

**As Passed by the Senate**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Am. Sub. H. B. No. 211**

**Representative Arndt**

**Cosponsors: Representatives Becker, Miller, J., Seitz, Schaffer, Green, Hoops, Jones, Blair, Blessing, Brent, Brown, Carfagna, Carruthers, Clites, Crossman, Ghanbari, Greenspan, Hambley, Hillyer, Kick, Leland, Lepore-Hagan, Lipps, Miller, A., Miranda, O'Brien, Oelslager, Patterson, Patton, Perales, Reineke, Riedel, Rogers, Russo, Ryan, Scherer, Sheehy, Sobecki, Upchurch, West**

**Senators Manning, Blessing, Brenner, Craig, Gavarone, Hackett, Hoagland, Huffman, S., Kunze, Lehner, O'Brien, Rulli, Schaffer, Thomas, Wilson, Yuko**

**A BILL**

To amend section 1547.30; to enact sections 1  
1547.305 and 1547.58; and to repeal sections 2  
4585.31, 4585.32, 4585.33, and 4585.34 of the 3  
Revised Code to alter the process by which a 4  
person may obtain title to a watercraft vessel 5  
or outboard motor valued under \$10,000 that has 6  
been left on the person's property. 7

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

**Section 1.** That section 1547.30 be amended and sections 8  
1547.305 and 1547.58 of the Revised Code be enacted to read as 9  
follows: 10

**Sec. 1547.30.** (A) As used in this section and sections 11  
1547.301, and 1547.302, ~~and 1547.304~~ of the Revised Code: 12

(1) "Vessel or outboard motor" excludes an abandoned junk 13  
vessel or outboard motor, as defined in section 1547.303 of the 14

Revised Code, or any ~~watercraft~~ vessel or outboard motor under 15  
section ~~4585.31~~ 1547.305 of the Revised Code. 16

(2) "Law enforcement agency" means any organization or 17  
unit comprised of law enforcement officers, as defined in 18  
section 2901.01 of the Revised Code. 19

(B) (1) The sheriff of a county, chief of police of a 20  
municipal corporation, township, township police district, or 21  
joint police district, or other chief of a law enforcement 22  
agency, within the sheriff's or chief's respective territorial 23  
jurisdiction, upon complaint of any person adversely affected, 24  
may order into storage any vessel or outboard motor that has 25  
been left on private property, other than a private dock or 26  
mooring facility or structure, for at least seventy-two hours 27  
without the permission of the person having the right to the 28  
possession of the property. The sheriff or chief, upon complaint 29  
of the owner of a marine repair facility or place of storage, 30  
may order into storage any vessel or outboard motor that has 31  
been left at the facility or place of storage for a longer 32  
period than that agreed upon. The place of storage shall be 33  
designated by the sheriff or chief. When ordering a vessel or 34  
motor into storage under division (B) (1) of this section, a 35  
sheriff or chief, whenever possible, shall arrange for the 36  
removal of the vessel or motor by a private tow truck operator 37  
or towing company. 38

(2) (a) Except as provided in division (B) (2) (d) of this 39  
section, no person, without the consent of the owner or other 40  
person authorized to give consent, shall moor, anchor, or tie a 41  
vessel or outboard motor at a private dock or mooring facility 42  
or structure owned by another person if the owner has posted, in 43  
a conspicuous manner, a prohibition against the mooring, 44

anchoring, or tying of vessels or outboard motors at the dock, 45  
facility, or structure by any person not having the consent of 46  
the owner or other person authorized to give consent. 47

(b) If the owner of a private dock or mooring facility or 48  
structure has posted at the dock, facility, or structure, in a 49  
conspicuous manner, conditions and regulations under which the 50  
mooring, anchoring, or tying of vessels or outboard motors is 51  
permitted at the dock, facility, or structure, no person, except 52  
as provided in division (B) (2) (d) of this section, shall moor, 53  
anchor, or tie a vessel or outboard motor at the dock, facility, 54  
or structure in violation of the posted conditions and 55  
regulations. 56

(c) The owner of a private dock or mooring facility or 57  
structure may order towed into storage any vessel or outboard 58  
motor found moored, anchored, or tied in violation of division 59  
(B) (2) (a) or (b) of this section, provided that the owner of the 60  
dock, facility, or structure posts on it a sign that states that 61  
the dock, facility, or structure is private, is visible from all 62  
entrances to the dock, facility, or structure, and contains all 63  
of the following information: 64

(i) The information specified in division (B) (2) (a) or (b) 65  
of this section, as applicable; 66

(ii) A notice that violators will be towed and that 67  
violators are responsible for paying the cost of the towing; 68

(iii) The telephone number of the person from whom a towed 69  
vessel or outboard motor may be recovered, and the address of 70  
the place to which the vessel or outboard motor will be taken 71  
and the place from which it may be recovered. 72

(d) Divisions (B) (2) (a) and (b) of this section do not 73

prohibit a person from mooring, anchoring, or tying a vessel or 74  
outboard motor at a private dock or mooring facility or 75  
structure if either of the following applies: 76

(i) The vessel or outboard motor is disabled due to a 77  
mechanical or structural malfunction, provided that the person 78  
immediately removes the vessel or outboard motor from the dock, 79  
facility, or structure when the malfunction is corrected or when 80  
a reasonable attempt has been made to correct it; 81

(ii) Weather conditions are creating an imminent threat to 82  
safe operation of the vessel or outboard motor, provided that 83  
the person immediately removes the vessel or outboard motor from 84  
the dock, facility, or structure when the weather conditions 85  
permit safe operation of the vessel or outboard motor. 86

(e) A person whose vessel or outboard motor is towed into 87  
storage under division (B) (2) (c) of this section either shall 88  
pay the costs of the towing of the vessel or outboard motor or 89  
shall reimburse the owner of the dock or mooring facility or 90  
structure for the costs that the owner incurs in towing the 91  
vessel or outboard motor. 92

(3) Subject to division (C) of this section, the owner of 93  
a vessel or motor that has been removed under division (B) of 94  
this section may recover the vessel or motor only in accordance 95  
with division (F) of this section. 96

(C) If the owner or operator of a vessel or outboard motor 97  
that has been ordered into storage under division (B) of this 98  
section arrives after the vessel or motor has been prepared for 99  
removal, but prior to its actual removal from the property, the 100  
owner or operator shall be given the opportunity to pay a fee of 101  
not more than one-half of the charge for the removal of vessels 102

or motors under division (B) of this section that normally is 103  
assessed by the person who has prepared the vessel or motor for 104  
removal, in order to obtain release of the vessel or motor. Upon 105  
payment of that fee, the vessel or motor shall be released to 106  
the owner or operator, and upon its release, the owner or 107  
operator immediately shall move it so that it is not on the 108  
private property without the permission of the person having the 109  
right to possession of the property, or is not at the facility 110  
or place of storage without the permission of the owner, 111  
whichever is applicable. 112

(D) Each county sheriff, each chief of police of a 113  
municipal corporation, township, township police district, or 114  
joint police district, and each other chief of a law enforcement 115  
agency shall maintain a record of vessels or outboard motors 116  
that are ordered into storage under division (B)(1) of this 117  
section. The record shall include an entry for each such vessel 118  
or motor that identifies the vessel's hull identification number 119  
or serial number, if any, the vessel's or motor's make, model, 120  
and color, the location from which it was removed, the date and 121  
time of its removal, the telephone number of the person from 122  
whom it may be recovered, and the address of the place to which 123  
it has been taken and from which it may be recovered. Any 124  
information in the record that pertains to a particular vessel 125  
or motor shall be provided to any person who, pursuant to a 126  
statement the person makes either in person or by telephone, is 127  
identified as the owner or operator of the vessel or motor and 128  
requests information pertaining to its location. 129

(E) Any person who registers a complaint that is the basis 130  
of a sheriff's or chief's order for the removal and storage of a 131  
vessel or outboard motor under division (B)(1) of this section 132  
shall provide the identity of the law enforcement agency with 133

which the complaint was registered to any person who, pursuant 134  
to a statement the person makes, is identified as the owner or 135  
operator of the vessel or motor and requests information 136  
pertaining to its location. 137

(F) (1) The owner of a vessel or outboard motor that is 138  
ordered into storage under division (B) of this section may 139  
reclaim it upon payment of any expenses or charges incurred in 140  
its removal, in an amount not to exceed two hundred dollars, and 141  
storage, in an amount not to exceed five dollars per twenty- 142  
four-hour period, and upon presentation of proof of ownership, 143  
which may be evidenced by a certificate of title to the vessel 144  
or motor, certificate of United States coast guard 145  
documentation, or certificate of registration if the vessel or 146  
motor is not subject to titling under section 1548.01 of the 147  
Revised Code. 148

(2) If a vessel or outboard motor that is ordered into 149  
storage under division (B) (1) of this section remains unclaimed 150  
by the owner for thirty days, the procedures established by 151  
sections 1547.301 and 1547.302 of the Revised Code shall apply. 152

(3) If a vessel or outboard motor ordered into storage 153  
under division (B) (2) of this section remains unclaimed for 154  
seventy-two hours after being stored, the tow truck operator or 155  
towing company that removed the vessel or outboard motor shall 156  
provide notice of the removal and storage to the sheriff of a 157  
county, chief of police of a municipal corporation, township, 158  
township police district, or joint police district, or other 159  
chief of a law enforcement agency within whose territorial 160  
jurisdiction the vessel or outboard motor had been moored, 161  
anchored, or tied in violation of division (B) (2) of this 162  
section. The notice shall be in writing and include the vessel's 163

hull identification number or serial number, if any, the 164  
vessel's or outboard motor's make, model, and color, the 165  
location from which it was removed, the date and time of its 166  
removal, the telephone number of the person from whom it may be 167  
recovered, and the address of the place to which it has been 168  
taken and from which it may be recovered. 169

Upon receipt of the notice, the sheriff or chief 170  
immediately shall cause a search to be made of the records of 171  
the division of parks and watercraft to ascertain the owner and 172  
any lienholder of the vessel or outboard motor, and, if known, 173  
shall send notice to the owner and lienholder, if any, at the 174  
owner's and lienholder's last known address by certified mail, 175  
return receipt requested, that the vessel or outboard motor will 176  
be declared a nuisance and disposed of if not claimed not later 177  
than thirty days after the date of the mailing of the notice. 178

If the owner or lienholder makes no claim to the vessel or 179  
outboard motor within thirty days of the date of the mailing of 180  
the notice, the sheriff or chief shall file with the clerk of 181  
courts of the county in which the place of storage is located an 182  
affidavit showing compliance with the requirements of division 183  
(F) (3) of this section, and the vessel or outboard motor shall 184  
be disposed of in accordance with section 1547.302 of the 185  
Revised Code. 186

(G) No person shall remove, or cause the removal of, any 187  
vessel or outboard motor from private property other than in 188  
accordance with division (B) of this section or section 1547.301 189  
of the Revised Code. 190

Sec. 1547.305. (A) In lieu of the processes set forth in 191  
sections 1547.30 to 1547.303 of the Revised Code, a person may 192  
obtain a certificate of title to a vessel or outboard motor of 193

another if all of the following apply: 194

(1) The person requests a watercraft dealer certified in accordance with section 1547.543 of the Revised Code or an independent marine surveyor and appraiser to appraise the vessel or outboard motor and secures written confirmation that the fair market value of the vessel or outboard motor is less than ten thousand dollars. 195  
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(2) The vessel or outboard motor has been left unclaimed on the person's property for twenty days or more without permission prior to the provision of notice under division (A) (4) of this section and the person does not have a valid storage or repair contract with the owner or lienholder of the vessel or outboard motor. 201  
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(3) Prior to sending a notice under division (A) (4) of this section, the person causes a search to be made of the records of both of the following to identify any owner or lienholder of the vessel or outboard motor: 207  
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(a) The division of parks and watercraft in the department of natural resources or, if it is known or should be known that the vessel was last registered in another state, that state's database in which vessel records are kept; 211  
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(b) The United States coast guard vessel documentation database. 215  
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(4) The person sends notice by certified mail, return receipt requested, to the last known address of any owner and any lienholder of the vessel or outboard motor. The person shall include both of the following in the notice: 217  
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(a) A statement that the vessel or outboard motor must be removed from the property within ten days after receiving the 221  
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<u>notice;</u>	223
<u>(b) A statement that informs the recipient of the vessel</u>	224
<u>or outboard motor's location.</u>	225
<u>(5) The person either received the signed receipt from the</u>	226
<u>certified mail or was notified that the delivery of the</u>	227
<u>certified mail was not possible.</u>	228
<u>(6) The vessel or outboard motor continues to remain</u>	229
<u>unclaimed for more than ten days after the date that the</u>	230
<u>required notice was received by the owner or lienholder, as</u>	231
<u>evidenced by a signed receipt, or the date that the person was</u>	232
<u>notified that the delivery was not possible. If a lienholder</u>	233
<u>does not claim the vessel or outboard motor within that ten-day</u>	234
<u>period, the lienholder's lien is invalid.</u>	235
<u>(7) The person that mailed the notice under division (A)</u>	236
<u>(4) of this section executes an affidavit, in a form established</u>	237
<u>by the director of natural resources by rule adopted under</u>	238
<u>Chapter 119. of the Revised Code, affirming that all of the</u>	239
<u>requirements of this section necessary to authorize the issuance</u>	240
<u>of a certificate of title for the vessel or outboard motor have</u>	241
<u>been met. The person shall include all of the following in the</u>	242
<u>affidavit:</u>	243
<u>(a) A statement of the length of time that the vessel or</u>	244
<u>outboard motor remained unclaimed prior to sending the notice</u>	245
<u>under division (A) (4) of this section;</u>	246
<u>(b) A statement that the person does not have a valid</u>	247
<u>storage or repair contract with the owner or lienholder of the</u>	248
<u>vessel or outboard motor;</u>	249
<u>(c) A statement that, prior to sending a notice under</u>	250
<u>division (A) (4) of this section, a search of the records of the</u>	251

department of natural resources was made to identify any owner 252  
or lienholder of the vessel or outboard motor; 253

(d) A statement that the notice to remove the vessel or 254  
outboard motor was mailed to any owner and any lienholder by 255  
certified mail, return receipt requested, under division (A) (4) 256  
of this section; 257

(e) A statement that the vessel or outboard motor remains 258  
unclaimed for more than ten days after the date that the 259  
required notice was received by the owner or lienholder, as 260  
evidenced by a signed receipt, or the date that the person was 261  
notified that the delivery was not possible; 262

(f) A statement that the vessel or outboard motor remains 263  
unclaimed at the time the affidavit is presented under division 264  
(C) of this section; 265

(g) A statement that the vessel or outboard motor's fair 266  
market value is less than ten thousand dollars after appraisal 267  
by a watercraft dealer certified in accordance with section 268  
1547.543 of the Revised Code or an independent marine surveyor 269  
and appraiser. The person shall include with the affidavit the 270  
written confirmation secured under division (A) (1) of this 271  
section. 272

(B) The clerk of courts shall issue a certificate of 273  
title, free and clear of all liens and encumbrances, to a person 274  
that presents an affidavit that complies with all of the 275  
requirements of division (A) of this section. 276

(C) (1) A person that owns property where a vessel or 277  
outboard motor has been left unclaimed may bring a civil action 278  
in a court of common pleas or other court of competent 279  
jurisdiction against the owner of the vessel or outboard motor 280

<u>to recover the costs of storing or removing the vessel or</u>	281
<u>outboard motor if both of the following apply:</u>	282
<u>(a) The vessel or outboard motor has been left unclaimed</u>	283
<u>on the person's property for twenty days or more prior to the</u>	284
<u>provision of notice under division (A) (4) of this section.</u>	285
<u>(b) The person does not have a valid storage or repair</u>	286
<u>contract with the owner of the vessel or outboard motor.</u>	287
<u>(2) A person that owns property where a vessel or outboard</u>	288
<u>motor has been left unclaimed may have the vessel or outboard</u>	289
<u>motor impounded until the costs of storing the vessel or</u>	290
<u>outboard motor have been paid or until the clerk of courts</u>	291
<u>issues the property owner a certificate of title under division</u>	292
<u>(B) of this section if all of the following apply:</u>	293
<u>(a) The vessel or outboard motor has been left unclaimed</u>	294
<u>on the person's property for twenty days or more prior to the</u>	295
<u>provision of notice under division (A) (4) of this section.</u>	296
<u>(b) The property owner sends notice in accordance with</u>	297
<u>division (A) (4) of this section to any owner and any lienholder</u>	298
<u>of the vessel or outboard motor.</u>	299
<u>(c) The person does not have a valid storage or repair</u>	300
<u>contract with the owner of the vessel or outboard motor.</u>	301
<u><b>Sec. 1547.58.</b> When the chief of the division of parks and</u>	302
<u>watercraft issues a registration certificate under section</u>	303
<u>1547.54 of the Revised Code, the chief also shall provide to the</u>	304
<u>owner of the registered watercraft a disclosure statement</u>	305
<u>regarding the requirements and procedures established under</u>	306
<u>section 1547.305 of the Revised Code.</u>	307
<u>The disclosure statement shall inform the owner that if</u>	308

the watercraft is left on private property of another without a 309  
valid service, repair, or storage contract, the watercraft may 310  
be rendered abandoned and subject to the process set forth in 311  
section 1547.305 of the Revised Code. 312

**Section 2.** That existing section 1547.30 of the Revised 313  
Code is hereby repealed. 314

**Section 3.** That sections 4585.31, 4585.32, 4585.33, and 315  
4585.34 of the Revised Code are hereby repealed. 316