



H.B. 582

124th General Assembly
(As Introduced)

Reps. DeBose, Allen, Koziura, Brown, Rhine, Britton, Sykes

BILL SUMMARY

- Requires signs that indicate a private tow-away zone to be at least 24" by 36", rather than the current minimum size of 18" by 24".
- Reduces the towing and storage charges that may be charged for vehicles removed from private tow-away zones, private residential and private agricultural property, and certain other locations.
- Increases the penalty for the improper removal of vehicles from private tow-away zones, private residential and private agricultural property, and certain other locations.

CONTENT AND OPERATION

Private tow-away zones

Generally

Under current law, the owner of private property may establish a private tow-away zone on the property. If a vehicle is parked in the private tow-away zone without the property owner's consent or in violation of any of the posted parking conditions or regulations, the owner or the owner's agent may remove or cause the removal of the vehicle. The owner and the operator of the vehicle are deemed to have consented to the removal and storage of the vehicle and to the payment of specified towing and storage charges. A vehicle that has been so removed from a private tow-away zone may be recovered only upon presentation of proof of ownership and payment of the charges. (R.C. 4513.60(B)(1) and (2).)

The owner of private property may establish a private tow-away zone by posting a sign on the property that is at least 18" by 24" in size, that is visible from all entrances to the property, and contains at least all of the following information:

(A) A notice that the property is a private tow-away zone and that vehicles not authorized to park on the property will be towed away (R.C. 4513.60(B)(1)(a)(i));

(B) The telephone number of the person from whom a towed-away vehicle can be recovered, and the address of the place to which the vehicle will be taken and the place from which it may be recovered (R.C. 4513.60(B)(1)(a)(ii));

(C) A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge not exceeding \$90 and a storage charge not exceeding \$12 per 24-hour period (R.C. 4513.60(B)(1)(a)(iii)).¹

The law also requires the place to which a towed vehicle is taken to be conveniently located, well-lighted, and on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located (R.C. 4513.60(B)(1)(b)).

Changes made by the bill

The bill makes changes in the provisions of the private tow-away zone law that govern signs and towing and storage charges. It increases the size of the sign that a property owner must post to give notice of the existence of the private tow-away zone from a minimum of 18" by 24" to 24" by 36". In addition, instead of being "visible" from all entrances to the property, the sign must be located not more than two feet from all the entrances.²

The bill reduces the maximum towing charge for normal vehicles from \$90 to \$50 and the maximum storage charge per 24-hour period from \$12 to \$5. In the case of a vehicle that has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer, the bill reduces the maximum towing charge from \$150 to \$75 and the maximum storage charge per 24-hour period from \$20 to \$5.

¹ *However, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer, the towing charge may be as high as \$150 and the storage charge may be as high as \$20 per 24-hour period. (R.C. 4513.60(B)(1)(a)(iii).)*

² *In the case of multiple entrances that are far enough apart so that one sign could not be posted within two feet of them, it would seem that more than one sign would have to be posted.*

Removal of motor vehicles from private residential or private agricultural property

Current law also permits the sheriff of a county or chief of police of a municipal corporation, township, or township police district, within the sheriff's or chief's respective territorial jurisdiction, upon complaint of any person adversely affected, to order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. In addition, the sheriff or chief of police, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. The sheriff or chief of police must designate the place of storage. When ordering a motor vehicle into storage pursuant to this division, a sheriff or chief of police, whenever possible, must arrange for the removal of the motor vehicle by a private tow truck operator or towing company. This provision does not apply to a private tow-away zone.

The owner of a motor vehicle that has been removed under this provision may recover the vehicle only upon presentation of proof of ownership and payment of towing and storage charges. Currently, these charges are the same as those for removal from private tow-away zones and the bill makes the same reductions in the maximum amounts. (R.C. 4513.60(A) and (E).)

Prohibition relating to the removal of motor vehicles from private tow-away zones and private residential or private agricultural property

Current law prohibits any person from (1) removing, or causing the removal of, any vehicle from private property that is established as a private tow-away zone other than in accordance with the provisions governing private tow-away zones, and (2) removing, or causing the removal of, any motor vehicle from any other private property other than in accordance with the provisions governing private residential and private agricultural property or other specified provision of the Revised Code governing the removal of motor vehicles from public highways, property open to the public for purposes of vehicular travel, and upon or within the right-of-way of a public highway. (R.C. 4513.60(F).)

Whoever violates this prohibition is guilty of a minor misdemeanor on a first offense (punishable by a fine of not more than \$100). On subsequent offenses, the person is guilty of a misdemeanor of the third degree (punishable by

a fine of not more than \$500, a term of imprisonment of not more than 60 days, or both). (R.C. 4513.99(B).)³

While the bill leaves this prohibition unchanged, it increases the applicable penalties. Under the bill, whoever violates the prohibition is guilty of a misdemeanor of the fourth degree on a first offense (punishable by a fine of not more than \$250, a term of imprisonment of not more than 30 days, or both). On subsequent offenses, the person is guilty of a misdemeanor of the second degree (punishable by a fine of not more than \$750, a term of imprisonment of not more than 90 days, or both). (R.C. 4513.60(I).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-15-02	p. 1776

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³ *If an entity other than an individual, such as a towing company, is charged with and convicted of the violation, the maximum fine amount is greater.*