

As Passed by the House

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Sub. H. B. No. 382

Representatives Duffey, Bishoff

**Cosponsors: Representatives Adams, J., Terhar, Becker, Dovilla, Grossman,
Henne, Hood, Mallory, Fedor, Ramos, Blessing, Heard, Hagan, R., Young,
Barborak, Conditt, Sheehy, Anielski, Antonio, Beck, Blair, Boyce, Brown,
Buchy, Burkley, Carney, Driehaus, Foley, Gerberry, Green, Huffman, Letson,
Milkovich, Phillips, Pillich, Rogers, Schuring, Slesnick, Smith, Stinziano,
Winburn Speaker Batchelder**

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A B I L L

To amend sections 4513.60, 4513.61, 4513.64, 4921.25, 1
and 4923.99 and to enact sections 4513.601, 2
4513.602, 4513.67, 4921.251, and 4921.252 of the 3
Revised Code to revise the procedures and 4
penalties governing the towing of motor vehicles 5
and to require the Public Utilities Commission to 6
adopt certain rules regarding a for-hire motor 7
carrier engaged in towing. 8

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

Section 1. That sections 4513.60, 4513.61, 4513.64, 4921.25, 9
and 4923.99 be amended and sections 4513.601, 4513.602, 4513.67, 10
4921.251, and 4921.252 of the Revised Code be enacted to read as 11
follows: 12

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 13
police of a municipal corporation, township, or township or joint 14

police district, within the sheriff's or chief's respective 15
territorial jurisdiction, upon complaint of any person adversely 16
affected, may order into storage any motor vehicle, other than an 17
abandoned junk motor vehicle as defined in section 4513.63 of the 18
Revised Code, that has been left on private residential or private 19
agricultural property for at least four hours without the 20
permission of the person having the right to the possession of the 21
property. The sheriff or chief of police, upon complaint of the 22
owner of a repair garage or place of storage, may order into 23
storage any motor vehicle, other than an abandoned junk motor 24
vehicle, that has been left at the garage or place of storage for 25
a longer period than that agreed upon. ~~The place of storage shall~~ 26
~~be designated by the sheriff or chief of police.~~ When ordering a 27
motor vehicle into storage pursuant to this division, a sheriff or 28
chief of police, whenever possible, shall arrange do both of the 29
following: 30

(a) Arrange for the removal of the motor vehicle by a private 31
tow truck operator or towing company. Subject service; and 32

(b) Designate a place of storage that meets all of the 33
following requirements: 34

(i) It is conveniently located. 35

(ii) It is on or within a reasonable distance of a regularly 36
scheduled route of one or more modes of public transportation, if 37
any public transportation is available in the municipal 38
corporation or township in which the motor vehicle is located at 39
the time of removal. 40

(iii) It accepts major credit cards for the payment of the 41
applicable fees. 42

(2) A towing service towing a motor vehicle under division 43
(A)(1) of this section shall remove the motor vehicle in 44
accordance with that division and in accordance with applicable 45

rules of the public utilities commission adopted under section 46
4921.25 of the Revised Code. The towing service shall deliver the 47
motor vehicle to the location designated by the sheriff or chief 48
of police not more than two hours after the time it is removed 49
from the private property. 50

(3) Subject to division ~~(C)~~(B) of this section, the owner of 51
a motor vehicle that has been removed pursuant to this division 52
may recover the vehicle only in accordance with division ~~(E)~~(D) of 53
this section. 54

~~(2) Divisions (A)(1) to (3) of this section do not apply to 55~~
~~any private residential or private agricultural property that is 56~~
~~established as a private tow-away zone in accordance with division 57~~
~~(B) of this section. 58~~

~~(3)(4) As used in divisions (A)(1) and (2) of this section, 59~~
~~"private residential property" means private property on which is 60~~
~~located one or more structures that are used as a home, residence, 61~~
~~or sleeping place by one or more persons, if no more than three 62~~
~~separate households are maintained in the structure or structures. 63~~
~~"Private residential property" does not include any private 64~~
~~property on which is located one or more structures that are used 65~~
~~as a home, residence, or sleeping place by two or more persons, if 66~~
~~more than three separate households are maintained in the 67~~
~~structure or structures. 68~~

~~(B)(1) The owner of private property may establish a private 69~~
~~tow-away zone only if all of the following conditions are 70~~
~~satisfied: 71~~

~~(a) The owner posts on the owner's property a sign, that is 72~~
~~at least eighteen inches by twenty four inches in size, that is 73~~
~~visible from all entrances to the property, and that contains at 74~~
~~least all of the following information: 75~~

~~(i) A notice that the property is a private tow-away zone and 76~~

~~that vehicles not authorized to park on the property will be towed away;~~ 77
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~~(ii) The telephone number of the person from whom a towed away vehicle can be recovered, and the address of the place to which the vehicle will be taken and the place from which it may be recovered;~~ 79
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~~(iii) A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge, in an amount not to exceed ninety dollars, and a storage charge, in an amount not to exceed twelve dollars per twenty four hour period; except that the charge for towing shall not exceed one hundred fifty dollars, and the storage charge shall not exceed twenty dollars per twenty four hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of ten thousand pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer.~~ 83
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~~(b) The place to which the towed vehicle is taken and from which it may be recovered is conveniently located, is well lighted, and 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.~~ 94
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~~(2) If a vehicle is parked on private property that is established as a private tow away zone in accordance with division (B)(1) of this section, without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner or the owner's agent may remove, or cause the removal of, the vehicle, the owner and the operator of the vehicle shall be deemed to have consented to the removal and storage of the vehicle and to the payment of the towing and~~ 101
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~~storage charges specified in division (B)(1)(a)(iii) of this 109
section, and the owner, subject to division (C) of this section, 110
may recover a vehicle that has been so removed only in accordance 111
with division (E) of this section. 112~~

~~(3) If a municipal corporation requires tow trucks and tow 113
truck operators to be licensed, no owner of private property 114
located within the municipal corporation shall remove, or shall 115
cause the removal and storage of, any vehicle pursuant to division 116
(B)(2) of this section by an unlicensed tow truck or unlicensed 117
tow truck operator. 118~~

~~(4) Divisions (B)(1) to (3) of this section do not affect or 119
limit the operation of division (A) of this section or sections 120
4513.61 to 4513.65 of the Revised Code as they relate to property 121
other than private property that is established as a private 122
tow away zone under division (B)(1) of this section. 123~~

~~(C) If the owner or operator of a motor vehicle that has been 124
ordered into storage pursuant to division (A)(1) of this section 125
or of a vehicle that is being removed under authority of division 126
(B)(2) of this section arrives after the motor vehicle or vehicle 127
has been prepared for removal, but prior to its actual removal 128
from the property, the towing service shall give the owner or 129
operator shall be given the opportunity to oral or written 130
notification at the time of such arrival that the vehicle owner or 131
operator may pay a fee of not more than one-half of the charge fee 132
for the removal of the motor vehicles under division (A)(1) of 133
this section or of vehicles under division (B)(2) of this section, 134
whichever is applicable, that normally is assessed by the person 135
who has prepared the motor vehicle or vehicle for removal vehicle 136
established by the public utilities commission in rules adopted 137
under section 4921.25 of the Revised Code, in order to obtain 138
release of the motor vehicle or vehicle. Upon payment of that fee, 139
which may be made by use of a major credit card, the towing 140~~

service shall give the vehicle owner or operator a receipt showing 141
both the full amount normally assessed and the actual amount 142
received and shall release the motor vehicle ~~or vehicle shall be~~ 143
~~released to the owner or operator, and upon.~~ Upon its release, the 144
owner or operator immediately shall move it so that: 145

~~(1) If the motor vehicle was ordered into storage pursuant to~~ 146
~~division (A)(1) of this section,~~ it is not on the private 147
residential or private agricultural property without the 148
permission of the person having the right to possession of the 149
property, or is not at the garage or place of storage without the 150
permission of the owner, whichever is applicable. 151

~~(2) If the vehicle was being removed under authority of~~ 152
~~division (B)(2) of this section, it is not parked on the private~~ 153
~~property established as a private tow away zone without the~~ 154
~~consent of the owner or in violation of any posted parking~~ 155
~~condition or regulation.~~ 156

~~(D)(1) If an owner of private property that is established as~~ 157
~~a private tow away zone in accordance with division (B)(1) of this~~ 158
~~section or the authorized agent of such an owner removes or causes~~ 159
~~the removal of a vehicle from that property under authority of~~ 160
~~division (B)(2) of this section, the owner or agent promptly shall~~ 161
~~notify the police department of the municipal corporation,~~ 162
~~township, or township or joint police district in which the~~ 163
~~property is located, of the removal, the vehicle's license number,~~ 164
~~make, model, and color, the location from which it was removed,~~ 165
~~the date and time of its removal, the telephone number of the~~ 166
~~person from whom it may be recovered, and the address of the place~~ 167
~~to which it has been taken and from which it may be recovered.~~ 168

(2) If the vehicle owner or operator is present with the 169
motor vehicle and is not incapacitated, or arrives before the 170
motor vehicle has been prepared for removal, the sheriff or chief 171
of police shall allow the vehicle owner or operator the 172

opportunity to arrange for the removal of the vehicle within a 173
period of time specified by the sheriff or chief of police. If the 174
vehicle owner or operator does not arrange for the removal of the 175
vehicle or if the sheriff or chief of police determines that the 176
vehicle has not been removed within the specified period of time, 177
the sheriff or chief of police shall order the removal of the 178
vehicle in accordance with this section. 179

(3) As used in division (B) of this section: 180

(a) "Motor vehicle has been prepared for removal" means the 181
vehicle has been loaded onto a tow vehicle or any part of the 182
vehicle has been placed upon or connected in any manner to an 183
assembly that is connected to the tow vehicle that enables the tow 184
vehicle to tow the vehicle. 185

(b) "Prior to its actual removal from the property" means, 186
after a motor vehicle has been prepared for removal, any part of 187
the motor vehicle that is being towed or any part of the tow 188
vehicle, including a tire and wheel assembly, is on the property 189
from which the motor vehicle is being towed. 190

(C)(1) Each county sheriff and each chief of police of a 191
municipal corporation, township, or township or joint police 192
district shall maintain a record of motor vehicles that the 193
sheriff or chief orders into storage pursuant to division (A)(1) 194
of this section ~~and of vehicles removed from private property in~~ 195
~~the sheriff's or chief's jurisdiction that is established as a~~ 196
~~private tow-away zone of which the sheriff or chief has received~~ 197
~~notice under division (D)(1) of this section.~~ The record shall 198
include an entry for each such motor vehicle ~~or vehicle~~ that 199
identifies the motor vehicle's ~~or vehicle's~~ license number, make, 200
model, and color, the location from which it was removed, the date 201
and time of its removal, the telephone number of the person from 202
whom it may be recovered, and the address of the place to which it 203
has been taken and from which it may be recovered. ~~Any~~ A sheriff 204

or chief of police shall provide any information in the record 205
that pertains to a particular motor vehicle ~~or vehicle shall be~~ 206
~~provided~~ to any person who, either in person or pursuant to a 207
telephone call, identifies self as the owner or operator of the 208
motor vehicle ~~or vehicle~~ and requests information pertaining to 209
its location. 210

~~(3)~~(2) Any person who registers a complaint that is the basis 211
of a sheriff's or police chief's order for the removal and storage 212
of a motor vehicle under division (A)(1) of this section shall 213
provide the identity of the law enforcement agency with which the 214
complaint was registered to any person who identifies self as the 215
owner or operator of the motor vehicle and requests information 216
pertaining to its location. 217

~~(E)~~(D)(1) The owner or lienholder of a motor vehicle that is 218
ordered into storage pursuant to division (A)(1) of this section 219
~~or of a vehicle that is removed under authority of division (B)(2)~~ 220
~~of this section~~ may reclaim it upon ~~payment of any expenses or~~ 221
~~charges incurred in its removal, in an amount not to exceed ninety~~ 222
~~dollars, and storage, in an amount not to exceed twelve dollars~~ 223
~~per twenty four hour period; except that the charge for towing~~ 224
~~shall not exceed one hundred fifty dollars, and the storage charge~~ 225
~~shall not exceed twenty dollars per twenty four hour period, if~~ 226
~~the vehicle has a manufacturer's gross vehicle weight rating in~~ 227
~~excess of ten thousand pounds and is a truck, bus, or a~~ 228
~~combination of a commercial tractor and trailer or semitrailer.~~ 229
~~Presentation of~~ presentation of proof of ownership, which may be 230
~~evidenced by a certificate of title to the motor vehicle or~~ 231
~~vehicle also shall be required for reclamation of the vehicle. If~~ 232
and payment of all applicable fees in conformance with the rules 233
adopted by the public utilities commission under section 4921.25 234
of the Revised Code. 235

(2) A towing service or storage facility in possession of a 236

motor vehicle that is ordered into storage under division (A)(1) 237
of this section shall give the motor vehicle owner, operator, or 238
lienholder who contests the removal of the vehicle written notice 239
that if the owner, operator, or lienholder disputes that the motor 240
vehicle was lawfully towed, the owner, operator, or lienholder may 241
contact the public utilities commission about the options for 242
contesting the tow, including mediation and legal action. 243

(3) Upon presentation of proof of ownership in conformance 244
with the rules adopted by the public utilities commission under 245
section 4921.25 of the Revised Code, the owner of a motor vehicle 246
that is ordered into storage under division (A)(1) of this section 247
may retrieve any personal items from the vehicle without 248
retrieving the vehicle and without paying any fee. However, the 249
owner may not retrieve any personal item that has been determined 250
by the sheriff or chief of police, as applicable, to be necessary 251
to a criminal investigation. For purposes of division (D)(3) of 252
this section, "personal items" do not include any items that are 253
attached to the motor vehicle. 254

(4) If a motor vehicle that is ordered into storage pursuant 255
to division (A)(1) of this section remains unclaimed by the owner 256
for thirty days, the procedures established by sections 4513.61 257
and 4513.62 of the Revised Code shall apply. 258

~~(F)(E)(1) No person shall remove, or cause the removal of,~~ 259
~~any vehicle from private property that is established as a private~~ 260
~~tow-away zone under division (B)(1) of this section other than in~~ 261
~~accordance with division (B)(2) of this section, and no person~~ 262
~~shall remove, or cause the removal of, any motor vehicle from any~~ 263
~~other private residential or private agricultural property other~~ 264
~~than in accordance with division (A)(1) of this section or~~ 265
~~sections 4513.61 to 4513.65 of the Revised Code.~~ 266

(2) No towing service or storage facility shall fail to 267
provide the written notice in accordance with division (D)(2) of 268

this section. 269

(3) No towing service or storage facility shall charge or 270
collect any fee that exceeds the maximum applicable fee 271
established by the public utilities commission under section 272
4921.25 of the Revised Code, charge or collect any fee that is not 273
authorized by the public utilities commission under that division, 274
or refuse to accept a major credit card for the payment of the 275
applicable fees. 276

(4) No towing service or storage facility shall refuse to 277
allow the owner of a vehicle to retrieve personal items from the 278
vehicle in accordance with division (D)(3) of this section or 279
charge or collect any fee related to the retrieval of such 280
personal items. 281

(5) No towing service that is removing a vehicle under this 282
section shall fail to inform a vehicle owner or operator of the 283
opportunity to pay a reduced fee under division (B) of this 284
section if the vehicle owner or operator arrives after the motor 285
vehicle or vehicle has been prepared for removal, but prior to its 286
actual removal from the property. 287

(6) No towing service shall fail to display the business 288
telephone number of the towing service on both sides of the towing 289
vehicle in accordance with rules adopted by the public utilities 290
commission under section 4921.25 of the Revised Code. 291

(F) This section does not apply to any private residential or 292
private agricultural property that is established as a private 293
tow-away zone in accordance with section 4513.601 of the Revised 294
Code. 295

(G) ~~Whoever~~ The owner of any towing service or storage 296
facility that violates division ~~(B)(3)~~ or ~~(F)(E)~~ of this section 297
is guilty of a minor misdemeanor on the first offense, a 298
misdemeanor of the fourth degree on the second offense, and a 299

misdemeanor of the third degree on the third or subsequent 300
offense. 301

(H) In addition to any penalty imposed under division (G) of 302
this section, any for-hire motor carrier engaged in the towing of 303
motor vehicles who violates division (E) of this section is 304
subject to sanctions imposed by the public utilities commission by 305
rule adopted under section 4921.25 of the Revised Code. 306

Sec. 4513.601. (A) The owner of private property may 307
establish a private tow-away zone, but may do so only if all of 308
the following conditions are satisfied: 309

(1) The owner posts on the owner's property a sign, that is 310
at least eighteen inches by twenty-four inches in size, that is 311
visible from all entrances to the property, and that includes all 312
of the following information: 313

(a) A statement that the property is a tow-away zone; 314

(b) A description of persons authorized to park on the 315
property. If the property is a residential property, the owner of 316
the private property may include on the sign a statement that only 317
tenants and guests may park in the private tow-away zone, subject 318
to the terms of the property owner. If the property is a 319
commercial property, the owner of the private property may include 320
on the sign a statement that only customers may park in the 321
private tow-away zone. In all cases, if it is not apparent which 322
persons may park in the private tow-away zone, the owner shall 323
include on the sign the address of the property on which the 324
private tow-away zone is located or the name of the business which 325
is located on the property designated as a private tow-away zone. 326

(c) If the private tow-away zone is not enforceable at all 327
times, the times during which the parking restrictions are 328
enforced; 329

(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; 330
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(e) The telephone number and web site of the public utilities commission and a statement that if a person disputes the tow, the person may contact the commission. 333
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The owner of property that has been established as a private tow-away zone under section 4513.60 of the Revised Code as that section existed prior to the effective date of this section may retain existing private tow-away zone signs that comply with that section for up to five years after the effective date of this section. At any time, in order to comply with the requirements of division (B)(1) of this section, such a property owner may modify the existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign. 336
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(2) All of the following apply to the place to which a towed vehicle may be taken and from which it may be recovered: 345
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(a) It is located within twenty 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 linear miles. 347
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(b) It is well lighted. 350

(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. 351
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(3) The towing service and storage facility used by the owner of the private property that is established as a private tow-away zone accepts major credit cards for payment of all applicable charges at the location of the private tow-away zone prior to the actual removal of the vehicle from the property as specified under 356
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division (C) of this section, as well as at the storage facility 361
to which the vehicle is removed. 362

(B)(1) If a vehicle is parked on private property that is 363
established as a private tow-away zone in accordance with division 364
(A) of this section, without the consent of the owner of the 365
property or in violation of any posted parking condition or 366
regulation, the owner may cause the removal of the vehicle by a 367
towing service pursuant to a written contract for the removal of 368
vehicles so long as the contract contains all terms that are 369
required by the public utilities commission under section 4921.25 370
of the Revised Code. The towing service shall remove the vehicle 371
in accordance with this section and in accordance with applicable 372
rules of the public utilities commission adopted under section 373
4921.25 of the Revised Code governing vehicle removal by a 374
for-hire motor carrier. The vehicle owner and the operator of the 375
vehicle are considered to have consented to the removal and 376
storage of the vehicle and to the payment of the applicable fees 377
so long as those fees do not exceed the maximum applicable fees 378
established in rules adopted by the public utilities commission 379
under section 4921.25 of the Revised Code. The owner or lienholder 380
of a vehicle that has been removed under this section, subject to 381
division (C) of this section, may recover the vehicle in 382
accordance with division (F) of this section. 383

(2) If a municipal corporation requires tow trucks and tow 384
truck operators to be licensed, no owner of private property 385
located within the municipal corporation shall cause the removal 386
and storage of any vehicle pursuant to division (B) of this 387
section by an unlicensed tow truck or unlicensed tow truck 388
operator. 389

(C)(1) If the owner or operator of a vehicle that is being 390
removed under authority of division (B) of this section arrives 391
after the vehicle has been prepared for removal, but prior to its 392

actual removal from the property, the towing service shall give 393
the vehicle owner or operator oral or written notification at the 394
time of such arrival that the vehicle owner or operator may pay a 395
fee of not more than one-half of the fee for the removal of the 396
vehicle established by the public utilities commission in rules 397
adopted under section 4921.25 of the Revised Code in order to 398
obtain release of the vehicle. Upon payment of that fee, which may 399
be made by use of a major credit card, the towing service shall 400
give the vehicle owner or operator a receipt showing both the full 401
amount normally assessed and the actual amount received and shall 402
release the vehicle to the owner or operator. Upon its release, 403
the owner or operator immediately shall move the vehicle so that 404
the vehicle is not parked on the private property established as a 405
private tow-away zone without the consent of the owner or in 406
violation of any posted parking condition or regulation. 407

(2) As used in division (C) of this section: 408

(a) "Vehicle has been prepared for removal" means the vehicle 409
has been loaded onto a tow vehicle or any part of the vehicle has 410
been placed upon or connected in any manner to an assembly that is 411
connected to the tow vehicle that enables the tow vehicle to tow 412
the vehicle. 413

(b) "Prior to its actual removal from the property" means, 414
after a vehicle has been prepared for removal, any part of the 415
vehicle that is being towed or any part of the tow vehicle, 416
including a tire and wheel assembly, is on the property from which 417
the vehicle is being towed. 418

(D)(1) Prior to towing a vehicle under division (B) of this 419
section, a towing service shall make all reasonable efforts to 420
take as many photographs as necessary to evidence that the vehicle 421
is clearly parked on private property in violation of a private 422
tow-away zone established under division (A) of this section. 423

The towing service shall record the time and date of the 424
photographs taken under this section. The towing service shall 425
retain the photographs and the record of the time and date, in 426
electronic or printed form, for at least thirty days after the 427
date on which the vehicle is recovered by the owner or lienholder 428
or at least two years after the date on which the vehicle was 429
towed, whichever is earlier. 430

(2) A towing service shall deliver a vehicle towed under 431
division (B) of this section to the location from which it may be 432
recovered not more than two hours after the time it was removed 433
from the private tow-away zone. 434

(E)(1) If an owner of private property that is established as 435
a private tow-away zone in accordance with division (A) of this 436
section causes the removal of a vehicle from that property by a 437
towing service pursuant to a written contract under division (B) 438
of this section, the towing service, within two hours of removing 439
the vehicle, shall provide notice to the sheriff of the county or 440
the police department of the municipal corporation, township, or 441
township or joint police district in which the property is located 442
concerning all of the following: 443

(a) The vehicle's license number, make, model, and color; 444

(b) The location from which the vehicle was removed; 445

(c) The date and time the vehicle was removed; 446

(d) The telephone number of the person from whom the vehicle 447
may be recovered; 448

(e) The address of the place from which the vehicle may be 449
recovered. 450

(2) Each county sheriff and each chief of police of a 451
municipal corporation, township, or township or joint police 452
district shall maintain a record of any vehicle removed from 453

private property in the sheriff's or chief's jurisdiction that is 454
established as a private tow-away zone of which the sheriff or 455
chief has received notice under this section. The record shall 456
include all information submitted by the towing service. Any 457
information in the record that pertains to a particular vehicle 458
shall be provided to any person who, either in person or pursuant 459
to a telephone call, identifies self as the owner, operator, or 460
lienholder of the vehicle and requests information pertaining to 461
the location of the vehicle. 462

(F)(1) The owner or lienholder of a vehicle that is removed 463
under authority of division (B) of this section may reclaim it 464
upon presentation of proof of ownership and payment of all 465
applicable fees in conformance with the rules adopted by the 466
public utilities commission under section 4921.25 of the Revised 467
Code. 468

(2) A towing service or storage facility in possession of a 469
motor vehicle that is removed under authority of division (B) of 470
this section shall show the vehicle owner, operator, or lienholder 471
who contests the removal of the vehicle all photographs taken 472
under division (D) of this section. Upon request, the towing 473
service or storage facility shall provide copies of all 474
photographs in the medium in which the photographs are stored, 475
whether paper, electronic, or otherwise. The towing service or 476
storage facility also shall give written notice to the owner, 477
operator, or lienholder stating that if the owner, operator, or 478
lienholder disputes that the vehicle was lawfully towed, the 479
owner, operator, or lienholder may contact the public utilities 480
commission about the options for contesting the tow, including 481
mediation and legal action. 482

(3) Upon presentation of proof of ownership in conformance 483
with the rules adopted by the public utilities commission under 484
section 4921.25 of the Revised Code, the owner of a vehicle that 485

is removed under authority of division (B) of this section may 486
retrieve any personal items from the vehicle without retrieving 487
the vehicle and without paying any fee. For purposes of division 488
(F)(3) of this section, "personal items" do not include any items 489
that are attached to the vehicle. 490

(G)(1) No towing service or storage facility shall remove, or 491
cause the removal of, any vehicle from private property that is 492
established as a private tow-away zone under this section or store 493
such a vehicle other than in accordance with this section and 494
applicable rules adopted by the public utilities commission under 495
section 4921.25 of the Revised Code. 496

(2) No towing service or storage facility shall fail to show 497
or provide photographs to a vehicle owner, operator, or lienholder 498
who contests the removal of a vehicle or fail to provide the 499
written notice in accordance with division (F)(2) of this section. 500

(3) No towing service or storage facility shall charge or 501
collect any fee that exceeds the maximum applicable fee 502
established by the public utilities commission under section 503
4921.25 of the Revised Code, charge or collect any fee that is not 504
authorized by the public utilities commission under that division, 505
or refuse to accept a major credit card for the payment of the 506
applicable fees. 507

(4) No towing service or storage facility shall refuse to 508
allow the owner of a vehicle to retrieve personal items from the 509
vehicle in accordance with division (F) of this section or charge 510
or collect any fee related to the retrieval of such personal 511
items. 512

(5) No towing service that is removing a vehicle under this 513
section shall fail to inform a vehicle owner or operator of the 514
opportunity to pay a reduced fee under division (C) of this 515
section if the vehicle owner or operator arrives after the motor 516

vehicle or vehicle has been prepared for removal, but prior to its 517
actual removal from the property. 518

(6) No towing service shall fail to display the business 519
telephone number of the towing service on both sides of the towing 520
vehicle in accordance with rules adopted by the public utilities 521
commission under section 4921.25 of the Revised Code. 522

(7) No towing service shall offer, and no property owner 523
shall accept, any compensation, financial or otherwise, in 524
exchange for the authorization of the towing service to remove 525
vehicles from a private tow-away zone. 526

(H) This section does not affect or limit the operation of 527
section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code 528
as they relate to property other than private property that is 529
established as a private tow-away zone under division (A) of this 530
section. 531

(I) The owner of any towing service or storage facility or 532
property owner that violates any applicable provision of division 533
(G) of this section is guilty of a minor misdemeanor on the first 534
offense, a misdemeanor of the fourth degree on the second offense, 535
and a misdemeanor of the third degree on the third or subsequent 536
offense. 537

(J) In addition to any penalty imposed under division (I) of 538
this section, any for-hire motor carrier engaged in the towing of 539
motor vehicles who violates division (G) of this section is 540
subject to sanctions imposed by the public utilities commission by 541
rule adopted under section 4921.25 of the Revised Code. 542

Sec. 4513.602. (A) In any circumstance in which a motor 543
vehicle is removed by a towing service pursuant to a contract with 544
a municipal corporation, county, or township and the removal is 545
not performed under section 4513.60 or 4513.61 of the Revised 546

Code, the towing service or storage facility shall do all of the 547
following as applicable: 548

(1) Remove the vehicle in accordance with the applicable 549
rules of the public utilities commission adopted under section 550
4921.25 of the Revised Code that govern vehicle removal by a 551
for-hire motor carrier; 552

(2) Impose fees for the removal and storage of a vehicle only 553
in accordance with rules adopted by the public utilities 554
commission under section 4921.25 of the Revised Code and accept 555
major credit cards for payment of all such fees; 556

(3)(a) Give a vehicle owner or operator who arrives after the 557
vehicle has been prepared for removal, but prior to its actual 558
removal, oral or written notification of both of the following: 559

(i) That the owner or operator may obtain the immediate 560
release of the vehicle; 561

(ii) That immediate release of the vehicle is conditioned on 562
the payment of a fee of not more than one-half of the fee for the 563
removal of a motor vehicle established by the public utilities 564
commission under section 4921.25 of the Revised Code. 565

Upon payment of that fee, which may be made by use of a major 566
credit card, the towing service shall give the vehicle owner or 567
operator a receipt showing both the full amount normally assessed 568
and the actual amount received and shall release the vehicle to 569
the owner or operator. Upon its release, the owner or operator 570
immediately shall move it from the location where it was ordered 571
into storage to a place where it is not subject to removal. 572

(b) As used in division (A)(3)(a) of this section: 573

(i) "Vehicle has been prepared for removal" means the vehicle 574
has been loaded onto a tow vehicle or any part of the vehicle has 575
been placed upon or connected in any manner to an assembly that is 576

connected to the tow vehicle that enables the tow vehicle to tow 577
the vehicle. 578

(ii) "Prior to its actual removal" means that all tasks 579
necessary to remove the vehicle have been completed but the 580
vehicle has not yet been moved. 581

(4) Make all reasonable efforts to take as many photographs 582
as necessary to evidence that the vehicle is clearly parked in 583
violation of a posted parking restriction or any other applicable 584
ordinance or resolution of the municipal corporation, county, or 585
township. 586

The towing service also shall record the time and date of the 587
photographs. The towing service shall retain the photographs and 588
record, in electronic or printed form, for at least thirty days 589
after the date on which the vehicle is recovered by the owner or 590
lienholder or at least two years from the date on which the 591
vehicle was towed whichever is earlier. 592

(5) Deliver the vehicle to the location from which it may be 593
recovered not more than two hours after the time it was removed. 594

(6) Ensure that all of the following apply to the place from 595
which the vehicle may be recovered: 596

(a) It is conveniently located. 597

(b) It is well lighted. 598

(c) It is on or within a reasonable distance of a regularly 599
scheduled route of one or more modes of public transportation, if 600
any public transportation is available in the municipal 601
corporation or township in which the vehicle is located at the 602
time of removal. 603

(d) It accepts major credit cards for the payment of all 604
applicable charges. 605

(B)(1) The owner or lienholder of a vehicle may reclaim the 606

vehicle under this section upon payment of the applicable fees and 607
presentation of proof of ownership in conformance with rules 608
adopted by the public utilities commission under section 4921.25 609
of the Revised Code. 610

(2) A towing service or storage facility in possession of a 611
motor vehicle that was removed under division (A) of this section 612
shall show the vehicle owner, operator, or lienholder who contests 613
the removal of the vehicle all photographs taken under division 614
(A)(4) of this section. Upon request, the towing service or 615
storage facility shall provide copies of all photographs in the 616
medium in which the photographs are stored, whether paper, 617
electronic, or otherwise. The towing service or storage facility 618
also shall give written notice to the owner, operator, or 619
lienholder stating that if the owner, operator, or lienholder 620
disputes that the vehicle was lawfully towed, the owner, operator, 621
or lienholder may contact the public utilities commission about 622
the options for contesting the tow, including mediation and legal 623
action. 624

(3) Upon presentation of proof of ownership in conformance 625
with the rules adopted by the public utilities commission under 626
section 4921.25 of the Revised Code, the owner of a vehicle that 627
is removed under division (A) of this section may retrieve any 628
personal items from the vehicle without retrieving the vehicle and 629
without paying any fee. For purposes of division (B)(3) of this 630
section, "personal items" do not include any items that are 631
attached to the vehicle. 632

(C) No towing service or storage facility shall fail to 633
comply with the requirements of this section. A towing service 634
that is required to take vehicles towed under this section to a 635
public impound lot pursuant to a written contract is not in 636
violation of division (A)(6) of this section if the public impound 637
lot fails to comply with that division. 638

(D) The owner of any towing service that violates division 639
(C) of this section is guilty of a minor misdemeanor on the first 640
offense, a misdemeanor of the fourth degree on the second offense, 641
and a misdemeanor of the third degree on the third or subsequent 642
offense. 643

(E) In addition to any penalty imposed under division (D) of 644
this section, any for-hire motor carrier engaged in the towing of 645
motor vehicles who violates division (C) of this section is 646
subject to sanctions imposed by the public utilities commission by 647
rule adopted under section 4921.25 of the Revised Code. 648

Sec. 4513.61. (A)(1) The sheriff of a county or chief of 649
police of a municipal corporation, township, or township or joint 650
police district, within the sheriff's or chief's respective 651
territorial jurisdiction, or a state highway patrol trooper, upon 652
notification to the sheriff or chief of police of such action and 653
of the location of the place of storage, may order into storage 654
any motor vehicle, including an abandoned junk motor vehicle as 655
defined in section 4513.63 of the Revised Code, that has come into 656
the possession of the sheriff, chief of police, or state highway 657
patrol trooper as a result of the performance of the sheriff's, 658
chief's, or trooper's duties or that has been left on a public 659
street or other property open to the public for purposes of 660
vehicular travel, or upon or within the right-of-way of any road 661
or highway, for forty-eight hours or longer without notification 662
to the sheriff or chief of police of the reasons for leaving the 663
motor vehicle in such place, except that when such a motor vehicle 664
constitutes an obstruction to traffic it may be ordered into 665
storage immediately. The Subject to division (C) of this section, 666
the sheriff or chief of police shall designate the place of 667
storage of any motor vehicle so ordered removed. 668

(2) If the vehicle owner or operator is present with the 669

motor vehicle and is not incapacitated, or arrives before the 670
sheriff, chief of police, or state highway patrol trooper has 671
ordered the vehicle into storage, the sheriff, chief of police, or 672
state highway patrol trooper shall allow the vehicle owner or 673
operator the opportunity to arrange for the removal of the vehicle 674
within a period of time specified by the sheriff, chief of police, 675
or state highway patrol trooper. However, the sheriff, chief of 676
police, or state highway patrol trooper is not required to allow a 677
vehicle owner or operator the opportunity to arrange for the 678
removal of the vehicle if the vehicle is being taken into the 679
custody of law enforcement. If the vehicle owner or operator does 680
not arrange for the removal of the vehicle, if the sheriff or 681
chief of police determines that the vehicle has not been removed 682
within the specified period of time, or if the vehicle is being 683
taken into the custody of law enforcement, the sheriff, chief of 684
police, or state highway patrol trooper shall order the removal of 685
the vehicle in accordance with this section. 686

(B) If the sheriff, chief of police, or a state highway 687
patrol trooper issues an order under division (A) of this section 688
and arranges for the removal of a motor vehicle by a towing 689
service, the towing service or storage facility in possession of 690
the motor vehicle shall do all of the following as applicable: 691

(1) Remove the motor vehicle in accordance with applicable 692
rules of the public utilities commission adopted under section 693
4921.25 of the Revised Code governing vehicle removal by a 694
for-hire motor carrier; 695

(2) In addition to the fee authorized under division (D)(3) 696
of this section, impose fees for the removal and storage of a 697
motor vehicle only in accordance with rules adopted by the public 698
utilities commission under section 4921.25 of the Revised Code and 699
accept major credit cards for payment of all such fees; 700

(3) Deliver a vehicle to the location designated by the 701

sheriff or chief of police not more than two hours after the time 702
it was removed. 703

(C) The sheriff, chief of police, or a state highway patrol 704
trooper designating a place of storage for a motor vehicle ordered 705
removed under division (A) of this section, whenever possible, 706
shall ensure that the place of storage meets all of the following 707
requirements: 708

(1) It is conveniently located. 709

(2) It is well lighted. 710

(3) It is on or within a reasonable distance of a regularly 711
scheduled route of one or more modes of public transportation, if 712
any public transportation is available in the municipal 713
corporation or township from which the vehicle was removed. 714

(4) It accepts major credit cards for payment of all 715
applicable charges. 716

(D)(1) The sheriff or chief of police immediately shall cause 717
a search to be made of the records of the bureau of motor vehicles 718
to ascertain the identity of the owner and any lienholder of a 719
motor vehicle ordered into storage by the sheriff or chief of 720
police, or by a state highway patrol trooper, ~~and, if known,~~. Upon 721
obtaining such identity, the sheriff or chief of police shall send 722
or cause to be sent ~~notice~~ to the owner or lienholder at the 723
owner's or lienholder's last known address by certified mail with 724
return receipt requested, notice that informs the owner or 725
lienholder that the motor vehicle will be declared a nuisance and 726
disposed of if not claimed within ten days of the date of mailing 727
of the notice. ~~The~~ 728

(2) ~~The~~ owner or lienholder of the motor vehicle may reclaim 729
~~it~~ the motor vehicle upon ~~payment of any expenses or charges~~ 730
~~incurred in its removal and storage, and presentation of proof of~~ 731
~~ownership, which may be evidenced by a certificate of title or~~ 732

~~memorandum certificate of title to the motor vehicle and payment~~ 733
~~of applicable fees in conformance with the rules adopted by the~~ 734
~~public utilities commission under section 4921.25 of the Revised~~ 735
~~Code. If the vehicle owner, operator, or lienholder contests the~~ 736
~~removal of the vehicle, the towing service or a storage facility~~ 737
~~shall give the motor vehicle owner, operator, or lienholder~~ 738
~~written notice that the owner, operator, or lienholder may contact~~ 739
~~the public utilities commission about the options for contesting~~ 740
~~the tow, including mediation and legal action. Upon presentation~~ 741
~~of proof of ownership, the owner of the motor vehicle also may~~ 742
~~retrieve any personal items from the vehicle without retrieving~~ 743
~~the vehicle and without paying any fee. ~~If~~ However, the owner may~~ 744
~~not retrieve any personal item that has been determined by the~~ 745
~~sheriff or chief of police, as applicable, to be necessary to a~~ 746
~~criminal investigation. For purposes of division (D)(2) of this~~ 747
~~section, "personal items" do not include any items that are~~ 748
~~attached to the vehicle.~~ 749

(3) If the owner or lienholder of the motor vehicle reclaims 750
it after a search of the records of the bureau has been conducted 751
and after notice has been sent to the owner or lienholder as 752
described in this section, and the search was conducted by the 753
owner of the place of storage or the owner's employee, and the 754
notice was sent to the motor vehicle owner by the owner of the 755
place of storage or the owner's employee, the owner or lienholder 756
shall pay to the place of storage a processing fee of twenty-five 757
dollars, in addition to ~~any expenses or charges incurred in the~~ 758
~~removal and storage of the vehicle~~ the applicable fees established 759
in rules adopted by the public utilities commission under section 760
4921.25 of the Revised Code. 761

(E) If the owner or lienholder makes no claim to the motor 762
vehicle within ten days of the date of mailing of the notice, and 763
if the vehicle is to be disposed of at public auction as provided 764

in section 4513.62 of the Revised Code, the sheriff or chief of 765
police, without charge to any party, shall file with the clerk of 766
courts of the county in which the place of storage is located an 767
affidavit showing compliance with the requirements of this 768
section. Upon presentation of the affidavit, the clerk, without 769
charge, shall issue a salvage certificate of title, free and clear 770
of all liens and encumbrances, to the sheriff or chief of police. 771
If the vehicle is to be disposed of to a motor vehicle salvage 772
dealer or other facility as provided in section 4513.62 of the 773
Revised Code, the sheriff or chief of police shall execute in 774
triplicate an affidavit, as prescribed by the registrar of motor 775
vehicles, describing the motor vehicle and the manner in which it 776
was disposed of, and that all requirements of this section have 777
been complied with. The sheriff or chief of police shall retain 778
the original of the affidavit for the sheriff's or chief's 779
records, and shall furnish two copies to the motor vehicle salvage 780
dealer or other facility. Upon presentation of a copy of the 781
affidavit by the motor vehicle salvage dealer, the clerk of 782
courts, within thirty days of the presentation, shall issue to 783
such owner a salvage certificate of title, free and clear of all 784
liens and encumbrances. 785

(F) Whenever a motor vehicle salvage dealer or other facility 786
receives an affidavit for the disposal of a motor vehicle as 787
provided in this section, the dealer or facility shall not be 788
required to obtain an Ohio certificate of title to the motor 789
vehicle in the dealer's or facility's own name if the vehicle is 790
dismantled or destroyed and both copies of the affidavit are 791
delivered to the clerk of courts. 792

(G) No towing service shall remove a vehicle other than in 793
accordance with division (B) of this section. No storage facility 794
shall store a vehicle other than in accordance with the 795
requirements of division (C) of this section. 796

(H) The owner of any towing service or storage facility that 797
violates division (G) of this section is guilty of a minor 798
misdemeanor on the first offense, a misdemeanor of the fourth 799
degree on the second offense, and a misdemeanor of the third 800
degree on the third or subsequent offense. 801

(I) In addition to any penalty imposed under division (H) of 802
this section, any for-hire motor carrier engaged in the towing of 803
motor vehicles who violates division (G) of this section is 804
subject to sanctions imposed by the public utilities commission by 805
rule adopted under section 4921.25 of the Revised Code. 806

Sec. 4513.64. (A) No person shall willfully leave an 807
abandoned junk motor vehicle as defined in section 4513.63 of the 808
Revised Code on private property for more than seventy-two hours 809
without the permission of the person having the right to the 810
possession of the property, or on a public street or other 811
property open to the public for purposes of vehicular travel or 812
parking, or upon or within the right-of-way of any road or 813
highway, for forty-eight hours or longer without notification to 814
the sheriff of the county or chief of police of the municipal 815
corporation, township, or township or joint police district of the 816
reasons for leaving the motor vehicle in such place. 817

For purposes of this section, the fact that a motor vehicle 818
has been so left without permission or notification is prima-facie 819
evidence of abandonment. 820

Nothing contained in sections 4513.60, 4513.601, 4513.61, and 821
4513.63 of the Revised Code shall invalidate the provisions of 822
municipal ordinances or township resolutions regulating or 823
prohibiting the abandonment of motor vehicles on streets, 824
highways, public property, or private property within municipal 825
corporations or townships. 826

(B) Whoever violates this section is guilty of a minor 827

misdemeanor and shall also be assessed any costs incurred by the 828
county, township, joint police district, or municipal corporation 829
in disposing of the abandoned junk motor vehicle that is the basis 830
of the violation, less any money accruing to the county, township, 831
joint police district, or municipal corporation from this disposal 832
of the vehicle. 833

Sec. 4513.67. (A)(1) A storage facility that accepts for 834
storage vehicles towed under section 4513.60, 4513.601, 4513.602, 835
or 4513.61 of the Revised Code shall conspicuously post a notice 836
at the entrance to the storage facility that states the telephone 837
number at which the owner or lienholder of a vehicle may contact 838
the owner or a representative of the storage facility at any time. 839
The owner of the storage facility also shall provide that 840
telephone number to the sheriff of a county or chief of police of 841
a municipal corporation, township, or township or joint police 842
district. The owner of the storage facility shall ensure that a 843
process is in place for purposes of answering calls at all times 844
day or night. 845

(2) After receiving a call from the owner or lienholder of a 846
vehicle who seeks to recover the vehicle, the owner of the storage 847
facility shall ensure that, within three hours of receiving the 848
phone call, a representative of the storage facility is available 849
to release the vehicle upon being presented with proof of 850
ownership of the vehicle and payment of all applicable fees in 851
accordance with section 4513.60, 4513.601, 4513.602, or 4513.61 of 852
the Revised Code. 853

(B) No owner of a storage facility shall fail to comply with 854
division (A) of this section. 855

(C) Except as otherwise provided in this division, this 856
section shall be enforced pursuant to the requirements and 857
procedures specified in section 4921.251 of the Revised Code. If 858

the public utilities commission determines that the owner of a 859
storage facility has failed to comply with the requirements of 860
division (A) of this section, the commission shall impose a fine 861
of one hundred dollars on the first offense, one hundred fifty 862
dollars on the second offense, and two hundred dollars on the 863
third or subsequent offense. The fine shall be deposited into the 864
public utilities safety fund created in section 4921.21 of the 865
Revised Code. 866

Sec. 4921.25. (A) Any person, firm, copartnership, voluntary 867
association, joint-stock association, company, or corporation, 868
wherever organized or incorporated, that is engaged in the towing 869
of motor vehicles is subject to regulation by the public utilities 870
commission as a for-hire motor carrier under this chapter. ~~Such an~~ 871
~~entity is not subject to any ordinance, rule, or resolution of a~~ 872
~~municipal corporation, county, or township that provides for the~~ 873
~~licensing, registering, or regulation of entities that tow motor~~ 874
~~vehicles.~~ 875

(B) The commission shall adopt rules under Chapter 111. of 876
the Revised Code that do all of the following: 877

(1) Establish the acceptable scope of consumer protection and 878
public safety regulations applicable to a for-hire motor carrier 879
engaged in the towing of motor vehicles under section 4513.60, 880
4513.601, 4513.602, or 4513.61 of the Revised Code that a county 881
or township may adopt pursuant to a resolution; 882

(2)(a) Establish the following fees that may be charged by a 883
for-hire motor carrier engaged in the towing of motor vehicles 884
under section 4513.60, 4513.601, 4513.602, or 4513.61 of the 885
Revised Code: 886

(i) For five years after the effective date of this 887
amendment, a maximum fee for the removal of a vehicle of ninety 888
dollars; or for a vehicle that has a manufacturer's gross vehicle 889

weight rating in excess of ten thousand pounds that is a truck, 890
bus, or a combination of commercial tractor and trailer or 891
semitrailer, a maximum fee of one hundred fifty dollars; 892

(ii) For five years after the effective date of this 893
amendment, a maximum storage fee of twelve dollars per 894
twenty-four-hour period, except the first twenty-four-hour period 895
during which no fee shall be assessed; or for a vehicle that has a 896
manufacturer's gross vehicle weight rating in excess of ten 897
thousand pounds that is a truck, bus, or a combination of 898
commercial tractor and trailer or semitrailer, a maximum storage 899
fee of twenty dollars per twenty-four-hour period, except the 900
first twenty-four-hour period during which no fee shall be 901
assessed; 902

(iii) Any other fees as determined by the commission in 903
addition to the maximum vehicle removal and storage fees. The 904
commission shall establish a maximum amount that may be charged 905
for each type of fee established by the commission under division 906
(B)(2)(a)(iii) of this section. 907

(b) Beginning five years after the effective date of this 908
amendment, the commission may revise the maximum vehicle removal 909
and storage fees established under divisions (B)(2)(a)(i) and (ii) 910
of this section. The commission may modify the fees established 911
under division (B)(2)(a)(iii) of this section at any time. 912

(c) The commission shall conduct a review of the fees 913
established by the commission every five years beginning five 914
years after the effective date of this amendment. 915

(d) The commission shall ensure that all fees established 916
under division (B)(2) of this section are fair, reasonable, and 917
nondiscriminatory. 918

(3) Require the display of the business telephone number of a 919
for-hire motor carrier engaged in the towing of motor vehicles 920

under section 4513.60, 4513.601, 4513.602, or 4513.61 of the 921
Revised Code on both sides of a vehicle used by the motor carrier 922
to tow other vehicles. The rules shall require the telephone 923
number to be displayed in a manner that is readily legible and 924
consistent with applicable markings required under federal law for 925
a commercial motor vehicle. 926

(4) Establish safety standards for the type of equipment 927
necessary to safely remove and tow vehicles based on the type of 928
vehicle being removed or towed; 929

(5) Establish standards for the removal of a vehicle from a 930
private tow-away zone by a for-hire motor carrier engaged in the 931
towing of motor vehicles in addition to standards and requirements 932
established under section 4513.601 of the Revised Code. The 933
standards may vary based on whether the private tow-away zone is 934
located on residential, retail, or other commercial property. 935

(6) Establish minimum terms that must be part of a written 936
contract between a property owner and a towing service in order 937
for the towing service to remove a vehicle under section 4513.601 938
of the Revised Code, including all of the following: 939

(a) The circumstances under which a towing service may remove 940
vehicles from the private tow-away zone; 941

(b) The hours during which the towing service may remove 942
vehicles from the private tow-away zone; 943

(c) A description of the area in which the towing 944
restrictions may be enforced. 945

(7) Determine which documents may be used by the owner or 946
lienholder of a vehicle to establish proof of ownership of a 947
vehicle for purposes of recovering the vehicle when the vehicle 948
has been towed under section 4513.60, 4513.601, 4513.602, or 949
4513.61 of the Revised Code; 950

(8) Establish a procedure for any vehicle owner or lienholder, or any company that insures the vehicle, to file a complaint against a for-hire motor carrier engaged in the towing of motor vehicles alleging a violation of section 4513.60, 4513.601, 4513.602, or 4513.61 of the Revised Code;

(9) Establish procedures and requirements governing mediation and arbitration conducted under section 4921.251 of the Revised Code;

(10) Establish a schedule of sanctions to be imposed on a for-hire motor carrier engaged in the towing of motor vehicles under section 4513.60, 4513.601, 4513.602, or 4513.61 of the Revised Code for a violation of any of those sections or a rule adopted under this section, that may include a monetary fine and, in the manner provided in section 4921.07 of the Revised Code, the suspension or revocation of the certificate of public convenience and necessity issued to the for-hire motor carrier. Any monetary fines collected pursuant to division (B)(10) of this section shall be deposited in the public utilities transportation safety fund created in section 4921.21 of the Revised Code and shall be utilized only for purposes of administering the duties of the commission under this section and section 4921.251 of the Revised Code.

(11) Adopt any other rules necessary to carry out the purposes of this section.

(C) No person shall knowingly falsify or fail to submit any information required to be submitted to the commission under this section or a rule adopted under it.

Sec. 4921.251. (A)(1) A person whose vehicle has been towed and who disputes some aspect of the removal by the towing service due to an alleged violation of section 4513.60, 4513.601, 4513.602, or 4513.61 of the Revised Code or an applicable rule

established under section 4921.25 of the Revised Code may request 982
the public utilities commission to facilitate mediation between 983
the vehicle owner and the towing service. The commission shall 984
request the towing service to participate in the mediation 985
hearing. 986

(2) If the towing service agrees to participate in the 987
mediation hearing, the commission shall hold the hearing as 988
expeditiously as possible, at a time and location determined by 989
the commission. During the hearing, the commission shall mediate 990
the dispute between the person and the towing service and attempt 991
to reach a conclusion that is satisfactory to both parties. 992

(3) The commission shall conduct the mediation in accordance 993
with rules adopted under section 4921.25 of the Revised Code. 994

(B)(1) If mediation conducted under division (A) of this 995
section does not reach a conclusion satisfactory to the person 996
whose motor vehicle was towed or if the towing service refused to 997
participate in the mediation, the person may submit a written 998
request to the commission in accordance with rules adopted under 999
section 4921.25 of the Revised Code for arbitration before the 1000
public utilities commission. The towing service shall participate 1001
in the requested arbitration. The commission shall conduct an 1002
arbitration hearing in accordance with procedures established in 1003
rules adopted under section 4921.25 of the Revised Code. 1004

(2) Upon completion of the arbitration hearing, the 1005
commission shall deliver to the person who requested arbitration 1006
and the towing service a written statement of the arbitration 1007
decision regarding the dispute. Both parties to the arbitration 1008
shall abide by the arbitration decision. If the commission 1009
determines that the towing service violated section 4513.60, 1010
4513.601, 4513.602, or 4513.61 of the Revised Code or rules 1011
adopted under section 4921.25 of the Revised Code, the commission 1012
shall require, as part of the arbitration decision, that the 1013

towing service pay a fine of at least two times the amount of the 1014
fees collected from the vehicle owner. The fine shall be remitted 1015
to the vehicle owner in the manner provided by the commission. 1016

(3) The court of common pleas of Franklin county shall 1017
enforce the arbitration decision upon petition by either party to 1018
the arbitration. Either party to the arbitration decision may 1019
appeal the arbitration decision to the court of appeals of 1020
Franklin county. 1021

(C) Under this section, a person whose vehicle has been towed 1022
may dispute whether the vehicle was actually removed pursuant to 1023
an order by law enforcement, but may not challenge whether such an 1024
order was in conformance with section 4513.60 or 4513.61 of the 1025
Revised Code. This section does not require the law enforcement 1026
officer who ordered a tow pursuant to section 4513.60 or 4513.61 1027
of the Revised Code to appear for mediation or arbitration. 1028

(D) For purposes of this section, "person whose vehicle has 1029
been towed" includes an issuer of a policy of motor vehicle 1030
insurance covering the towed vehicle. 1031

Sec. 4921.252. (A)(1) There is hereby established the motor 1032
vehicle towing advisory council. The council shall consist of the 1033
following members: 1034

(a) One representative from a towing company that engages in 1035
heavy duty towing; 1036

(b) One representative from a towing company that engages in 1037
light duty towing; 1038

(c) One representative from a towing company that engages in 1039
towing from private property; 1040

(d) One representative from a statewide organization 1041
representing the towing and recovery industry; 1042

(e) One representative from a law enforcement agency; 1043

<u>(f) One representative from the property and casualty</u>	1044
<u>insurance industry;</u>	1045
<u>(g) One representative of a bank that issues loans for the</u>	1046
<u>purchase of motor vehicles;</u>	1047
<u>(h) An owner of an apartment complex that is designated as a</u>	1048
<u>private tow-away zone;</u>	1049
<u>(i) One representative of an automobile club;</u>	1050
<u>(j) One representative from an automotive repair shop;</u>	1051
<u>(k) One member of the public.</u>	1052
<u>(2) The members of the council shall be jointly appointed by</u>	1053
<u>the speaker of the house of representatives and the president of</u>	1054
<u>the senate, subject to approval by the governor. If the governor</u>	1055
<u>objects to any member appointed to the council, the speaker of the</u>	1056
<u>house of representatives and the president of the senate shall</u>	1057
<u>appoint a replacement member. No person may be appointed as a</u>	1058
<u>member of the council without approval by the governor.</u>	1059
<u>Of the initial appointments to the council, three members</u>	1060
<u>shall be appointed for a term of one year, three members shall be</u>	1061
<u>appointed for a term of two years, and three members shall be</u>	1062
<u>appointed for a term of three years. Thereafter, all members of</u>	1063
<u>the council shall be appointed for a term of three years with each</u>	1064
<u>term ending on the same day of the same month as the term that it</u>	1065
<u>succeeds. Each member shall hold office from the date of</u>	1066
<u>appointment until the end of the term for which the member was</u>	1067
<u>appointed. Members may be reappointed. Vacancies shall be filled</u>	1068
<u>in the manner provided for original appointments. Any member</u>	1069
<u>appointed to fill a vacancy occurring prior to the expiration date</u>	1070
<u>of the term for which the member's predecessor was appointed shall</u>	1071
<u>hold office as a member of the council for the remainder of that</u>	1072
<u>term.</u>	1073

(B) The council shall hold its initial meeting not less than 1074
one hundred eighty days after the effective date of this section. 1075
At that meeting, the council shall select from among its members a 1076
chairperson and secretary. The council may adopt bylaws governing 1077
its proceedings. Six members constitute a quorum. After that 1078
initial meeting, the council shall meet at the call of the council 1079
chairperson. Members of the council shall serve without 1080
compensation but shall receive their reasonable and necessary 1081
expenses incurred in the conduct of council business. 1082

(C) The council shall provide advice and recommendations to 1083
the general assembly concerning the law that relates to the towing 1084
of motor vehicles. 1085

(D) As used in division (A)(1) of this section, "automobile 1086
club" means any organization that, in consideration for payment, 1087
promises to assist the members of the organization in matters 1088
relating to travel and the operation, use, and maintenance of a 1089
motor vehicle, and to supply other services including community 1090
traffic safety services, travel and touring services, theft or 1091
reward services, map services, towing services, emergency road 1092
services, bail bond services, legal fee reimbursement services in 1093
the defense of traffic offenses, and participation in an accident 1094
and sickness or death insurance benefit program. 1095

Sec. 4923.99. (A)(1) Whoever violates Chapter 4921. or 4923. 1096
of the Revised Code is liable to the state for a forfeiture of not 1097
more than twenty-five thousand dollars for each day of each 1098
violation. The public utilities commission, after providing 1099
reasonable notice and the opportunity for a hearing in accordance 1100
with the procedural rules adopted under section 4901.13 of the 1101
Revised Code, shall assess, by order, a forfeiture upon a person 1102
whom the commission determines, by a preponderance of the 1103
evidence, committed the violation. In determining the amount of 1104

the forfeiture for a violation of division (G) of section 4513.601 1105
of the Revised Code or a rule adopted under section 4921.25 of the 1106
Revised Code, the commission shall impose the applicable monetary 1107
fine as established in rules adopted under division (B)(10) of 1108
section 4921.25 of the Revised Code. In determining the amount of 1109
the forfeiture for a violation discovered during a driver or 1110
motor-vehicle inspection under section 4923.06 of the Revised 1111
Code, the commission shall, to the extent practicable, not act in 1112
a manner incompatible with the requirements of the United States 1113
department of transportation, and, to the extent practicable, 1114
shall utilize a system comparable to the recommended civil-penalty 1115
procedure adopted by the commercial vehicle safety alliance. In 1116
determining the amount of the forfeiture for a violation 1117
discovered during a compliance review of a motor carrier under 1118
section 4923.07 of the Revised Code, the commission shall, to the 1119
extent practicable, not act in a manner incompatible with the 1120
civil-penalty guidelines of the United States department of 1121
transportation. 1122

The attorney general, upon the written request of the 1123
commission, shall bring a civil action in the court of common 1124
pleas of Franklin county to collect a forfeiture assessed under 1125
this section. The commission shall account for the forfeitures 1126
collected under this section and pay them to the treasurer of 1127
state under section 4921.21 of the Revised Code. 1128

(2) The attorney general, upon the written request of the 1129
commission, shall bring an action for injunctive relief in the 1130
court of common pleas of Franklin county against any person who 1131
has violated or is violating any order issued by the commission to 1132
secure compliance with any provision of Chapter 4921. or 4923. of 1133
the Revised Code. The court of common pleas of Franklin county has 1134
jurisdiction to and may grant preliminary and permanent injunctive 1135
relief upon a showing that the person against whom the action is 1136

brought has violated or is violating any such order. The court 1137
shall give precedence to such an action over all other cases. 1138

(B) The amount of any forfeiture may be compromised at any 1139
time prior to collection of the forfeiture. The commission shall 1140
adopt rules governing the manner in which the amount of a 1141
forfeiture may be established by agreement prior to the hearing on 1142
the forfeiture before the commission. 1143

(C) The proceedings of the commission specified in division 1144
(A) of this section are subject to and governed by Chapter 4903. 1145
of the Revised Code, except as otherwise specifically provided in 1146
this section. The court of appeals of Franklin county has 1147
exclusive, original jurisdiction to review, modify, or vacate an 1148
order of the commission issued to secure compliance with any 1149
provision of Chapter 4921. or 4923. of the Revised Code. The court 1150
of appeals shall hear and determine those appeals in the same 1151
manner, and under the same standards, as the supreme court hears 1152
and determines appeals under Chapter 4903. of the Revised Code. 1153
The judgment of the court of appeals is final and conclusive 1154
unless reversed, vacated, or modified on appeal. Such appeals may 1155
be taken either by the commission or the person to whom the 1156
compliance order or forfeiture assessment was issued and shall 1157
proceed as in the case of appeals in civil actions as provided in 1158
the rules of appellate procedure and Chapter 2505. of the Revised 1159
Code. 1160

(D) Section 4903.11 of the Revised Code does not apply to an 1161
appeal of an order issued to secure compliance with Chapter 4921. 1162
or 4923. of the Revised Code or an order issued under division 1163
(A)(1) of this section assessing a forfeiture. Any person to whom 1164
any such order is issued who wishes to contest a compliance order, 1165
the fact of the violation, or the amount of the forfeiture shall 1166
file a notice of appeal, setting forth the order appealed from and 1167
the errors complained of, within sixty days after the entry of the 1168

order upon the journal of the commission. The notice of appeal 1169
shall be served, unless waived, upon the chairperson of the 1170
commission or, in the event of the chairperson's absence, upon any 1171
public utilities commissioner, or by leaving a copy at the office 1172
of the commission at Columbus. An order issued by the commission 1173
to secure compliance with Chapter 4921. or 4923. of the Revised 1174
Code or an order issued under division (A)(1) of this section 1175
assessing a forfeiture shall be reversed, vacated, or modified on 1176
appeal if, upon consideration of the record, the court is of the 1177
opinion that the order was unlawful or unreasonable. 1178

(E) Only for such violations that constitute violations of 1179
the "Hazardous Materials Transportation Uniform Safety Act of 1180
1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804 and 1805, or 1181
regulations adopted under the act, the commission, in determining 1182
liability, shall use the same standard of culpability for civil 1183
forfeitures under this section as that set forth for civil 1184
penalties under section 12 of the "Hazardous Materials 1185
Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 1186
U.S.C.A. App. 1809. The commission shall consider the assessment 1187
considerations for civil penalties specified in regulations 1188
adopted under the "Hazardous Materials Transportation Act," 88 1189
Stat. 2156 (1975), 49 U.S.C. 1801. 1190

Section 2. That existing sections 4513.60, 4513.61, 4513.64, 1191
4921.25, and 4923.99 of the Revised Code are hereby repealed. 1192

Section 3. (A) The amendment, enactment, and repeal of 1193
provisions of the Revised Code by this act relating to fees, proof 1194
of ownership, and other conditions that require corresponding 1195
provisions to be adopted by rule do not affect the continued 1196
operation of statutory provisions, the same as if they had not 1197
been amended or enacted, until rules corresponding to those 1198
statutory provisions take effect. Revised Code provisions amended 1199

or enacted by this act that do not require corresponding 1200
provisions to be adopted by rule begin operation on the effective 1201
date of this act. 1202

(B) The provisions of this act governing a contract between 1203
an owner of property and a towing service with respect to a 1204
private tow-away zone are not self executing and depend on the 1205
adoption of rules. 1206

(C) The amendment, enactment, and repeal of provisions of the 1207
Revised Code by this act shall not be construed to impair any 1208
written contract that was entered into prior to the effective date 1209
of this act. 1210