

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 384

Representative Gonzales

Cosponsor: Representative Becker

A BILL

To amend sections 4505.101, 4513.601, and 4513.611 1
of the Revised Code to require only one notice 2
to be sent to a vehicle owner and any known 3
lienholder after a vehicle is towed from a 4
private tow-away zone. 5

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

Section 1. That sections 4505.101, 4513.601, and 4513.611 6
of the Revised Code be amended to read as follows: 7

Sec. 4505.101. (A) (1) Any repair garage or place of 8
storage in which a motor vehicle with a value of less than three 9
thousand five hundred dollars has been left unclaimed for 10
fifteen days or more following completion of the requested 11
repair or the agreed term of storage shall send by certified 12
mail, return receipt requested, to the last known address of any 13
owner and any lienholder of the motor vehicle a notice to remove 14
the motor vehicle. In order to identify any owner or lienholder, 15
prior to sending a notice, the repair garage or place of storage 16
shall cause a search to be made of the records of the bureau of 17
motor vehicles. Any notice to a lienholder shall state where the 18

motor vehicle is located and the value of the vehicle. If the 19
person who requested the repair or who agreed to the storage of 20
the motor vehicle is not the owner or a lienholder of the motor 21
vehicle as indicated in the records of the bureau, the repair 22
garage or place of storage also shall notify the sheriff of the 23
county or the police department of the municipal corporation, 24
township, or township or joint police district in which the 25
repair garage or place of storage is located that the repair 26
garage or place of storage is in possession of the vehicle. 27

(2) The repair garage or place of storage may obtain a 28
certificate of title to the motor vehicle if all of the 29
following apply: 30

(a) The motor vehicle remains unclaimed by any owner or 31
lienholder of the vehicle for fifteen days after the mailing of 32
all required notices. 33

(b) For each notice, the repair garage or place of storage 34
has either received the signed receipt from the certified mail 35
or has been notified that the delivery was not possible. Unless 36
the lienholder claims the motor vehicle within fifteen days from 37
the mailing of the notice, the lienholder's lien is invalid. 38

(c) An agent of the repair garage or place of storage that 39
mailed the notice executes an affidavit, in a form established 40
by the registrar of motor vehicles by rule, affirming that all 41
of the requirements of this section necessary to authorize the 42
issuance of a certificate of title for the motor vehicle have 43
been met. The affidavit shall set forth an itemized statement of 44
the value of the motor vehicle; the length of time that the 45
motor vehicle has remained unclaimed; that a notice to remove 46
the vehicle has been mailed to any titled owner or lienholder by 47
certified mail, return receipt requested; and that a search of 48

the records of the bureau of motor vehicles has been made in 49
accordance with division (A) (1) of this section. 50

(B) A towing service or storage facility that is in 51
possession of a vehicle may obtain a certificate of title to the 52
vehicle as provided in division (C) of this section if all of 53
the following apply: 54

(1) The vehicle was towed under division (B) of section 55
4513.601 of the Revised Code. 56

(2) The vehicle has a value of less than three thousand 57
five hundred dollars. 58

(3) The vehicle has been left unclaimed for sixty days 59
after the date the ~~earliest~~ notice required by division (F) (1) 60
of section 4513.601 of the Revised Code is received, as 61
evidenced by a receipt signed by any person, or the towing 62
service or storage facility has been notified that the delivery 63
was not possible. 64

(4) An agent of the towing service or storage facility 65
executes an affidavit, in a form established by the registrar of 66
motor vehicles by rule, affirming that all of the requirements 67
of this section necessary to authorize the issuance of a 68
certificate of title for the motor vehicle have been met. The 69
affidavit shall set forth an itemized statement of the value of 70
the motor vehicle; that ~~notices~~ notice to remove the vehicle 71
~~have~~ has been mailed to the owner and any lienholder as required 72
under division (F) of section 4513.601 of the Revised Code; the 73
length of time that the motor vehicle has remained unclaimed 74
after the date the ~~earliest~~ notice required under division (F) 75
of section 4513.601 of the Revised Code was received or the 76
towing service or storage facility was notified that delivery 77

was not possible; and that a search of the records of the bureau 78
of motor vehicles has been made for outstanding liens on the 79
motor vehicle. 80

(C) (1) The clerk of courts shall issue a certificate of 81
title, free and clear of all liens and encumbrances as follows: 82

(a) To a repair garage or place of storage that presents 83
an affidavit that complies with all of the requirements of 84
division (A) of this section; 85

(b) To a towing service or storage facility that presents 86
an affidavit in compliance with division (B) of this section. 87

(2) A repair garage or place of storage may use the 88
process established under division (A) of this section in order 89
to take title to a motor vehicle even if the person who 90
requested the repair or who agreed to the storage of the motor 91
vehicle is not the owner or a lienholder of the motor vehicle as 92
indicated in the records of the bureau of motor vehicles. 93

(3) Upon receipt of the certificate of title, a repair 94
garage or place of storage, or a towing service or storage 95
facility, shall pay to the clerk of courts the value of the 96
motor vehicle minus both of the following: 97

(a) If the motor vehicle was towed by the party seeking 98
title to the motor vehicle under this section, a towing fee; 99

(b) Storage fees for the period of time the vehicle was 100
stored without payment. 101

The clerk of courts shall deposit any money received under 102
this section into the county general fund. 103

(D) Whoever violates this section shall be fined not more 104
than two hundred dollars, imprisoned not more than ninety days, 105

or both.	106
(E) As used in this section:	107
(1) "Repair garage or place of storage" means any business with which a person entered into an agreement for the repair of a motor vehicle or any business with which a person entered into an agreement for the storage of a motor vehicle.	108 109 110 111
(2) "Towing service or storage facility" means any for-hire motor carrier that removes a motor vehicle under the authority of section 4513.601 of the Revised Code and any place to which such a for-hire motor carrier delivers a motor vehicle towed under that section.	112 113 114 115 116
(3) "Value" means the wholesale value for that make and model of motor vehicle at the time an affidavit is submitted under division (C) of this section, as provided in a vehicle valuation guide that is generally available and recognized by the motor vehicle industry, minus both of the following:	117 118 119 120 121
(a) The estimated cost of repairs to restore the motor vehicle to the wholesale value for that make and model of motor vehicle;	122 123 124
(b) The cost of any agreed-upon repairs.	125
Sec. 4513.601. (A) The owner of a private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:	126 127 128
(1) The owner of the private property posts on the property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property, and that includes all of the following information:	129 130 131 132
(a) A statement that the property is a tow-away zone;	133

(b) A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include on the sign the address of the property on which the private tow-away zone is located or the name of the business that is located on the property designated as a private tow-away zone.

(c) If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;

(d) The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;

(e) A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in division (B) of section 4505.101 of the Revised Code.

In order to comply with the requirements of division (A) (1) of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

(2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be

recovered that complies with all of the following: 163

(a) It is located within twenty-five linear miles of the 164
location of the private tow-away zone, unless it is not 165
practicable to take the vehicle to a place of storage within 166
twenty-five linear miles. 167

(b) It is well-lighted. 168

(c) It is on or within a reasonable distance of a 169
regularly scheduled route of one or more modes of public 170
transportation, if any public transportation is available in the 171
municipal corporation or township in which the private tow-away 172
zone is located. 173

(B) (1) If a vehicle is parked on private property that is 174
established as a private tow-away zone in accordance with 175
division (A) of this section, without the consent of the owner 176
of the private property or in violation of any posted parking 177
condition or regulation, the owner of the private property may 178
cause the removal of the vehicle by a towing service. The towing 179
service shall remove the vehicle in accordance with this 180
section. The vehicle owner and the operator of the vehicle are 181
considered to have consented to the removal and storage of the 182
vehicle, to the payment of the applicable fees established by 183
the public utilities commission in rules adopted under section 184
4921.25 of the Revised Code, and to the right of a towing 185
service to obtain title to the vehicle if it remains unclaimed 186
as provided in section 4505.101 of the Revised Code. The owner 187
or lienholder of a vehicle that has been removed under this 188
section, subject to division (C) of this section, may recover 189
the vehicle in accordance with division (G) of this section. 190

(2) If a municipal corporation requires tow trucks and tow 191

truck operators to be licensed, no owner of a private property 192
located within the municipal corporation shall cause the removal 193
and storage of any vehicle pursuant to division (B) of this 194
section by an unlicensed tow truck or unlicensed tow truck 195
operator. 196

(3) No towing service shall remove a vehicle from a 197
private tow-away zone except pursuant to a written contract for 198
the removal of vehicles entered into with the owner of the 199
private property on which the private tow-away zone is located. 200

(C) If the owner or operator of a vehicle that is being 201
removed under authority of division (B) of this section arrives 202
after the vehicle has been prepared for removal, but prior to 203
its actual removal from the property, the towing service shall 204
give the vehicle owner or operator oral or written notification 205
at the time of such arrival that the vehicle owner or operator 206
may pay a fee of not more than one-half of the fee for the 207
removal of the vehicle established by the public utilities 208
commission in rules adopted under section 4921.25 of the Revised 209
Code in order to obtain release of the vehicle. That fee may be 210
paid by use of a major credit card unless the towing service 211
uses a mobile credit card processor and mobile service is not 212
available at the time of the transaction. Upon payment of that 213
fee, the towing service shall give the vehicle owner or operator 214
a receipt showing both the full amount normally assessed and the 215
actual amount received and shall release the vehicle to the 216
owner or operator. Upon its release, the owner or operator 217
immediately shall move the vehicle so that the vehicle is not 218
parked on the private property established as a private tow-away 219
zone without the consent of the owner of the private property or 220
in violation of any posted parking condition or regulation. 221

(D) (1) Prior to towing a vehicle under division (B) of 222
this section, a towing service shall make all reasonable efforts 223
to take as many photographs as necessary to evidence that the 224
vehicle is clearly parked on private property in violation of a 225
private tow-away zone established under division (A) of this 226
section. 227

The towing service shall record the time and date of the 228
photographs taken under this section. The towing service shall 229
retain the photographs and the record of the time and date, in 230
electronic or printed form, for at least thirty days after the 231
date on which the vehicle is recovered by the owner or 232
lienholder or at least two years after the date on which the 233
vehicle was towed, whichever is earlier. 234

(2) A towing service shall deliver a vehicle towed under 235
division (B) of this section to the location from which it may 236
be recovered not more than two hours after the time it was 237
removed from the private tow-away zone, unless the towing 238
service is unable to deliver the motor vehicle within two hours 239
due to an uncontrollable force, natural disaster, or other event 240
that is not within the power of the towing service. 241

(E) (1) If an owner of a private property that is 242
established as a private tow-away zone in accordance with 243
division (A) of this section causes the removal of a vehicle 244
from that property by a towing service under division (B) of 245
this section, the towing service, within two hours of removing 246
the vehicle, shall provide notice to the sheriff of the county 247
or the police department of the municipal corporation, township, 248
or township or joint police district in which the property is 249
located concerning all of the following: 250

(a) The vehicle's license number, make, model, and color; 251

(b) The location from which the vehicle was removed;	252
(c) The date and time the vehicle was removed;	253
(d) The telephone number of the person from whom the vehicle may be recovered;	254 255
(e) The address of the place from which the vehicle may be recovered.	256 257
(2) Each county sheriff and each chief of police of a municipal corporation, township, or township or joint police district shall maintain a record of any vehicle removed from private property in the sheriff's or chief's jurisdiction that is established as a private tow-away zone of which the sheriff or chief has received notice under this section. The record shall include all information submitted by the towing service. The sheriff or chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.	258 259 260 261 262 263 264 265 266 267 268 269
(F) (1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. The registrar of motor vehicles shall ensure that such information is provided in a timely manner. Subject to division (F) (4) of this section, the <u>The</u> towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:-	270 271 272 273 274 275 276 277 278 279 280

~~(a) Within within five business days after the registrar
of motor vehicles provides the identity of the owner and any
lienholder of the motor vehicle, if the vehicle remains
unclaimed, to the owner's and lienholder's last known address by
certified or express mail with return receipt requested or by a
commercial carrier service utilizing any form of delivery
requiring a signed receipt;~~

~~(b) If the vehicle remains unclaimed thirty days after the
first notice is sent, in the manner required under division (F)
(1)(a) of this section;~~

~~(c) If the vehicle remains unclaimed forty-five days after
the first notice is sent, in the manner required under division
(F)(1)(a) of this section.~~

(2) Sixty days after ~~any~~ the notice sent pursuant to
division (F)(1) of this section is received, as evidenced by a
receipt signed by any person, or the towing service or storage
facility has been notified that delivery was not possible, the
towing service or storage facility, if authorized under division
(B) of section 4505.101 of the Revised Code, may initiate the
process for obtaining a certificate of title to the motor
vehicle as provided in that section.

(3) A towing service or storage facility that does not
receive a signed receipt of notice, or a notification that
delivery was not possible, shall not obtain, and shall not
attempt to obtain, a certificate of title to the motor vehicle
under division (B) of section 4505.101 of the Revised Code.

~~(4) With respect to a vehicle concerning which a towing
service or storage facility is not eligible to obtain title
under section 4505.101 of the Revised Code, the towing service~~

~~or storage facility need only comply with the initial notice
required under division (F) (1) (a) of this section.~~ 310
311

(G) (1) The owner or lienholder of a vehicle that is 312
removed under division (B) of this section may reclaim it upon 313
both of the following: 314

(a) Presentation of proof of ownership, which may be 315
evidenced by a certificate of title to the vehicle, a 316
certificate of registration for the motor vehicle, or a lease 317
agreement; 318

(b) Payment of the following fees: 319

(i) All applicable fees established by the public 320
utilities commission in rules adopted under section 4921.25 of 321
the Revised Code, except that the lienholder of a vehicle may 322
retrieve the vehicle without paying any storage fee for the 323
period of time that the vehicle was in the possession of the 324
towing service or storage facility prior to the date the 325
lienholder received the notice sent under division (F) (1) ~~(a)~~ of 326
this section; 327

(ii) If notice has been sent to the owner and lienholder 328
as described in division (F) of this section, a processing fee 329
of twenty-five dollars. 330

(2) A towing service or storage facility in possession of 331
a vehicle that is removed under authority of division (B) of 332
this section shall show the vehicle owner, operator, or 333
lienholder who contests the removal of the vehicle all 334
photographs taken under division (D) of this section. Upon 335
request, the towing service or storage facility shall provide a 336
copy of all photographs in the medium in which the photographs 337
are stored, whether paper, electronic, or otherwise. 338

(3) When the owner of a vehicle towed under this section 339
retrieves the vehicle, the towing service or storage facility in 340
possession of the vehicle shall give the owner written notice 341
that if the owner disputes that the motor vehicle was lawfully 342
towed, the owner may be able to file a civil action under 343
section 4513.611 of the Revised Code. 344

(4) Upon presentation of proof of ownership, which may be 345
evidenced by a certificate of title to the vehicle, a 346
certificate of registration for the motor vehicle, or a lease 347
agreement, the owner of a vehicle that is removed under 348
authority of division (B) of this section may retrieve any 349
personal items from the vehicle without retrieving the vehicle 350
and without paying any fee. The owner of the vehicle shall not 351
retrieve any personal items from a vehicle if it would endanger 352
the safety of the owner, unless the owner agrees to sign a 353
waiver of liability. For purposes of division (G) (4) of this 354
section, "personal items" do not include any items that are 355
attached to the vehicle. 356

(H) No person shall remove, or cause the removal of, any 357
vehicle from private property that is established as a private 358
tow-away zone under this section or store such a vehicle other 359
than in accordance with this section, or otherwise fail to 360
comply with any applicable requirement of this section. 361

(I) This section does not affect or limit the operation of 362
section 4513.60 or sections 4513.61 to 4613.65 of the Revised 363
Code as they relate to property other than private property that 364
is established as a private tow-away zone under division (A) of 365
this section. 366

(J) Whoever violates division (H) of this section is 367
guilty of a minor misdemeanor. 368

(K) As used in this section, "owner of a private property"	369
or "owner of the private property" includes, with respect to a	370
private property, any of the following:	371
(1) Any person who holds title to the property;	372
(2) Any person who is a lessee or sublessee with respect	373
to a lease or sublease agreement for the property;	374
(3) A person who is authorized to manage the property;	375
(4) A duly authorized agent of any person listed in	376
divisions (K) (1) to (3) of this section.	377
Sec. 4513.611. (A) As used in this section:	378
(1) "Minor violation" means any of the following:	379
(a) Failure to deliver a vehicle to the designated	380
location within two hours after removal, unless the towing	381
service was unable to deliver the motor vehicle within two hours	382
due to an uncontrollable force, natural disaster, or other event	383
that was not within the power of the towing service, as required	384
under division (A) (2) of section 4513.60 or division (D) (2) of	385
section 4513.601 of the Revised Code;	386
(b) Failure to provide a receipt as required under	387
division (B) of section 4513.60 or division (C) of section	388
4513.601 of the Revised Code;	389
(c) Failure to take a towed vehicle to a location that	390
meets the requirements of division (A) (2) of section 4513.601 of	391
the Revised Code as required under that division;	392
(d) Failure to comply with any photograph-related	393
requirement established under division (D) (1) or (G) (2) of	394
section 4513.601 of the Revised Code. If a court determines that	395

a towing service or storage facility committed more than one 396
violation of divisions (D) (1) and (G) (2) of section 4513.601 of 397
the Revised Code with regard to the same transaction, the court 398
shall find the towing service or storage facility liable for 399
only one minor violation under this section. 400

(e) Failure to send notice to the owner and any lienholder 401
as required under division (F) (1) ~~(a)~~ of section 4513.601 of the 402
Revised Code; 403

(f) Failure to provide an estimate as required under 404
section 4513.68 of the Revised Code, containing the information 405
required under that section; 406

(g) Charging a fee that does not comply with division (C) 407
of section 4513.68 of the Revised Code if the towing service fee 408
is required to be reduced under that division; 409

(h) Failure to post a notice pertaining to fee limitations 410
as required under division (D) of section 4513.68 of the Revised 411
Code. 412

(2) "Major violation" means any of the following: 413

(a) Failure to give the owner of a vehicle, who arrives 414
after the owner's vehicle has been prepared for removal but 415
prior to its actual removal, notification that the owner may pay 416
a fee of not more than one-half of the fee for the removal of 417
the vehicle for the immediate release of the vehicle as required 418
under division (B) of section 4513.60 or division (C) of section 419
4513.601 of the Revised Code; 420

(b) Failure to release a vehicle upon payment of not more 421
than one-half of the fee for the removal of the vehicle as 422
permitted under division (B) of section 4513.60 or division (C) 423
of section 4513.601 of the Revised Code; 424

(c) Refusal to allow a vehicle owner to reclaim the 425
owner's vehicle upon payment of the applicable fees established 426
by the public utilities commission and presentation of proof of 427
ownership as permitted under division (D) (1) of section 4513.60 428
or division (G) (1) of section 4513.601 of the Revised Code; 429

(d) Refusal to allow a vehicle owner to retrieve personal 430
items from the owner's vehicle under circumstances in which the 431
owner is permitted to retrieve personal items under division (D) 432
(2) of section 4513.60 or division (G) (4) of section 4513.601 of 433
the Revised Code; 434

(e) Failure to provide notice to the appropriate law 435
enforcement agency within two hours of removing a vehicle as 436
required under division (E) (1) of section 4513.601 of the 437
Revised Code; 438

(f) Failure to send notice that a vehicle has been towed 439
to the vehicle owner and any known lienholder within thirty days 440
of removal of the vehicle from a private tow-away zone under 441
section 4513.601 of the Revised Code. If a court determines that 442
a towing service or storage facility committed a violation 443
specified in division (A) (2) (f) of this section and a violation 444
of division (A) (1) (e) of this section with regard to the same 445
transaction, the court shall find the towing service or storage 446
facility liable for only the major violation; 447

(g) Failure to visibly display the certificate of public 448
convenience and necessity number as required under division (B) 449
(1) of section 4513.67 of the Revised Code. 450

(B) (1) A vehicle owner may bring a civil action in a court 451
of competent jurisdiction against a towing service or storage 452
facility that commits a major or minor violation. 453

(2) If a court determines that the towing service or 454
storage facility committed a minor violation, the court shall 455
award the vehicle owner the following: 456

(a) If the towing service or storage facility has not 457
committed a prior minor violation within one year of the minor 458
violation for which the court has determined the towing service 459
or storage facility is liable, one hundred fifty dollars. 460

(b) If the towing service or storage facility has 461
committed one prior minor violation within one year of the minor 462
violation for which the court has determined the towing service 463
or storage facility is liable, three hundred fifty dollars. 464

(c) If the towing service or storage facility has 465
committed two prior minor violations within one year of the 466
minor violation for which the court has determined the towing 467
service or storage facility is liable, the violation constitutes 468
a major violation and division (B) (3) of this section applies. 469

(d) If the towing service or storage facility has 470
committed three prior minor violations within one year of the 471
minor violation for which the court has determined the towing 472
service or storage facility is liable, one thousand five hundred 473
dollars. 474

(e) If the towing service or storage facility has 475
committed four prior minor violations within one year of the 476
minor violation for which the court has determined the towing 477
service or storage facility is liable, two thousand dollars. 478

(f) If the towing service or storage facility has 479
committed five prior minor violations within one year of the 480
minor violation for which the court has determined the towing 481
service or storage facility is liable, the violation constitutes 482

a major violation and division (B) (3) of this section applies. 483

(g) If the towing service or storage facility has 484
committed six or seven prior minor violations within one year of 485
the minor violation for which the court has determined the 486
towing service or storage facility is liable, two thousand five 487
hundred dollars. 488

(h) If the towing service or storage facility has 489
committed eight prior minor violations within one year of the 490
minor violation for which the court has determined the towing 491
service or storage facility is liable, the violation constitutes 492
a major violation and division (B) (3) of this section applies. 493

(3) If a court determines that the towing service or 494
storage facility committed a major violation, the court shall 495
award the vehicle owner the following: 496

(a) If the towing service or storage facility has not 497
committed any prior major violations within one year of the 498
major violation for which the court has determined the towing 499
service or storage facility is liable, one thousand dollars; 500

(b) If the towing service or storage facility has 501
committed one prior major violation within one year of the major 502
violation for which the court has determined the towing service 503
or storage facility is liable, two thousand five hundred 504
dollars; 505

(c) If the towing service or storage facility has 506
committed two prior major violations within one year of the 507
major violation for which the court has determined the towing 508
service or storage facility is liable, three thousand five 509
hundred dollars. In addition, the court shall order the public 510
utilities commission to revoke the towing service's or storage 511

facility's certificate of public convenience and necessity for 512
six months. The commission shall comply with the order. 513

Upon expiration of the six-month revocation under division 514
(B) (3) (c) of this section, a court shall not consider any 515
violation committed by the towing service or storage facility 516
prior to the revocation for purposes of a civil action initiated 517
after the expiration of the six-month revocation. 518

(4) If a vehicle owner brings a civil action against a 519
towing service or storage facility that alleges multiple minor 520
or major violations, the court shall award, with regard to each 521
violation for which the towing service or storage facility is 522
determined to be liable, a civil penalty as required under 523
division (B) (2) or (3) of this section. The court shall consider 524
each violation as a separate violation for purposes of 525
determining how many violations the towing service or storage 526
facility has committed within one year. 527

(5) In determining if a towing service or storage facility 528
has committed prior minor or major violations within the 529
applicable one-year period, a court shall consider only 530
violations that have been determined by a court of competent 531
jurisdiction to have been committed by the towing service or 532
storage facility. 533

(C) In addition to an award made under division (B) of 534
this section, if a court determines that a towing service or 535
storage facility committed a violation that caused actual 536
damages, the court shall award the vehicle owner three times the 537
actual damages and reasonable attorney's fees. 538

(D) A court that issues a judgment under this section 539
against a towing service or storage facility shall send a copy 540

of that judgment to the public utilities commission. The 541
commission shall provide a copy of the judgment upon request. 542

Section 2. That existing sections 4505.101, 4513.601, and 543
4513.611 of the Revised Code are hereby repealed. 544