

As Reported by the House Civil Justice Committee

135th General Assembly

Regular Session

2023-2024

Am. H. B. No. 403

Representative Cutrona

Cosponsors: Representatives Hillyer, Mathews, Schmidt

A BILL

To enact section 4513.71 of the Revised Code to
create new causes of action in relation to
vehicles towed after an accident.

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

Section 1. That section 4513.71 of the Revised Code be
enacted to read as follows:

Sec. 4513.71. (A) As used in this section:

(1) "Towing service" and "storage facility" have the same
meanings as in section 4513.70 of the Revised Code.

(2) "Motor vehicle owner" means any person that holds
title to or is a lienholder of a towed motor vehicle.

(B) (1) A motor vehicle owner may commence a civil action
against a towing service or storage facility for either of the
following reasons after the motor vehicle was removed, towed, or
stored pursuant to section 4513.66 of the Revised Code:

(a) The recovery of the motor vehicle, cargo, or personal
property that was removed, towed, or stored;

(b) Objecting to the amount billed by the towing service 17
or storage facility for the removal, towing, or storage. 18

(2) The motor vehicle owner may commence the civil action 19
on behalf of that owner or on behalf of a third party for whom 20
the owner commercially transports the cargo that is the subject 21
of the civil action. 22

(C) A towing service or storage facility may commence a 23
civil action against a motor vehicle owner for payment of the 24
amount billed by the towing service or storage facility in 25
accordance with this section if all of the following apply: 26

(1) The motor vehicle, cargo, or personal property was 27
removed, towed, or stored pursuant to section 4513.66 of the 28
Revised Code; 29

(2) The motor vehicle owner has not paid the amount billed 30
or commenced a civil action in accordance with division (B) of 31
this section within forty-five days after the motor vehicle 32
owner received the bill sent by the towing service or storage 33
facility; 34

(3) The towing service or storage facility is not seeking 35
title to the motor vehicle, if applicable, in accordance with 36
section 4505.104 of the Revised Code, until judgment is entered 37
in any civil action filed under this section. 38

(D) The motor vehicle owner, towing service, or storage 39
facility may file the action in the municipal or county court 40
with territorial jurisdiction over the location from which the 41
motor vehicle, cargo, or personal property was removed, towed, 42
or stored. 43

(E) If the motor vehicle owner objects to the amount 44
billed by the towing service or storage facility, the motor 45

vehicle owner shall include in the owner's complaint, answer, or 46
objection to the action, as applicable, the amount of the bill 47
that is undisputed and the reasons the owner objects to the 48
remainder of the bill. The motor vehicle owner shall file a copy 49
of the bill and any evidence supporting the assertion that the 50
billed amount is unreasonable. The motor vehicle owner shall pay 51
the undisputed amount to the towing service or service facility 52
and post a bond equal to the disputed amount of the bill. 53

(F) Not later than two business days after receipt of 54
payment of the undisputed amount of the bill and service of the 55
motor vehicle owner's complaint or answer to the civil action, 56
as applicable, the towing service or storage facility shall 57
release the motor vehicle, cargo, or personal property that is 58
the subject of the complaint to the motor vehicle owner. 59

(G) When an action filed under this section involves a 60
dispute over the amount of the bill, the court shall make a 61
determination as to whether the amount charged by the towing 62
service or facility is unreasonable. If the court determines 63
that the amount is reasonable, the court shall order the motor 64
vehicle owner to pay the amount billed minus the undisputed 65
amount that the owner previously paid to the towing service or 66
storage facility. If the court determines that the amount 67
charged was unreasonable, the court shall determine a reasonable 68
amount and order the motor vehicle owner to pay that amount 69
minus the undisputed amount that the owner previously paid to 70
the towing service or storage facility. The court may also 71
require either party to pay or refund any additional amount and 72
may impose any monetary penalties that the court determines to 73
be appropriate. 74

(H) Any money owed by the motor vehicle owner shall be 75

paid from the bond posted by the owner. If any amount of the 76
bond remains after payment, the remainder shall be returned to 77
the motor vehicle owner. 78

(I) Nothing in this section creates, implies, or otherwise 79
grants insurance coverage for the amount billed by the towing 80
service or storage facility that is not within the owner's 81
motor-vehicle liability policy, proof of financial 82
responsibility, or other policy of insurance. 83