

## **LIENHOLDERS FINALLY GET THE PROTECTION THEY DESERVE WHEN A VEHICLE IS TOWED FROM A PRIVATE TOW AWAY ZONE.**

As of March 23, 2015, Ohio gave lienholders on vehicles the proper rights when it comes to vehicles that are towed from private tow away zones. Prior to the new law, vehicles that were towed from a private tow zone were towed by companies that, at times, gouged lienholders for storage fees. The basic scenario is a vehicle is towed away from a private tow zone and the tow company stores the vehicle at their lot. Prior to the new law, these tow companies were not required to notify the lienholder after a certain period of time and there was no regulation as to how much the tow company can charge for storing the vehicle. However, the new law finally adds clarification to a statute that did not require much action from the tow company.

As it relates to public property towing and storage, the old law is still in existence and has not been amended. Below are the differences between the private tow and public tow laws.

### **Private Tow Away and Storage – ORC Section 4513.601**

If a vehicle is towed from private property, the towing service or company, must immediately cause a search to be made of the BMV records to ascertain the lienholder of the vehicle. Within 5 business days of removal of the vehicle, the tow company must send notice to the lienholder and the notice must be sent by certified or express mail. If the owner or lienholder does not respond to that notice, the tow company can start the process of converting title to the tow company.

When it comes to charges, the tow company can charge not more than \$90 for the removal of the vehicle. In addition to that fee, the tow company can only charge \$12 per day for storage (so long as they abide by the Notice section above). Prior to the law, some tow companies charged between \$25 and \$35 per day for storage.

### **Public Property Tow Away and Storage**

If a vehicle is towed from a public street or due to traffic laws, the sheriff shall immediately cause a search to be made of the BMV records to ascertain the lienholder of the vehicle. The Sheriff of the County shall also send notice by certified mail to the lienholder that the vehicle is in storage. There are no time frames for which the Sheriff has to send notice.

The lienholder has to pay a processing fee of \$25 and also any additional storage expenses incurred in storing the vehicle. There is no cap on what the tow company can charge for storage. Also, the Sheriff has the ability to forfeit the vehicle if the lienholder or owner does not reclaim the vehicle.

When it comes to impound as a result of a public property tow there isn't much the lienholder can do, except pay whatever cost there is to pay. The lienholder will also have to be aware if the Sheriff filed for a forfeiture. The only way to get the vehicle out of forfeiture is to file a Motion to Release Seized Vehicle.

For more information, or if you have any questions or concerns, please feel free to contact Franco Barile at [franco.barile@sottileandbarile.com](mailto:franco.barile@sottileandbarile.com) or via the telephone at 440-572-1511