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Committee**

**130th General Assembly  
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**Sub. S. B. No. 274**

**Senator Hughes**

**Cosponsors: Senators Patton, Bacon, Coley, Eklund, Faber, Kearney,  
Schaffer, Schiavoni, Seitz**

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**A B I L L**

To amend sections 1345.22, 4505.02, 4505.101, 1  
4505.11, 4505.17, 4513.60, 4513.61, 4513.66, and 2  
4921.25 and to enact sections 4505.191, 4513.601, 3  
4513.611, 4513.67, 4513.68, and 4513.69 of the 4  
Revised Code to authorize towing companies to 5  
obtain title to vehicles removed from private 6  
tow-away zones that remain unclaimed, to revise 7  
the process by which a repair garage or place of 8  
storage may obtain title to vehicles left 9  
unclaimed at the repair garage or place of 10  
storage, to revise the procedures and penalties 11  
related to the towing of motor vehicles, to deem a 12  
scrap metal dealer to have valid title to a motor 13  
vehicle in specified circumstances, to make other 14  
changes in the law governing towing motor 15  
vehicles, to alter the law governing the evidence 16  
required for the issuance of a salvage certificate 17  
of title, to specify exemptions from the buyer's 18  
cooling-off period for a seller of home security 19  
systems to commence services, and to expand the 20  
manners of providing cancellation notices in home 21

solicitation sales. 22

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

**Section 1.** That sections 1345.22, 4505.02, 4505.101, 4505.11, 23  
4505.17, 4513.60, 4513.61, 4513.66, and 4921.25 be amended and 24  
sections 4505.191, 4513.601, 4513.611, 4513.67, 4513.68, and 25  
4513.69 of the Revised Code be enacted to read as follows: 26

**Sec. 1345.22.** (A) In addition to any right otherwise to 27  
revoke an offer, the buyer has the right to cancel a home 28  
solicitation sale until midnight of the third business day after 29  
the day on which the buyer signs an agreement or offer to 30  
purchase. Cancellation is evidenced by the buyer giving written 31  
notice of cancellation to the seller at the seller's address, 32  
electronic mail address, or facsimile number stated in the 33  
agreement or offer to purchase. The buyer ~~may~~ shall deliver the 34  
notice by certified mail delivery, return receipt requested, 35  
~~telegram,~~ manual delivery, ~~or other~~ personal delivery, facsimile 36  
transmission, or electronic mail. ~~Written notice~~ Notice of 37  
cancellation by certified mail shall be effective upon the date of 38  
post marking. ~~Telegram delivery is effective when the telegram is~~ 39  
~~ordered.~~ Manual delivery or other personal delivery is effective 40  
when delivered to the seller or to the seller's address, whichever 41  
comes first. Facsimile delivery is effective when the facsimile 42  
transmission has been transmitted to the seller's facsimile number 43  
and the consumer has received confirmation of the facsimile 44  
transmission. Electronic mail delivery is effective when the 45  
electronic mail has been sent to the seller's electronic mail 46  
address. Notice of cancellation need not take a particular form 47  
and is sufficient if it indicates, by any form of written 48  
expression, the intention of the buyer not to be bound by the home 49  
solicitation sale. Notice of buyer's right to cancel must appear 50

on all notes or other evidence of indebtedness given pursuant to 51  
any home solicitation sale. 52

Where (B) Except as provided in division (C) of this section, 53  
where a home solicitation sale requires a seller to provide 54  
services, ~~he~~ the seller shall not commence performance of such 55  
services during the time in which the buyer may cancel. 56

(C)(1) Where a home solicitation sale involving the sale and 57  
installation of home security and automation systems and related 58  
security and monitoring services requires the seller to provide 59  
services, the seller shall not commence performance of such 60  
services during the time in which the buyer may cancel the sale 61  
unless the seller does all of the following: 62

(a) In addition to the notices required by section 1345.23 of 63  
the Revised Code, the seller informs the buyer in writing that the 64  
buyer's right to cancel under this section is not affected by 65  
commencing services and the buyer acknowledges in writing the 66  
buyer's understanding of this right. 67

(b) The seller does not make a substantial change in the 68  
condition of the property in question. 69

(c) The seller does not receive any compensation for the 70  
services performed if the buyer timely cancels the agreement or 71  
offer under this section. 72

(2) With respect to a home solicitation sale involving the 73  
sale and installation of home security and automation systems and 74  
related security and monitoring services, if the seller commences 75  
services during the time in which the buyer may cancel, in 76  
accordance with division (C)(1) of this section, and those 77  
services result in the alteration of the buyer's property, and the 78  
buyer exercises the buyer's right to cancel, the seller shall 79  
restore the property within fourteen calendar days from 80  
cancellation to substantially the same condition as it was at the 81

time the services were rendered. 82

(D) As used in this section, "substantial change" means any 83  
change that requires repair of a significant nature, necessitating 84  
significant expense, time, or inconvenience to repair for the 85  
buyer. Substantial change also includes a change that is incapable 86  
of being returned to its original condition. 87

**Sec. 4505.02.** The registrar of motor vehicles shall issue 88  
rules as the registrar determines necessary to ensure uniform and 89  
orderly operation of this chapter and to ensure that the 90  
identification of each applicant for a certificate of title is 91  
reasonably accurate. The clerks of the courts of common pleas 92  
shall conform thereto. The clerks shall provide the forms as 93  
prescribed by the registrar, except the manufacturers' or 94  
importers' certificates. The clerks shall provide, from moneys in 95  
the automated title processing fund, certificates of title and 96  
ribbons, cartridges, or other devices necessary for the operation 97  
of the certificate of title processing equipment as determined by 98  
the automated title processing board pursuant to division (C) of 99  
section 4505.09 of the Revised Code. All other automated title 100  
processing system supplies shall be provided by the clerks. 101

If it appears that any certificate of title has been 102  
improperly issued, the registrar shall cancel the certificate 103  
unless the title is deemed valid pursuant to section 4505.191 of 104  
the Revised Code. Upon the cancellation of any certificate of 105  
title, the registrar shall notify the clerk who issued it, and the 106  
clerk thereupon shall enter the cancellation upon the clerk's 107  
records. The registrar also shall notify the person to whom such 108  
certificate of title was issued, as well as any lienholders 109  
appearing thereon, of the cancellation and shall demand the 110  
surrender of the certificate of title immediately, but the 111  
cancellation shall not affect the validity of any lien noted 112

thereon. The holder of such certificate of title immediately shall 113  
return it to the registrar. If a certificate of registration has 114  
been issued to the holder of a certificate of title so canceled 115  
the registrar immediately shall cancel it and demand the return of 116  
such certificate of registration and license plates, and the 117  
holder of such certificate of registration and license plates 118  
shall return the same to the registrar forthwith. The clerks shall 119  
keep on hand a sufficient supply of blank forms, which, except for 120  
certificate of title and memorandum certificate forms, shall be 121  
furnished and distributed without charge to registered 122  
manufacturers or dealers, or other persons residing within the 123  
county. 124

**Sec. 4505.101.** (A)(1) The owner of any repair garage or place 125  
of storage in which a motor vehicle with a value of less than ~~two~~ 126  
three thousand five hundred dollars has been left unclaimed for 127  
fifteen days or more following completion of the requested repair 128  
or the agreed term of storage ~~may~~ shall send by certified mail, 129  
return receipt requested, to the last known address of ~~the~~ any 130  
owner and any lienholder of the motor vehicle a notice to remove 131  
the motor vehicle. ~~If~~ In order to identify any owner or 132  
lienholder, prior to sending a notice, the repair garage or place 133  
of storage shall cause a search to be made of the records of the 134  
bureau of motor vehicles. Any notice to a lienholder shall state 135  
where the motor vehicle is located and the value of the vehicle. 136

If the motor vehicle remains unclaimed by ~~the~~ any owner or 138  
lienholder for fifteen days after the mailing of ~~the notice~~ all 139  
required notices, and for each notice the person on whose property 140  
the vehicle has been abandoned either has received the signed 141  
receipt from the certified mail or has been notified that the 142  
delivery was not possible, the person ~~shall~~ may obtain a 143  
certificate of title to the motor vehicle in the person's name in 144

the manner provided in this section. Unless the lienholder claims 145  
the motor vehicle within fifteen days from the mailing of the 146  
notice, the lienholder's lien is invalid. 147

(2) The owner of the repair garage or place of storage that 148  
mailed the notice shall execute an affidavit, in a form 149  
established by the registrar of motor vehicles by rule, affirming 150  
that all of the requirements of this section necessary to 151  
authorize the issuance of a certificate of title for the motor 152  
vehicle have been met. The affidavit shall set forth an itemized 153  
statement of the value of the motor vehicle ~~when unclaimed as~~ 154  
~~determined in accordance with standards fixed by the registrar of~~ 155  
~~motor vehicles;~~ the length of time that the motor vehicle has 156  
remained unclaimed; ~~the expenses incurred with the motor vehicle;~~ 157  
that a notice to remove the vehicle has been mailed to ~~the~~ any 158  
titled owner, ~~if known,~~ or lienholder by certified mail, return 159  
receipt requested; and that a search of the records of the bureau 160  
of motor vehicles has been made ~~for outstanding liens on the motor~~ 161  
~~vehicle~~ in accordance with division (A)(1) of this section. 162

~~No affidavit shall be executed or filed under this section~~ 163  
~~until after a search of the records of the bureau of motor~~ 164  
~~vehicles has been made. If the research reveals any outstanding~~ 165  
~~lien on the motor vehicle, the owner of the repair garage or place~~ 166  
~~of storage of the motor vehicle shall notify the mortgagee or~~ 167  
~~lienholder by certified mail, return receipt requested, stating~~ 168  
~~where the motor vehicle is located and the value of the vehicle.~~ 169  
~~Unless the mortgagee or lienholder claims the motor vehicle within~~ 170  
~~fifteen days from the mailing of the notice, the mortgagee's~~ 171  
~~mortgage or the lienholder's lien shall be invalid.~~ 172

~~Upon presentation by the owner of the repair garage or place~~ 173  
~~of storage of the affidavit, showing compliance with all~~ 174  
~~requirements of this section to the clerk of courts of the county~~ 175  
~~in which the repair garage or place of storage is located, the (B)~~ 176

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: 177  
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(1) The vehicle was towed under division (B) of section 4513.601 of the Revised Code. 181  
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(2) The vehicle has a value of less than three thousand five hundred dollars. 183  
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(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. 185  
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(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. 190  
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(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: 205  
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(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; 208  
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(2) To a towing service or storage facility that presents an affidavit in compliance with division (B) of this section. 211  
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~~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.~~ 213  
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~~(B)(D)~~ Whoever violates this section shall be fined not more than two hundred dollars, imprisoned not more than ninety days, or both. 221  
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(E) As used in this section: 224

(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. 225  
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(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. 229  
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(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: 234  
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(a) The estimated cost of repairs to restore the motor 239  
vehicle to the wholesale value for that make and model of motor 240  
vehicle; 241

(b) The cost of any agreed-upon repairs. 242

**Sec. 4505.11.** This section shall also apply to all-purpose 243  
vehicles and off-highway motorcycles as defined in section 4519.01 244  
of the Revised Code. 245

(A) Each owner of a motor vehicle and each person mentioned 246  
as owner in the last certificate of title, when the motor vehicle 247  
is dismantled, destroyed, or changed in such manner that it loses 248  
its character as a motor vehicle, or changed in such manner that 249  
it is not the motor vehicle described in the certificate of title, 250  
shall surrender the certificate of title to that motor vehicle to 251  
a clerk of a court of common pleas, and the clerk, with the 252  
consent of any holders of any liens noted on the certificate of 253  
title, then shall enter a cancellation upon the clerk's records 254  
and shall notify the registrar of motor vehicles of the 255  
cancellation. 256

Upon the cancellation of a certificate of title in the manner 257  
prescribed by this section, any clerk and the registrar of motor 258  
vehicles may cancel and destroy all certificates and all 259  
memorandum certificates in that chain of title. 260

(B)(1) If an Ohio certificate of title or salvage certificate 261  
of title to a motor vehicle is assigned to a salvage dealer, the 262  
dealer is not required to obtain an Ohio certificate of title or a 263  
salvage certificate of title to the motor vehicle in the dealer's 264  
own name if the dealer dismantles or destroys the motor vehicle, 265  
indicates the number of the dealer's motor vehicle salvage 266  
dealer's license on it, marks "FOR DESTRUCTION" across the face of 267  
the certificate of title or salvage certificate of title, and 268  
surrenders the certificate of title or salvage certificate of 269

title to a clerk of a court of common pleas as provided in 270  
division (A) of this section. If the salvage dealer retains the 271  
motor vehicle for resale, the dealer shall make application for a 272  
salvage certificate of title to the motor vehicle in the dealer's 273  
own name as provided in division (C)(1) of this section. 274

(2) At the time any salvage motor vehicle is sold at auction 275  
or through a pool, the salvage motor vehicle auction or salvage 276  
motor vehicle pool shall give a copy of the salvage certificate of 277  
title or a copy of the certificate of title marked "FOR 278  
DESTRUCTION" to the purchaser. 279

(C)(1) When an insurance company declares it economically 280  
impractical to repair such a motor vehicle and has paid an agreed 281  
price for the purchase of the motor vehicle to any insured or 282  
claimant owner, the insurance company shall proceed as follows: 283

(a) If an insurance company receives the certificate of title 284  
and the motor vehicle, within thirty business days, the insurance 285  
company shall deliver the certificate of title to a clerk of a 286  
court of common pleas and shall make application for a salvage 287  
certificate of title. 288

(b) If an insurance company obtains possession of the motor 289  
vehicle but is unable to obtain the properly endorsed certificate 290  
of title for the motor vehicle within thirty business days 291  
following the vehicle's owner or lienholder's acceptance of the 292  
insurance company's payment for the vehicle, the insurance company 293  
may apply to the clerk of a court of common pleas for a salvage 294  
certificate of title without delivering the certificate of title 295  
for the motor vehicle. The application shall be accompanied by 296  
evidence that the insurance company has paid a total loss claim on 297  
the vehicle, a copy of the written request for the certificate of 298  
title ~~on from~~ the insurance company's letterhead, and the original 299  
~~certified mail, return receipt notice, addressed~~ company or its 300  
designee, and proof that the request was delivered by a nationally 301

recognized courier service to the last known address of the owner 302  
of the vehicle and any known lienholder, to obtain the certificate 303  
of title. 304

(c) Upon receipt of a properly completed application for a 305  
salvage certificate of title as described in division (C)(1)(a) or 306  
(b) or (C)(2) of this section, the clerk shall issue the salvage 307  
certificate of title on a form, prescribed by the registrar, that 308  
shall be easily distinguishable from the original certificate of 309  
title and shall bear the same information as the original 310  
certificate of title except that it may bear a different number 311  
than that of the original certificate of title. Except as provided 312  
in division (C)(3) of this section, the salvage certificate of 313  
title shall be assigned by the insurance company to a salvage 314  
dealer or any other person for use as evidence of ownership upon 315  
the sale or other disposition of the motor vehicle, and the 316  
salvage certificate of title shall be transferrable to any other 317  
person. The clerk shall charge a fee of four dollars for the cost 318  
of processing each salvage certificate of title. 319

(2) If an insurance company requests that a salvage motor 320  
vehicle auction take possession of a motor vehicle that is the 321  
subject of an insurance claim, and subsequently the insurance 322  
company denies coverage with respect to the motor vehicle or does 323  
not otherwise take ownership of the motor vehicle, the salvage 324  
motor vehicle auction may proceed as follows. After the salvage 325  
motor vehicle auction has possession of the motor vehicle for 326  
forty-five days, it may apply to the clerk of a court of common 327  
pleas for a salvage certificate of title without delivering the 328  
certificate of title for the motor vehicle. The application shall 329  
be accompanied by a copy of the written request that the vehicle 330  
be removed from the facility on the salvage motor vehicle 331  
auction's letterhead, and the original certified mail, return 332  
receipt notice, addressed to the last known owner of the vehicle 333

and any known lienholder, requesting that the vehicle be removed 334  
from the facility of the salvage motor vehicle auction. Upon 335  
receipt of a properly completed application, the clerk shall 336  
follow the process as described in division (C)(1)(c) of this 337  
section. The salvage certificate of title so issued shall be free 338  
and clear of all liens. 339

(3) If an insurance company considers a motor vehicle as 340  
described in division (C)(1)(a) or (b) of this section to be 341  
impossible to restore for highway operation, the insurance company 342  
may assign the certificate of title to the motor vehicle to a 343  
salvage dealer or scrap metal processing facility and send the 344  
assigned certificate of title to the clerk of the court of common 345  
pleas of any county. The insurance company shall mark the face of 346  
the certificate of title "FOR DESTRUCTION" and shall deliver a 347  
photocopy of the certificate of title to the salvage dealer or 348  
scrap metal processing facility for its records. 349

(4) If an insurance company declares it economically 350  
impractical to repair a motor vehicle, agrees to pay to the 351  
insured or claimant owner an amount in settlement of a claim 352  
against a policy of motor vehicle insurance covering the motor 353  
vehicle, and agrees to permit the insured or claimant owner to 354  
retain possession of the motor vehicle, the insurance company 355  
shall not pay the insured or claimant owner any amount in 356  
settlement of the insurance claim until the owner obtains a 357  
salvage certificate of title to the vehicle and furnishes a copy 358  
of the salvage certificate of title to the insurance company. 359

(D) When a self-insured organization, rental or leasing 360  
company, or secured creditor becomes the owner of a motor vehicle 361  
that is burned, damaged, or dismantled and is determined to be 362  
economically impractical to repair, the self-insured organization, 363  
rental or leasing company, or secured creditor shall do one of the 364  
following: 365

(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 398  
issued for the motor vehicle also shall bear the words "REBUILT 399  
SALVAGE" in black boldface letters on its face. The exact location 400  
on the face of the certificate of title of the words "REBUILT 401  
SALVAGE" shall be determined by the registrar, who shall develop 402  
an automated procedure within the automated title processing 403  
system to comply with this division. The clerk shall use 404  
reasonable care in performing the duties imposed on the clerk by 405  
this division in issuing a certificate of title pursuant to this 406  
division, but the clerk is not liable for any of the clerk's 407  
errors or omissions or those of the clerk's deputies, or the 408  
automated title processing system in the performance of those 409  
duties. A fee of fifty dollars shall be assessed by the state 410  
highway patrol for each inspection made pursuant to this division 411  
and shall be deposited into the state highway safety fund 412  
established by section 4501.06 of the Revised Code. 413

(F) No person shall operate upon the highways in this state a 414  
motor vehicle, title to which is evidenced by a salvage 415  
certificate of title, except to deliver the motor vehicle pursuant 416  
to an appointment for an inspection under this section. 417

(G) No motor vehicle the certificate of title to which has 418  
been marked "FOR DESTRUCTION" and surrendered to a clerk of a 419  
court of common pleas shall be used for anything except parts and 420  
scrap metal. 421

(H)(1) Except as otherwise provided in this division, an 422  
owner of a manufactured or mobile home that will be taxed as real 423  
property pursuant to division (B) of section 4503.06 of the 424  
Revised Code shall surrender the certificate of title to the 425  
auditor of the county containing the taxing district in which the 426  
home is located. An owner whose home qualifies for real property 427  
taxation under divisions (B)(1)(a) and (b) of section 4503.06 of 428  
the Revised Code shall surrender the certificate within fifteen 429

days after the home meets the conditions specified in those 430  
divisions. The auditor shall deliver the certificate of title to 431  
the clerk of the court of common pleas who issued it. 432

(2) If the certificate of title for a manufactured or mobile 433  
home that is to be taxed as real property is held by a lienholder, 434  
the lienholder shall surrender the certificate of title to the 435  
auditor of the county containing the taxing district in which the 436  
home is located, and the auditor shall deliver the certificate of 437  
title to the clerk of the court of common pleas who issued it. The 438  
lienholder shall surrender the certificate within thirty days 439  
after both of the following have occurred: 440

(a) The homeowner has provided written notice to the 441  
lienholder requesting that the certificate of title be surrendered 442  
to the auditor of the county containing the taxing district in 443  
which the home is located. 444

(b) The homeowner has either paid the lienholder the 445  
remaining balance owed to the lienholder, or, with the 446  
lienholder's consent, executed and delivered to the lienholder a 447  
mortgage on the home and land on which the home is sited in the 448  
amount of the remaining balance owed to the lienholder. 449

(3) Upon the delivery of a certificate of title by the county 450  
auditor to the clerk, the clerk shall inactivate it and maintain 451  
it in the automated title processing system for a period of thirty 452  
years. 453

(4) Upon application by the owner of a manufactured or mobile 454  
home that is taxed as real property pursuant to division (B) of 455  
section 4503.06 of the Revised Code and that no longer satisfies 456  
divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that 457  
section, the clerk shall reactivate the record of the certificate 458  
of title that was inactivated under division (H)(3) of this 459  
section and shall issue a new certificate of title, but only if 460

the application contains or has attached to it all of the 461  
following: 462

(a) An endorsement of the county treasurer that all real 463  
property taxes charged against the home under Title LVII of the 464  
Revised Code and division (B) of section 4503.06 of the Revised 465  
Code for all preceding tax years have been paid; 466

(b) An endorsement of the county auditor that the home will 467  
be removed from the real property tax list; 468

(c) Proof that there are no outstanding mortgages or other 469  
liens on the home or, if there are such mortgages or other liens, 470  
that the mortgagee or lienholder has consented to the reactivation 471  
of the certificate of title. 472

(I)(1) Whoever violates division (F) of this section shall be 473  
fined not more than two thousand dollars, imprisoned not more than 474  
one year, or both. 475

(2) Whoever violates division (G) of this section shall be 476  
fined not more than one thousand dollars, imprisoned not more than 477  
six months, or both. 478

**Sec. 4505.17.** (A) Every sheriff, chief of police, constable, 479  
state highway patrol trooper, employee of the state highway 480  
patrol, and designated officer of the department of public safety, 481  
having knowledge of a stolen motor vehicle, immediately shall 482  
furnish the registrar of motor vehicles with full information 483  
concerning such theft. 484

Whenever the registrar receives a report of the theft or 485  
conversion of a motor vehicle, whether the same has been 486  
registered or not and whether owned in this or any other state, 487  
the registrar shall make a distinctive record thereof, including 488  
the make of the stolen vehicle and its manufacturer's vehicle 489  
identification number. The registrar shall prepare a report 490



listing motor vehicles stolen and recovered as disclosed by the 491  
reports submitted to the registrar, to be distributed as the 492  
registrar determines advisable. 493

In the event of the receipt from any clerk of the court of 494  
common pleas of a copy of a certificate of title to such a motor 495  
vehicle, the registrar immediately shall notify the rightful owner 496  
thereof and the clerk who issued such certificate of title, and 497  
if, upon investigation, it appears that such certificate of title 498  
was improperly issued, the registrar immediately shall cancel the 499  
certificate unless the title is deemed valid pursuant to section 500  
4505.191 of the Revised Code. 501

In the event of the recovery of a stolen or converted motor 502  
vehicle, the owner immediately shall notify the registrar, who 503  
shall remove the record of the theft or conversion from the 504  
registrar's file. 505

(B) Whoever violates this section shall be fined not more 506  
than two hundred dollars, imprisoned not more than ninety days, or 507  
both. 508

**Sec. 4505.191.** (A) A scrap metal dealer, as defined in 509  
section 4737.04 of the Revised Code, is deemed to have valid title 510  
to a motor vehicle if both of the following apply: 511

(1) The scrap metal dealer purchased the motor vehicle in the 512  
ordinary course of business. 513

(2) The scrap metal dealer received an endorsed and notarized 514  
certificate of title to the motor vehicle from a seller, 515  
regardless of whether the certificate of title was issued pursuant 516  
to section 4505.06, 4505.10, 4505.101, 4505.102, 4505.11, or 517  
4505.19 of the Revised Code. 518

(B) If a certificate of title to a motor vehicle was 519  
improperly issued, unlawfully obtained, or falsified prior to the 520

transfer of the title to a scrap metal dealer who is deemed to 521  
have valid title pursuant to division (A) of this section, any 522  
other person with a valid certificate of title may seek legal 523  
recourse from the person who sold the motor vehicle to the scrap 524  
metal dealer. Such a person does not have a claim for relief 525  
against, and may not recover damages in a civil action against, 526  
the scrap metal dealer. 527

**Sec. 4513.60.** (A)(1) The sheriff of a county or chief of 528  
police of a municipal corporation, township, or township or joint 529  
police district, within the sheriff's or chief's respective 530  
territorial jurisdiction, upon complaint of any person adversely 531  
affected, may order into storage any motor vehicle, other than an 532  
abandoned junk motor vehicle as defined in section 4513.63 of the 533  
Revised Code, that has been left on private residential or private 534  
agricultural property for at least four hours without the 535  
permission of the person having the right to the possession of the 536  
property. The sheriff or chief of police, upon complaint of the 537  
owner of a repair garage or place of storage, may order into 538  
storage any motor vehicle, other than an abandoned junk motor 539  
vehicle, that has been left at the garage or place of storage for 540  
a longer period than that agreed upon. ~~The place of storage shall~~ 541  
~~be designated by the sheriff or chief of police.~~ When ordering a 542  
motor vehicle into storage pursuant to this division, a sheriff or 543  
chief of police, ~~whenever possible, shall~~ may arrange for the 544  
removal of the motor vehicle by a ~~private tow truck operator or~~ 545  
~~towing company.~~ Subject service and shall designate a storage 546  
facility. 547

(2) A towing service towing a motor vehicle under division 548  
(A)(1) of this section shall remove the motor vehicle in 549  
accordance with that division. The towing service shall deliver 550  
the motor vehicle to the location designated by the sheriff or 551  
chief of police not more than two hours after the time it is 552

removed from the private property. 553

(3) Subject to division ~~(C)~~(B) of this section, the owner of 554  
a motor vehicle that has been removed pursuant to this division 555  
may recover the vehicle only in accordance with division ~~(E)~~(D) of 556  
this section. 557

~~(2) Divisions (A)(1) to (3) of this section do not apply to 558  
any private residential or private agricultural property that is 559  
established as a private tow away zone in accordance with division 560  
(B) of this section.~~ 561

~~(3)(4)~~ As used in ~~divisions (A)(1) and (2) of this section,~~ 562  
"private residential property" means private property on which is 563  
located one or more structures that are used as a home, residence, 564  
or sleeping place by one or more persons, if no more than three 565  
separate households are maintained in the structure or structures. 566  
"Private residential property" does not include any private 567  
property on which is located one or more structures that are used 568  
as a home, residence, or sleeping place by two or more persons, if 569  
more than three separate households are maintained in the 570  
structure or structures. 571

~~(B)(1) The owner of private property may establish a private 572  
tow away zone only if all of the following conditions are 573  
satisfied:~~ 574

~~(a) The owner posts on the owner's property a sign, that is 575  
at least eighteen inches by twenty four inches in size, that is 576  
visible from all entrances to the property, and that contains at 577  
least all of the following information:~~ 578

~~(i) A notice that the property is a private tow away zone and 579  
that vehicles not authorized to park on the property will be towed 580  
away;~~ 581

~~(ii) The telephone number of the person from whom a 582  
towed away vehicle can be recovered, and the address of the place 583~~

~~to which the vehicle will be taken and the place from which it may  
be recovered;~~ 584  
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~~(iii) A statement that the vehicle may be recovered at any 586  
time during the day or night upon the submission of proof of 587  
ownership and the payment of a towing charge, in an amount not to 588  
exceed ninety dollars, and a storage charge, in an amount not to 589  
exceed twelve dollars per twenty four hour period; except that the 590  
charge for towing shall not exceed one hundred fifty dollars, and 591  
the storage charge shall not exceed twenty dollars per 592  
twenty four hour period, if the vehicle has a manufacturer's gross 593  
vehicle weight rating in excess of ten thousand pounds and is a 594  
truck, bus, or a combination of a commercial tractor and trailer 595  
or semitrailer. 596~~

~~(b) The place to which the towed vehicle is taken and from 597  
which it may be recovered is conveniently located, is well 598  
lighted, and is on or within a reasonable distance of a regularly 599  
scheduled route of one or more modes of public transportation, if 600  
any public transportation is available in the municipal 601  
corporation or township in which the private tow away zone is 602  
located. 603~~

~~(2) If a vehicle is parked on private property that is 604  
established as a private tow away zone in accordance with division 605  
(B)(1) of this section, without the consent of the owner of the 606  
property or in violation of any posted parking condition or 607  
regulation, the owner or the owner's agent may remove, or cause 608  
the removal of, the vehicle, the owner and the operator of the 609  
vehicle shall be deemed to have consented to the removal and 610  
storage of the vehicle and to the payment of the towing and 611  
storage charges specified in division (B)(1)(a)(iii) of this 612  
section, and the owner, subject to division (C) of this section, 613  
may recover a vehicle that has been so removed only in accordance 614  
with division (E) of this section. 615~~

~~(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 680  
and time of its removal, the telephone number of the person from 681  
whom it may be recovered, and the address of the place to which it 682  
has been taken and from which it may be recovered. ~~Any~~ A sheriff 683  
or chief of police shall provide any information in the record 684  
that pertains to a particular motor vehicle ~~or vehicle shall be~~ 685  
~~provided~~ to any person who, either in person or pursuant to a 686  
telephone call, identifies self as the owner or operator of the 687  
motor vehicle ~~or vehicle~~ and requests information pertaining to 688  
its location. 689

~~(3)~~(2) Any person who registers a complaint that is the basis 690  
of a sheriff's or police chief's order for the removal and storage 691  
of a motor vehicle under division (A)(1) of this section shall 692  
provide the identity of the law enforcement agency with which the 693  
complaint was registered to any person who identifies self as the 694  
owner or operator of the motor vehicle and requests information 695  
pertaining to its location. 696

~~(E)~~(D)(1) The owner or lienholder of a motor vehicle that is 697  
ordered into storage pursuant to division (A)(1) of this section 698  
~~or of a vehicle that is removed under authority of division (B)(2)~~ 699  
~~of this section~~ may reclaim it upon ~~payment of any expenses or~~ 700  
~~charges incurred in its removal, in an amount not to exceed ninety~~ 701  
~~dollars, and storage, in an amount not to exceed twelve dollars~~ 702  
~~per twenty four hour period; except that the charge for towing~~ 703  
~~shall not exceed one hundred fifty dollars, and the storage charge~~ 704  
~~shall not exceed twenty dollars per twenty four hour period, if~~ 705  
~~the vehicle has a manufacturer's gross vehicle weight rating in~~ 706  
~~excess of ten thousand pounds and is a truck, bus, or a~~ 707  
~~combination of a commercial tractor and trailer or semitrailer.~~ 708  
both of the following: 709

(a) Payment of the following fees: 710

(i) Not more than ninety dollars for the removal of the motor 711

vehicle. However, if the motor vehicle has a manufacturer's gross 712  
vehicle weight rating in excess of ten thousand pounds and is a 713  
truck, bus, or a combination of a commercial tractor and trailer 714  
or semitrailer, not more than one hundred fifty dollars for the 715  
removal. 716

(ii) Not more than twelve dollars per twenty-four-hour period 717  
for the storage of the motor vehicle. However, if the motor 718  
vehicle has a manufacturer's gross vehicle weight rating in excess 719  
of ten thousand pounds and is a truck, bus, or a combination of a 720  
commercial tractor and trailer or semitrailer, not more than 721  
twenty dollars per twenty-four-hour period for storage. 722

(b) Presentation of proof of ownership, which may be 723  
evidenced by a certificate of title to the motor vehicle ~~or~~ 724  
vehicle also shall be required for reclamation of the vehicle. If 725

(2) Upon presentation of proof of ownership, the owner of a 726  
motor vehicle that is ordered into storage under division (A)(1) 727  
of this section may retrieve any personal items from the motor 728  
vehicle without retrieving the vehicle and without paying any fee. 729  
However, the owner may not retrieve any personal item that has 730  
been determined by the sheriff or chief of police, as applicable, 731  
to be necessary to a criminal investigation. For purposes of 732  
division (D)(2) of this section, "personal items" do not include 733  
any items that are attached to the motor vehicle. 734

(3) If a motor vehicle that is ordered into storage pursuant 735  
to division (A)(1) of this section remains unclaimed by the owner 736  
for thirty days, the procedures established by sections 4513.61 737  
and 4513.62 of the Revised Code shall apply. 738

~~(F)~~(E)(1) No person shall remove, or cause the removal of, 739  
any vehicle from private property that is established as a private 740  
tow-away zone under division (B)(1) of this section other than in 741  
accordance with division (B)(2) of this section, and no person 742



~~shall remove, or cause the removal of,~~ any motor vehicle from any 743  
~~either private residential or private agricultural~~ property other 744  
than in accordance with division (A)(1) of this section or 745  
sections 4513.61 to 4513.65 of the Revised Code. 746

(2) No towing service or storage facility shall fail to 747  
comply with the requirements of this section. 748

(F) This section does not apply to any private residential or 749  
private agricultural property that is established as a private 750  
tow-away zone in accordance with section 4513.601 of the Revised 751  
Code. 752

~~(G) Whoever~~ The owner of any towing service or storage 753  
facility that violates division ~~(B)(3)~~ or ~~(F)(E)~~ of this section 754  
is guilty of a minor misdemeanor. 755

Sec. 4513.601. (A) The owner of private property may 756  
establish a private tow-away zone, but may do so only if all of 757  
the following conditions are satisfied: 758

(1) The owner posts on the owner's property a sign, that is 759  
at least eighteen inches by twenty-four inches in size, that is 760  
visible from all entrances to the property, and that includes all 761  
of the following information: 762

(a) A statement that the property is a tow-away zone; 763

(b) A description of persons authorized to park on the 764  
property. If the property is a residential property, the owner of 765  
the private property may include on the sign a statement that only 766  
tenants and guests may park in the private tow-away zone, subject 767  
to the terms of the property owner. If the property is a 768  
commercial property, the owner of the private property may include 769  
on the sign a statement that only customers may park in the 770  
private tow-away zone. In all cases, if it is not apparent which 771  
persons may park in the private tow-away zone, the owner shall 772

include on the sign the address of the property on which the 773  
private tow-away zone is located or the name of the business that 774  
is located on the property designated as a private tow-away zone. 775

(c) If the private tow-away zone is not enforceable at all 776  
times, the times during which the parking restrictions are 777  
enforced; 778

(d) The telephone number and the address of the place from 779  
which a towed vehicle may be recovered at any time during the day 780  
or night; 781

(e) A statement that the failure to recover a towed vehicle 782  
may result in the loss of title to the vehicle as provided in 783  
division (B) of section 4505.101 of the Revised Code. 784

Any owner of property that has been established as a private 785  
tow-away zone under section 4513.60 of the Revised Code as that 786  
section existed prior to the effective date of this section who 787  
does not have a contract with a towing service for the removal of 788  
vehicles from the property may retain existing private tow-away 789  
zone signs that comply with that section for up to six months 790  
after the effective date of this section. At any time, in order to 791  
comply with the requirements of division (B)(1) of this section, 792  
such a property owner may modify the existing sign by affixing to 793  
the existing sign stickers or an addendum in lieu of replacing the 794  
sign. 795

(2) A towing service ensures that a vehicle towed under this 796  
section is taken to a location from which it may be recovered that 797  
complies with all of the following: 798

(a) It is located within twenty linear miles of the location 799  
of the private tow-away zone, unless it is not practicable to take 800  
the vehicle to a place of storage within twenty linear miles. 801

(b) It is well-lighted. 802

(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. 803  
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(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. 808  
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(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. 823  
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(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 829  
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fee of not more than one-half of the fee for the removal of the 835  
vehicle established under division (G) of this section in order to 836  
obtain release of the vehicle. Upon payment of that fee, the 837  
towing service shall give the vehicle owner or operator a receipt 838  
showing both the full amount normally assessed and the actual 839  
amount received and shall release the vehicle to the owner or 840  
operator. Upon its release, the owner or operator immediately 841  
shall move the vehicle so that the vehicle is not parked on the 842  
private property established as a private tow-away zone without 843  
the consent of the owner or in violation of any posted parking 844  
condition or regulation. 845

(D)(1) Prior to towing a vehicle under division (B) of this 846  
section, a towing service shall make all reasonable efforts to 847  
take as many photographs as necessary to evidence that the vehicle 848  
is clearly parked on private property in violation of a private 849  
tow-away zone established under division (A) of this section. 850

The towing service shall record the time and date of the 851  
photographs taken under this section. The towing service shall 852  
retain the photographs and the record of the time and date, in 853  
electronic or printed form, for at least thirty days after the 854  
date on which the vehicle is recovered by the owner or lienholder 855  
or at least two years after the date on which the vehicle was 856  
towed, whichever is earlier. 857

(2) A towing service shall deliver a vehicle towed under 858  
division (B) of this section to the location from which it may be 859  
recovered not more than two hours after the time it was removed 860  
from the private tow-away zone. 861

(E)(1) If an owner of private property that is established as 862  
a private tow-away zone in accordance with division (A) of this 863  
section causes the removal of a vehicle from that property by a 864  
towing service under division (B) of this section, the towing 865  
service, within two hours of removing the vehicle, shall provide 866

notice to the sheriff of the county or the police department of 867  
the municipal corporation, township, or township or joint police 868  
district in which the property is located concerning all of the 869  
following: 870

(a) The vehicle's license number, make, model, and color; 871

(b) The location from which the vehicle was removed; 872

(c) The date and time the vehicle was removed; 873

(d) The telephone number of the person from whom the vehicle 874  
may be recovered; 875

(e) The address of the place from which the vehicle may be 876  
recovered. 877

(2) Each county sheriff and each chief of police of a 878  
municipal corporation, township, or township or joint police 879  
district shall maintain a record of any vehicle removed from 880  
private property in the sheriff's or chief's jurisdiction that is 881  
established as a private tow-away zone of which the sheriff or 882  
chief has received notice under this section. The record shall 883  
include all information submitted by the towing service. The 884  
sheriff or chief shall provide any information in the record that 885  
pertains to a particular vehicle to a person who, either in person 886  
or pursuant to a telephone call, identifies self as the owner, 887  
operator, or lienholder of the vehicle and requests information 888  
pertaining to the vehicle. 889

(F)(1) When a vehicle is removed from private property in 890  
accordance with this section, the owner of the towing service or 891  
storage facility from which the vehicle may be recovered shall 892  
immediately cause a search to be made of the records of the bureau 893  
of motor vehicles to ascertain the identity of the owner and any 894  
lienholder of the motor vehicle. Subject to division (F)(4) of 895  
this section, the owner of the towing service or storage facility 896  
shall send notice to the vehicle owner and any known lienholder as 897

follows: 898

(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; 899  
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(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; 905  
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(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. 908  
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(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. 911  
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(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. 919  
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(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. 924  
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(G)(1) The owner or lienholder of a vehicle that is removed 929  
under division (B) of this section may reclaim it upon all of the 930  
following: 931

(a) Presentation of proof of ownership, which may be 932  
evidenced by a certificate of title to the vehicle; 933

(b) Payment of the following fees: 934

(i) Not more than ninety dollars for the removal of the 935  
vehicle. However, if the vehicle has a manufacturer's gross 936  
vehicle weight rating in excess of ten thousand pounds and is a 937  
truck, bus, or a combination of a commercial tractor and trailer 938  
or semitrailer, not more than one hundred fifty dollars for the 939  
removal. 940

(ii) Not more than twelve dollars per twenty-four-hour period 941  
for the storage of the vehicle. However, if the vehicle has a 942  
manufacturer's gross vehicle weight rating in excess of ten 943  
thousand pounds and is a truck, bus, or a combination of a 944  
commercial tractor and trailer or semitrailer, not more than 945  
twenty dollars per twenty-four-hour period for storage. 946

(iii) If notice has been sent to the owner and lienholder as 947  
described in division (F) of this section, a processing fee of 948  
twenty-five dollars. 949

(2) A towing service or storage facility in possession of a 950  
vehicle that is removed under authority of division (B) of this 951  
section shall show the vehicle owner, operator, or lienholder who 952  
contests the removal of the vehicle all photographs taken under 953  
division (D) of this section. Upon request, the towing service or 954  
storage facility shall provide copies of all photographs in the 955  
medium in which the photographs are stored, whether paper, 956  
electronic, or otherwise. 957

(3) Upon presentation of proof of ownership, which may be 958  
evidenced by a certificate of title to the vehicle, the owner of a 959

vehicle that is removed under authority of division (B) of this 960  
section may retrieve any personal items from the vehicle without 961  
retrieving the vehicle and without paying any fee. For purposes of 962  
division (G)(3) of this section, "personal items" do not include 963  
any items that are attached to the vehicle. 964

(H) No towing service or storage facility shall remove, or 965  
cause the removal of, any vehicle from private property that is 966  
established as a private tow-away zone under this section, store 967  
such a vehicle other than in accordance with this section, or 968  
otherwise fail to comply with any applicable requirement of this 969  
section. 970

(I) This section does not affect or limit the operation of 971  
section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code 972  
as they relate to property other than private property that is 973  
established as a private tow-away zone under division (A) of this 974  
section. 975

(J) The owner of any towing service or storage facility or 976  
property owner that violates division (H) of this section is 977  
guilty of a minor misdemeanor. 978

**Sec. 4513.61.** (A) The sheriff of a county or chief of police 979  
of a municipal corporation, township, or township or joint police 980  
district, within the sheriff's or chief's respective territorial 981  
jurisdiction, or a state highway patrol trooper, upon notification 982  
to the sheriff or chief of police of such action and of the 983  
location of the place of storage, may order into storage any motor 984  
vehicle, including an abandoned junk motor vehicle as defined in 985  
section 4513.63 of the Revised Code, that ~~has~~: 986

(1) ~~Has~~ come into the possession of the sheriff, chief of 987  
police, or state highway patrol trooper as a result of the 988  
performance of the sheriff's, chief's, or trooper's duties; ~~or~~ 989  
~~that has~~ 990



(2) Has been left on a public street or other property open 991  
to the public for purposes of vehicular travel, or upon or within 992  
the right-of-way of any road or highway, for forty-eight hours or 993  
longer without notification to the sheriff or chief of police of 994  
the reasons for leaving the motor vehicle in such place,~~except~~ 995  
~~that.~~ However, when such a motor vehicle constitutes an 996  
obstruction to traffic it may be ordered into storage immediately 997  
unless either of the following applies:. 998

(a) The vehicle was involved in an accident and is subject to 999  
section 4513.66 of the Revised Code; 1000

(b) The vehicle is a commercial motor vehicle. If the vehicle 1001  
is a commercial motor vehicle, the sheriff, chief of police, or 1002  
state highway patrol trooper shall allow the owner or operator of 1003  
the vehicle the opportunity to arrange for the removal of the 1004  
motor vehicle within a period of time specified by the sheriff, 1005  
chief of police, or state highway patrol trooper. If the sheriff, 1006  
chief of police, or state highway patrol trooper determines that 1007  
the vehicle cannot be removed within the specified period of time, 1008  
the sheriff, chief of police, or state highway patrol trooper 1009  
shall order the removal of the vehicle. The 1010

Subject to division (C) of this section, the sheriff or chief 1011  
of police shall designate the place of storage of any motor 1012  
vehicle so ordered removed. 1013

(B) If the sheriff, chief of police, or a state highway 1014  
patrol trooper issues an order under division (A) of this section 1015  
and arranges for the removal of a motor vehicle by a towing 1016  
service, the towing service shall deliver the motor vehicle to the 1017  
location designated by the sheriff or chief of police not more 1018  
than two hours after the time it is removed. 1019

(C)(1) The sheriff or chief of police immediately shall cause 1020  
a search to be made of the records of the bureau of motor vehicles 1021

to ascertain the identity of the owner and any lienholder of a 1022  
motor vehicle ordered into storage by the sheriff or chief of 1023  
police, or by a state highway patrol trooper, ~~and, if known,~~ Upon 1024  
obtaining such identity, the sheriff or chief of police shall send 1025  
or cause to be sent ~~notice~~ to the owner or lienholder at the 1026  
owner's or lienholder's last known address by certified mail with 1027  
return receipt requested, notice that informs the owner or 1028  
lienholder that the motor vehicle will be declared a nuisance and 1029  
disposed of if not claimed within ten days of the date of mailing 1030  
of the notice. ~~The~~ 1031

(2) The owner or lienholder of the motor vehicle may reclaim 1032  
~~it~~ the motor vehicle upon payment of any expenses or charges 1033  
incurred in its removal and storage, and presentation of proof of 1034  
ownership, which may be evidenced by a certificate of title or 1035  
memorandum certificate of title to the motor vehicle. Upon 1036  
presentation of proof of ownership, the owner of the motor vehicle 1037  
also may retrieve any personal items from the vehicle without 1038  
retrieving the vehicle and without paying any fee. ~~If~~ However, the 1039  
owner may not retrieve any personal item that has been determined 1040  
by the sheriff, chief of police or a state highway patrol trooper, 1041  
as applicable, to be necessary to a criminal investigation. For 1042  
purposes of division (C)(2) of this section, "personal items" do 1043  
not include any items that are attached to the vehicle. 1044

(3) If the owner or lienholder of the motor vehicle reclaims 1045  
it after a search of the records of the bureau has been conducted 1046  
and after notice has been sent to the owner or lienholder as 1047  
described in this section, and the search was conducted by the 1048  
owner of the place of storage or the owner's employee, and the 1049  
notice was sent to the motor vehicle owner by the owner of the 1050  
place of storage or the owner's employee, the owner or lienholder 1051  
shall pay to the place of storage a processing fee of twenty-five 1052  
dollars, in addition to any expenses or charges incurred in the 1053

removal and storage of the vehicle. 1054

(D) If the owner or lienholder makes no claim to the motor 1055  
vehicle within ten days of the date of mailing of the notice, and 1056  
if the vehicle is to be disposed of at public auction as provided 1057  
in section 4513.62 of the Revised Code, the sheriff or chief of 1058  
police, without charge to any party, shall file with the clerk of 1059  
courts of the county in which the place of storage is located an 1060  
affidavit showing compliance with the requirements of this 1061  
section. Upon presentation of the affidavit, the clerk, without 1062  
charge, shall issue a salvage certificate of title, free and clear 1063  
of all liens and encumbrances, to the sheriff or chief of police. 1064  
If the vehicle is to be disposed of to a motor vehicle salvage 1065  
dealer or other facility as provided in section 4513.62 of the 1066  
Revised Code, the sheriff or chief of police shall execute in 1067  
triplicate an affidavit, as prescribed by the registrar of motor 1068  
vehicles, describing the motor vehicle and the manner in which it 1069  
was disposed of, and that all requirements of this section have 1070  
been complied with. The sheriff or chief of police shall retain 1071  
the original of the affidavit for the sheriff's or chief's 1072  
records, and shall furnish two copies to the motor vehicle salvage 1073  
dealer or other facility. Upon presentation of a copy of the 1074  
affidavit by the motor vehicle salvage dealer, the clerk of 1075  
courts, within thirty days of the presentation, shall issue to 1076  
such owner a salvage certificate of title, free and clear of all 1077  
liens and encumbrances. 1078

(E) Whenever a motor vehicle salvage dealer or other facility 1079  
receives an affidavit for the disposal of a motor vehicle as 1080  
provided in this section, the dealer or facility shall not be 1081  
required to obtain an Ohio certificate of title to the motor 1082  
vehicle in the dealer's or facility's own name if the vehicle is 1083  
dismantled or destroyed and both copies of the affidavit are 1084  
delivered to the clerk of courts. 1085

(F) No towing service or storage facility shall fail to 1086  
comply with this section. 1087

**Sec. 4513.611.** (A) A vehicle owner may bring a civil action 1088  
against a towing service or storage facility that violates section 1089  
4513.60, 4513.601, or 4513.68 of the Revised Code. If a court 1090  
determines that the towing service or storage facility committed 1091  
the violation, the court shall award the vehicle owner the 1092  
following: 1093

(1) If it is a first violation, one thousand dollars; 1094

(2) If it is a second violation, two thousand five hundred 1095  
dollars; 1096

(3) If it is a third or subsequent violation, two thousand 1097  
five hundred dollars. In addition, the court shall order the 1098  
public utilities commission to revoke the towing service's or 1099  
storage facility's certificate of public convenience and necessity 1100  
for six months. The commission shall comply with the order. 1101

(B) Upon expiration of the six-month revocation under 1102  
division (A)(3) of this section, a court shall not consider any 1103  
violation committed by the towing service or storage facility 1104  
prior to the revocation for purposes of a civil action initiated 1105  
after the expiration of the six-month revocation. 1106

**Sec. 4513.66.** (A) If a motor vehicle accident occurs on any 1107  
highway, public street, or other property open to the public for 1108  
purposes of vehicular travel and if any motor vehicle, cargo, or 1109  
personal property that has been damaged or spilled as a result of 1110  
the motor vehicle accident is blocking the highway, street, or 1111  
other property or is otherwise endangering public safety, ~~the~~ 1112  
~~sheriff of the county, or the chief of police of the municipal~~ 1113  
~~corporation, township, or township or joint police district, in~~ 1114  
~~which the accident occurred, a state highway patrol trooper, the~~ 1115

~~chief of the fire department having jurisdiction where the~~ 1116  
~~accident occurred, or a duly authorized subordinate acting on~~ 1117  
~~behalf of an official specified above, a public safety official~~ 1118  
may do either of the following without the consent of the owner 1119  
but with the approval of the law enforcement agency conducting any 1120  
investigation of the accident, ~~may remove:~~ 1121

(1) Remove, or order the removal of, the motor vehicle if the 1122  
motor vehicle is unoccupied, cargo, or personal property from the 1123  
portion of the highway, public street, or property ordinarily used 1124  
for vehicular travel on the highway, public street, or other 1125  
property open to the public for purposes of vehicular travel. 1126

(2) If the motor vehicle is a commercial motor vehicle, allow 1127  
the owner or operator of the vehicle the opportunity to arrange 1128  
for the removal of the motor vehicle within a period of time 1129  
specified by the public safety official. If the public safety 1130  
official determines that the motor vehicle cannot be removed 1131  
within the specified period of time, the public safety official 1132  
shall remove or order the removal of the motor vehicle. 1133

(B)(1) Except as provided in division (B)(2) ~~or (3)~~ of this 1134  
section, ~~no employee of the department of transportation, sheriff,~~ 1135  
~~deputy sheriff, chief of police or police officer of a municipal~~ 1136  
~~corporation, township, or township or joint police district, state~~ 1137  
~~highway patrol trooper, chief of a fire department, fire fighter,~~ 1138  
~~or a duly authorized subordinate acting on behalf of such an~~ any 1139  
employee of the department of transportation, or a public safety 1140  
official who authorizes or participates in the removal of any 1141  
unoccupied motor vehicle, cargo, or personal property as 1142  
authorized by division (A) of this section, regardless of whether 1143  
the removal is executed by a private towing service, is not liable 1144  
~~in~~ for civil damages for any injury, death, or loss to person or 1145  
property that results from the removal of that unoccupied motor 1146

vehicle, cargo, or personal property. ~~Except~~ Further, except as 1147  
provided in division (B)(2) ~~or (3)~~ of this section, if ~~the~~ 1148  
~~department of transportation or a sheriff, chief of police of a~~ 1149  
~~municipal corporation, township, or township or joint police~~ 1150  
~~district, head of the state highway patrol, chief of a fire~~ 1151  
~~department, or a duly authorized subordinate acting on behalf of~~ 1152  
~~such an a public safety~~ official authorizes, employs, or arranges 1153  
to have a private ~~tow truck operator or towing company~~ service 1154  
remove any unoccupied motor vehicle, cargo, or personal property 1155  
as authorized by division (A) of this section, that private ~~tow~~ 1156  
~~truck operator or towing company~~ service is not liable ~~in for~~ 1157  
civil damages for any injury, death, or loss to person or property 1158  
that results from the removal of that unoccupied motor vehicle, 1159  
cargo, or personal property. ~~Further, the department of~~ 1160  
~~transportation, sheriff, chief of police, head of the state~~ 1161  
~~highway patrol, fire department chief, or a duly authorized~~ 1162  
~~subordinate acting on behalf of such an official is not liable in~~ 1163  
~~civil damages for any injury, death, or loss to person or property~~ 1164  
~~that results from the private tow truck operator or towing~~ 1165  
~~company's removal of that unoccupied motor vehicle, cargo, or~~ 1166  
~~personal property.~~ 1167

(2) Division (B)(1) of this section does not apply to any of 1168  
the following: 1169

(a) Any person or entity involved in the removal of an 1170  
unoccupied motor vehicle, cargo, or personal property pursuant to 1171  
division (A) of this section if that removal causes or contributes 1172  
to the release of a hazardous material or to structural damage to 1173  
the roadway. 1174

~~(3) Division (B)(1) of this section does not apply to a~~ 1175  
~~private tow truck operator or;~~ 1176

(b) A private towing ~~company~~ service that was not authorized, 1177  
employed, or arranged by ~~the department of transportation, a~~ 1178

~~sheriff, a chief of police of a municipal corporation, township, 1179  
or township or joint police district, the head of the state 1180  
highway patrol, a chief of a fire department, or a duly authorized 1181  
subordinate acting on behalf of such an a public safety official 1182  
or to a private tow truck operator or to remove an unoccupied 1183  
motor vehicle, cargo, or personal property under this section; 1184~~

(c) Except as provided in division (B)(2)(d) of this section, 1185  
a private towing company service that was authorized, employed, or 1186  
arranged by the department of transportation, a sheriff, a chief 1187  
of police of a municipal corporation, township, or township or 1188  
joint police district, the head of the state highway patrol, or a 1189  
chief of a fire department, or a duly authorized subordinate 1190  
acting on behalf of such an a public safety official to perform 1191  
the removal of the unoccupied motor vehicle, cargo, or personal 1192  
property and but the private tow truck operator or towing company 1193  
service performed the removal in a reckless or willful negligent 1194  
manner; 1195

(d) A private towing service that was authorized, employed, 1196  
or arranged by a public safety official to perform the removal of 1197  
the unoccupied motor vehicle, cargo, or personal property that was 1198  
endangering public safety but the private towing service performed 1199  
the removal in a reckless manner. 1200

(C) As used in this section, ~~"hazardous;~~ 1201

(1) "Public safety official" means any of the following: 1202

(a) The sheriff of the county, or the chief of police in the 1203  
municipal corporation, township, or township or joint police 1204  
district, in which the accident occurred; 1205

(b) A state highway patrol trooper; 1206

(c) The chief of the fire department having jurisdiction 1207  
where the accident occurred; 1208

(d) A duly authorized subordinate acting on behalf of an official specified in divisions (C)(1)(a) to (c) of this section. 1209  
1210

(2) "Hazardous material" has the same meaning as in section 2305.232 of the Revised Code. 1211  
1212

**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. 1213  
1214  
1215  
1216

(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: 1217  
1218  
1219  
1220  
1221  
1222

(1) The towing service holds a valid certificate of public convenience and necessity as required by Chapter 4921. of the Revised Code; and 1223  
1224  
1225

(2) The certificate number and business telephone number is visibly displayed on both the left and right front doors of the towing vehicle. 1226  
1227  
1228

(C) No towing service shall do either of the following: 1229

(1) Fail to make its current certificate of public convenience and necessity available for public inspection during normal business hours; 1230  
1231  
1232

(2) Fail to include its certificate number on all advertising, written estimates, contracts, and invoices. 1233  
1234

**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 1235  
1236  
1237



for purposes of vehicular travel or parking, a towing service 1238  
shall provide an estimate of the price for the removal to the 1239  
person who was operating the motor vehicle at the time of the 1240  
accident unless that person is incapacitated, seriously injured, 1241  
or otherwise unavailable to accept the estimate. The towing 1242  
service shall not submit such an estimate to the repair facility 1243  
or storage facility to which the motor vehicle is transported 1244  
unless the person who was operating the motor vehicle at the time 1245  
of the accident meets one of the conditions specified above. 1246

(B) The towing service shall ensure that any estimate 1247  
provided under division (A) of this section includes the fees, 1248  
services to be rendered, and destination of the vehicle. 1249

(C) Division (A) of this section does not apply if all of the 1250  
following are applicable: 1251

(1) The towing service removes a motor vehicle from an 1252  
accident scene. 1253

(2) The removal is conducted pursuant to a contract between 1254  
the towing service and the issuer of a policy of motor vehicle 1255  
insurance covering the motor vehicle. 1256

(3) The contract requires the towing service to be paid 1257  
directly by issuer of the policy. 1258

(D) If a towing service fails to provide an estimate at an 1259  
accident scene as required by this section, the towing service 1260  
shall not charge fees for the towing and storage of the motor 1261  
vehicle removed from the accident scene that exceed twenty-five 1262  
per cent of the fees authorized under division (G)(1)(b) of 1263  
section 4513.601 of the Revised Code for a motor vehicle removed 1264  
from a private tow-away zone. 1265

(E) Any storage facility that accepts vehicles towed from 1266  
accident scenes shall conspicuously post a notice at the entrance 1267

to the storage facility that states the limitation on fees 1268  
established under division (D) of this section. 1269

Sec. 4513.69. (A) The owner of a storage facility shall 1270  
ensure that the facility remains open during both of the following 1271  
periods of time to allow a vehicle owner or lienholder to retrieve 1272  
a vehicle in the possession of the storage facility: 1273

(1) Any time during which a towing service is towing a 1274  
vehicle pursuant to section 4513.60, 4513.601, or 4513.61 of the 1275  
Revised Code and the vehicle will be held by the storage facility; 1276

(2) Between nine o'clock in the morning and noon on the day 1277  
after any day during which the storage facility accepted for 1278  
storage a vehicle towed under section 4513.60, 4513.601, or 1279  
4513.61 of the Revised Code. 1280

(B)(1) The owner of a storage facility that accepts for 1281  
storage vehicles towed under section 4513.60, 4513.601, or 4513.61 1282  
of the Revised Code shall ensure that a notice is conspicuously 1283  
posted at the entrance to the storage facility that states the 1284  
telephone number at which the owner or lienholder of a vehicle may 1285  
contact the owner or a representative of the storage facility for 1286  
the purpose of retrieving a vehicle when the storage facility is 1287  
closed. The owner of the storage facility also shall provide that 1288  
telephone number to the sheriff of a county or chief of police of 1289  
a municipal corporation, township, or township or joint police 1290  
district. The owner of the storage facility shall ensure that a 1291  
process is in place for purposes of answering calls at all times 1292  
day or night. 1293

(2) After receiving a call from the owner or lienholder of a 1294  
vehicle who seeks to recover the vehicle, the owner of the storage 1295  
facility shall ensure that, within three hours of receiving the 1296  
phone call, a representative of the storage facility is available 1297  
to release the vehicle upon being presented with proof of 1298

ownership of the vehicle, which may be evidenced by a certificate 1299  
of title to the vehicle, and payment of an after-hours vehicle 1300  
retrieval fee established under section 4921.25 of the Revised 1301  
Code and all other applicable fees. 1302

(C) No owner of a storage facility shall fail to comply with 1303  
division (A) or (B) of this section. 1304

**Sec. 4921.25.** (A) Any person, firm, copartnership, voluntary 1305  
association, joint-stock association, company, or corporation, 1306  
wherever organized or incorporated, that is engaged in the towing 1307  
of motor vehicles is subject to regulation by the public utilities 1308  
commission as a for-hire motor carrier under this chapter. ~~Such an~~ 1309  
entity is not subject to any ordinance, rule, or resolution of a 1310  
municipal corporation, county, or township that provides for the 1311  
licensing, registering, or regulation of entities that tow motor 1312  
vehicles. 1313

(B) The commission shall adopt rules under Chapter 111. of 1314  
the Revised Code that do all of the following: 1315

(1) Establish the acceptable scope of public safety 1316  
regulations applicable to a for-hire motor carrier engaged in the 1317  
towing of motor vehicles under section 4513.60, 4513.601, or 1318  
4513.61 of the Revised Code that a county or township may adopt 1319  
pursuant to a resolution; 1320

(2) Establish safety standards for the type of equipment 1321  
necessary to safely remove and tow vehicles based on the type of 1322  
vehicle being removed or towed; 1323

(3) Establish standards for the removal of a vehicle from a 1324  
private tow-away zone by a for-hire motor carrier engaged in the 1325  
towing of motor vehicles in addition to standards and requirements 1326  
established under section 4513.601 of the Revised Code. The 1327  
standards may vary based on whether the private tow-away zone is 1328

<u>located on residential, retail, or other commercial property.</u>	1329
<u>(4) Establish an after-hours retrieval fee for purposes of</u>	1330
<u>section 4513.69 of the Revised Code;</u>	1331
<u>(5) Adopt any other rules necessary to carry out the purposes</u>	1332
<u>of this section.</u>	1333
<b>Section 2.</b> That existing sections 1345.22, 4505.02, 4505.101,	1334
4505.11, 4505.17, 4513.60, 4513.61, 4513.66, and 4921.25 of the	1335
Revised Code are hereby repealed.	1336
<b>Section 3.</b> (A) The owner of a towing service or storage	1337
facility may obtain title to a vehicle that came into the	1338
possession of the towing service or storage facility between	1339
January 31, 2012 and the effective date of this act if all of the	1340
following apply:	1341
(1) The vehicle was towed under division (B) of section	1342
4513.60 of the Revised Code as that section existed prior to the	1343
effective date of this act.	1344
(2) The vehicle has a value of less than three thousand five	1345
hundred dollars. As used in division (A)(2) of this section,	1346
"value" has the same meaning as in division (E)(3) of section	1347
4505.101 of the Revised Code.	1348
(3) The towing service or storage facility sends an initial	1349
notice to the vehicle owner and any lienholder in accordance with	1350
division (F)(1)(a) of section 4513.601 of the Revised Code not	1351
later than thirty days after the effective date of this act and	1352
complies with the requirements of divisions (F)(1)(b) and (c) of	1353
that section. Each notice also shall include the value of the	1354
vehicle as provided in division (A)(2) of this section and a	1355
statement that, if the owner or lienholder fails to claim the	1356
vehicle, the towing service or storage facility may obtain title	1357
to the vehicle.	1358

(4) The towing service or storage facility complies with all 1359  
other applicable requirements of section 4505.101 of the Revised 1360  
Code. 1361

(B) The owner of a repair garage or place of storage may 1362  
obtain title to a motor vehicle with a value of at least two 1363  
thousand five hundred dollars, as determined under division (E)(3) 1364  
of section 4505.101 of the Revised Code, but less than three 1365  
thousand five hundred dollars that came into the possession of the 1366  
repair garage or place of storage between January 31, 2012 and the 1367  
effective date of this act if all of the following apply: 1368

(1) The motor vehicle has been left unclaimed for fifteen 1369  
days or more following completion of the requested repair or the 1370  
agreed term of storage. 1371

(2) The repair garage or place of storage sends the notice to 1372  
the vehicle owner and any lienholder in accordance with division 1373  
(A)(1) of section 4505.101 of the Revised Code not later than 1374  
thirty days after the effective date of this act. The notice also 1375  
shall include the value of the vehicle, as determined in 1376  
accordance with division (E)(3) of section 4505.101 of the Revised 1377  
Code, and a statement that if the owner or lienholder fails to 1378  
claim the vehicle the repair garage or place of storage may obtain 1379  
title to the vehicle. 1380

(3) The repair garage or place of storage otherwise complies 1381  
with division (A) of section 4505.101 of the Revised Code. 1382

(C) The owner of a repair garage or place of storage may 1383  
obtain title to a motor vehicle, with a value of less than two 1384  
thousand five hundred dollars, that came into the possession of 1385  
the repair garage or place of storage prior to the effective date 1386  
of this act in the manner provided in section 4505.101 of the 1387  
Revised Code prior to the amendments made to that section by this 1388  
act. 1389