



Ohio Legislative Service Commission

Sub. Bill Comparative Synopsis

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H.B. 341

131st General Assembly
(H. State Government)

This table summarizes how H.B. 341 (As Introduced) differs from Sub. H.B. 341 (LSC 131 1337-11). It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Introduced)	Sub. Version (LSC 131 1337-11)
Vehicles eligible for the salvage title affidavit process	<p>Allows the owner of a towing service or storage facility to obtain a salvage title to a motor vehicle in its possession if the following apply:</p> <ul style="list-style-type: none"> - The vehicle is at least three years old; - The vehicle is apparently inoperable; and - The vehicle is impossible to restore for highway operation (<i>R.C. 4505.103(A)</i>). <p>No provision.</p>	<p>Allows the owner of an "authorized entity" (i.e., a towing service, storage facility, or repair garage) to obtain a salvage title to a motor vehicle in its possession if the following apply:</p> <ul style="list-style-type: none"> - The vehicle has a value of less than \$1,500; - The vehicle is apparently inoperable; and - The vehicle is impossible to restore for highway operation (<i>R.C. 4505.103(A)</i>). <p>Specifies that the value of a vehicle for purposes of the salvage title affidavit is the wholesale value minus the estimated cost of repairs to restore the vehicle to wholesale condition, a towing fee (if the vehicle was towed by the party seeking title), and storage fees for the period of time that the</p>

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<p>Salvage title affidavit process</p>	<p>In order to obtain a salvage certificate of title, requires a towing service or storage facility to send written notice to any owner or lienholder (<i>R.C. 4505.103(A)</i>).</p> <p>Not sooner than 15 days after notice is received or the towing service or storage facility is notified that delivery of the notice was not possible, requires a law enforcement officer to inspect the vehicle to determine if it is eligible for the salvage title affidavit process (<i>R.C. 4505.103(A)</i>).</p> <p>If the law enforcement officer determines that the vehicle is eligible, allows the officer to either dispose of the vehicle under current law or sign an affidavit containing specified information and confirming that the vehicle is an eligible vehicle (<i>R.C. 4505.103(A)</i>).</p> <p>No provision.</p> <p>No provision.</p>	<p>vehicle was stored without payment up to 65 days (<i>R.C. 4513.103(D)(4)</i>).</p> <p>Same, but also requires an authorized entity to cause a search to be made of the Bureau of Motor Vehicles (BMV) records to ascertain the identity of the owner and any lienholder of the vehicle and to send a notice to such persons within eight business days after receiving the information (<i>R.C. 4505.103(A)</i>).</p> <p>No provision.</p> <p>Instead, allows an authorized entity to sign an affidavit containing specified information and confirming that the vehicle is an eligible vehicle not sooner than 30 days after notice is received or the authorized entity is notified that delivery of the notice was not possible (<i>R.C. 4505.103(A)</i>).</p> <p>Requires the authorized entity to photograph the vehicle to substantiate the determination that the vehicle has a value of less than \$1,500 (<i>R.C. 4505.103(A)</i>).</p> <p>Requires the clerk of courts to retain a record of the issuance of a certificate of title in the automated title processing system for not less</p>

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<p>Civil penalties for towing violations</p>	<p>With regard to a civil action brought by a vehicle owner, specifies that the following penalties apply to a towing service or storage facility that commits a specified towing violation:</p> <ul style="list-style-type: none"> - \$1,000 for a first violation within one year (current law); - \$2,500 for a second violation within one year (current law); and - \$3,500 for a third or subsequent violation within one year (rather than \$2,500 plus a six-month revocation of the towing service's or storage facility's certificate of public convenience and necessity for a third offense as under current law) (<i>R.C. 4513.611(A)</i>). <p>No provision.</p> <p>No provision.</p>	<p>than ten years (<i>R.C. 4505.103(B)</i>).</p> <p>Instead, categorizes the towing violations into "major violations" and "minor violations" and establishes the following penalties:</p> <ul style="list-style-type: none"> - \$1,000 for a first "major violation" or third "minor violation" within one year; - \$2,500 for a second "major violation" or a sixth "minor violation" within one year; - \$3,500 plus a six-month revocation of the towing service's or storage facility's certificate of public convenience and necessity for a third "major violation" or a ninth "minor violation" within one year; - \$150 for a first "minor violation" within one year; - \$350 for a second "minor violation" within one year; - \$1,500 for a fourth "minor violation" within one year; - \$2,000 for a fifth "minor violation" within one year; and - \$2,500 for a seventh or eighth "minor violation" within one year (<i>R.C. 4513.611(B)</i>). <p>Specifies that the failure to display the certificate of public convenience and necessity number constitutes a violation for which a civil action can be initiated (<i>R.C. 4513.611(A)(2)(g)</i>).</p> <p>Specifies that if a vehicle owner brings an action for multiple violations, the court must consider</p>

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	No provision.	<p>each violation as a separate violation (<i>R.C. 4513.611(B)(4)</i>).</p> <p>Specifies that in determining the number of prior violations, a court may only consider violations that a court of competent jurisdiction has determined to have occurred (<i>R.C. 4513.611(B)(5)</i>).</p>
<p>Penalty for the failure to display of a certificate of public convenience and necessity number on a tow truck</p>	No provision.	<p>Specifies that if the owner of a towing service permits the operation of a tow truck on behalf of the towing service and the tow truck does not visibly display the certificate of public convenience and necessity number, the following penalties apply:</p> <ul style="list-style-type: none"> - On a first offense, the owner is guilty of a minor misdemeanor and must appear in person to answer the charge; - On a second or subsequent offense, the owner is guilty of an unclassified misdemeanor. The court must impose a \$500 fine and seize and impound all vehicles used to tow motor vehicles on behalf of the towing service until the owner obtains a certificate of public convenience and necessity (<i>R.C. 4513.67(D)</i>).

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Retrieval of personal items from a towed vehicle	<p>Requires the payment of a \$35 fee for the retrieval of nonmedical personal items from a vehicle, but requires a towing company to deduct any such fee that has been paid by the owner from the balance of fees that the owner must pay in order to recover the vehicle (<i>R.C. 4513.60(D)(2), 4513.601(G)(3), and 4513.61(C)(2) and (4)</i>).</p> <p>No provision.</p>	<p>Retains a provision of current law that allows the owner of a vehicle to retrieve personal items from the vehicle without paying a fee, but authorizes a towing service or storage facility to charge an after-hours retrieval fee if the items are recovered after hours (<i>R.C. 4513.60(D)(2), 4513.601(G)(3), 4513.61(C)(2), and 4921.25(B)(6)</i>).</p> <p>Prohibits the owner of a towed vehicle from retrieving personal items from a vehicle if it would endanger the safety of the owner, unless the owner signs a waiver of liability (<i>R.C. 4513.60(D)(2)(b), 4513.601(G)(3), and 4513.61(C)(2)(b)</i>).</p>
Notice that a vehicle has been towed from a private tow-away zone	<p>Retains provisions of current law that specify that the owner of a towing service or storage facility must do all of the following with regard to a vehicle that has been towed from a private tow-away zone:</p> <ul style="list-style-type: none"> - Immediately cause a search of the BMV records for the owner and any lienholder of the vehicle; and - Within five business days after the vehicle is towed, provide notice to the owner and any lienholder (<i>R.C. 4513.601(F)(1)</i>). 	<p>Instead, requires the owner of a towing service or storage facility to do the following:</p> <ul style="list-style-type: none"> - Within five business days after the vehicle is towed, cause a search of the BMV records for the owner and any lienholder of the vehicle; and - Within eight business days after the Registrar of Motor Vehicles has provided the identity of the owner and any lienholder, provide notice to those persons (<i>R.C. 4513.601(F)(1)</i>).
Storage facility requirements	No provision.	Eliminates a provision of current law that requires a storage facility to be open during any time a towing service is towing vehicles to the storage facility from private property other than a private tow-away zone or vehicles that have come into the possession of law enforcement (<i>R.C.</i>

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Written price estimate	<p>Retains a provision of current law that requires a towing service that is towing a vehicle in a circumstance that is not governed by the Towing Law to generally provide a written price estimate to the owner of the vehicle prior to towing the vehicle (R.C. 4513.68(A)).</p> <p>Specifies that if a towing service or storage facility fails to provide a written estimate, the towing service or storage facility cannot charge more than 25% of the fees established by the PUCO (rather than 25% of the statutory fees for removal and storage as under current law) (R.C. 4513.68(C)).</p>	<p>Instead, requires a towing service that is towing a vehicle in a circumstance that is not governed by the Towing Law to provide a written price estimate to the owner if an estimate is requested (R.C. 4513.68(A)).</p> <p>Same, but specifies that if the vehicle was towed within a municipal corporation that has established vehicle removal and storage fees, the towing service or storage facility cannot charge more than 25% of the fees established by the municipal corporation (R.C. 4513.68(C)).</p>
Obtaining title to an unclaimed motor vehicle under existing law	<p>Modifies the method for calculating the "value" of a motor vehicle to which a towing service, storage facility, repair garage, or place of storage may take title by allowing the entity to deduct the following:</p> <ul style="list-style-type: none"> - A towing fee (if the motor vehicle was towed by the party seeking title); and - Storage fees for the period the vehicle was stored without payment up to 65 days (R.C. 4505.101(E)(3)). <p>No provision.</p>	<p>Same, but prohibits a towing service or storage facility from deducting storage fees for the period of time that the vehicle was stored prior to the date the BMV provided the name of any owner and any lienholder (R.C. 4505.101(E)(3)).</p> <p>Specifies that a repair garage or place of storage may use the unclaimed motor vehicle affidavit process to take title to a motor vehicle even if the person who requested the repair or who agreed to the storage of the motor vehicle is not the owner or a lienholder of the motor vehicle as indicated in the records of the BMV, but requires</p>

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		notice to local law enforcement under such a circumstance (<i>R.C. 4505.101(A)(1) and (C)(2)</i>).
Use of a highway opening or berm	Allows the operator of a tow truck that is traveling to the scene of an accident and that is displaying a flashing, oscillating, or rotating amber light to use an opening or crossover of a highway to change directions or drive on the shoulder or berm of the roadway (<i>R.C. 4511.044</i>).	No provision.
Towing distance	Retains a provision of current law that requires a towing service that tows a vehicle from a private tow-away zone to take the vehicle to a location that is within 20 linear miles of the private tow-away zone unless it is impracticable (<i>R.C. 4513.601(A)(2)(a)</i>).	Instead, requires the vehicle to be taken to a location within 25 linear miles unless it is impracticable (<i>R.C. 4513.601(A)(2)(a)</i>).
Timeframe for delivery of a towed vehicle	No provision.	Modifies the existing requirement that a towing service must deliver a vehicle that is towed from private property or a private tow-away zone to the place from which it may be retrieved within two hours by providing an exception if it is not practicable (<i>R.C. 4513.60(A)(2) and 4513.601(D)(2)</i>).

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