

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 140**

**Representative Widener**

**Cosponsors: Representatives Evans, Stebelton, Zehringer, Setzer, Bacon,  
Webster, Huffman, Wagoner, Miller**

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**A B I L L**

To amend sections 4513.01 and 4513.62 and to enact 1  
sections 4513.621, 4513.622, and 4513.66 of the 2  
Revised Code to provide that the owner of a motor 3  
vehicle that is removed from a public road may be 4  
prevented from registering any vehicle until the 5  
towing and storage fees on the vehicle removed are 6  
paid. 7

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

**Section 1.** That section 4513.01 and 4513.62 be amended and 8  
sections 4513.621, 4513.622, and 4513.66 of the Revised Code be 9  
enacted to read as follows: 10

**Sec. 4513.01.** ~~As provided~~ The definitions contained in 11  
section 4511.01 of the Revised Code, ~~the definitions set forth in~~ 12  
~~that section~~ apply to this chapter, except that for purposes of 13  
sections 4513.60 to 4513.65 of the Revised Code "motor vehicle" 14  
does not include manufactured homes or mobile homes. 15

**Sec. 4513.62.** Unclaimed motor vehicles ordered into storage 16  
pursuant to division (A)(1) of section 4513.60 or section 4513.61 17

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, or township police district to a motor vehicle salvage dealer or scrap metal processing facility as defined in section 4737.05 of the Revised Code, or to any other facility owned by or under contract with the county, municipal corporation, or township, for the disposal of such motor vehicles, or shall be sold by the sheriff, chief of police, or licensed auctioneer 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. Any moneys accruing from the disposition of an unclaimed motor vehicle 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, the municipal corporation, or the township, as the case may be.

When a motor vehicle is disposed of under this section in any manner, the county, municipal corporation, township, or township police district shall send written notification to the vehicle owner not later than twenty-one days after the disposition informing the vehicle owner of that fact and of the amount that resulted from the disposition and the amount of the expenses paid from the proceeds of the disposition.

Sec. 4513.621. (A) A private tow truck operator, towing company, or other person who is in possession of a motor vehicle that was left on a public street or other property open to the public for purposes of vehicular travel or upon or within the right-of-way of any public road or highway and that was ordered into storage pursuant to section 4513.61 of the Revised Code, and that has remained unclaimed by the owner for more than fourteen days, shall cause a search to be made of the records of the bureau of motor vehicles to ascertain the owner and any lienholder of the

motor vehicle. If the operator, company, or other person is able 50  
to obtain this information from a sheriff or chief of police who 51  
obtained this information in accordance with section 4513.61 of 52  
the Revised Code, the operator, company, or other person is not 53  
required to cause the search described in this division to be 54  
made. The operator, company, or other person shall send a notice 55  
to the owner and any lienholder of record at each person's last 56  
known address, by certified mail with return receipt requested. 57

(B) The notice that is sent pursuant to division (A) of this 58  
section shall do all of the following: 59

(1) State that the operator, company, or other person is in 60  
possession of the motor vehicles; 61

(2) State that the motor vehicle may be disposed of in 62  
accordance with law if its release is not secured; 63

(3) Describe in detail the method by which the owner or 64  
lienholder may claim the vehicle, including all fees due for the 65  
removal and storage of the vehicle, the acceptable method of 66  
payment, the hours during which the vehicle may be claimed, and 67  
the acceptable proof of ownership or proof of a lien on the 68  
vehicle, as the case may be. Presentation of a certificate of 69  
title to the motor vehicle constitutes acceptable proof of 70  
ownership and proof of a lien on the vehicle may be established 71  
only by presentation of a written document that evidences the 72  
lien. 73

The fees due may include an administrative fee of twenty-five 74  
dollars to reimburse the operator, company, or other person in 75  
possession of the motor vehicle for expenses incurred in acting 76  
under and complying with sections 4513.621 and 4513.622 of the 77  
Revised Code. 78

(4) State that, in accordance with section 4513.622 of the 79  
Revised Code, the owner may not be eligible for the issuance of a 80

certificate of registration for any motor vehicle owned or leased 81  
by the owner if the owner fails to pay the fees due for the 82  
removal or storage of the motor vehicle, plus, if applicable, the 83  
administrative fee described in this section. 84

(C) The owner or lienholder of the motor vehicle may reclaim 85  
it upon payment of the fees due for its removal and storage and, 86  
if applicable, any administrative fee, and presentation of 87  
acceptable proof of ownership or proof of a lien on the vehicle. 88

(D) If the owner or lienholder does not reclaim the vehicle 89  
in accordance with division (C) of this section, the operator, 90  
company, or other person may proceed under section 4513.622 of the 91  
Revised Code and request the small claims court to issue an order 92  
prohibiting the vehicle owner from registering, renewing, or 93  
transferring the registration of any vehicle. 94

**Sec. 4513.622.** (A) If the owner of a motor vehicle that is in 95  
the possession of a tow truck operator, towing company, or other 96  
person for more than thirty days fails to secure the release of 97  
the motor vehicle as specified in section 4513.621 of the Revised 98  
Code, the operator, company, or other person may file a claim in 99  
the small claims division of the municipal court or county court 100  
that has jurisdiction over the location from which the vehicle 101  
originally was removed for the amount due the tow truck operator, 102  
towing company, or other person. The total amount that can be 103  
specified in the claim shall not exceed the amount of the towing 104  
fee based on the prevailing rates in the jurisdiction of the law 105  
enforcement entity that is involved plus the amount of the 106  
applicable daily storage fee normally charged by the operator, 107  
company, or other person multiplied by the number of days for 108  
which the vehicle has been stored by the operator, towing company, 109  
or other person, up to a maximum of thirty days, plus, if 110  
applicable, the administrative fee. 111

The court shall schedule a hearing on the claim, and notice shall be given to all parties as in any other case. At the hearing, the operator, company, or other person shall submit to the court all relevant evidence, including proof of the various amounts that are claimed to be owed and proof that the notice described in section 4513.621 of the Revised Code was mailed. The court shall consider any testimony and evidence presented by the vehicle owner prior to rendering its decision. If the court finds in favor of the operator, company, or other person and, by a preponderance of the evidence, finds that the operator, company, or other person is in possession of the vehicle in question and is owed an amount consisting of towing and storage fees relative to that vehicle plus, if applicable, the administrative fee, and that the operator, company, or other person sent the notice as required by section 4513.261 of the Revised Code, the court shall issue a judgment in favor of the operator, company, or other person that establishes the total amount owed the operator, company, or other person and the repayment terms and conditions. If the vehicle owner fails to appear at the hearing or appears at the hearing but refuses to accept the repayment terms and conditions established by the court, the court shall issue an order prohibiting the vehicle owner from registering, renewing, or transferring the registration of any vehicle until all the applicable fees are paid. The order shall indicate the total amount of fees due. The court shall send a copy of this order to the registrar of motor vehicles in a form and manner as the registrar prescribes.

(B) Except as provided in division (E) of this section, upon receipt of an order from a court issued under division (A) of this section, neither the registrar nor any deputy registrar shall accept any application for the registration, registration renewal, or transfer of registration of any motor vehicle owned or leased by the person named in the order unless the order is rescinded by the court under division (D) of this section.

(C) When any application described in division (B) of this section is refused as provided in that division, the registrar or deputy registrar to whom application is made shall inform the applicant that no such application may be accepted unless the order is rescinded by the court under division (D) of this section. The registrar or deputy registrar also shall inform the applicant of the method described in that division for obtaining rescission of the order. 145  
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(D) The owner of a vehicle named in an order issued under division (A) of this section may obtain a new order from the court rescinding the original order by paying to the tow truck operator, towing company, or other person who possesses the vehicle the amount of towing and storage fees plus, if applicable, the administrative fee specified in the original order. Upon presentation to the court of evidence of payment to the operator, company, or other person of that entire amount, the court shall issue a new order rescinding its original order and shall send a copy of the new order to the registrar. Upon receipt of the new order, the registrar may accept an application for registration, registration renewal, or transfer of registration from the person named in the order. 153  
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(E) This section does not apply to an applicant for registration, registration renewal, or transfer of registration who is a motor vehicle dealer as defined in section 4517.01 of the Revised Code or a motor vehicle renting dealer as defined in section 4549.65 of the Revised Code and is applying to register a vehicle in that capacity. 166  
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(F) The registrar shall adopt any forms and rules that are necessary to carry out the registrar's duties under this section. 172  
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**Sec. 4513.66.** The application of sections 4513.60 to 4513.65 of the Revised Code to a motor vehicle does not affect the 174  
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operation and applicability of Chapter 4509. of the Revised Code 176  
to that motor vehicle. 177

**Section 2.** That existing sections 4513.01 and 4513.62 of the 178  
Revised Code are hereby repealed. 179