



Ohio Revised Code

Section 4513.611 Civil actions against towing service or storage facility.

Effective: April 6, 2017

Legislation: House Bill 341 - 131st General Assembly

(A) As used in this section:

(1) "Minor violation" means any of the following:

(a) Failure to deliver a vehicle to the designated location within two hours after removal, unless the towing service was unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that was not within the power of the towing service, as required under division (A)(2) of section 4513.60 or division (D)(2) of section 4513.601 of the Revised Code;

(b) Failure to provide a receipt as required under division (B) of section 4513.60 or division (C) of section 4513.601 of the Revised Code;

(c) Failure to take a towed vehicle to a location that meets the requirements of division (A)(2) of section 4513.601 of the Revised Code as required under that division;

(d) Failure to comply with any photograph-related requirement established under division (D)(1) or (G)(2) of section 4513.601 of the Revised Code. If a court determines that a towing service or storage facility committed more than one violation of divisions (D)(1) and (G)(2) of section 4513.601 of the Revised Code with regard to the same transaction, the court shall find the towing service or storage facility liable for only one minor violation under this section.

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

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

(g) Charging a fee that does not comply with division (C) of section 4513.68 of the Revised Code if



the towing service fee is required to be reduced under that division;

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

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

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

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

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

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

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

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



storage facility liable for only the major violation;

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

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

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

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

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

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

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

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

(f) If the towing service or storage facility has committed five prior minor violations within one year of the minor violation for which the court has determined the towing service or storage facility is



liable, the violation constitutes a major violation and division (B)(3) of this section applies.

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

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

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

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

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

(c) If the towing service or storage facility has committed two prior major violations within one year of the major violation for which the court has determined the towing service or storage facility is liable, three thousand five hundred dollars. In addition, the court shall order the public utilities commission to revoke the towing service's or storage facility's certificate of public convenience and necessity for six months. The commission shall comply with the order.

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

(4) If a vehicle owner brings a civil action against a towing service or storage facility that alleges multiple minor or major violations, the court shall award, with regard to each violation for which the



towing service or storage facility is determined to be liable, a civil penalty as required under division (B)(2) or (3) of this section. The court shall consider each violation as a separate violation for purposes of determining how many violations the towing service or storage facility has committed within one year.

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

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

(D) A court that issues a judgment under this section against a towing service or storage facility shall send a copy of that judgment to the public utilities commission. The commission shall provide a copy of the judgment upon request.