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## DEPARTMENT OF PUBLIC SAFETY

### Towing law changes

#### Law enforcement tows

- Establishes procedures that allow a towing service or a storage facility to obtain title to another's motor vehicle (regardless of value) after it was towed by law enforcement, certain conditions are met, and it remains unclaimed 60 days after the service or facility sends the proper notice to the owner and any lienholder.
- Requires a clerk of court to issue a certificate of title for a motor vehicle to a service or facility that presents an affidavit affirming compliance with all necessary procedures.
- Requires the Registrar of Motor Vehicles to create the form of the affidavit (to be used by the service or facility) by December 29, 2021.

#### Motor vehicle dealership and repair facility tows

- Allows a motor vehicle dealership or repair facility to request a towing service to remove a motor vehicle from its property as long as certain conditions are met.
- Establishes procedures for the owner or any lienholder to reclaim the motor vehicle.
- Establishes procedures for the towing service or a storage facility to take title to the motor vehicle (regardless of value) if it remains unclaimed for an additional 60 days after the service or facility sends the proper notice to the owner and any lienholder.

#### Notice requirements for private tow-away zones

- Reduces the number of notices from three to two that must be sent to an owner and any lienholder of a motor vehicle after that motor vehicle has been towed from a private tow-away zone and before a towing service or storage facility may take title to the motor vehicle.

#### Certificate of title fee allocation

- Reallocates 10¢ of the \$15 motor vehicle certificate of title fee that previously was deposited in the Motor Vehicle Sales Audit Fund to the Highway Operating Fund.

#### Emergency Management Assistance Compact immunity

- Specifies that a political subdivision employee who renders aid in another state in accordance with the Emergency Management Assistance Compact is considered a state employee for immunity purposes.

#### U.S. Power Squadron license plate distribution

- Regarding U.S. Power Squadron license plates, requires U.S. Power Squadron District 7 (rather than the Registrar) to equally distribute the contributions for the plates to all Ohio Power Squadron Districts in Ohio.

## Emergency medical services in additional settings

- Authorizes, until October 1, 2022, a first responder and each type of emergency medical technician to perform emergency medical services in any setting, including in any area of a hospital, subject to direction and supervision requirements.
- Provides immunity from damages in a civil action for injury, death, or loss to person or property resulting from performing the authorized emergency medical services, unless they are performed in a manner that constitutes willful or wanton misconduct.

## Vehicle registration waiver for amusement ride owners

- Waives one year of vehicle and trailer registration taxes and fees for amusement ride owners that were unable to operate their amusement rides in 2020.

## Towing law changes

(R.C. 4505.104, 4513.601, 4513.602, 4513.603, and 4513.62)

Under Ohio towing laws that are retained by the act, a towing service or storage facility may obtain either:

1. A certificate of title to an unclaimed motor vehicle in its possession that was towed from a private tow-away zone and is valued at less than \$3,500; or
2. A salvage certificate of title to an unclaimed motor vehicle in its possession if the vehicle is valued at less than \$1,500 (after taking into account necessary repairs, towing fees, and up to 30 days of storage fees), inoperable, and cannot be restored for highway operation.<sup>115</sup>

The act authorizes a towing service or storage facility also to obtain title to an unclaimed motor vehicle (of any value) that was towed either at the order of law enforcement or at the request of a motor vehicle dealership or repair facility.

### Law enforcement tows

The act establishes the following procedures for a towing service or storage facility 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 motor vehicle to be towed.<sup>116</sup>

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

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<sup>115</sup> R.C. 4505.103, not in the act.

<sup>116</sup> Law enforcement must have ordered the motor vehicle towed or stored at the towing service or storage facility pursuant to R.C. 4513.60, 4513.61, or 4513.66.

**Step 3:** The service or facility sends notice by certified or express mail, return receipt requested, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt, to the motor vehicle owner and any lienholder's last known address. The notice must inform the motor vehicle owner and any 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 either receives a signed receipt from the mailed notice or is notified that the delivery of the mailed notice was not possible.

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

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

**Step 7:** An agent of the service or facility executes an affidavit (the form of which must be created by the Registrar of Motor Vehicles by December 29, 2021) 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 if the service or facility presents an affidavit that complies with **Step 7**.

After obtaining title and disposing of the motor 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 (i.e., the appropriate law enforcement agency) that the motor vehicle has been so disposed. This notice must be provided by the last business day of the month in which the service or facility obtained the title.

## **Motor vehicle dealerships and repair facility tows**

### **Towing an unclaimed vehicle**

The act authorizes a motor vehicle dealership and a repair facility to have a towing service remove a motor vehicle from their property after all of the following occur:

**Step 1:** The dealership or facility causes a search to be made of the BMV title records to identify the vehicle's owner and any lienholder.

**Step 2:** The dealership or facility sends notice to the owner and any lienholder by certified or express mail, return receipt requested, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice must give the location of the motor vehicle, explain that the motor vehicle will be towed if the motor vehicle remains unclaimed 14 days after receipt of the notice (or notification that delivery was not possible), and that the towing service or storage facility (where the towed motor vehicle is stored) may take title to the motor vehicle if it remains unclaimed after the tow.

**Step 3:** The motor vehicle remains unclaimed for 14 days after the notice is received (as evidenced by a signed receipt) or after the dealership or facility is informed that delivery was not possible.

The dealership or facility may have the motor vehicle towed using this procedure regardless of who left the motor vehicle with the dealership or facility for repairs. Failure to claim the motor vehicle within the required 14 days is considered consent to the motor vehicle's removal, storage, payment of all accompanying charges, and the towing service or storage facility taking title to the motor vehicle if it is left unclaimed for an additional 60 days. The towing service may not charge more than the standard fees set by the Public Utilities Commission for the tow and storage of the motor vehicle.

### **Reclaiming the vehicle and liability**

The motor vehicle owner or lienholder may reclaim the motor vehicle from the towing service or storage facility if the owner or lienholder presents proof of ownership, pays all of the incurred charges, and the title has not already been issued to the towing service or storage facility. The act expressly exempts the motor vehicle dealership, repair facility, towing service, and storage facility from liability for any damage, claims of conversion, or any other claim arising from the removal, towing, or storage of the motor vehicle, provided the dealership, repair facility, towing service, and storage facility comply with the proper procedures. Additionally, the dealership or repair facility retains any cause of action it has against the owner or lienholder, unless possession of the motor vehicle is necessary for the claim.

### **Taking title to the vehicle**

When the tow from the dealership or repair facility is completed, the towing service or storage facility may take title to the motor vehicle, regardless of the motor vehicle's value, after all of the following occur:

**Step 1:** The towing service or storage facility causes a search to be made of the BMV title records to identify the motor vehicle's owner and any lienholder.

**Step 2:** The towing service or storage facility sends notice to the owner and any lienholder by certified or express mail, return receipt requested, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice must explain that the towing service or storage facility will take title to the motor vehicle if it remains unclaimed 60 days after receipt of the notice (or notification that delivery was not possible).

**Step 3:** The motor vehicle remains unclaimed for 60 days after the notice is received (as evidenced by a signed receipt) or after the towing service or storage facility is informed that delivery was not possible.

**Step 4:** The towing service's or storage facility's agent executes an affidavit (the form of which must be created by the Registrar of Motor Vehicles by December 29, 2021) affirming that all of the requirements to take title (**Steps 1 to 3**) have been met.

If a towing service or storage facility presents the appropriate affidavit, the clerk of courts must issue a certificate of title, free and clear of all liens and encumbrances, for the motor vehicle to the towing service or storage facility. The towing service or storage facility may retain any money arising from the disposal of the motor vehicle after taking title to it.

## **Notice requirements for private tow-away zones**

The act reduces the number of notices (from three to two) that a towing service or storage facility must send prior to initiating a title transfer for an unclaimed motor vehicle (valued at less than \$3,500) towed from a private tow-away zone. Under continuing law, after a towing service tows a motor vehicle from a private tow-away zone, the towing service or storage facility must obtain title information from the BMV regarding the motor vehicle's owner and any lienholders. The service or facility must then notify those parties that the service or facility will take title to the motor vehicle if it is left unclaimed for 60 days after receipt of the first notice (or notification that delivery of the notice was not possible). The service or facility must send each notice by certified or express mail with return receipt requested or by a commercial carrier service using any form of delivery requiring a signed receipt. Under prior law, the notices were made as follows:

- Within five days after the Registrar provided the identity of the owner and any lienholder;
- 30 days after the first notice was sent (if the vehicle was not retrieved after the first notice);
- 45 days after the first notice was sent (if the vehicle was not retrieved after the second notice).

The act eliminates the third notice, but maintains the first and second notice and the 60-day time frame before the service or facility may take title to the unclaimed motor vehicle.

## **Certificate of title fee allocation**

(R.C. 4505.09)

The act reallocates 10¢ of the \$15 motor vehicle certificate of title fee that previously was deposited in the Motor Vehicle Sales Audit Fund to the Highway Operating Fund. The portion of the certificate of title fee to be deposited in the Motor Vehicle Sales Audit Fund (to assist the Tax Commissioner's investigations of motor vehicle sales and use tax returns to ensure any tax liability has been satisfied) is reduced from 25¢ to 15¢. Additionally, the portion deposited into the Highway Operating Fund (managed by the Department of Transportation for its highway projects) is increased from 21¢ to 31¢. The overall \$15 motor vehicle certificate of title fee is not altered.

## **Emergency Management Assistance Compact immunity**

(R.C. 5502.30)

The act specifies that a political subdivision employee who renders aid in another state in accordance with the Emergency Management Assistance Compact (EMAC) is considered a state employee for immunity purposes under Article VI of the Compact. Therefore, the employee is:

1. Considered an agent of the requesting state for tort liability and immunity purposes;
- and

2. Not liable for any act or omission done in good faith while engaged or on account of the maintenance or use of any equipment or supplies in connection with the engagement.

It also specifies that this provision does not entitle a political subdivision employee to any other right or benefit of a state employee.

The EMAC is law in all 50 states. Through it, states may provide mutual assistance in managing any emergency or disaster.<sup>117</sup>

## **U.S. Power Squadron license plate distribution**

(R.C. 4501.21)

The act requires U.S. Power Squadron District 7 (located in Mansfield) to annually distribute the contributions received for U.S. Power Squadron license plates in equal amounts to all U.S. Power Squadrons in Ohio. Prior law required the Registrar to distribute the contributions (also in equal amounts). U.S. Power Squadrons is a nonprofit boating club and educational organization that provides classes on maritime safety and seamanship.

## **Emergency medical services in additional settings**

(Section 747.20)

### **Expansion of services to any setting**

The act temporarily reauthorizes – from September 30, 2021, through October 1, 2022 – the settings in which first responders and each of the three types of emergency medical technicians (basic, intermediate, and paramedic) are authorized to provide emergency medical services. Under the act, those services may be provided in any setting, including any area of a hospital, under the direction and supervision of a physician, physician assistant designated by a physician, or advanced practice registered nurse designated by a physician. Without the act, Ohio law (1) does not authorize a first responder to provide services in a hospital and (2) limits an emergency medical technician’s actions in a hospital to the emergency department or while moving a patient from the emergency department. The expanded authority was previously authorized by H.B. 151 of the 133<sup>rd</sup> General Assembly, but only until July 1, 2021.

### **Qualified immunity**

The act provides that a first responder or emergency medical technician is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the individual’s performance of emergency medical services authorized by the act, unless the services are performed in a manner that constitutes willful or wanton misconduct.

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<sup>117</sup> See <https://www.emacweb.org/>.

## Vehicle registration waiver for amusement ride owners

(Section 745.10)

The act waives one year of vehicle and trailer registration taxes and fees for amusement ride owners that were unable to operate their amusement rides in 2020. The waiver applies from September 30, 2021 until September 29, 2022. Amusement rides are any mechanical, aquatic, or inflatable device (or combination thereof) that carry or convey passengers on, along, around, over, or through a fixed or restricted course or defined area for amusement, pleasure, or excitement. In the midst of the COVID-19 pandemic, many amusement rides and events or facilities that host amusement rides were not able to operate or remain open.

The registration taxes and fees waived for amusement ride owners include the following:

1. The annual registration tax (amount varies according to type of vehicle registered);
  2. The Bureau of Motor Vehicles fee (\$11 or \$30) and, if applicable, any alternative-fuel vehicle fees (\$100 or \$200);
  3. Any local motor vehicle taxes (amount varies according to jurisdiction up to \$30);
  4. Any standard license plate fees (\$6.50 for single license plate or \$7.50 for two plates);
- and
5. The BMV/deputy registrar service fee (\$5).

If the amusement ride owner registers the vehicles or trailers under a multi-year registration plan, the Registrar must credit the owner for one year of registration taxes and fees. The owner must still pay any additional years' worth of registration taxes and fees for the multi-year registration.<sup>118</sup>

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<sup>118</sup> R.C. 993.01, 4503.038, 4503.04, 4503.042, 4503.10, 4503.103, and 4503.19, and Chapter 4504, not in the act.