

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 211

Representative Arndt

Cosponsors: Representatives Becker, Miller, J., Seitz, Schaffer

A BILL

To enact section 1547.305 of the Revised Code to 1
establish a process by which a person may obtain 2
title to a watercraft vessel or outboard motor 3
that has been left on the person's property. 4

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

Section 1. That section 1547.305 of the Revised Code be 5
enacted to read as follows: 6

Sec. 1547.305. (A) In lieu of the process set forth in 7
sections 1547.30 to 1547.303 of the Revised Code, a person may 8
obtain a certificate of title to a vessel or outboard motor of 9
another if all of the following apply: 10

(1) The vessel or outboard motor has been left unclaimed 11
on the person's property for twenty days or more prior to the 12
provision of notice under division (A) (2) of this section and 13
the person does not have a valid storage or repair contract with 14
the owner or lienholder of the vessel or outboard motor. 15

(2) The person sends notice by certified mail, return 16
receipt requested, to the last known address of any owner and 17
any lienholder of the vessel or outboard motor. The person shall 18

include both of the following in the notice: 19

(a) A statement that the vessel or outboard motor must be removed from the property within ten days after receiving the notice; 20
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(b) A statement that informs the recipient of the vessel or outboard motor's location. 23
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(3) The person either received the signed receipt from the certified mail or was notified that the delivery of the certified mail was not possible. 25
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(4) The vessel or outboard motor continues to remain unclaimed for more than ten days after the date that the required notice was received by the owner or lienholder, as evidenced by a signed receipt, or the date that the person was notified that the delivery was not possible. If a lienholder does not claim the vessel or outboard motor within that ten-day period, the lienholder's lien is invalid. 28
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(5) The person that mailed the notice under division (A) (2) of this section executes an affidavit, in a form established by the director of natural resources by rule adopted under Chapter 119. of the Revised Code, affirming that all of the requirements of this section necessary to authorize the issuance of a certificate of title for the vessel or outboard motor have been met. The person shall include all of the following in the affidavit: 35
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(a) A statement of the length of time that the vessel or outboard motor remained unclaimed prior to sending the notice under division (A) (2) of this section; 43
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(b) A statement that the person does not have a valid storage or repair contract with the owner or lienholder of the 46
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vessel or outboard motor; 48

(c) A statement that, prior to sending a notice under 49
division (A) (2) of this section, a search of the records of the 50
department of natural resources was made to identify any owner 51
or lienholder of the vessel or outboard motor; 52

(d) A statement that the notice to remove the vessel or 53
outboard motor was mailed to any owner and any lienholder by 54
certified mail, return receipt requested, under division (A) (2) 55
of this section; 56

(e) A statement that the vessel or outboard motor remains 57
unclaimed for more than ten days after the date that the 58
required notice was received by the owner or lienholder, as 59
evidenced by a signed receipt, or the date that the person was 60
notified that the delivery was not possible; 61

(f) A statement that the vessel or outboard motor remains 62
unclaimed at the time the affidavit is presented under division 63
(C) of this section. 64

(B) In order to identify any owner or lienholder, prior to 65
sending a notice under division (A) (2) of this section, the 66
person who seeks to obtain a certificate of title to a vessel or 67
outboard motor of another shall cause a search to be made of the 68
records of the department of natural resources. 69

(C) The clerk of courts shall issue a certificate of 70
title, free and clear of all liens and encumbrances, to a person 71
that presents an affidavit that complies with all of the 72
requirements of division (A) of this section. 73

(D) (1) A person that owns property where a vessel or 74
outboard motor has been left unclaimed may bring a civil action 75
in a court of common pleas or other court of competent 76

jurisdiction against the owner of the vessel or outboard motor 77
to recover the costs of storing or removing the vessel or 78
outboard motor if both of the following apply: 79

(a) The vessel or outboard motor has been left unclaimed 80
on the person's property for twenty days or more prior to the 81
provision of notice under division (A) (2) of this section. 82

(b) The person does not have a valid storage or repair 83
contract with the owner of the vessel or outboard motor. 84

(2) A person that owns property where a vessel or outboard 85
motor has been left unclaimed may have the vessel or outboard 86
motor impounded until the costs of storing the vessel or 87
outboard motor have been paid or until the clerk of courts 88
issues the property owner a certificate of title under division 89
(C) of this section if all of the following apply: 90

(a) The vessel or outboard motor has been left unclaimed 91
on the person's property for twenty days or more prior to the 92
provision of notice under division (A) (2) of this section. 93

(b) The property owner sends notice in accordance with 94
division (A) (2) of this section to any owner and any lienholder 95
of the vessel or outboard motor. 96

(c) The person does not have a valid storage or repair 97
contract with the owner of the vessel or outboard motor. 98