



## Ohio Revised Code

### Section 4513.70 Civil action against towing service or storage facility by insurance company.

Effective: June 30, 2017

Legislation: House Bill 26 - 132nd General Assembly

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(A)(1) An insurance company may commence a civil action against a towing service or storage facility on its own behalf, on behalf of the holder of a policy of automobile insurance, or on behalf of a motor vehicle owner for either or both of the following reasons:

(a) The recovery of a motor vehicle that has been towed or stored and for which a claim has been filed with the insurance company;

(b) Objecting to the amount billed by the towing service or storage facility.

(2) The insurance company shall file the action in the municipal or county court with territorial jurisdiction over the location from which the vehicle was towed or stored within thirty days of receipt of the bill for services from the towing service or storage facility. If the insurance company objects to the amount billed by the towing service or storage facility, the complaint shall include the amount of the bill that is undisputed and the reasons the insurance company objects to the remainder of the bill. The insurance company shall file, along with the complaint, a copy of the bill and any evidence supporting the assertion that the billed amount is unreasonable. If the insurance company seeks the recovery of the vehicle, the insurance company shall pay to the towing service or storage facility the undisputed amount of the bill.

(B) Upon receipt of payment of the undisputed amount of the bill and not later than two business days after receiving service of a complaint filed under division (A) of this section, the towing service or storage facility shall release the vehicle that is the subject of the complaint to the owner of the vehicle or to a representative of the insurance company that filed the complaint. If the towing service or storage facility fails to release the vehicle as required under this division, the court may issue an order that imposes a penalty of up to one hundred dollars per day against a towing service or storage facility for each day the towing service or storage facility violates that division. The towing service or storage facility shall pay any fines assessed under this section to the clerk of courts.



(C) The court shall make a determination as to whether the amount charged by the towing service or storage facility is unreasonable. If the court determines that the amount is reasonable, the court shall order the insurance company to pay the amount billed minus the undisputed amount that the insurance company paid to the towing service or storage facility under division (B) of this section if a payment was made under that division. If the court determines that the amount charged was unreasonable, the court shall determine a reasonable amount and order the insurance company to pay that amount minus the undisputed amount that the insurance company paid to the towing service or storage facility under division (B) of this section if a payment was made under that division. The court also may require either party to pay any additional amount and may impose any monetary penalties the court determines to be appropriate.

(D) As used in this section:

- (1) "Storage facility" means any place to which a for-hire motor carrier delivers a towed motor vehicle for storage.
- (2) "Towing service" means any for-hire motor carrier that tows motor vehicles.