

As Passed by the House

134th General Assembly

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Am. H. B. No. 132

Representatives Hillyer, Jones

Cosponsors: Representatives Kick, Young, T., Cross, Seitz, Miller, J., Cutrona, Abrams, Bird, Carruthers, Ginter, Gross, Householder, John, Johnson, Plummer, Stein, Stephens, Stewart, Wiggam

A BILL

To amend sections 4513.601, 4513.62, 5322.01, 1
5322.02, and 5322.03 and to enact sections 2
4505.104, 4513.602, and 4513.603 of the Revised 3
Code to amend the law regarding self-service 4
storage facilities and towing. 5

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

Section 1. That sections 4513.601, 4513.62, 5322.01, 6
5322.02, and 5322.03 be amended and sections 4505.104, 4513.602, 7
and 4513.603 of the Revised Code be enacted to read as follows: 8

Sec. 4505.104. (A) A towing service or storage facility 9
that is in possession of a motor vehicle may obtain a 10
certificate of title to the vehicle as provided in division (B) 11
of this section if all of the following apply: 12

(1) The motor vehicle was towed or stored pursuant to 13
section 4513.60, 4513.61, or 4513.66 of the Revised Code. 14

(2) A search was made of the records of the bureau of 15
motor vehicles to ascertain the identity of the owner and any 16
lienholder of the motor vehicle. 17

(3) Upon obtaining the identity in division (A) (2) of this 18
section, notice was sent to the last known address of the owner 19
and any lienholder, by certified or express mail with return 20
receipt requested or by a commercial carrier service utilizing 21
any form of delivery requiring a signed receipt. The notice 22
shall inform the owner and lienholder that the towing service or 23
storage facility will obtain title to the motor vehicle if not 24
claimed within sixty days after the date the notice was 25
received. 26

(4) The motor vehicle has been left unclaimed for sixty 27
days after one of the following: 28

(a) The date the notice sent under division (A) (3) of this 29
section was received, as evidenced by a receipt signed by any 30
person; 31

(b) The date the towing service or storage facility 32
received notification that the delivery of the notice sent under 33
division (A) (3) of this section was not possible. 34

(5) A sheriff, chief of police, or state highway patrol 35
trooper, as applicable, has made a determination that the 36
vehicle or items in the vehicle are not necessary to a criminal 37
investigation. 38

(6) An agent of the towing service or storage facility 39
executes an affidavit, in a form established by the registrar of 40
motor vehicles not later than ninety days after the effective 41
date of this section, affirming that conditions in divisions (A) 42
(1) to (5) of this section are met. 43

(B) The clerk of court shall issue a certificate of title, 44
free and clear of all liens and encumbrances, to the towing 45
service or storage facility that presents an affidavit that 46

affirms that the conditions in divisions (A) (1) to (5) of this 47
section are met. 48

(C) After obtaining title to a motor vehicle under this 49
section, the towing service or storage facility shall retain any 50
money arising from the disposal of the vehicle. 51

(D) A towing service or storage facility that obtains 52
title to a motor vehicle under this section shall notify the 53
entity that ordered the motor vehicle into storage that the 54
motor vehicle has been so disposed. The towing service or 55
storage facility shall provide the notice on the last business 56
day of the month in which the service or facility obtained title 57
to the motor vehicle. 58

(E) As used in this section, "towing service or storage 59
facility" means any for-hire motor carrier that removes a motor 60
vehicle under the authority of section 4513.60, 4513.61, or 61
4513.66 of the Revised Code and any place to which such a for- 62
hire motor carrier delivers a motor vehicle towed under those 63
sections. 64

Sec. 4513.601. (A) The owner of a private property may 65
establish a private tow-away zone, but may do so only if all of 66
the following conditions are satisfied: 67

(1) The owner of the private property posts on the 68
property a sign, that is at least eighteen inches by twenty-four 69
inches in size, that is visible from all entrances to the 70
property, and that includes all of the following information: 71

(a) A statement that the property is a tow-away zone; 72

(b) A description of persons authorized to park on the 73
property. If the property is a residential property, the owner 74
of the private property may include on the sign a statement that 75

only tenants and guests may park in the private tow-away zone, 76
subject to the terms of the property owner. If the property is a 77
commercial property, the owner of the private property may 78
include on the sign a statement that only customers may park in 79
the private tow-away zone. In all cases, if it is not apparent 80
which persons may park in the private tow-away zone, the owner 81
of the private property shall include on the sign the address of 82
the property on which the private tow-away zone is located or 83
the name of the business that is located on the property 84
designated as a private tow-away zone. 85

(c) If the private tow-away zone is not enforceable at all 86
times, the times during which the parking restrictions are 87
enforced; 88

(d) The telephone number and the address of the place from 89
which a towed vehicle may be recovered at any time during the 90
day or night; 91

(e) A statement that the failure to recover a towed 92
vehicle may result in the loss of title to the vehicle as 93
provided in division (B) of section 4505.101 of the Revised 94
Code. 95

In order to comply with the requirements of division (A) 96
(1) of this section, the owner of a private property may modify 97
an existing sign by affixing to the existing sign stickers or an 98
addendum in lieu of replacing the sign. 99

(2) A towing service ensures that a vehicle towed under 100
this section is taken to a location from which it may be 101
recovered that complies with all of the following: 102

(a) It is located within twenty-five linear miles of the 103
location of the private tow-away zone, unless it is not 104

practicable to take the vehicle to a place of storage within 105
twenty-five linear miles. 106

(b) It is well-lighted. 107

(c) It is on or within a reasonable distance of a 108
regularly scheduled route of one or more modes of public 109
transportation, if any public transportation is available in the 110
municipal corporation or township in which the private tow-away 111
zone is located. 112

(B) (1) If a vehicle is parked on private property that is 113
established as a private tow-away zone in accordance with 114
division (A) of this section, without the consent of the owner 115
of the private property or in violation of any posted parking 116
condition or regulation, the owner of the private property may 117
cause the removal of the vehicle by a towing service. The towing 118
service shall remove the vehicle in accordance with this 119
section. The vehicle owner and the operator of the vehicle are 120
considered to have consented to the removal and storage of the 121
vehicle, to the payment of the applicable fees established by 122
the public utilities commission in rules adopted under section 123
4921.25 of the Revised Code, and to the right of a towing 124
service to obtain title to the vehicle if it remains unclaimed 125
as provided in section 4505.101 of the Revised Code. The owner 126
or lienholder of a vehicle that has been removed under this 127
section, subject to division (C) of this section, may recover 128
the vehicle in accordance with division (G) of this section. 129

(2) If a municipal corporation requires tow trucks and tow 130
truck operators to be licensed, no owner of a private property 131
located within the municipal corporation shall cause the removal 132
and storage of any vehicle pursuant to division (B) of this 133
section by an unlicensed tow truck or unlicensed tow truck 134

operator. 135

(3) No towing service shall remove a vehicle from a 136
private tow-away zone except pursuant to a written contract for 137
the removal of vehicles entered into with the owner of the 138
private property on which the private tow-away zone is located. 139

(C) If the owner or operator of a vehicle that is being 140
removed under authority of division (B) of this section arrives 141
after the vehicle has been prepared for removal, but prior to 142
its actual removal from the property, the towing service shall 143
give the vehicle owner or operator oral or written notification 144
at the time of such arrival that the vehicle owner or operator 145
may pay a fee of not more than one-half of the fee for the 146
removal of the vehicle established by the public utilities 147
commission in rules adopted under section 4921.25 of the Revised 148
Code in order to obtain release of the vehicle. That fee may be 149
paid by use of a major credit card unless the towing service 150
uses a mobile credit card processor and mobile service is not 151
available at the time of the transaction. Upon payment of that 152
fee, the towing service shall give the vehicle owner or operator 153
a receipt showing both the full amount normally assessed and the 154
actual amount received and shall release the vehicle to the 155
owner or operator. Upon its release, the owner or operator 156
immediately shall move the vehicle so that the vehicle is not 157
parked on the private property established as a private tow-away 158
zone without the consent of the owner of the private property or 159
in violation of any posted parking condition or regulation. 160

(D) (1) Prior to towing a vehicle under division (B) of 161
this section, a towing service shall make all reasonable efforts 162
to take as many photographs as necessary to evidence that the 163
vehicle is clearly parked on private property in violation of a 164

private tow-away zone established under division (A) of this 165
section. 166

The towing service shall record the time and date of the 167
photographs taken under this section. The towing service shall 168
retain the photographs and the record of the time and date, in 169
electronic or printed form, for at least thirty days after the 170
date on which the vehicle is recovered by the owner or 171
lienholder or at least two years after the date on which the 172
vehicle was towed, whichever is earlier. 173

(2) A towing service shall deliver a vehicle towed under 174
division (B) of this section to the location from which it may 175
be recovered not more than two hours after the time it was 176
removed from the private tow-away zone, unless the towing 177
service is unable to deliver the motor vehicle within two hours 178
due to an uncontrollable force, natural disaster, or other event 179
that is not within the power of the towing service. 180

(E) (1) If an owner of a private property that is 181
established as a private tow-away zone in accordance with 182
division (A) of this section causes the removal of a vehicle 183
from that property by a towing service under division (B) of 184
this section, the towing service, within two hours of removing 185
the vehicle, shall provide notice to the sheriff of the county 186
or the police department of the municipal corporation, township, 187
port authority, or township or joint police district in which 188
the property is located concerning all of the following: 189

(a) The vehicle's license number, make, model, and color; 190

(b) The location from which the vehicle was removed; 191

(c) The date and time the vehicle was removed; 192

(d) The telephone number of the person from whom the 193

vehicle may be recovered; 194

(e) The address of the place from which the vehicle may be 195
recovered. 196

(2) Each county sheriff and each chief of police of a 197
municipal corporation, township, port authority, or township or 198
joint police district shall maintain a record of any vehicle 199
removed from private property in the sheriff's or chief's 200
jurisdiction that is established as a private tow-away zone of 201
which the sheriff or chief has received notice under this 202
section. The record shall include all information submitted by 203
the towing service. The sheriff or chief shall provide any 204
information in the record that pertains to a particular vehicle 205
to a person who, either in person or pursuant to a telephone 206
call, identifies self as the owner, operator, or lienholder of 207
the vehicle and requests information pertaining to the vehicle. 208

(F) (1) When a vehicle is removed from private property in 209
accordance with this section, within three business days of the 210
removal, the towing service or storage facility from which the 211
vehicle may be recovered shall cause a search to be made of the 212
records of the bureau of motor vehicles to ascertain the 213
identity of the owner and any lienholder of the motor vehicle. 214
The registrar of motor vehicles shall ensure that such 215
information is provided in a timely manner. Subject to division 216
(F) (4) of this section, the towing service or storage facility 217
shall send notice to the vehicle owner and any known lienholder 218
as follows: 219

(a) Within five business days after the registrar of motor 220
vehicles provides the identity of the owner and any lienholder 221
of the motor vehicle, if the vehicle remains unclaimed, to the 222
owner's and lienholder's last known address by certified or 223

express mail with return receipt requested or by a commercial 224
carrier service utilizing any form of delivery requiring a 225
signed receipt; 226

(b) If the vehicle remains unclaimed thirty days after the 227
first notice is sent, in the manner required under division (F) 228
(1) (a) of this section, 229

~~(c) If the vehicle remains unclaimed forty five days after~~ 230
~~the first notice is sent, in the manner required under division~~ 231
~~(F) (1) (a) of this section.~~ 232

(2) Sixty days after any notice sent pursuant to division 233
(F) (1) of this section is received, as evidenced by a receipt 234
signed by any person, or the towing service or storage facility 235
has been notified that delivery was not possible, the towing 236
service or storage facility, if authorized under division (B) of 237
section 4505.101 of the Revised Code, may initiate the process 238
for obtaining a certificate of title to the motor vehicle as 239
provided in that section. 240

(3) A towing service or storage facility that does not 241
receive a signed receipt of notice, or a notification that 242
delivery was not possible, shall not obtain, and shall not 243
attempt to obtain, a certificate of title to the motor vehicle 244
under division (B) of section 4505.101 of the Revised Code. 245

(4) With respect to a vehicle concerning which a towing 246
service or storage facility is not eligible to obtain title 247
under section 4505.101 of the Revised Code, the towing service 248
or storage facility need only comply with the initial notice 249
required under division (F) (1) (a) of this section. 250

(G) (1) The owner or lienholder of a vehicle that is 251
removed under division (B) of this section may reclaim it upon 252

both of the following: 253

(a) Presentation of proof of ownership, which may be 254
evidenced by a certificate of title to the vehicle, a 255
certificate of registration for the motor vehicle, or a lease 256
agreement; 257

(b) Payment of the following fees: 258

(i) All applicable fees established by the public 259
utilities commission in rules adopted under section 4921.25 of 260
the Revised Code, except that the lienholder of a vehicle may 261
retrieve the vehicle without paying any storage fee for the 262
period of time that the vehicle was in the possession of the 263
towing service or storage facility prior to the date the 264
lienholder received the notice sent under division (F)(1)(a) of 265
this section; 266

(ii) If notice has been sent to the owner and lienholder 267
as described in division (F) of this section, a processing fee 268
of twenty-five dollars. 269

(2) A towing service or storage facility in possession of 270
a vehicle that is removed under authority of division (B) of 271
this section shall show the vehicle owner, operator, or 272
lienholder who contests the removal of the vehicle all 273
photographs taken under division (D) of this section. Upon 274
request, the towing service or storage facility shall provide a 275
copy of all photographs in the medium in which the photographs 276
are stored, whether paper, electronic, or otherwise. 277

(3) When the owner of a vehicle towed under this section 278
retrieves the vehicle, the towing service or storage facility in 279
possession of the vehicle shall give the owner written notice 280
that if the owner disputes that the motor vehicle was lawfully 281

towed, the owner may be able to file a civil action under 282
section 4513.611 of the Revised Code. 283

(4) Upon presentation of proof of ownership, which may be 284
evidenced by a certificate of title to the vehicle, a 285
certificate of registration for the motor vehicle, or a lease 286
agreement, the owner of a vehicle that is removed under 287
authority of division (B) of this section may retrieve any 288
personal items from the vehicle without retrieving the vehicle 289
and without paying any fee. The owner of the vehicle shall not 290
retrieve any personal items from a vehicle if it would endanger 291
the safety of the owner, unless the owner agrees to sign a 292
waiver of liability. For purposes of division (G) (4) of this 293
section, "personal items" do not include any items that are 294
attached to the vehicle. 295

(H) No person shall remove, or cause the removal of, any 296
vehicle from private property that is established as a private 297
tow-away zone under this section or store such a vehicle other 298
than in accordance with this section, or otherwise fail to 299
comply with any applicable requirement of this section. 300

(I) This section does not affect or limit the operation of 301
section 4513.60 or sections 4513.61 to 4613.65 of the Revised 302
Code as they relate to property other than private property that 303
is established as a private tow-away zone under division (A) of 304
this section. 305

(J) Whoever violates division (H) of this section is 306
guilty of a minor misdemeanor. 307

(K) As used in this section, "owner of a private property" 308
or "owner of the private property" includes, with respect to a 309
private property, any of the following: 310

(1) Any person who holds title to the property;	311
(2) Any person who is a lessee or sublessee with respect	312
to a lease or sublease agreement for the property;	313
(3) A person who is authorized to manage the property;	314
(4) A duly authorized agent of any person listed in	315
divisions (K) (1) to (3) of this section.	316
<u>Sec. 4513.602. (A) As used in this section and section</u>	317
<u>4513.603 of the Revised Code:</u>	318
<u>(1) "Motor vehicle dealer" has the same meaning as in</u>	319
<u>section 4517.01 of the Revised Code.</u>	320
<u>(2) "Repair facility" means any business with which a</u>	321
<u>person has entered into an agreement to repair a vehicle.</u>	322
<u>(3) "Towing service" means any for-hire motor carrier that</u>	323
<u>removes a motor vehicle from a motor vehicle dealer or repair</u>	324
<u>facility.</u>	325
<u>(4) "Storage facility" means any place to which a towing</u>	326
<u>service delivers a motor vehicle from a motor vehicle dealer or</u>	327
<u>repair facility.</u>	328
<u>(B) A motor vehicle dealer or repair facility that is in</u>	329
<u>possession of a motor vehicle may cause the removal of the motor</u>	330
<u>vehicle by a towing service if all of the following apply:</u>	331
<u>(1) A search was made of the records of the bureau of</u>	332
<u>motor vehicles to ascertain the identity of the owner and any</u>	333
<u>lienholder of the motor vehicle.</u>	334
<u>(2) Upon obtaining the identity under division (B) (1) of</u>	335
<u>this section, notice was sent to the owner's and any</u>	336
<u>lienholder's last known address by certified or express mail</u>	337

with return receipt requested or by a commercial carrier service 338
utilizing any form of delivery requiring a signed receipt, and 339
the notice informs the owner and any lienholder of the 340
following: 341

(a) The address where the motor vehicle is located; 342

(b) That the motor vehicle dealer or repair facility will 343
cause the vehicle to be towed if not claimed within fourteen 344
calendar days after either the date the notice was received or 345
the date the motor vehicle dealer or repair facility receives 346
notification that delivery was not possible; 347

(c) That a towing service that removes the motor vehicle 348
or a storage facility that stores the motor vehicle may obtain 349
title to it under section 4513.603 of the Revised Code. 350

(3) The motor vehicle has been left unclaimed for fourteen 351
days after one of the following: 352

(a) The date the notice sent under division (B)(2) of this 353
section was received, as evidenced by a receipt signed by any 354
person; 355

(b) The date the motor vehicle dealer or repair facility 356
received notification that the delivery of the notice sent under 357
division (B)(2) of this section was not possible. 358

The procedure described in division (B) of this section 359
applies regardless of who leaves the motor vehicle on the motor 360
vehicle dealer's property or the repair facility's property. 361

(C) A motor vehicle owner's or lienholder's failure to 362
remove the vehicle from the property within the time period 363
specified in division (B)(3) of this section constitutes consent 364
to all of the following: 365

- (1) The motor vehicle's removal and storage; 366
- (2) The payment of any charges incurred for the removal 367
and storage of the motor vehicle; 368
- (3) The right of a towing service that removes the motor 369
vehicle or storage facility that stores the motor vehicle to 370
obtain title to the motor vehicle under section 4513.603 of the 371
Revised Code. 372
- (D) After a motor vehicle has been removed by a towing 373
service, a motor vehicle owner or lienholder may reclaim the 374
motor vehicle from the towing service or storage facility that 375
is in possession of the motor vehicle if all of the following 376
apply: 377
- (1) The owner presents proof of ownership evidenced by a 378
certificate of title to the motor vehicle, a certificate of 379
registration for the motor vehicle, or a lease agreement. 380
- (2) The owner or lienholder makes payment of any charges 381
incurred for the removal and storage of the motor vehicle. 382
- (3) Title to the motor vehicle has not been issued to the 383
towing service or storage facility under section 4513.603 of the 384
Revised Code. 385
- (E) Any towing service that removes a motor vehicle under 386
this section shall not charge a fee greater than those 387
established by the public utilities commission in rules adopted 388
under section 4921.25 of the Revised Code. 389
- (F) (1) Any motor vehicle dealer, repair facility, towing 390
service, or storage facility that complies with this section is 391
not liable for any damage, claim of conversion, or any other 392
claim resulting from the removal, towing, or storage of the 393

motor vehicle. 394

(2) A motor vehicle dealer or repair facility does not 395
forego, release, or otherwise relinquish any legal recourse or 396
right of action against a titled owner or lienholder of a motor 397
vehicle by causing the vehicle to be removed under division (B) 398
of this section, unless possession of the motor vehicle is 399
required for the cause of action. 400

Sec. 4513.603. (A) A towing service or storage facility 401
that is in possession of a motor vehicle obtained under section 402
4513.602 of the Revised Code may obtain a certificate of title 403
to the motor vehicle, regardless of the motor vehicle's value, 404
as provided in division (B) of this section if all of the 405
following apply: 406

(1) A search was made by the towing service or storage 407
facility of the records of the bureau of motor vehicles to 408
ascertain the identity of the owner and any lienholder of the 409
motor vehicle. 410

(2) Upon obtaining the identity in division (A) (1) of this 411
section, the towing service or storage facility sent notice to 412
the owner's and any lienholder's last known address, by 413
certified or express mail with return receipt requested or by a 414
commercial carrier service utilizing any form of delivery 415
requiring a signed receipt, that informs the owner and any 416
lienholder that the towing service or storage facility will 417
obtain title to the motor vehicle if not claimed within sixty 418
days after the date the notice was received. 419

(3) The motor vehicle has been left unclaimed for sixty 420
days after one of the following: 421

(a) The date the notice sent under division (A) (2) of this 422

section was received, as evidenced by a receipt signed by any 423
person; 424

(b) The date the towing service or storage facility 425
receives notification that the delivery of the notice sent under 426
division (A) (2) of this section was not possible. 427

(4) An agent of the towing service or storage facility 428
executes an affidavit, in a form established by the registrar of 429
motor vehicles not later than ninety days after the effective 430
date of this section, affirming that conditions in divisions (A) 431
(1) to (3) of this section are met. 432

(B) The clerk of court shall issue a certificate of title, 433
free and clear of all liens and encumbrances, to a towing 434
service or storage facility that presents an affidavit that 435
affirms that the conditions in divisions (A) (1) to (3) of this 436
section are met. 437

(C) After obtaining title to a motor vehicle under this 438
section, the towing service or storage facility may retain any 439
money arising from the disposal of the vehicle. 440

Sec. 4513.62. ~~Unclaimed~~An unclaimed motor vehicles 441
vehicle ordered into storage pursuant to division (A) (1) of 442
section 4513.60 or section 4513.61 of the Revised Code ~~shall be~~ 443
~~disposed of at the order of the~~ is subject to one of the 444
following: 445

(A) The sheriff of the county or the chief of police of 446
the municipal corporation, township, port authority, or township 447
or joint police district ~~to~~ may dispose of it with a motor 448
vehicle salvage dealer or scrap metal processing facility as 449
defined in section 4737.05 of the Revised Code, or ~~to~~ with any 450
other facility owned by or under contract with the county, 451

municipal corporation, port authority, or township, for the 452
disposal of such motor vehicles, ~~or shall be sold by the.~~ 453

(B) The sheriff, chief of police, or a licensed auctioneer 454
may sell the motor vehicle at public auction, after giving 455
notice thereof by advertisement, published once a week for two 456
successive weeks in a newspaper of general circulation in the 457
county or as provided in section 7.16 of the Revised Code. ~~Any~~ 458

(C) A towing service or storage facility may obtain title 459
to the motor vehicle in accordance with section 4505.104 of the 460
Revised Code. 461

~~Any moneys accruing from the disposition of an unclaimed~~ 462
~~motor vehicle accrued pursuant to division (A) or (B) of this~~ 463
section that are in excess of the expenses resulting from the 464
removal and storage of the vehicle shall be credited to the 465
general fund of the county, municipal corporation, port 466
authority, township, or joint police district, as the case may 467
be. 468

Sec. 5322.01. As used in sections 5322.01 to 5322.05 of 469
the Revised Code: 470

(A) "Self-service storage facility" means any real 471
property that is designed and used only for the purpose of 472
renting or leasing individual storage space in the facility 473
under the following conditions: 474

(1) The occupants have access to the storage space only 475
for the purpose of storing and removing personal property. 476

(2) The owner does not issue a warehouse receipt, bill of 477
lading, or other document of title, as defined in section 478
1301.201 of the Revised Code, for the personal property stored 479
in the storage space. 480

"Self-service storage facility" does not include any 481
garage used principally for parking motor vehicles, any garage 482
or storage area in a private residence, an establishment 483
licensed pursuant to sections 915.14 to 915.24 of the Revised 484
Code, or any property of a bank or savings and loan association 485
that contains vaults, safe deposit boxes, or other receptacles 486
for the uses, purposes, and benefits of the bank's or savings 487
and loan association's customers. 488

(B) "Owner" means a person that is ~~either the owner or~~ 489
operator of a self-service storage facility ~~or, the lessor or~~ 490
sublessor of an entire self-service storage facility ~~and that~~ 491
~~receives, the agent of any of the foregoing, or any other person~~ 492
authorized by any of the foregoing to manage the facility or to 493
receive rent from an occupant pursuant to a rental agreement 494
~~that the person enters into with the occupant.~~ 495

(C) "Occupant" means a person that rents storage space at 496
a self-service storage facility pursuant to a rental agreement 497
that the person enters into with the owner. 498

(D) "Rental agreement" means any written agreement that is 499
entered into by the owner and the occupant and that establishes 500
the terms and conditions of the occupant's use of storage space 501
at a self-service storage facility. 502

(E) "Personal property" means money and every animate or 503
inanimate tangible thing that is the subject of ownership, 504
except anything forming part of a parcel of real estate, as 505
defined in section 5701.02 of the Revised Code, and except 506
anything that is an agricultural commodity, as defined in 507
division (A) of section 926.01 of the Revised Code. 508

(F) "Late fee" means any fee or charge assessed for an 509

occupant's failure to pay rent when due. "Late fee" does not 510
include interest on a debt, reasonable expenses incurred in the 511
collection of unpaid rent, or costs associated with the 512
enforcement of any other remedy provided by statute or contract. 513

(G) "Last known address" means either of the following: 514

(1) The mailing address or electronic mail address 515
provided by the occupant in the most recent rental agreement or 516
the mailing address or electronic mail address provided by the 517
occupant in a subsequent written notice of a change of address; 518

(2) The mailing address or electronic mail address of any 519
of the persons described in division (A) of section 5322.03 of 520
the Revised Code that is provided by any of those persons to the 521
owner of a self-service storage facility or that is discovered 522
by the owner of a self-service storage facility. 523

Sec. 5322.02. (A) The owner of a self-service storage 524
facility has a lien against the occupant on the personal 525
property stored pursuant to a rental agreement in any storage 526
space at the self-service storage facility, or on the proceeds 527
of the personal property subject to the defaulting occupant's 528
rental agreement in the owner's possession, for rent, labor, 529
late fees, or other charges in relation to the personal property 530
that are specified in the rental agreement and that have become 531
due and for expenses necessary for the preservation of the 532
personal property or expenses reasonably incurred in the 533
enforcement of the lien or in the sale or other disposition of 534
the personal property pursuant to law. The owner's lien provided 535
for in this section is also effective against the following 536
persons: 537

(1) A person who has an unfiled security interest in the 538

personal property, except that the owner's lien is not effective 539
against a person who has a valid security interest in a motor 540
vehicle or a valid security interest in a watercraft, whether or 541
not the security interest in the motor vehicle or watercraft is 542
filed; 543

(2) A person who meets both of the following requirements: 544

(a) The person has a legal interest in the personal 545
property, a filed security interest in the personal property, or 546
a valid security interest in the personal property that is a 547
motor vehicle. 548

(b) The person consents in writing to the storage of the 549
personal property. 550

(B) The owner's lien created by division (A) of this 551
section attaches as of the date the personal property is brought 552
to the self-service storage facility. An owner loses the owner's 553
lien on any personal property that the owner voluntarily permits 554
to be removed from the self-service storage facility or 555
unjustifiably refuses to permit to be removed from the self- 556
service storage facility. 557

Sec. 5322.03. An owner's lien created by division (A) of 558
section 5322.02 of the Revised Code for a claim that has become 559
due may be enforced only as follows: 560

(A) The following persons shall be notified in accordance 561
with divisions (B) and (C) of this section: 562

(1) All persons whom the owner has actual knowledge of and 563
who claim an interest in the personal property; 564

(2) All persons holding liens on any motor vehicle, 565
trailer, or watercraft amongst the property; 566

(3) All persons who have filed security agreements in the 567
name of the occupant evidencing a security interest in the 568
personal property with either the secretary of state or the 569
county recorder of the county in which the self-service storage 570
facility is located or the Ohio county of the last known address 571
of the occupant. 572

(B) The notice shall be delivered in person, sent by 573
electronic mail, sent by certified mail, or sent by first-class 574
mail or private delivery service with a certificate or 575
verification of mailing to the last known address of each person 576
who is required to be notified by division (A) of this section; 577

(C) The notice shall include all of the following: 578

(1) The name and last known address of the occupant who 579
rented the storage space in which the personal property was 580
stored; 581

(2) An itemized statement of the owner's claim showing the 582
sum due at the time of the notice and the date when the sum 583
became due; 584

(3) A brief and general description of the personal 585
property subject to the lien. The description shall be 586
reasonably adequate to permit the person notified to identify it 587
except that any container including, but not limited to, a 588
trunk, valise, or box that is locked, fastened, sealed, or tied 589
in a manner that deters immediate access to its contents and 590
that has not been opened by the owner prior to the date on which 591
the notice is given may be described as such without describing 592
its contents. 593

(4) A notice of denial of access to the personal property, 594
if a denial of access is permitted under the terms of the rental 595

agreement, which notice provides the name, street address, and 596
telephone number of the person whom the person notified may 597
contact to pay the claim and to either obtain the personal 598
property or enter into a rental agreement for the storage of the 599
personal property; 600

(5) A demand for payment within a specified time not less 601
than ten days after delivery of the notice; 602

(6) A conspicuous statement that unless the claim is paid 603
within that time the personal property will be advertised for 604
sale and will be sold by auction ~~at a specified time and place~~ 605
and that, if no person purchases the personal property at the 606
auction, the personal property may be sold at a private sale or 607
destroyed; 608

(7) The street or internet address of the place at which 609
the sale will be held, if the sale will be held at a place other 610
than the self-service storage facility in which the personal 611
property was stored. 612

(D) ~~(1)~~ Any notice given pursuant to this section ~~shall be~~ 613
~~presumed delivered, if the notice that~~ is sent by first-class 614
mail or private delivery service with a certificate or 615
verification of mailing, ~~shall be deemed delivered~~ when it is 616
deposited with the United States postal service or private 617
delivery service and properly addressed with proper postage 618
prepaid. 619

(2) (a) Any notice given pursuant to this section that is 620
sent by electronic mail shall be deemed delivered when it is 621
properly addressed and sent. 622

(b) Notwithstanding division (D) (2) (a) of this section, if 623
an owner receives an automated message indicating that the 624

electronic mail cannot be delivered, then the owner shall 625
deliver the notice using another method of delivery prescribed 626
in division (B) of this section. 627

(E) The sale of the personal property shall conform to the 628
terms of the notice as provided for in this section. 629

(F) The sale of the personal property ~~shall~~ may be held at 630
the self-service storage facility or, if the street or internet 631
address of the place was included in the notice as required by 632
division (C) (7) of this section, on the internet or at the 633
nearest suitable place to the self-service storage facility at 634
which the personal property is stored. 635

(G) After the expiration of the time given in the notice, 636
an advertisement of the sale shall be published once a week for 637
two consecutive weeks in a newspaper of general circulation in 638
the county in which the self-service storage facility is located 639
or any other commercially reasonable manner. The manner of 640
advertisement shall be deemed commercially reasonable if at 641
least three independent bidders register for, view, or attend 642
the sale ~~at the time and place advertised~~. The advertisement 643
shall include all of the following: 644

(1) A brief and general description of the personal 645
property as required by division (C) (3) of this section, except 646
that the description shall describe the contents of any trunk, 647
valise, or box that is locked, fastened, sealed, or tied in a 648
manner that deters immediate access to its contents, if the 649
trunk, valise, or box is opened by the owner prior to the date 650
on which the advertisement of sale is published; 651

(2) The name and last known address of the occupant who 652
rented the storage space in which the personal property was 653

stored; 654

(3) The street address of the self-service storage 655
facility; 656

(4) The time, place, and manner of the sale. 657

The sale shall take place at least fifteen days after the 658
first publication. 659

(H) (1) Any person who has a ~~a~~ security interest in, or who 660
holds a lien against, a motor vehicle or watercraft may pay the 661
amount necessary to satisfy the lien created by division (A) of 662
section 5322.02 of the Revised Code and the reasonable expenses 663
incurred under this section. That person, upon payment of the 664
amount necessary to satisfy the lien plus expenses, may enter 665
into a new rental agreement for the storage of the motor vehicle 666
or watercraft. Any person who presents proof of a security 667
interest in or lien on a motor vehicle or watercraft or a court 668
order authorizing the person to take possession of a motor 669
vehicle or watercraft may immediately remove the motor vehicle 670
or watercraft from the self-service storage facility without 671
satisfying the lien or expenses of the owner. 672

(2) Before any sale of personal property other than a 673
motor vehicle or watercraft pursuant to this section, any person 674
who has a legal interest or a security interest in, or who holds 675
a lien against, any personal property other than a motor vehicle 676
or watercraft may pay the amount necessary to satisfy the lien 677
created by division (A) of section 5322.02 of the Revised Code 678
and the reasonable expenses incurred under this section and 679
remove the personal property in which the person has the 680
interest or against which the person holds the lien. After 681
removal of all the personal property, including any motor 682

vehicle or watercraft, from the storage space of the self- 683
service storage facility by any means under this section, ~~any~~ 684
~~person can the owner may~~ enter into a rental agreement ~~for the~~ 685
~~storage of personal property with the owner~~ with a new occupant 686
for the storage space, and the owner has no obligation to the 687
prior occupant of that storage space ~~in the self-service storage~~ 688
~~facility. Before entering into a new rental agreement, the owner~~ 689
~~must have any motor vehicle or watercraft towed from that~~ 690
~~storage space.~~ 691

(3) Upon receipt of the payment from a person other than 692
the occupant, the owner ~~shall may, at the owner's sole~~ 693
discretion, enter into a new rental agreement for the storage of 694
the personal property or, if the person meets the conditions set 695
forth in division (H) (2) of this section, shall permit the 696
person to remove the personal property from the self-service 697
storage facility. 698

(4) If the occupant pays the amount necessary to satisfy 699
the lien created by division (A) of section 5322.02 of the 700
Revised Code and the reasonable expenses incurred under this 701
section, the occupant shall immediately remove all of the 702
occupant's personal property from the self-service storage 703
facility, unless the owner of the self-service storage facility 704
agrees to enter into a new rental agreement for the storage of 705
the property. 706

(I) (1) If property on which there is a lien under division 707
(A) of section 5322.02 of the Revised Code is not sold at 708
auction, but is claimed under division (H) of this section and 709
the owner's lien is satisfied, then all legal or security 710
interest in, or any other liens held against, the property shall 711
remain intact. 712

(2) A purchaser at auction in good faith, except an owner 713
or an owner's agent, of the personal property sold to satisfy an 714
owner's lien created by division (A) of section 5322.02 of the 715
Revised Code takes the property free and clear of any rights of 716
persons against whom the lien was valid, or any persons who had 717
an interest in, or who held, any other lien against the 718
property, despite noncompliance by the owner with the 719
requirements of this section. 720

(J) The owner may examine any personal property to be sold 721
pursuant to this section. The examination may include, but is 722
not limited to, the opening of any trunk, valise, box, or other 723
container that is locked, fastened, sealed, tied, or otherwise 724
closed in a manner that deters immediate access to its contents. 725

(K) (1) If the property upon which ~~the lien created under~~ 726
~~division (A) of this section is claimed~~ 5322.02 of the Revised 727
Code creates a lien is a motor vehicle, trailer, or a 728
watercraft, the owner ~~shall may, at the owner's sole discretion,~~ 729
have the motor vehicle, trailer, or watercraft towed from the 730
premises if any of the following circumstances applies: 731

(a) The notice was delivered or sent pursuant to division 732
(B) of this section to all persons holding a lien on the motor 733
vehicle, trailer, or watercraft, and thirty days have elapsed 734
since the notice was delivered or sent ~~without a response from~~ 735
~~any of those persons.~~ 736

(b) Rent and other charges related to the property remain 737
unpaid or unsatisfied by the occupant for sixty days, and no 738
lien holders have been identified. 739

(c) The owner is planning to hold or has held a sale ~~at~~ 740
~~auction of for~~ the personal property that was stored in the 741

self-service storage ~~unit-space~~ with that motor vehicle, 742
trailer, or watercraft, in which case the motor vehicle, 743
trailer, or watercraft ~~shall may,~~ at the owner's sole 744
discretion, be towed prior to or following the ~~auction~~ sale. 745

(2) The owner shall not be liable for the motor vehicle, 746
trailer, or watercraft or any damages to the motor vehicle, 747
trailer, or watercraft once the ~~tower-towing service or storage~~ 748
facility takes possession of the property. The notice delivered 749
or sent pursuant to division (B) of this section to all persons 750
holding a lien on the motor vehicle, trailer, or watercraft 751
shall include the name of the ~~towing company~~ towing service or 752
storage facility. The name and the street address of the ~~towing-~~ 753
~~company-towing service or storage facility~~ shall also be made 754
available to the occupant or any lien holder upon the 755
presentation of a document of title or another document that 756
confirms an interest in the motor vehicle, trailer, or 757
watercraft. 758

As used in this division, "towing service or storage 759
facility" means any for-hire motor carrier that removes a motor 760
vehicle, trailer, or watercraft from a self-service storage 761
facility pursuant to this division and any place to which that 762
for-hire motor carrier delivers the motor vehicle, trailer, or 763
watercraft. 764

(L) The owner may satisfy the owner's lien from the 765
proceeds of any sale held pursuant to this section, but shall 766
mail the balance, if any, by certified mail, or by first class 767
mail or private delivery service with a certificate or 768
verification of mailing, to the occupant at the occupant's last 769
known mailing address. If the balance is returned to the owner 770
after the owner mailed the balance by certified mail, first 771

class mail, or private delivery service to the occupant or if 772
the mailing address of the occupant is not known, the owner 773
shall hold the balance for two years after the date of the sale 774
for delivery on demand to the occupant or to any other person 775
who would have been entitled to possession of the personal 776
property. After the expiration of the two-year period, the 777
balance shall become unclaimed funds, as defined in division (B) 778
of section 169.01 of the Revised Code, and shall be disposed of 779
pursuant to Chapter 169. of the Revised Code. 780

(M) An owner may buy at any public sale held pursuant to 781
this section. 782

(N) The rights provided by this section shall be in 783
addition to all other rights allowed by law to a creditor 784
against a debtor. 785

(O) (1) If the owner complies with the requirements for 786
sale under this section, the owner's liability to persons who 787
have an interest in the personal property sold is limited to the 788
balance of the proceeds of the sale after the owner has 789
satisfied the owner's lien. 790

(2) The owner is liable for damages caused by the failure 791
to comply with the requirements for sale under this section and 792
is liable for conversion for willful violation of the 793
requirements for sale under this section. 794

(P) If no person purchases the personal property at the 795
auction and if the owner has complied with this section, the 796
owner may do any of the following: 797

(1) Advertise and sell the personal property pursuant to 798
divisions (F) to (O) of this section; 799

(2) Sell the personal property at a private sale; 800

(3) Dispose of the personal property in any manner 801
considered appropriate by the owner including, but not limited 802
to, destroying the personal property. 803

Section 2. That existing sections 4513.601, 4513.62, 804
5322.01, 5322.02, and 5322.03 of the Revised Code are hereby 805
repealed. 806