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Synopsis of Senate Committee Amendments

(This synopsis does not address amendments that may have been adopted on the Senate Floor.)

H.B. 172 of the 133rd General Assembly

Senate Transportation, Commerce and Workforce

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Amendments adopted in Senate committee make the following changes:

Unsafe used tires

- Decriminalizes and makes it no longer an unconscionable consumer sales act or practice to install unsafe used tires on a multipurpose passenger vehicle, truck, or passenger car that is not designed primarily for carrying passengers.
- As a result, allows the above vehicles to be outfitted legally with retread tires, which otherwise fall under the meaning of an unsafe used tire. (*R.C. 1345.022.*)

Towing law changes

Law enforcement tows

- Establishes procedures that allow the owner of a towing service or a storage facility to obtain title to another's motor vehicle after:
 - Law enforcement ordered the motor vehicle to be towed, and the vehicle or items in the vehicle are not necessary to a criminal investigation;
 - The service or facility owner has sent proper notice to the vehicle owner and any lienholder;
 - The vehicle continues to remain unclaimed for 60 days after notice was received; and
 - The service or facility owner executes an affidavit with the clerk of courts affirming that proper requirements have been met to take title.
- Requires the Registrar of Motor Vehicles to create the form of the affidavit (to be used by the service or facility owner) within 90 days of the effective date of the bill.
- Requires a clerk of court to issue a certificate of title for a motor vehicle to a service or facility owner that presents an affidavit affirming compliance with all necessary procedures. (*R.C. 4505.104 and 4513.62.*)

Motor vehicle dealership and repair facility tows

- Allows a motor vehicle dealership or repair facility to request a towing service to remove a vehicle from its property as long as certain conditions are met, including the following:
 - The dealership or facility has located the owner and lienholder's information from the Bureau of Motor Vehicles and sent a notice to that owner and lienholder; and
 - The vehicle remains unclaimed for 14 days after either the date the notice was received or notification that delivery was not possible.
- Establishes procedures for reclaiming the vehicle.
- Specifies that a towing service that tows a vehicle under these circumstances may obtain title to the vehicle and retain any money arising from the vehicle's disposal.
- Establishes the following procedures for a towing service to obtain title:
 - The service must send proper notice to the vehicle owner and any lienholder;
 - The vehicle must remain unclaimed for 60 days after the date notice was received or the date the towing service received notification that the delivery was not possible; and
 - An agent of the service must execute an affidavit (created by the Registrar of Motor Vehicles) with the clerk of courts affirming that proper requirements have been met to take title.
- Specifies that any motor vehicle dealer, repair facility, or towing service that complies with these procedures is not liable for any claim resulting from the vehicle's removal, and does not relinquish any legal recourse against a vehicle owner, or lienholder (unless possession of the vehicle is required for the cause of action). (*R.C. 4513.602 and 4513.603.*)

Notice requirements for private tow-away zones

- Reduces the number of notices from three to two that must be sent to an owner and any lienholder of a motor vehicle after that motor vehicle has been towed from a private tow-away zone and before a towing service or storage facility may take title to the motor vehicle. (*R.C. 4513.601.*)