

AN ACT

To amend sections 1345.22, 4505.02, 4505.101, 4505.11, 4505.17, 4513.60, 4513.61, 4513.66, and 4921.25 and to enact sections 4505.191, 4513.601, 4513.611, 4513.67, 4513.68, and 4513.69 of the Revised Code to authorize towing companies to obtain title to vehicles removed from private tow-away zones that remain unclaimed, to revise the process by which a repair garage or place of storage may obtain title to vehicles left unclaimed at the repair garage or place of storage, to revise the procedures and penalties related to the towing of motor vehicles, to deem a scrap metal dealer to have valid title to a motor vehicle in specified circumstances, to make other changes in the law governing towing motor vehicles, to alter the law governing the evidence required for the issuance of a salvage certificate of title, to specify exemptions from the buyer's cooling-off period for a seller of home security systems to commence services, and to expand the manners of providing cancellation notices in home solicitation sales.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1345.22, 4505.02, 4505.101, 4505.11, 4505.17, 4513.60, 4513.61, 4513.66, and 4921.25 be amended and sections 4505.191, 4513.601, 4513.611, 4513.67, 4513.68, and 4513.69 of the Revised Code be enacted to read as follows:

Sec. 1345.22. (A) In addition to any right otherwise to revoke an offer, the buyer has the right to cancel a home solicitation sale until midnight of the third business day after the day on which the buyer signs an agreement or offer to purchase. Cancellation is evidenced by the buyer giving written

notice of cancellation to the seller at the seller's address, electronic mail address, or facsimile number stated in the agreement or offer to purchase. The buyer ~~may~~ shall deliver the notice by certified mail delivery, return receipt requested, telegram, manual delivery, or other personal delivery, facsimile transmission, or electronic mail. ~~Written notice~~ Notice of cancellation by certified mail shall be effective upon the date of post marking. ~~Telegram delivery is effective when the telegram is ordered.~~ Manual delivery or other personal delivery is effective when delivered to the seller or to the seller's address, whichever comes first. Facsimile delivery is effective when the facsimile transmission has been transmitted to the seller's facsimile number and the consumer has received confirmation of the facsimile transmission. Electronic mail delivery is effective when the electronic mail has been sent to the seller's electronic mail address. Notice of cancellation need not take a particular form and is sufficient if it indicates, by any form of written expression, the intention of the buyer not to be bound by the home solicitation sale. Notice of buyer's right to cancel must appear on all notes or other evidence of indebtedness given pursuant to any home solicitation sale.

~~Where (B)~~ Except as provided in division (C) of this section, where a home solicitation sale requires a seller to provide services, he the seller shall not commence performance of such services during the time in which the buyer may cancel.

(C)(1) Where a home solicitation sale involving the sale and installation of home security and automation systems and related security and monitoring services requires the seller to provide services, the seller shall not commence performance of such services during the time in which the buyer may cancel the sale unless the seller does all of the following:

(a) In addition to the notices required by section 1345.23 of the Revised Code, the seller informs the buyer in writing that the buyer's right to cancel under this section is not affected by commencing services and the buyer acknowledges in writing the buyer's understanding of this right.

(b) The seller does not make a substantial change in the condition of the property in question.

(c) The seller does not receive any compensation for the services performed if the buyer timely cancels the agreement or offer under this section.

(2) With respect to a home solicitation sale involving the sale and installation of home security and automation systems and related security and monitoring services, if the seller commences services during the time in which the buyer may cancel, in accordance with division (C)(1) of this

section, and those services result in the alteration of the buyer's property, and the buyer exercises the buyer's right to cancel, the seller shall restore the property within fourteen calendar days from cancellation to substantially the same condition as it was at the time the services were rendered.

(D) As used in this section, "substantial change" means any change that requires repair of a significant nature, necessitating significant expense, time, or inconvenience to repair for the buyer. Substantial change also includes a change that is incapable of being returned to its original condition.

Sec. 4505.02. The registrar of motor vehicles shall issue rules as the registrar determines necessary to ensure uniform and orderly operation of this chapter and to ensure that the identification of each applicant for a certificate of title is reasonably accurate. The clerks of the courts of common pleas shall conform thereto. The clerks shall provide the forms as prescribed by the registrar, except the manufacturers' or importers' certificates. The clerks shall provide, from moneys in the automated title processing fund, certificates of title and ribbons, cartridges, or other devices necessary for the operation of the certificate of title processing equipment as determined by the automated title processing board pursuant to division (C) of section 4505.09 of the Revised Code. All other automated title processing system supplies shall be provided by the clerks.

If it appears that any certificate of title has been improperly issued, the registrar shall cancel the certificate unless the title is deemed valid pursuant to section 4505.191 of the Revised Code. Upon the cancellation of any certificate of title, the registrar shall notify the clerk who issued it, and the clerk thereupon shall enter the cancellation upon the clerk's records. The registrar also shall notify the person to whom such certificate of title was issued, as well as any lienholders appearing thereon, of the cancellation and shall demand the surrender of the certificate of title immediately, but the cancellation shall not affect the validity of any lien noted thereon. The holder of such certificate of title immediately shall return it to the registrar. If a certificate of registration has been issued to the holder of a certificate of title so canceled the registrar immediately shall cancel it and demand the return of such certificate of registration and license plates, and the holder of such certificate of registration and license plates shall return the same to the registrar forthwith. The clerks shall keep on hand a sufficient supply of blank forms, which, except for certificate of title and memorandum certificate forms, shall be furnished and distributed without charge to registered manufacturers or dealers, or other persons residing within the county.

Sec. 4505.101. (A)(1) The owner of any repair garage or place of storage in which a motor vehicle with a value of less than ~~two~~ three thousand five hundred dollars has been left unclaimed for fifteen days or more following completion of the requested repair or the agreed term of storage ~~may~~ shall send by certified mail, return receipt requested, to the last known address of ~~the~~ any owner and any lienholder of the motor vehicle a notice to remove the motor vehicle. ~~If~~ In order to identify any owner or lienholder, prior to sending a notice, the repair garage or place of storage shall cause a search to be made of the records of the bureau of motor vehicles. Any notice to a lienholder shall state where the motor vehicle is located and the value of the vehicle.

If the motor vehicle remains unclaimed by the any owner or lienholder for fifteen days after the mailing of the notice all required notices, and for each notice the person on whose property the vehicle has been abandoned either has received the signed receipt from the certified mail or has been notified that the delivery was not possible, the person shall may obtain a certificate of title to the motor vehicle in the person's name in the manner provided in this section. Unless the lienholder claims the motor vehicle within fifteen days from the mailing of the notice, the lienholder's lien is invalid.

(2) The owner of the repair garage or place of storage that mailed the notice shall execute an affidavit, in a form established by the registrar of motor vehicles by rule, affirming that all of the requirements of this section necessary to authorize the issuance of a certificate of title for the motor vehicle have been met. The affidavit shall set forth an itemized statement of the value of the motor vehicle when unclaimed as determined in accordance with standards fixed by the registrar of motor vehicles; the length of time that the motor vehicle has remained unclaimed; the expenses incurred with the motor vehicle; that a notice to remove the vehicle has been mailed to the any titled owner, if known, or lienholder by certified mail, return receipt requested; and that a search of the records of the bureau of motor vehicles has been made for outstanding liens on the motor vehicle in accordance with division (A)(1) of this section.

~~No affidavit shall be executed or filed under this section until after a search of the records of the bureau of motor vehicles has been made. If the research reveals any outstanding lien on the motor vehicle, the owner of the repair garage or place of storage of the motor vehicle shall notify the mortgagee or lienholder by certified mail, return receipt requested, stating where the motor vehicle is located and the value of the vehicle. Unless the mortgagee or lienholder claims the motor vehicle within fifteen days from~~

~~the mailing of the notice, the mortgagee's mortgage or the lienholder's lien shall be invalid.~~

~~Upon presentation by the owner of the repair garage or place of storage of the affidavit, showing compliance with all requirements of this section to the clerk of courts of the county in which the repair garage or place of storage is located, the~~ (B) The owner of a towing service or storage facility that is in possession of a vehicle may obtain a certificate of title to the vehicle as provided in division (C) of this section if all of the following apply:

(1) The vehicle was towed under division (B) of section 4513.601 of the Revised Code.

(2) The vehicle has a value of less than three thousand five hundred dollars.

(3) The vehicle has been left unclaimed for sixty days after the date the earliest notice required by division (F)(1) of section 4513.601 of the Revised Code is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that the delivery was not possible.

(4) The owner of the towing service or storage facility executes an affidavit, in a form established by the registrar of motor vehicles by rule, affirming that all of the requirements of this section necessary to authorize the issuance of a certificate of title for the motor vehicle have been met. The affidavit shall set forth an itemized statement of the value of the motor vehicle; that notices to remove the vehicle have been mailed to the owner and any lienholder as required under division (F) of section 4513.601 of the Revised Code; the length of time that the motor vehicle has remained unclaimed after the date the earliest notice required under division (F) of section 4513.601 of the Revised Code was received or the towing service or storage facility was notified that delivery was not possible; and that a search of the records of the bureau of motor vehicles has been made for outstanding liens on the motor vehicle.

~~(C) The clerk of courts shall issue a certificate of title, free and clear of all liens and encumbrances, to the owner of the place of storage as follows:~~

(1) To a repair garage or place of storage that presents an affidavit that complies with all of the requirements of division (A) of this section;

(2) To a towing service or storage facility that presents an affidavit in compliance with division (B) of this section.

~~The~~ Upon receipt of the certificate of title, a repair garage or place of storage, or a towing service or storage facility, shall pay to the clerk of courts the value of the motor vehicle, as determined in accordance with

~~standards fixed by the registrar of motor vehicles, less expenses incurred by the owner of such repair garage or place of storage, shall be paid to the clerk of courts for deposit into the county general fund upon receipt of the certificate of title.~~

~~(B)~~(D) Whoever violates this section shall be fined not more than two hundred dollars, imprisoned not more than ninety days, or both.

(E) As used in this section:

(1) "Repair garage or place of storage" means any business with which a person entered into an agreement for the repair of a motor vehicle or any business with which a person entered into an agreement for the storage of a motor vehicle.

(2) "Towing service or storage facility" means any for-hire motor carrier that removes a motor vehicle under the authority of section 4513.601 of the Revised Code and any place to which such a for-hire motor carrier delivers a motor vehicle towed under that section.

(3) "Value" means the wholesale value for that make and model of motor vehicle at the time an affidavit is submitted under division (C) of this section, as provided in a vehicle valuation guide that is generally available and recognized by the motor vehicle industry, minus both of the following:

(a) The estimated cost of repairs to restore the motor vehicle to the wholesale value for that make and model of motor vehicle;

(b) The cost of any agreed-upon repairs.

Sec. 4505.11. This section shall also apply to all-purpose vehicles and off-highway motorcycles as defined in section 4519.01 of the Revised Code.

(A) Each owner of a motor vehicle and each person mentioned as owner in the last certificate of title, when the motor vehicle is dismantled, destroyed, or changed in such manner that it loses its character as a motor vehicle, or changed in such manner that it is not the motor vehicle described in the certificate of title, shall surrender the certificate of title to that motor vehicle to a clerk of a court of common pleas, and the clerk, with the consent of any holders of any liens noted on the certificate of title, then shall enter a cancellation upon the clerk's records and shall notify the registrar of motor vehicles of the cancellation.

Upon the cancellation of a certificate of title in the manner prescribed by this section, any clerk and the registrar of motor vehicles may cancel and destroy all certificates and all memorandum certificates in that chain of title.

(B)(1) If an Ohio certificate of title or salvage certificate of title to a motor vehicle is assigned to a salvage dealer, the dealer is not required to obtain an Ohio certificate of title or a salvage certificate of title to the motor vehicle in the dealer's own name if the dealer dismantles or destroys the

motor vehicle, indicates the number of the dealer's motor vehicle salvage dealer's license on it, marks "FOR DESTRUCTION" across the face of the certificate of title or salvage certificate of title, and surrenders the certificate of title or salvage certificate of title to a clerk of a court of common pleas as provided in division (A) of this section. If the salvage dealer retains the motor vehicle for resale, the dealer shall make application for a salvage certificate of title to the motor vehicle in the dealer's own name as provided in division (C)(1) of this section.

(2) At the time any salvage motor vehicle is sold at auction or through a pool, the salvage motor vehicle auction or salvage motor vehicle pool shall give a copy of the salvage certificate of title or a copy of the certificate of title marked "FOR DESTRUCTION" to the purchaser.

(C)(1) When an insurance company declares it economically impractical to repair such a motor vehicle and has paid an agreed price for the purchase of the motor vehicle to any insured or claimant owner, the insurance company shall proceed as follows:

(a) If an insurance company receives the certificate of title and the motor vehicle, within thirty business days, the insurance company shall deliver the certificate of title to a clerk of a court of common pleas and shall make application for a salvage certificate of title.

(b) If an insurance company obtains possession of the motor vehicle but is unable to obtain the properly endorsed certificate of title for the motor vehicle within thirty business days following the vehicle's owner or lienholder's acceptance of the insurance company's payment for the vehicle, the insurance company may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering the certificate of title for the motor vehicle. The application shall be accompanied by evidence that the insurance company has paid a total loss claim on the vehicle, a copy of the written request for the certificate of title ~~on~~ from the insurance company's letterhead, ~~and the original certified mail, return receipt notice, addressed company or its designee, and proof that the request was delivered by a nationally recognized courier service to the last known address of the~~ owner of the vehicle and any known lienholder, to obtain the certificate of title.

(c) Upon receipt of a properly completed application for a salvage certificate of title as described in division (C)(1)(a) or (b) or (C)(2) of this section, the clerk shall issue the salvage certificate of title on a form, prescribed by the registrar, that shall be easily distinguishable from the original certificate of title and shall bear the same information as the original certificate of title except that it may bear a different number than that of the

original certificate of title. Except as provided in division (C)(3) of this section, the salvage certificate of title shall be assigned by the insurance company to a salvage dealer or any other person for use as evidence of ownership upon the sale or other disposition of the motor vehicle, and the salvage certificate of title shall be transferrable to any other person. The clerk shall charge a fee of four dollars for the cost of processing each salvage certificate of title.

(2) If an insurance company requests that a salvage motor vehicle auction take possession of a motor vehicle that is the subject of an insurance claim, and subsequently the insurance company denies coverage with respect to the motor vehicle or does not otherwise take ownership of the motor vehicle, the salvage motor vehicle auction may proceed as follows. After the salvage motor vehicle auction has possession of the motor vehicle for forty-five days, it may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering the certificate of title for the motor vehicle. The application shall be accompanied by a copy of the written request that the vehicle be removed from the facility on the salvage motor vehicle auction's letterhead, and the original certified mail, return receipt notice, addressed to the last known owner of the vehicle and any known lienholder, requesting that the vehicle be removed from the facility of the salvage motor vehicle auction. Upon receipt of a properly completed application, the clerk shall follow the process as described in division (C)(1)(c) of this section. The salvage certificate of title so issued shall be free and clear of all liens.

(3) If an insurance company considers a motor vehicle as described in division (C)(1)(a) or (b) of this section to be impossible to restore for highway operation, the insurance company may assign the certificate of title to the motor vehicle to a salvage dealer or scrap metal processing facility and send the assigned certificate of title to the clerk of the court of common pleas of any county. The insurance company shall mark the face of the certificate of title "FOR DESTRUCTION" and shall deliver a photocopy of the certificate of title to the salvage dealer or scrap metal processing facility for its records.

(4) If an insurance company declares it economically impractical to repair a motor vehicle, agrees to pay to the insured or claimant owner an amount in settlement of a claim against a policy of motor vehicle insurance covering the motor vehicle, and agrees to permit the insured or claimant owner to retain possession of the motor vehicle, the insurance company shall not pay the insured or claimant owner any amount in settlement of the insurance claim until the owner obtains a salvage certificate of title to the

vehicle and furnishes a copy of the salvage certificate of title to the insurance company.

(D) When a self-insured organization, rental or leasing company, or secured creditor becomes the owner of a motor vehicle that is burned, damaged, or dismantled and is determined to be economically impractical to repair, the self-insured organization, rental or leasing company, or secured creditor shall do one of the following:

(1) Mark the face of the certificate of title to the motor vehicle "FOR DESTRUCTION" and surrender the certificate of title to a clerk of a court of common pleas for cancellation as described in division (A) of this section. The self-insured organization, rental or leasing company, or secured creditor then shall deliver the motor vehicle, together with a photocopy of the certificate of title, to a salvage dealer or scrap metal processing facility and shall cause the motor vehicle to be dismantled, flattened, crushed, or destroyed.

(2) Obtain a salvage certificate of title to the motor vehicle in the name of the self-insured organization, rental or leasing company, or secured creditor, as provided in division (C)(1) of this section, and then sell or otherwise dispose of the motor vehicle. If the motor vehicle is sold, the self-insured organization, rental or leasing company, or secured creditor shall obtain a salvage certificate of title to the motor vehicle in the name of the purchaser from a clerk of a court of common pleas.

(E) If a motor vehicle titled with a salvage certificate of title is restored for operation upon the highways, application shall be made to a clerk of a court of common pleas for a certificate of title. Upon inspection by the state highway patrol, which shall include establishing proof of ownership and an inspection of the motor number and vehicle identification number of the motor vehicle and of documentation or receipts for the materials used in restoration by the owner of the motor vehicle being inspected, which documentation or receipts shall be presented at the time of inspection, the clerk, upon surrender of the salvage certificate of title, shall issue a certificate of title for a fee prescribed by the registrar. The certificate of title shall be in the same form as the original certificate of title and shall bear the words "REBUILT SALVAGE" in black boldface letters on its face. Every subsequent certificate of title, memorandum certificate of title, or duplicate certificate of title issued for the motor vehicle also shall bear the words "REBUILT SALVAGE" in black boldface letters on its face. The exact location on the face of the certificate of title of the words "REBUILT SALVAGE" shall be determined by the registrar, who shall develop an automated procedure within the automated title processing system to comply

with this division. The clerk shall use reasonable care in performing the duties imposed on the clerk by this division in issuing a certificate of title pursuant to this division, but the clerk is not liable for any of the clerk's errors or omissions or those of the clerk's deputies, or the automated title processing system in the performance of those duties. A fee of fifty dollars shall be assessed by the state highway patrol for each inspection made pursuant to this division and shall be deposited into the state highway safety fund established by section 4501.06 of the Revised Code.

(F) No person shall operate upon the highways in this state a motor vehicle, title to which is evidenced by a salvage certificate of title, except to deliver the motor vehicle pursuant to an appointment for an inspection under this section.

(G) No motor vehicle the certificate of title to which has been marked "FOR DESTRUCTION" and surrendered to a clerk of a court of common pleas shall be used for anything except parts and scrap metal.

(H)(1) Except as otherwise provided in this division, an owner of a manufactured or mobile home that will be taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code shall surrender the certificate of title to the auditor of the county containing the taxing district in which the home is located. An owner whose home qualifies for real property taxation under divisions (B)(1)(a) and (b) of section 4503.06 of the Revised Code shall surrender the certificate within fifteen days after the home meets the conditions specified in those divisions. The auditor shall deliver the certificate of title to the clerk of the court of common pleas who issued it.

(2) If the certificate of title for a manufactured or mobile home that is to be taxed as real property is held by a lienholder, the lienholder shall surrender the certificate of title to the auditor of the county containing the taxing district in which the home is located, and the auditor shall deliver the certificate of title to the clerk of the court of common pleas who issued it. The lienholder shall surrender the certificate within thirty days after both of the following have occurred:

(a) The homeowner has provided written notice to the lienholder requesting that the certificate of title be surrendered to the auditor of the county containing the taxing district in which the home is located.

(b) The homeowner has either paid the lienholder the remaining balance owed to the lienholder, or, with the lienholder's consent, executed and delivered to the lienholder a mortgage on the home and land on which the home is sited in the amount of the remaining balance owed to the lienholder.

(3) Upon the delivery of a certificate of title by the county auditor to the clerk, the clerk shall inactivate it and maintain it in the automated title

processing system for a period of thirty years.

(4) Upon application by the owner of a manufactured or mobile home that is taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code and that no longer satisfies divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that section, the clerk shall reactivate the record of the certificate of title that was inactivated under division (H)(3) of this section and shall issue a new certificate of title, but only if the application contains or has attached to it all of the following:

(a) An endorsement of the county treasurer that all real property taxes charged against the home under Title LVII of the Revised Code and division (B) of section 4503.06 of the Revised Code for all preceding tax years have been paid;

(b) An endorsement of the county auditor that the home will be removed from the real property tax list;

(c) Proof that there are no outstanding mortgages or other liens on the home or, if there are such mortgages or other liens, that the mortgagee or lienholder has consented to the reactivation of the certificate of title.

(I)(1) Whoever violates division (F) of this section shall be fined not more than two thousand dollars, imprisoned not more than one year, or both.

(2) Whoever violates division (G) of this section shall be fined not more than one thousand dollars, imprisoned not more than six months, or both.

Sec. 4505.17. (A) Every sheriff, chief of police, constable, state highway patrol trooper, employee of the state highway patrol, and designated officer of the department of public safety, having knowledge of a stolen motor vehicle, immediately shall furnish the registrar of motor vehicles with full information concerning such theft.

Whenever the registrar receives a report of the theft or conversion of a motor vehicle, whether the same has been registered or not and whether owned in this or any other state, the registrar shall make a distinctive record thereof, including the make of the stolen vehicle and its manufacturer's vehicle identification number. The registrar shall prepare a report listing motor vehicles stolen and recovered as disclosed by the reports submitted to the registrar, to be distributed as the registrar determines advisable.

In the event of the receipt from any clerk of the court of common pleas of a copy of a certificate of title to such a motor vehicle, the registrar immediately shall notify the rightful owner thereof and the clerk who issued such certificate of title, and if, upon investigation, it appears that such certificate of title was improperly issued, the registrar immediately shall cancel the certificate unless the title is deemed valid pursuant to section 4505.191 of the Revised Code.

In the event of the recovery of a stolen or converted motor vehicle, the owner immediately shall notify the registrar, who shall remove the record of the theft or conversion from the registrar's file.

(B) Whoever violates this section shall be fined not more than two hundred dollars, imprisoned not more than ninety days, or both.

Sec. 4505.191. (A) A scrap metal dealer, as defined in section 4737.04 of the Revised Code, is deemed to have valid title to a motor vehicle if both of the following apply:

(1) The scrap metal dealer purchased the motor vehicle in the ordinary course of business.

(2) The scrap metal dealer received an endorsed and notarized certificate of title to the motor vehicle from a seller, regardless of whether the certificate of title was issued pursuant to section 4505.06, 4505.10, 4505.101, 4505.102, 4505.11, or 4505.19 of the Revised Code.

(B) If a certificate of title to a motor vehicle was improperly issued, unlawfully obtained, or falsified prior to the transfer of the title to a scrap metal dealer who is deemed to have valid title pursuant to division (A) of this section, any other person with a valid certificate of title may seek legal recourse from the person who sold the motor vehicle to the scrap metal dealer. Such a person does not have a claim for relief against, and may not recover damages in a civil action against, the scrap metal dealer.

Sec. 4513.60. (A)(1) The sheriff of a county or chief of police of a municipal corporation, township, or township or joint police district, within the sheriff's or chief's respective territorial jurisdiction, upon complaint of any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in section 4513.63 of the Revised Code, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. The sheriff or chief of police, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. ~~The place of storage shall be designated by the sheriff or chief of police.~~ When ordering a motor vehicle into storage pursuant to this division, a sheriff or chief of police, ~~whenever possible, shall may~~ arrange for the removal of the motor vehicle by a ~~private tow truck operator or towing company.~~ Subject service and shall designate a storage facility.

(2) A towing service towing a motor vehicle under division (A)(1) of this section shall remove the motor vehicle in accordance with that division.

The towing service shall deliver the motor vehicle to the location designated by the sheriff or chief of police not more than two hours after the time it is removed from the private property.

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

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

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

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

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

~~(i) A notice that the property is a private tow-away zone and that vehicles not authorized to park on the property will be towed away;~~

~~(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;~~

~~(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.~~

~~(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.~~

~~(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 storage charges specified in division (B)(1)(a)(iii) of this section, and the owner, subject to division (C) of this section, may recover a vehicle that has been so removed only in accordance with division (E) of this section.~~

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

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

~~(C) If the owner or operator of a motor vehicle that has been ordered into storage pursuant to division (A)(1) of this section or of a vehicle that is being removed under authority of division (B)(2) of this section arrives after the motor vehicle or vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the owner or operator shall be given the opportunity to 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 charge fee for the removal of the motor vehicles vehicle under division (A)(D)(1) of this section or of vehicles under division (B)(2) of this section, whichever is applicable, that normally is assessed by the person who has prepared the motor vehicle or vehicle for removal, in order to obtain release of the motor vehicle or vehicle. 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 motor vehicle or vehicle shall be released to the owner or operator, and upon. Upon its release, the owner or operator immediately shall move it so that:~~

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

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

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

~~(2)(C)(1) Each county sheriff and each chief of police of a municipal corporation, township, or township or joint police district shall maintain a record of motor vehicles that the sheriff or chief orders into storage pursuant to division (A)(1) of this section and of vehicles removed from private property in the sheriff's or chief's jurisdiction that is established as a private tow-away zone of which the sheriff or chief has received notice under division (D)(1) of this section. The record shall include an entry for each such motor vehicle or vehicle that identifies the motor vehicle's or vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any A sheriff or chief of police shall provide any information in the record that pertains to a particular motor vehicle or vehicle shall be provided to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the motor vehicle or vehicle and requests information pertaining to its location.~~

~~(3)(2) Any person who registers a complaint that is the basis of a sheriff's or police chief's order for the removal and storage of a motor vehicle under division (A)(1) of this section shall provide the identity of the~~

law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

~~(E)(D)(1)~~ The owner or lienholder of a motor vehicle that is ordered into storage pursuant to division (A)(1) of this section ~~or of a vehicle that is removed under authority of division (B)(2) of this section~~ may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed ninety dollars, and storage, 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. both of the following:

(a) Payment of the following fees:

(i) Not more than ninety dollars for the removal of the motor vehicle. However, if the motor 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, not more than one hundred fifty dollars for the removal.

(ii) Not more than twelve dollars per twenty-four-hour period for the storage of the motor vehicle. However, if the motor 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, not more than twenty dollars per twenty-four-hour period for storage.

(b) Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle or vehicle also shall be required for reclamation of the vehicle. If

(2) Upon presentation of proof of ownership, the owner of a motor vehicle that is ordered into storage under division (A)(1) of this section may retrieve any personal items from the motor vehicle without retrieving the vehicle and without paying any fee. However, the owner may not retrieve any personal item that has been determined by the sheriff or chief of police, as applicable, to be necessary to a criminal investigation. For purposes of division (D)(2) of this section, "personal items" do not include any items that are attached to the motor vehicle.

(3) If a motor vehicle that is ordered into storage pursuant to division (A)(1) of this section remains unclaimed by the owner for thirty days, the procedures established by sections 4513.61 and 4513.62 of the Revised

Code shall apply.

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

(2) No towing service or storage facility shall fail to comply with the requirements of this section.

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

~~(G) Whoever~~ The owner of any towing service or storage facility that violates division (B)(3) or (F)(E) of this section is guilty of a minor misdemeanor.

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

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

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

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

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

(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;

(e) A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in division (B) of section 4505.101

of the Revised Code.

Any 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 who does not have a contract with a towing service for the removal of vehicles from the property may retain existing private tow-away zone signs that comply with that section for up to six months 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.

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

(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.

(b) It is well-lighted.

(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.

(B)(1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (A) of this section, without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established under division (G) of this section, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in section 4505.101 of the Revised Code. The owner or lienholder of a vehicle that has been removed under this section, subject to division (C) of this section, may recover the vehicle in accordance with division (G) of this section.

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

(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 under division (G) of this section in order to obtain release of the vehicle. 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 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.

(E)(1) If an owner of 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, 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.

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

(F)(1) When a vehicle is removed from private property in accordance with this section, the owner of the towing service or storage facility from which the vehicle may be recovered shall immediately cause a search to be made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. Subject to division (F)(4) of this section, the owner of the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:

(a) Within five business days of removal of the vehicle from the private tow-away zone, if the vehicle has not yet been recovered, to the owner's and 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;

(b) If the vehicle remains unclaimed thirty days after the first notice is sent, in the manner authorized in division (F)(1)(a) of this section;

(c) If the vehicle remains unclaimed forty-five days after the first notice is sent, in the manner authorized in division (F)(1)(a) of this section.

(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 owner of a 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.

(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.

(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.

(G)(1) The owner or lienholder of a vehicle that is removed under division (B) of this section may reclaim it upon all of the following:

(a) Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle;

(b) Payment of the following fees:

(i) Not more than ninety dollars for the removal of the vehicle. However, 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, not more than one hundred fifty dollars for the removal.

(ii) Not more than twelve dollars per twenty-four-hour period for the storage of the vehicle. However, 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, not more than twenty dollars per twenty-four-hour period for storage.

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

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

(3) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, the owner of a vehicle that is removed under authority of division (B) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. For purposes of division (G)(3) of this section, "personal items" do not include any items that are attached to the vehicle.

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

(I) This section does not affect or limit the operation of section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code as they relate to property other than private property that is established as a private tow-away

zone under division (A) of this section.

(J) The owner of any towing service or storage facility or property owner that violates division (H) of this section is guilty of a minor misdemeanor.

Sec. 4513.61. (A) The sheriff of a county or chief of police of a municipal corporation, township, or township or joint police district, within the sheriff's or chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the sheriff or chief of police of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in section 4513.63 of the Revised Code, that has:

(1) Has come into the possession of the sheriff, chief of police, or state highway patrol trooper as a result of the performance of the sheriff's, chief's, or trooper's duties; or that has

(2) Has been 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 road or highway, for forty-eight hours or longer without notification to the sheriff or chief of police of the reasons for leaving the motor vehicle in such place, except that. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:

(a) The vehicle was involved in an accident and is subject to section 4513.66 of the Revised Code;

(b) The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the sheriff, chief of police, or state highway patrol trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the sheriff, chief of police, or state highway patrol trooper. If the sheriff, chief of police, or state highway patrol trooper determines that the vehicle cannot be removed within the specified period of time, the sheriff, chief of police, or state highway patrol trooper shall order the removal of the vehicle. The

Subject to division (C) of this section, the sheriff or chief of police shall designate the place of storage of any motor vehicle so ordered removed.

(B) If the sheriff, chief of police, or a state highway patrol trooper issues an order under division (A) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the sheriff or chief of police not more than two hours after the time it is removed.

(C)(1) The sheriff or chief of police immediately shall cause a search to

be made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the sheriff or chief of police, or by a state highway patrol trooper; ~~and, if known,~~ Upon obtaining such identity, the sheriff or chief of police shall send or cause to be sent notice to the owner or lienholder at the owner's or lienholder's last known address by certified mail with return receipt requested, notice that informs the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of mailing of the notice. The

(2) The owner or lienholder of the motor vehicle may reclaim it the motor vehicle upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle. Upon presentation of proof of ownership, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. If However, the owner may not retrieve any personal item that has been determined by the sheriff, chief of police or a state highway patrol trooper, as applicable, to be necessary to a criminal investigation. For purposes of division (C)(2) of this section, "personal items" do not include any items that are attached to the vehicle.

(3) If the owner or lienholder of the motor vehicle reclaims it after a search of the records of the bureau has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the owner of the place of storage or the owner's employee, and the notice was sent to the motor vehicle owner by the owner of the place of storage or the owner's employee, the owner or lienholder shall pay to the place of storage a processing fee of twenty-five dollars, in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(D) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of mailing of the notice, and if the vehicle is to be disposed of at public auction as provided in section 4513.62 of the Revised Code, the sheriff or chief of police, without charge to any party, shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the sheriff or chief of police. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in

section 4513.62 of the Revised Code, the sheriff or chief of police shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The sheriff or chief of police shall retain the original of the affidavit for the sheriff's or chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the clerk of courts, within thirty days of the presentation, shall issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

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

(F) No towing service or storage facility shall fail to comply with this section.

Sec. 4513.611. (A) A vehicle owner may bring a civil action against a towing service or storage facility that violates section 4513.60, 4513.601, or 4513.68 of the Revised Code. If a court determines that the towing service or storage facility committed the violation, the court shall award the vehicle owner the following:

(1) If it is a first violation, one thousand dollars;

(2) If it is a second violation, two thousand five hundred dollars;

(3) If it is a third or subsequent violation, two thousand five hundred dollars. In addition, the court shall order the public utilities commission to revoke the towing service's or storage facility's certificate of public convenience and necessity for six months. The commission shall comply with the order.

(B) Upon expiration of the six-month revocation under division (A)(3) of this section, a court shall not consider any violation committed by the towing service or storage facility prior to the revocation for purposes of a civil action initiated after the expiration of the six-month revocation.

(C) In addition to an award made under division (A) of this section, if a court determines that a towing service or storage facility committed a violation that caused actual damages, the court shall award the vehicle owner three times the actual damages and reasonable attorney's fees.

Sec. 4513.66. (A) If a motor vehicle accident occurs on any highway, public street, or other property open to the public for purposes of vehicular

travel and if any motor vehicle, cargo, or personal property that has been damaged or spilled as a result of the motor vehicle accident is blocking the highway, street, or other property or is otherwise endangering public safety, ~~the sheriff of the county, or the chief of police of the municipal corporation, township, or township or joint police district, in which the accident occurred, a state highway patrol trooper, the chief of the fire department having jurisdiction where the accident occurred, or a duly authorized subordinate acting on behalf of an official specified above,~~ a public safety official may do either of the following without the consent of the owner but with the approval of the law enforcement agency conducting any investigation of the accident, may remove:

(1) Remove, or order the removal of, the motor vehicle if the motor vehicle is unoccupied, cargo, or personal property from the portion of the highway, public street, or property ordinarily used for vehicular travel on the highway, public street, or other property open to the public for purposes of vehicular travel.

(2) If the motor vehicle is a commercial motor vehicle, allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the public safety official. If the public safety official determines that the motor vehicle cannot be removed within the specified period of time, the public safety official shall remove or order the removal of the motor vehicle.

~~(B)(1) Except as provided in division (B)(2) or (3) of this section, no employee of the department of transportation, sheriff, deputy sheriff, chief of police or police officer of a municipal corporation, township, or township or joint police district, state highway patrol trooper, chief of a fire department, fire fighter, or a duly authorized subordinate acting on behalf of such an~~ any employee of the department of transportation, or a public safety official who authorizes or participates in the removal of any unoccupied motor vehicle, cargo, or personal property as authorized by division (A) of this section, regardless of whether the removal is executed by a private towing service, is not liable in for civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property. Except Further, except as provided in division (B)(2) or (3) of this section, if the department of transportation or a sheriff, chief of police of a municipal corporation, township, or township or joint police district, head of the state highway patrol, chief of a fire department, or a duly authorized subordinate acting on behalf of such an a public safety official authorizes, employs, or arranges to have a private tow truck operator or towing company service remove any

unoccupied motor vehicle, cargo, or personal property as authorized by division (A) of this section, that private ~~tow truck operator or towing company~~ service is not liable ~~in~~ for civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property. ~~Further, the department of transportation, sheriff, chief of police, head of the state highway patrol, fire department chief, or a duly authorized subordinate acting on behalf of such an official is not liable in civil damages for any injury, death, or loss to person or property that results from the private tow truck operator or towing company's removal of that unoccupied motor vehicle, cargo, or personal property.~~

(2) Division (B)(1) of this section does not apply to any of the following:

(a) Any person or entity involved in the removal of an unoccupied motor vehicle, cargo, or personal property pursuant to division (A) of this section if that removal causes or contributes to the release of a hazardous material or to structural damage to the roadway-

~~(3) Division (B)(1) of this section does not apply to a private tow truck operator or;~~

(b) A private towing company service that was not authorized, employed, or arranged by the department of transportation, a sheriff, a chief of police of a municipal corporation, township, or township or joint police district, the head of the state highway patrol, a chief of a fire department, or a duly authorized subordinate acting on behalf of such an a public safety official or to a private tow truck operator or to remove an unoccupied motor vehicle, cargo, or personal property under this section;

(c) Except as provided in division (B)(2)(d) of this section, a private towing company service that was authorized, employed, or arranged by the department of transportation, a sheriff, a chief of police of a municipal corporation, township, or township or joint police district, the head of the state highway patrol, or a chief of a fire department, or a duly authorized subordinate acting on behalf of such an a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property and but the private tow truck operator or towing company service performed the removal in a reckless or willful negligent manner;

(d) A private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property that was endangering public safety but the private towing service performed the removal in a reckless manner.

(C) As used in this section, "~~hazardous~~;

(1) "Public safety official" means any of the following:

(a) The sheriff of the county, or the chief of police in the municipal corporation, township, or township or joint police district, in which the accident occurred;

(b) A state highway patrol trooper;

(c) The chief of the fire department having jurisdiction where the accident occurred;

(d) A duly authorized subordinate acting on behalf of an official specified in divisions (C)(1)(a) to (c) of this section.

(2) "Hazardous material" has the same meaning as in section 2305.232 of the Revised Code.

Sec. 4513.67. (A) As used in this section, "towing service" means any for-hire motor carrier that is engaged on an intrastate basis anywhere in this state in the business of towing a motor vehicle over any public highway in this state.

(B) No person shall operate a towing vehicle for a towing service and no person who owns a towing vehicle used by a towing service or has supervisory responsibility over a towing vehicle used by a towing service, shall permit the operation of a towing vehicle used by a towing service, unless both of the following apply:

(1) The towing service holds a valid certificate of public convenience and necessity as required by Chapter 4921. of the Revised Code; and

(2) The certificate number and business telephone number is visibly displayed on both the left and right front doors of the towing vehicle.

(C) No towing service shall do either of the following:

(1) Fail to make its current certificate of public convenience and necessity available for public inspection during normal business hours;

(2) Fail to include its certificate number on all advertising, written estimates, contracts, and invoices.

Sec. 4513.68. (A) Except as provided in division (B) of this section, prior to removing a motor vehicle from an accident scene on any street or highway or any other property open to the public for purposes of vehicular travel or parking, a towing service shall provide an estimate of the price for the removal to the person who was operating the motor vehicle at the time of the accident unless that person is incapacitated, seriously injured, or otherwise unavailable to accept the estimate. The towing service shall not submit such an estimate to the repair facility or storage facility to which the motor vehicle is transported unless the person who was operating the motor vehicle at the time of the accident meets one of the conditions specified above.

(B) The towing service shall ensure that any estimate provided under division (A) of this section includes the fees, services to be rendered, and destination of the vehicle.

(C) Division (A) of this section does not apply if all of the following are applicable:

(1) The towing service removes a motor vehicle from an accident scene.

(2) The removal is conducted pursuant to a contract between the towing service and the issuer of a policy of motor vehicle insurance covering the motor vehicle.

(3) The contract requires the towing service to be paid directly by issuer of the policy.

(D) If a towing service fails to provide an estimate at an accident scene as required by this section, the towing service shall not charge fees for the towing and storage of the motor vehicle removed from the accident scene that exceed twenty-five per cent of the fees authorized under division (G)(1)(b) of section 4513.601 of the Revised Code for a motor vehicle removed from a private tow-away zone.

(E) Any storage facility that accepts vehicles towed from accident scenes shall conspicuously post a notice at the entrance to the storage facility that states the limitation on fees established under division (D) of this section.

Sec. 4513.69. (A) The owner of a storage facility shall ensure that the facility remains open during both of the following periods of time to allow a vehicle owner or lienholder to retrieve a vehicle in the possession of the storage facility:

(1) Any time during which a towing service is towing a vehicle pursuant to section 4513.60, 4513.601, or 4513.61 of the Revised Code and the vehicle will be held by the storage facility;

(2) Between nine o'clock in the morning and noon on the day after any day during which the storage facility accepted for storage a vehicle towed under section 4513.60, 4513.601, or 4513.61 of the Revised Code.

(B)(1) The owner of a storage facility that accepts for storage vehicles towed under section 4513.60, 4513.601, or 4513.61 of the Revised Code shall ensure that a notice is conspicuously posted at the entrance to the storage facility that states the telephone number at which the owner or lienholder of a vehicle may contact the owner or a representative of the storage facility for the purpose of retrieving a vehicle when the storage facility is closed. The owner of the storage facility also shall provide that telephone number to the sheriff of a county or chief of police of a municipal corporation, township, or township or joint police district. The owner of the

storage facility shall ensure that a process is in place for purposes of answering calls at all times day or night.

(2) After receiving a call from the owner or lienholder of a vehicle who seeks to recover the vehicle, the owner of the storage facility shall ensure that, within three hours of receiving the phone call, a representative of the storage facility is available to release the vehicle upon being presented with proof of ownership of the vehicle, which may be evidenced by a certificate of title to the vehicle, and payment of an after-hours vehicle retrieval fee established under section 4921.25 of the Revised Code and all other applicable fees.

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

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

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

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

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

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

(4) Establish an after-hours retrieval fee for purposes of section 4513.69 of the Revised Code;

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

SECTION 2. That existing sections 1345.22, 4505.02, 4505.101, 4505.11, 4505.17, 4513.60, 4513.61, 4513.66, and 4921.25 of the Revised Code are hereby repealed.

SECTION 3. (A) The owner of a towing service or storage facility may obtain title to a vehicle that came into the possession of the towing service or storage facility between January 31, 2012 and the effective date of this act if all of the following apply:

(1) The vehicle was towed under division (B) of section 4513.60 of the Revised Code as that section existed prior to the effective date of this act.

(2) The vehicle has a value of less than three thousand five hundred dollars. As used in division (A)(2) of this section, "value" has the same meaning as in division (E)(3) of section 4505.101 of the Revised Code.

(3) The towing service or storage facility sends an initial notice to the vehicle owner and any lienholder in accordance with division (F)(1)(a) of section 4513.601 of the Revised Code not later than thirty days after the effective date of this act and complies with the requirements of divisions (F)(1)(b) and (c) of that section. Each notice also shall include the value of the vehicle as provided in division (A)(2) of this section and a statement that, if the owner or lienholder fails to claim the vehicle, the towing service or storage facility may obtain title to the vehicle.

(4) The towing service or storage facility complies with all other applicable requirements of section 4505.101 of the Revised Code.

(B) The owner of a repair garage or place of storage may obtain title to a motor vehicle with a value of at least two thousand five hundred dollars, as determined under division (E)(3) of section 4505.101 of the Revised Code, but less than three thousand five hundred dollars that came into the possession of the repair garage or place of storage between January 31, 2012 and the effective date of this act if all of the following apply:

(1) The motor vehicle has been left unclaimed for fifteen days or more following completion of the requested repair or the agreed term of storage.

(2) The repair garage or place of storage sends the notice to the vehicle owner and any lienholder in accordance with division (A)(1) of section 4505.101 of the Revised Code not later than thirty days after the effective date of this act. The notice also shall include the value of the vehicle, as determined in accordance with division (E)(3) of section 4505.101 of the Revised Code, and a statement that if the owner or lienholder fails to claim the vehicle the repair garage or place of storage may obtain title to the

vehicle.

(3) The repair garage or place of storage otherwise complies with division (A) of section 4505.101 of the Revised Code.

(C) The owner of a repair garage or place of storage may obtain title to a motor vehicle, with a value of less than two thousand five hundred dollars, that came into the possession of the repair garage or place of storage prior to the effective date of this act in the manner provided in section 4505.101 of the Revised Code prior to the amendments made to that section by this act.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. S. B. No. 274

130th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____