

As Introduced

**130th General Assembly
Regular Session
2013-2014**

S. B. No. 274

Senator Hughes

Cosponsor: Senator Patton

—

A B I L L

To amend sections 4505.101, 4513.60, and 4921.25 and 1
to enact sections 4511.80 and 4513.67 of the 2
Revised Code to authorize towing companies to 3
obtain title to vehicles removed from private 4
tow-away zones that remain unclaimed, to revise 5
the notification process regarding vehicles left 6
unclaimed at a repair garage or place of storage, 7
to establish vehicle owner and lienholder 8
notifications for vehicles removed from a private 9
tow-away zone, to require towing companies to use 10
and display certain identifying information, and 11
to make other changes in the law governing towing 12
motor vehicles. 13

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

Section 1. That sections 4505.101, 4513.60, and 4921.25 be 14
amended and sections 4511.80 and 4513.67 of the Revised Code be 15
enacted to read as follows: 16

Sec. 4505.101. (A)(1) The owner of any repair garage or place 17
of storage in which a motor vehicle with a value of less than ~~two~~ 18
~~thousand five hundred~~ five thousand dollars has been left 19

unclaimed for fifteen days or more following completion of the 20
requested repair or the agreed term of storage ~~may~~ shall send by 21
certified mail, return receipt requested, to the last known 22
address of the owner a notice to remove the motor vehicle. If the 23
motor vehicle remains unclaimed by the owner for fifteen days 24
after the mailing of the notice, and the person on whose property 25
the vehicle has been abandoned has received the signed receipt 26
from the certified mail or has been notified that the delivery was 27
not possible, the person shall obtain a certificate of title to 28
the motor vehicle in the person's name in the manner provided in 29
this section. 30

(2) The owner of the repair garage or place of storage that 31
mailed the notice shall execute an affidavit that all of the 32
requirements of this section necessary to authorize the issuance 33
of a certificate of title for the motor vehicle have been met. The 34
affidavit shall set forth the value of the motor vehicle when 35
unclaimed as determined in accordance with standards fixed by the 36
registrar of motor vehicles; the length of time that the motor 37
vehicle has remained unclaimed; the expenses incurred with the 38
motor vehicle; that a notice to remove the vehicle has been mailed 39
to the titled owner, if known, by certified mail, return receipt 40
requested; and that a search of the records of the bureau of motor 41
vehicles has been made for outstanding liens on the motor vehicle. 42

(3) No affidavit shall be executed or filed under division 43
(A) of this section until after a search of the records of the 44
bureau of motor vehicles has been made. If the research reveals 45
any outstanding lien on the motor vehicle, the owner of the repair 46
garage or place of storage of the motor vehicle shall notify the 47
mortgagee or lienholder by certified mail, return receipt 48
requested, stating where the motor vehicle is located and the 49
value of the vehicle. Unless the mortgagee or lienholder claims 50
the motor vehicle within fifteen days from the mailing of the 51

notice, the mortgagee's mortgage or the lienholder's lien shall be 52
is invalid. 53

~~Upon presentation by the owner of the repair garage or place 54
of storage of the affidavit, showing compliance with all 55
requirements of this section to the clerk of courts of the county 56
in which the repair garage or place of storage is located, the (B) 57
The owner of a towing service or storage facility that is in 58
possession of a vehicle may obtain a certificate of title to the 59
vehicle as provided in division (C) of this section if all of the 60
following apply: 61~~

(a) The vehicle was towed under division (B)(2) of section 62
4513.60 of the Revised Code; 63

(b) The vehicle has a value of less than five thousand 64
dollars; 65

(c) The vehicle has been left unclaimed for thirty days after 66
the mailing of the notice required by division (D)(2) of section 67
4513.60 of the Revised Code; 68

(d) The owner of the towing service or storage facility 69
complies with the affidavit requirements applicable to a repair 70
garage or place of storage under division (A)(2) of this section. 71

(C) The clerk of courts shall issue a certificate of title, 72
free and clear of all liens and encumbrances, to the owner of the 73
place of storage as follows: 74

(1) To a repair garage or place of storage that presents an 75
affidavit that complies with all of the requirements of division 76
(A) of this section; 77

(2) To a towing service or storage facility that presents an 78
affidavit in compliance with division (B) of this section. 79

The Upon receipt of the certificate of title, a repair 80
garage, place of storage, or towing service or storage facility 81

shall pay to the clerk of courts the value of the motor vehicle, 82
as determined in accordance with standards fixed by the registrar 83
of motor vehicles, less expenses incurred by the owner of ~~such~~ the 84
repair garage ~~or~~, place of storage, towing service, or storage 85
facility, shall be paid to the clerk of courts for deposit into 86
the county general fund ~~upon receipt of the certificate of title.~~ 87

~~(B)~~(D) Whoever violates this section shall be fined not more 88
than two hundred dollars, imprisoned not more than ninety days, or 89
both. 90

Sec. 4511.80. (A) As used in this section, "towing service" 91
means any for-hire motor carrier that is engaged on an intrastate 92
basis anywhere in this state in the business of towing a motor 93
vehicle over any public highway in this state. 94

(B) No person shall operate a towing vehicle for a towing 95
service and no person who owns a towing vehicle used by a towing 96
service or has supervisory responsibility over a towing vehicle 97
used by a towing service, shall permit the operation of a towing 98
vehicle used by a towing service, unless both of the following 99
apply: 100

(1) The towing service holds a valid certificate of public 101
convenience and necessity as required by Chapter 4921. of the 102
Revised Code; and 103

(2) The certificate number is visibly displayed on both the 104
left and right front doors of the towing vehicle in accordance 105
with rules adopted by the public utilities commission. 106

(C) Whoever violates division (B) of this section is guilty 107
of a minor misdemeanor. 108

(D) Whenever a person is convicted of or pleads guilty to a 109
violation of this section in a court of record, the court shall 110
forward a copy of the conviction record or plea to the public 111

utilities commission of Ohio. 112

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 113
police of a municipal corporation, township, or township or joint 114
police district, within the sheriff's or chief's respective 115
territorial jurisdiction, upon complaint of any person adversely 116
affected, may order into storage any motor vehicle, other than an 117
abandoned junk motor vehicle as defined in section 4513.63 of the 118
Revised Code, that has been left on private residential or private 119
agricultural property for at least four hours without the 120
permission of the person having the right to the possession of the 121
property. The sheriff or chief of police, upon complaint of the 122
owner of a repair garage or place of storage, may order into 123
storage any motor vehicle, other than an abandoned junk motor 124
vehicle, that has been left at the garage or place of storage for 125
a longer period than that agreed upon. ~~The place of storage shall~~ 126
~~be designated by the~~ sheriff or chief of police shall designate 127
the place of storage. When ordering a motor vehicle into storage 128
pursuant to this division, a sheriff or chief of police, ~~whenever~~ 129
~~possible, shall~~ may arrange for the removal of the motor vehicle 130
by a private ~~tow truck operator or towing company~~ service. Subject 131
to division (C) of this section, the owner of a motor vehicle that 132
has been removed pursuant to this division may recover the vehicle 133
only in accordance with division ~~(E)~~(F) of this section. 134

(2) Divisions (A)(1) to (3) of this section do not apply to 135
any private residential or private agricultural property that is 136
established as a private tow-away zone in accordance with division 137
(B) of this section. 138

(3) As used in divisions (A)(1) and (2) of this section, 139
"private residential property" means private property on which is 140
located one or more structures that are used as a home, residence, 141
or sleeping place by one or more persons, if no more than three 142

separate households are maintained in the structure or structures. 143
"Private residential property" does not include any private 144
property on which is located one or more structures that are used 145
as a home, residence, or sleeping place by two or more persons, if 146
more than three separate households are maintained in the 147
structure or structures. 148

(B)(1) The owner of private property may establish a private 149
tow-away zone only if all of the following conditions are 150
satisfied: 151

(a) The owner posts on the owner's property a sign, that is 152
at least eighteen inches by twenty-four inches in size, that is 153
visible from all entrances to the property, and that contains at 154
least all of the following information: 155

(i) A notice that the property is a private tow-away zone and 156
that vehicles not authorized to park on the property will be towed 157
away; 158

(ii) The telephone number of the person from whom a 159
towed-away vehicle can be recovered, and the address of the place 160
to which the vehicle will be taken and the place from which it may 161
be recovered; 162

(iii) A statement that the vehicle may be recovered at any 163
time during the day or night upon the submission of proof of 164
ownership and the payment of a towing charge, in an amount not to 165
exceed ninety dollars, and a storage charge, in an amount not to 166
exceed twelve dollars per twenty-four-hour period; except that the 167
charge for towing shall not exceed one hundred fifty dollars, and 168
the storage charge shall not exceed twenty dollars per 169
twenty-four-hour period, if the vehicle has a manufacturer's gross 170
vehicle weight rating in excess of ten thousand pounds and is a 171
truck, bus, or a combination of a commercial tractor and trailer 172
or semitrailer. 173

(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 vehicle owner, subject to division (C) of this section, may recover a vehicle that has been so removed only in accordance with division ~~(E)~~(F) 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 206
(B)(2) of this section arrives after the motor vehicle or vehicle 207
has been prepared for removal, but prior to its actual removal 208
from the property, the owner or operator shall be given the 209
opportunity to pay a fee of not more than one-half of the charge 210
for the removal of motor vehicles under division (A)(1) of this 211
section or of vehicles under division (B)(2) of this section, 212
whichever is applicable, that normally is assessed by the person 213
who has prepared the motor vehicle or vehicle for removal, in 214
order to obtain release of the motor vehicle or vehicle. Upon 215
payment of that fee, the motor vehicle or vehicle shall be 216
released to the owner or operator, and upon its release, the owner 217
or operator immediately shall move it so that: 218

(1) If the motor vehicle was ordered into storage pursuant to 219
division (A)(1) of this section, it is not on the private 220
residential or private agricultural property without the 221
permission of the person having the right to possession of the 222
property, or is not at the garage or place of storage without the 223
permission of the owner, whichever is applicable. 224

(2) If the vehicle was being removed under authority of 225
division (B)(2) of this section, it is not parked on the private 226
property established as a private tow-away zone without the 227
consent of the owner or in violation of any posted parking 228
condition or regulation. 229

(D)(1) If an owner of private property that is established as 230
a private tow-away zone in accordance with division (B)(1) of this 231
section or the authorized agent of such an owner removes or causes 232
the removal of a vehicle from that property under authority of 233
division (B)(2) of this section, the owner or agent promptly shall 234
notify the police department of the municipal corporation, 235
township, or township or joint police district in which the 236
property is located, of the removal, the vehicle's license number, 237

make, model, and color, the location from which it was removed, 238
the date and time of its removal, the telephone number of the 239
person from whom it may be recovered, and the address of the place 240
to which it has been taken and from which it may be recovered. 241

(2) When a vehicle is removed from private property in 242
accordance with division (B)(2) of this section, the owner of the 243
towing service or storage facility from which the vehicle may be 244
recovered immediately shall cause a search to be made of the 245
records of the bureau of motor vehicles to ascertain the identity 246
of the owner and any lienholder of the motor vehicle. Within 247
forty-eight hours of removal of the vehicle from the private 248
tow-away zone, the owner of the towing service or storage facility 249
shall send notice to the vehicle owner and any known lienholder. 250
The towing service or storage facility shall send the notice to 251
the owner's and lienholder's last known address by certified mail 252
with return receipt requested. If the owner or lienholder of the 253
motor vehicle reclaims it after a search of the records of the 254
bureau has been conducted and after notice has been sent to the 255
owner and lienholder as described in this section, the owner or 256
lienholder shall pay to the towing service or storage facility a 257
processing fee of twenty-five dollars, in addition to any expenses 258
or charges incurred in the removal and storage of the vehicle as 259
provided in division (F) of this section. 260

(E)(1) Each county sheriff and each chief of police of a 261
municipal corporation, township, or township or joint police 262
district shall maintain a record of motor vehicles that the 263
sheriff or chief orders into storage pursuant to division (A)(1) 264
of this section and of vehicles removed from private property in 265
the sheriff's or chief's jurisdiction that is established as a 266
private tow-away zone of which the sheriff or chief has received 267
notice under division (D)(1) of this section. The record shall 268
include an entry for each such motor vehicle or vehicle that 269

identifies the motor vehicle's or vehicle's license number, make, 270
model, and color, the location from which it was removed, the date 271
and time of its removal, the telephone number of the person from 272
whom it may be recovered, and the address of the place to which it 273
has been taken and from which it may be recovered. Any information 274
in the record that pertains to a particular motor vehicle or 275
vehicle shall be provided to any person who, either in person or 276
pursuant to a telephone call, identifies self as the owner or 277
operator of the motor vehicle or vehicle and requests information 278
pertaining to its location. 279

~~(3)~~(2) Any person who registers a complaint that is the basis 280
of a sheriff's or police chief's order for the removal and storage 281
of a motor vehicle under division (A)(1) of this section shall 282
provide the identity of the law enforcement agency with which the 283
complaint was registered to any person who identifies self as the 284
owner or operator of the motor vehicle and requests information 285
pertaining to its location. 286

~~(E)~~(F) The owner of a motor vehicle that is ordered into 287
storage pursuant to division (A)(1) of this section or the owner 288
or lienholder of a vehicle that is removed under authority of 289
division (B)(2) of this section may reclaim it upon payment of any 290
expenses or charges incurred in its removal, in an amount not to 291
exceed ninety dollars, and storage, in an amount not to exceed 292
twelve dollars per twenty-four-hour period; except that the charge 293
for towing shall not exceed one hundred fifty dollars, and the 294
storage charge shall not exceed twenty dollars per 295
twenty-four-hour period, if the vehicle has a manufacturer's gross 296
vehicle weight rating in excess of ten thousand pounds and is a 297
truck, bus, or a combination of a commercial tractor and trailer 298
or semitrailer. Presentation of proof of ownership, which may be 299
evidenced by a certificate of title to the motor vehicle or 300
vehicle also shall be required for reclamation of the vehicle. If 301

a motor vehicle that is ordered into storage pursuant to division 302
(A)(1) of this section remains unclaimed by the owner for thirty 303
days, the procedures established by sections 4513.61 and 4513.62 304
of the Revised Code shall apply. 305

~~(F)~~(G) No person shall remove, or cause the removal of, any 306
vehicle from private property that is established as a private 307
tow-away zone under division (B)(1) of this section other than in 308
accordance with division (B)(2) of this section, and no person 309
shall remove, or cause the removal of, any motor vehicle from any 310
other private property other than in accordance with division 311
(A)(1) of this section or sections 4513.61 to 4513.65 of the 312
Revised Code. 313

~~(G)~~(H) Whoever violates division (B)(3) or ~~(F)~~(G) of this 314
section is guilty of a minor misdemeanor. 315

Sec. 4513.67. (A) Except as provided in division (B) of this 316
section, when removing a motor vehicle from an accident scene on 317
any street or highway or any other property open to the public for 318
purposes of vehicular travel or parking, a towing service shall 319
submit the invoice for the removal to the person who was operating 320
the motor vehicle at the time of the accident. The towing service 321
shall not, in any circumstance, submit such an invoice to the 322
repair facility or storage facility to which the motor vehicle is 323
transported. 324

(B) Division (A) of this section does not apply if all of the 325
following are applicable: 326

(1) The towing service removes a motor vehicle from an 327
accident scene; 328

(2) The removal is conducted pursuant to a contract between 329
the towing service and the issuer of a policy of motor vehicle 330
insurance covering the motor vehicle; and 331

(3) The contract requires the towing service to be paid 332
directly by issuer of the policy. 333

Sec. 4921.25. (A) Any person, firm, copartnership, voluntary 334
association, joint-stock association, company, or corporation, 335
wherever organized or incorporated, that is engaged in the towing 336
of motor vehicles is subject to regulation by the public utilities 337
commission as a for-hire motor carrier under this chapter. Such an 338
entity is not subject to any ordinance, rule, or resolution of a 339
municipal corporation, county, or township that provides for the 340
licensing, registering, or regulation of entities that tow motor 341
vehicles. 342

(B) No for-hire motor carrier engaged in the towing of motor 343
vehicles shall do any of the following: 344

(1) Fail to make its current certificate of public 345
convenience and necessity available for public inspection during 346
normal business hours; 347

(2) Fail to include its certificate number on all 348
advertising, written estimates, contracts, and invoices, in such 349
manner as the public utilities commission shall prescribe by rule; 350

(3) Fail to display its certificate number on both the left 351
and right front doors of all towing vehicles used by the carrier 352
in such manner as the commission shall prescribe by rule. 353

Section 2. That existing sections 4505.101, 4513.60, and 354
4921.25 of the Revised Code are hereby repealed. 355