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S.B. 315
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Hoagland

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SUMMARY

- 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 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.

DETAILED ANALYSIS

Obtaining title to certain unclaimed motor vehicles

Currently, the owner of a towing service or storage facility may obtain certificate of title to an unclaimed motor vehicle in its possession only if the vehicle is towed from a private tow-away zone and is valued at less than \$3,500. (To obtain title, the service or facility owner must

conduct a search for the vehicle's owner or lienholder, send notice, and after a 60-day waiting period, apply to the appropriate court for title.)¹

The bill establishes the following procedures for a towing service or storage facility owner to obtain title to an unclaimed motor vehicle (of any value) that a law enforcement agency has ordered to be towed:

Step 1: A law enforcement agency orders the vehicle to be towed.²

Step 2: To identify the vehicle owner and any lienholder, the towing service or storage facility owner causes a search to be made of the records of the Bureau of Motor Vehicles.

Step 3: The service or facility owner sends notice by certified mail, return receipt requested, to the vehicle owner and any lienholder's last known address. The notice must inform the vehicle owner and lienholder that the service or facility will obtain title to the motor vehicle if it is not claimed within 60 days after the date the notice is received.

Step 4: The service or facility owner either receives the signed receipt from the certified mail or is notified that the delivery of the certified mail was not possible.

Step 5: The motor vehicle continues to remain unclaimed for 60 days after the date that the service or facility owner receives the required notice (as evidenced by a signed receipt) or the date that the owner was notified that the delivery was not possible.

Step 6: A sheriff, chief of police, or a state highway patrol trooper has made a determination that the vehicle or items in the vehicle are not necessary to a criminal investigation.

Step 7: The service or facility owner executes an affidavit affirming that all of the requirements to take title (**Steps 1-6**) have been met.

Step 8: The clerk of court must issue a certificate of title for the motor vehicle, free and clear of all liens and encumbrances, to the service or facility owner if the owner presents an affidavit that complies with **Step 7**.

After obtaining title and disposing³ of the vehicle, the towing service or storage facility may retain any money arising from the disposal. The towing service or storage facility also must inform the entity that ordered the motor vehicle into storage (e.g., the appropriate law enforcement agency) that the motor vehicle has been so disposed – this notice must be

¹ R.C. 4513.601.

² Law enforcement must have ordered the vehicle towed or stored at the owner's service or facility pursuant to R.C. 4513.60, 4513.61, or 4513.66.

³ Although the bill does not define "dispose," it may include selling or otherwise removing the vehicle from the service or facility's property.

provided by the last business day of the month in which the service or facility obtained the title.⁴

Last, the Registrar of Motor Vehicles, not later than 90 days after the bill’s effective date, must establish a form for the affidavit referenced in **Step 7**.⁵

HISTORY

Action	Date
Introduced	05-26-20

S0315-I-133/ks

⁴ R.C. 4505.104.

⁵ R.C. 4505.104(A)(6).