repair facility" means any business with which a person has entered into an agreement to repair a vehicle.</u>	321 322
<u>(3) "Towing service" means any for-hire motor carrier that removes a motor vehicle from a motor vehicle dealer or repair facility.</u>	323 324 325
<u>(4) "Storage facility" means any place to which a towing service delivers a motor vehicle from a motor vehicle dealer or repair facility.</u>	326 327 328
<u>(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:</u>	329 330 331
<u>(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.</u>	332 333 334
<u>(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 or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt, and</u>	335 336 337 338 339

the notice informs the owner and any lienholder of the 340
following: 341

(a) The address where the motor vehicle is located; 342

(b) That the motor vehicle dealer or repair facility will 343
cause the vehicle to be towed if not claimed within fourteen 344
calendar days after either the date the notice was received or 345
the date the motor vehicle dealer or repair facility receives 346
notification that delivery was not possible; 347

(c) That a towing service that removes the motor vehicle 348
or a storage facility that stores the motor vehicle may obtain 349
title to it under section 4513.603 of the Revised Code. 350

(3) The motor vehicle has been left unclaimed for fourteen 351
days after one of the following: 352

(a) The date the notice sent under division (B) (2) of this 353
section was received, as evidenced by a receipt signed by any 354
person; 355

(b) The date the motor vehicle dealer or repair facility 356
received notification that the delivery of the notice sent under 357
division (B) (2) of this section was not possible. 358

The procedure described in division (B) of this section 359
applies regardless of who leaves the motor vehicle on the motor 360
vehicle dealer's property or the repair facility's property. 361

(C) A motor vehicle owner's or lienholder's failure to 362
remove the vehicle from the property within the time period 363
specified in division (B) (3) of this section constitutes consent 364
to all of the following: 365

(1) The motor vehicle's removal and storage; 366

<u>(2) The payment of any charges incurred for the removal</u>	367
<u>and storage of the motor vehicle;</u>	368
<u>(3) The right of a towing service that removes the motor</u>	369
<u>vehicle or storage facility that stores the motor vehicle to</u>	370
<u>obtain title to the motor vehicle under section 4513.603 of the</u>	371
<u>Revised Code.</u>	372
<u>(D) After a motor vehicle has been removed by a towing</u>	373
<u>service, a motor vehicle owner or lienholder may reclaim the</u>	374
<u>vehicle from the towing service or storage facility that is in</u>	375
<u>possession of the motor vehicle if all of the following apply:</u>	376
<u>(1) The owner presents proof of ownership evidenced by a</u>	377
<u>certificate of title to the motor vehicle, a certificate of</u>	378
<u>registration for the motor vehicle, or a lease agreement.</u>	379
<u>(2) The owner or lienholder makes payment of any charges</u>	380
<u>incurred for the removal and storage of the motor vehicle.</u>	381
<u>(3) Title to the motor vehicle has not been issued to the</u>	382
<u>towing service or storage facility under section 4513.603 of the</u>	383
<u>Revised Code.</u>	384
<u>(E) Any towing service that removes a motor vehicle under</u>	385
<u>this section shall not charge a fee greater than those</u>	386
<u>established by the public utilities commission in rules adopted</u>	387
<u>under section 4921.25 of the Revised Code.</u>	388
<u>(F) (1) Any motor vehicle dealer, repair facility, towing</u>	389
<u>service, or storage facility that complies with this section is</u>	390
<u>not liable for any damage, claim of conversion, or any other</u>	391
<u>claim resulting from the removal, towing, or storage of the</u>	392
<u>motor vehicle.</u>	393
<u>(2) A motor vehicle dealer or repair facility does not</u>	394

forego, release, or otherwise relinquish any legal recourse or 395
right of action against a titled owner or lienholder of a motor 396
vehicle by causing the vehicle to be removed under division (B) 397
of this section, unless possession of the motor vehicle is 398
required for the cause of action. 399

Sec. 4513.603. (A) A towing service or storage facility 400
that is in possession of a motor vehicle obtained under section 401
4513.602 of the Revised Code may obtain a certificate of title 402
to the motor vehicle, regardless of the motor vehicle's value, 403
as provided in division (B) of this section if all of the 404
following apply: 405

(1) A search was made by the towing service or storage 406
facility of the records of the bureau of motor vehicles to 407
ascertain the identity of the owner and any lienholder of the 408
motor vehicle. 409

(2) Upon obtaining the identity in division (A)(1) of this 410
section, the towing service or storage facility sent notice to 411
the owner's and any lienholder's last known address, by 412
certified or express mail with return receipt requested or by a 413
commercial carrier service utilizing any form of delivery 414
requiring a signed receipt, that informs the owner and any 415
lienholder that the towing service or storage facility will 416
obtain title to the motor vehicle if not claimed within sixty 417
days after the date the notice was received. 418

(3) The motor vehicle has been left unclaimed for sixty 419
days after one of the following: 420

(a) The date the notice sent under division (A)(2) of this 421
section was received, as evidenced by a receipt signed by any 422
person; 423

(b) The date the towing service or storage facility receives notification that the delivery of the notice sent under division (A) (2) of this section was not possible. 424
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(4) 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 (3) of this section are met. 427
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(B) The clerk of court shall issue a certificate of title, free and clear of all liens and encumbrances, to a towing service or storage facility that presents an affidavit that affirms that the conditions in divisions (A) (1) to (3) of this section are met. 432
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(C) After obtaining title to a motor vehicle under this section, the towing service or storage facility may retain any money arising from the disposal of the vehicle. 437
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Sec. 4513.62. ~~Unclaimed~~ An unclaimed motor vehicle 440
ordered into storage pursuant to division (A) (1) of 441
section 4513.60 or section 4513.61 of the Revised Code shall be 442
disposed of at the order of the is subject to one of the 443
following: 444

(A) The sheriff of the county or the chief of police of 445
the municipal corporation, township, port authority, or township 446
or joint police district ~~to~~ may dispose of it with a motor 447
vehicle salvage dealer or scrap metal processing facility as 448
defined in section 4737.05 of the Revised Code, or ~~to~~ with any 449
other facility owned by or under contract with the county, 450
municipal corporation, port authority, or township, for the 451
disposal of such motor vehicles, ~~or shall be sold by the.~~ 452

(B) The sheriff, chief of police, or a licensed auctioneer 453
may sell the motor vehicle at public auction, after giving 454
notice thereof by advertisement, published once a week for two 455
successive weeks in a newspaper of general circulation in the 456
county or as provided in section 7.16 of the Revised Code. ~~Any~~ 457

(C) A towing service or storage facility may obtain title 458
to the motor vehicle in accordance with section 4505.104 of the 459
Revised Code. 460

~~Any moneys accruing from the disposition of an unclaimed~~ 461
~~motor vehicle accrued pursuant to division (A) or (B) of this~~ 462
~~section~~ that are in excess of the expenses resulting from the 463
removal and storage of the vehicle shall be credited to the 464
general fund of the county, municipal corporation, port 465
authority, township, or joint police district, as the case may 466
be. 467

Sec. 5322.01. As used in sections 5322.01 to 5322.05 of 468
the Revised Code: 469

(A) "Self-service storage facility" means any real 470
property that is designed and used only for the purpose of 471
renting or leasing individual storage space in the facility 472
under the following conditions: 473

(1) The occupants have access to the storage space only 474
for the purpose of storing and removing personal property. 475

(2) The owner does not issue a warehouse receipt, bill of 476
lading, or other document of title, as defined in section 477
1301.201 of the Revised Code, for the personal property stored 478
in the storage space. 479

"Self-service storage facility" does not include any 480
garage used principally for parking motor vehicles, any garage 481

or storage area in a private residence, an establishment 482
licensed pursuant to sections 915.14 to 915.24 of the Revised 483
Code, or any property of a bank or savings and loan association 484
that contains vaults, safe deposit boxes, or other receptacles 485
for the uses, purposes, and benefits of the bank's or savings 486
and loan association's customers. 487

(B) "Owner" means a person that is ~~either the owner or~~ 488
operator of a self-service storage facility ~~or, the lessor or~~ 489
sublessor of an entire self-service storage facility ~~and that~~ 490
~~receives, the agent of any of the foregoing, or any other person~~ 491
authorized by any of the foregoing to manage the facility or to 492
receive rent from an occupant pursuant to a rental agreement 493
~~that the person enters into with the occupant.~~ 494

(C) "Occupant" means a person that rents storage space at 495
a self-service storage facility pursuant to a rental agreement 496
that the person enters into with the owner. 497

(D) "Rental agreement" means any written agreement that is 498
entered into by the owner and the occupant and that establishes 499
the terms and conditions of the occupant's use of storage space 500
at a self-service storage facility. 501

(E) "Personal property" means money and every animate or 502
inanimate tangible thing that is the subject of ownership, 503
except anything forming part of a parcel of real estate, as 504
defined in section 5701.02 of the Revised Code, and except 505
anything that is an agricultural commodity, as defined in 506
division (A) of section 926.01 of the Revised Code. 507

(F) "Late fee" means any fee or charge assessed for an 508
occupant's failure to pay rent when due. "Late fee" does not 509
include interest on a debt, reasonable expenses incurred in the 510

collection of unpaid rent, or costs associated with the 511
enforcement of any other remedy provided by statute or contract. 512

(G) "Last known address" means either of the following: 513

(1) The mailing address or electronic mail address 514
provided by the occupant in the most recent rental agreement or 515
the mailing address or electronic mail address provided by the 516
occupant in a subsequent written notice of a change of address; 517

(2) The mailing address or electronic mail address of any 518
of the persons described in division (A) of section 5322.03 of 519
the Revised Code that is provided by any of those persons to the 520
owner of a self-service storage facility or that is discovered 521
by the owner of a self-service storage facility. 522

Sec. 5322.02. (A) The owner of a self-service storage 523
facility has a lien against the occupant on the personal 524
property stored pursuant to a rental agreement in any storage 525
space at the self-service storage facility, or on the proceeds 526
of the personal property subject to the defaulting occupant's 527
rental agreement in the owner's possession, for rent, labor, 528
late fees, or other charges in relation to the personal property 529
that are specified in the rental agreement and that have become 530
due and for expenses necessary for the preservation of the 531
personal property or expenses reasonably incurred in the 532
enforcement of the lien or in the sale or other disposition of 533
the personal property pursuant to law. The owner's lien provided 534
for in this section is also effective against the following 535
persons: 536

(1) A person who has an unfiled security interest in the 537
personal property, except that the owner's lien is not effective 538
against a person who has a valid security interest in a motor 539

vehicle or a valid security interest in a watercraft, whether or 540
not the security interest in the motor vehicle or watercraft is 541
filed; 542

(2) A person who meets both of the following requirements: 543

(a) The person has a legal interest in the personal 544
property, a filed security interest in the personal property, or 545
a valid security interest in the personal property that is a 546
motor vehicle. 547

(b) The person consents in writing to the storage of the 548
personal property. 549

(B) The owner's lien created by division (A) of this 550
section attaches as of the date the personal property is brought 551
to the self-service storage facility. An owner loses the owner's 552
lien on any personal property that the owner voluntarily permits 553
to be removed from the self-service storage facility or 554
unjustifiably refuses to permit to be removed from the self- 555
service storage facility. 556

Sec. 5322.03. An owner's lien created by division (A) of 557
section 5322.02 of the Revised Code for a claim that has become 558
due may be enforced only as follows: 559

(A) The following persons shall be notified in accordance 560
with divisions (B) and (C) of this section: 561

(1) All persons whom the owner has actual knowledge of and 562
who claim an interest in the personal property; 563

(2) All persons holding liens on any motor vehicle, 564
trailer, or watercraft amongst the property; 565

(3) All persons who have filed security agreements in the 566
name of the occupant evidencing a security interest in the 567

personal property with either the secretary of state or the 568
county recorder of the county in which the self-service storage 569
facility is located or the Ohio county of the last known address 570
of the occupant. 571

(B) The notice shall be delivered in person, sent by 572
electronic mail, sent by certified mail, or sent by first-class 573
mail or private delivery service with a certificate or 574
verification of mailing to the last known address of each person 575
who is required to be notified by division (A) of this section; 576

(C) The notice shall include all of the following: 577

(1) The name and last known address of the occupant who 578
rented the storage space in which the personal property was 579
stored; 580

(2) An itemized statement of the owner's claim showing the 581
sum due at the time of the notice and the date when the sum 582
became due; 583

(3) A brief and general description of the personal 584
property subject to the lien. The description shall be 585
reasonably adequate to permit the person notified to identify it 586
except that any container including, but not limited to, a 587
trunk, valise, or box that is locked, fastened, sealed, or tied 588
in a manner that deters immediate access to its contents and 589
that has not been opened by the owner prior to the date on which 590
the notice is given may be described as such without describing 591
its contents. 592

(4) A notice of denial of access to the personal property, 593
if a denial of access is permitted under the terms of the rental 594
agreement, which notice provides the name, street address, and 595
telephone number of the person whom the person notified may 596

contact to pay the claim and to either obtain the personal 597
property or enter into a rental agreement for the storage of the 598
personal property; 599

(5) A demand for payment within a specified time not less 600
than ten days after delivery of the notice; 601

(6) A conspicuous statement that unless the claim is paid 602
within that time the personal property will be advertised for 603
sale and will be sold by auction ~~at a specified time and place~~ 604
and that, if no person purchases the personal property at the 605
auction, the personal property may be sold at a private sale or 606
destroyed; 607

(7) The street or internet address of the place at which 608
the sale will be held, if the sale will be held at a place other 609
than the self-service storage facility in which the personal 610
property was stored. 611

(D) ~~(1)~~ Any notice given pursuant to this section ~~shall be~~ 612
~~presumed delivered, if the notice that is~~ sent by first-class 613
mail or private delivery service with a certificate or 614
verification of mailing, shall be deemed delivered when it is 615
deposited with the United States postal service or private 616
delivery service and properly addressed with proper postage 617
prepaid. 618

(2) Any notice given pursuant to this section that is sent 619
by electronic mail shall be deemed delivered when it is properly 620
addressed and sent. 621

(E) The sale of the personal property shall conform to the 622
terms of the notice as provided for in this section. 623

(F) The sale of the personal property ~~shall~~ may be held at 624
the self-service storage facility or, if the street or internet 625

address of the place was included in the notice as required by 626
division (C) (7) of this section, on the internet or at the 627
nearest suitable place to the self-service storage facility at 628
which the personal property is stored. 629

(G) After the expiration of the time given in the notice, 630
an advertisement of the sale shall be published once a week for 631
two consecutive weeks in a newspaper of general circulation in 632
the county in which the self-service storage facility is located 633
or any other commercially reasonable manner. The manner of 634
advertisement shall be deemed commercially reasonable if at 635
least three independent bidders register for, view, or attend 636
the sale ~~at the time and place advertised~~. The advertisement 637
shall include all of the following: 638

(1) A brief and general description of the personal 639
property as required by division (C) (3) of this section, except 640
that the description shall describe the contents of any trunk, 641
valise, or box that is locked, fastened, sealed, or tied in a 642
manner that deters immediate access to its contents, if the 643
trunk, valise, or box is opened by the owner prior to the date 644
on which the advertisement of sale is published; 645

(2) The name and last known address of the occupant who 646
rented the storage space in which the personal property was 647
stored; 648

(3) The street address of the self-service storage 649
facility; 650

(4) The time, place, and manner of the sale. 651

The sale shall take place at least fifteen days after the 652
first publication. 653

(H) (1) Any person who has a security interest in, or who 654

holds a lien against, a motor vehicle or watercraft may pay the 655
amount necessary to satisfy the lien created by division (A) of 656
section 5322.02 of the Revised Code and the reasonable expenses 657
incurred under this section. That person, upon payment of the 658
amount necessary to satisfy the lien plus expenses, may enter 659
into a new rental agreement for the storage of the motor vehicle 660
or watercraft. Any person who presents proof of a security 661
interest in or lien on a motor vehicle or watercraft or a court 662
order authorizing the person to take possession of a motor 663
vehicle or watercraft may immediately remove the motor vehicle 664
or watercraft from the self-service storage facility without 665
satisfying the lien or expenses of the owner. 666

(2) Before any sale of personal property other than a 667
motor vehicle or watercraft pursuant to this section, any person 668
who has a legal interest or a security interest in, or who holds 669
a lien against, any personal property other than a motor vehicle 670
or watercraft may pay the amount necessary to satisfy the lien 671
created by division (A) of section 5322.02 of the Revised Code 672
and the reasonable expenses incurred under this section and 673
remove the personal property in which the person has the 674
interest or against which the person holds the lien. After 675
removal of all the personal property, including any motor 676
vehicle or watercraft, from the storage space of the self- 677
service storage facility by any means under this section, ~~any-~~ 678
~~person can the owner may~~ enter into a rental agreement ~~for the~~ 679
~~storage of personal property with the owner~~ with a new occupant 680
for the storage space, and the owner has no obligation to the 681
prior occupant of that storage space ~~in the self-service storage~~ 682
~~facility. Before entering into a new rental agreement, the owner~~ 683
~~must have any motor vehicle or watercraft towed from that~~ 684
~~storage space.~~ 685

(3) Upon receipt of the payment from a person other than 686
the occupant, the owner ~~shall~~ may, at the owner's sole 687
discretion, enter into a new rental agreement for the storage of 688
the personal property or, if the person meets the conditions set 689
forth in division (H) (2) of this section, shall permit the 690
person to remove the personal property from the self-service 691
storage facility. 692

(4) If the occupant pays the amount necessary to satisfy 693
the lien created by division (A) of section 5322.02 of the 694
Revised Code and the reasonable expenses incurred under this 695
section, the occupant shall immediately remove all of the 696
occupant's personal property from the self-service storage 697
facility, unless the owner of the self-service storage facility 698
agrees to enter into a new rental agreement for the storage of 699
the property. 700

(I) (1) If property on which there is a lien under division 701
(A) of section 5322.02 of the Revised Code is not sold at 702
auction, but is claimed under division (H) of this section and 703
the owner's lien is satisfied, then all legal or security 704
interest in, or any other liens held against, the property shall 705
remain intact. 706

(2) A purchaser at auction in good faith, except an owner 707
or an owner's agent, of the personal property sold to satisfy an 708
owner's lien created by division (A) of section 5322.02 of the 709
Revised Code takes the property free and clear of any rights of 710
persons against whom the lien was valid, or any persons who had 711
an interest in, or who held, any other lien against the 712
property, despite noncompliance by the owner with the 713
requirements of this section. 714

(J) The owner may examine any personal property to be sold 715

pursuant to this section. The examination may include, but is 716
not limited to, the opening of any trunk, valise, box, or other 717
container that is locked, fastened, sealed, tied, or otherwise 718
closed in a manner that deters immediate access to its contents. 719

(K) (1) If the property upon which ~~the lien created under~~ 720
division (A) of ~~this section is claimed~~ 5322.02 of the Revised 721
Code creates a lien is a motor vehicle, trailer, or a 722
watercraft, the owner ~~shall~~ may, at the owner's sole discretion, 723
have the motor vehicle, trailer, or watercraft towed from the 724
premises if any of the following circumstances applies: 725

(a) The notice was delivered or sent pursuant to division 726
(B) of this section to all persons holding a lien on the motor 727
vehicle, trailer, or watercraft, and thirty days have elapsed 728
since the notice was delivered or sent ~~without a response from~~ 729
~~any of those persons.~~ 730

(b) Rent and other charges related to the property remain 731
unpaid or unsatisfied by the occupant for sixty days, and no 732
lien holders have been identified. 733

(c) The owner is planning to hold or has held a sale at 734
~~auction of for~~ the personal property that was stored in the 735
self-service storage ~~unit~~ space with that motor vehicle, 736
trailer, or watercraft, in which case the motor vehicle, 737
trailer, or watercraft ~~shall~~ may, at the owner's sole 738
discretion, be towed prior to or following the ~~auction sale.~~ 739

(2) The owner shall not be liable for the motor vehicle, 740
trailer, or watercraft or any damages to the motor vehicle, 741
trailer, or watercraft once the ~~tower towing service or storage~~ 742
facility takes possession of the property. The notice delivered 743
or sent pursuant to division (B) of this section to all persons 744

holding a lien on the motor vehicle, trailer, or watercraft 745
shall include the name of the towing company. The name and the 746
street address of the ~~towing company~~ towing service or storage 747
facility shall also be made available to the occupant or any 748
lien holder upon the presentation of a document of title or 749
another document that confirms an interest in the motor vehicle, 750
trailer, or watercraft. 751

As used in this division, "towing service or storage 752
facility" means any for-hire motor carrier that removes a motor 753
vehicle, trailer, or watercraft from a self-service storage 754
facility pursuant to this division and any place to which that 755
for-hire motor carrier delivers the motor vehicle, trailer, or 756
watercraft. 757

(L) The owner may satisfy the owner's lien from the 758
proceeds of any sale held pursuant to this section, but shall 759
mail the balance, if any, by certified mail, or by first class 760
mail or private delivery service with a certificate or 761
verification of mailing, to the occupant at the occupant's last 762
known mailing address. If the balance is returned to the owner 763
after the owner mailed the balance by certified mail, first 764
class mail, or private delivery service to the occupant or if 765
the mailing address of the occupant is not known, the owner 766
shall hold the balance for two years after the date of the sale 767
for delivery on demand to the occupant or to any other person 768
who would have been entitled to possession of the personal 769
property. After the expiration of the two-year period, the 770
balance shall become unclaimed funds, as defined in division (B) 771
of section 169.01 of the Revised Code, and shall be disposed of 772
pursuant to Chapter 169. of the Revised Code. 773

(M) An owner may buy at any public sale held pursuant to 774

this section.	775
(N) The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against a debtor.	776 777 778
(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.	779 780 781 782 783
(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.	784 785 786 787
(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:	788 789 790
(1) Advertise and sell the personal property pursuant to divisions (F) to (O) of this section;	791 792
(2) Sell the personal property at a private sale;	793
(3) Dispose of the personal property in any manner considered appropriate by the owner including, but not limited to, destroying the personal property.	794 795 796
Section 2. That existing sections 4513.601, 4513.62, 5322.01, 5322.02, and 5322.03 of the Revised Code are hereby repealed.	797 798 799