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Bill Analysis

Legislative Service Commission

H.B. 342

124th General Assembly
(As Introduced)

**Reps. Calvert, Schmidt, Schuring, Kearns, Fessler, Allen, Schaffer, Seitz,
Flowers**

BILL SUMMARY

- Requires a person whose motor vehicle is immobilized, seized, or criminally forfeited because of a violation of certain motor vehicle laws to pay for any expenses or charges incurred because of the removal or storage of the vehicle.

CONTENT AND OPERATION

Charges for vehicle removal or storage because of an immobilization order

Current law requires courts to order the immobilization of vehicles for specified periods of time because of their involvement in certain OMVI-related violations or certain violations of the Financial Responsibility Law (sec. 4503.233(A)(2)). In these cases, the vehicle's owner must be assessed an immobilization fee of \$100, which must be paid to the Registrar of Motor Vehicles before the vehicle may be released to the owner (sec. 4503.233(A)(4)).

Under current law, the vehicle's owner *may be charged* expenses or charges incurred in the removal and storage of the immobilized vehicle, in addition to the immobilization fee. The bill instead *requires the court to order the vehicle's owner* to pay those expenses or charges in addition to the immobilization fee. (Sec. 4503.233(A)(7).) It also requires the court that issues an immobilization order to require the person that removes or stores a vehicle pursuant to the order to submit to the clerk of the court, within ten days thereafter, a written bill itemizing the associated expenses and charges (sec. 4503.233(A)(8)).

Charges for vehicle removal or storage because of a criminal forfeiture order

Current law requires courts to order the criminal forfeiture of vehicles for violations of certain provisions of the Financial Responsibility Law and the OMVI Law. The bill requires a court that issues an order for the criminal forfeiture of a

vehicle to also order the vehicle's owner to pay the expenses or charges incurred in its removal and storage. The court also must require the person that removes or stores the vehicle pursuant to the order to submit to the clerk of the court, within ten days thereafter, a written bill itemizing the associated expenses and charges. (Sec. 4303.234(B).)

Charges for vehicle removal or storage because of its seizure for an OMVI violation

Current law generally requires law enforcement officers to seize a vehicle if its driver is arrested for a violation of the state OMVI Law or a municipal OMVI ordinance and the driver, within the previous six years, has been convicted of or pleaded guilty to one or more violations of the state OMVI Law, a municipal OMVI ordinance, or involuntary manslaughter or certain vehicle-related crimes in which the offender was found to be under the influence of alcohol, a drug of abuse, or both (sec. 4511.195(B)(1)). Law enforcement officers must give a written notice of a vehicle's seizure under these circumstances to the court that will conduct "the initial appearance" of the vehicle's operator (sec. 4511.195(B)(3)).

The bill requires such a court, in addition to performing certain notification and other functions prescribed by current law, to give written notice to the vehicle's owner that the owner must pay any expenses or charges incurred in the removal and storage of the seized vehicle. The court also must require the person that removes or stores the vehicle to submit to the clerk of the court, within ten days after the vehicle is seized, a written bill itemizing the associated expenses and charges. (Sec. 4511.195(B)(3).)

Charges for vehicle removal or storage because of an operation violation

The bill provides that if a vehicle is removed or stored as a result of a violation of any provision of the traffic laws that govern the operation of motor vehicles (R.C. Chapter 4511.), the court must order the vehicle's owner to pay the expenses or charges incurred in the removal and storage. The court also must require the person that removes or stores the vehicle to submit to the clerk of the court, within ten days thereafter, a written bill itemizing the associated expenses and charges. (Sec. 4511.99(O).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	08-10-01	p. 816
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