

**OPINION NO. 76-036****Syllabus:**

- 1) R.C. 4505.101 provides a mechanism available only to owners of repair garages or commercial storage facilities whereby certificate of title may be obtained when a motor vehicle worth less than \$200 has been left unclaimed for the statutorily specified period of time.
- 2) R.C. 4513.60 provides a method available both to private property owners and owners of commercial garages or storage facilities whereby unclaimed motor vehicles may be removed and ordered into storage.
- 3) R.C. 4513.63 provides for the removal and disposal of abandoned junk motor vehicles, whether abandoned upon private property, the property of a commercial garage or storage facility, or public property.

---

**To: Ronald W. Vettel, Ashtabula County Pros. Atty., Jefferson, Ohio**  
**By: William J. Brown, Attorney General, May 11, 1976**

I have before me your request for my opinion which reads as follows:

Does the terminology "place of storage" found in the first sentence of R.C. 4505.101, (A), include owners of private property who are not engaged in the business of storing motor vehicles, or is it limited to commercial businesses engaged in the storage of motor vehicles?

As you note in your request, R.C. 4505.101 provides a mechanism whereby the owner of any repair garage or place of storage may obtain a certificate of title to a motor vehicle with a value of less than two hundred dollars which has been left unclaimed on his premises for the statutorily specified period of time. In pertinent part, R.C. 4505.101 provides:

(A) The owner of any repair garage or place of storage in which a motor vehicle with a value of less than two hundred dollars has been left for sixty days may send by certified mail with return receipt

requested to the last known address of the owner a notice to remove said vehicle. If the motor vehicle remains unclaimed by the owner for thirty days after the mailing of such notice, the person on whose property the vehicle has been abandoned may obtain a certificate of title to such motor vehicle in his name in the manner provided in this section.

In contrast to the mechanism for obtaining certificate of title under R.C. 4505.101, R.C. 4513.60 provides a method whereby owners of private property may have unclaimed motor vehicles removed from their premises. Prior to amendment by Am. H. B. No. 650, effective July 9, 1974, the method for complaint and removal provided under R.C. 4513.60 was available solely to owners of private property. At the effective date of Am. H. B. 650, however, the provisions of R.C. 4513.60 became available to owners of garages and places of storage as well. The current version of R.C. 4513.60 provides as follows:

The sheriff of a county or chief of police of a municipal corporation, within his respective territorial jurisdiction, upon complaint of any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in section 4513.63 of the Revised Code, which has been left on private property for more than seventy-two hours without the permission of the person having the right to the possession of the property. The sheriff or chief of police, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, which has been left at the garage or place of storage for a longer period than that agreed upon. The place of storage shall be designated by the sheriff or chief of police.

The owner of the motor vehicle may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle. If the motor vehicle remains unclaimed by the owner for thirty days, the procedures established by sections 4513.61 and 4513.62 of the Revised Code shall apply. (Underlining indicates material added by Am. H. B. No. 650.)

In addition to these provisions, R.C. 4513.61 provides for the removal of motor vehicles left on public property. R.C. 4513.62 provides for the disposal of unclaimed vehicles ordered into storage under both R.C. 4513.60 and 4513.61. R.C. 4513.63 further provides for the removal and disposal of junk motor vehicles - as defined by that section - abandoned upon both public and private property.

These provisions suggest a clear legislative intent to deal with the problems which arise when a motor vehicle is abandoned. R.C.

4513.60 through 4513.63 provide in specific terms the procedures for removal, storage and disposal to be used when vehicles are left unclaimed or abandoned on private property, on the property of commercial garage or storage facility owners and on public property.

In contrast, the method of obtaining certificate of title under R.C. 4505.101 is made available only to owners of commercial garages or places of storage. The 1974 amendment to R.C. 4513.60 has the effect of giving the commercial garage or storage facility a choice of remedies when a vehicle worth less than \$200 is left unclaimed on his premises: he may seek a certificate of title under R.C. 4505.101 or he may seek removal under R.C. 4513.60 or 4513.63. This choice of remedies has not, however, been extended to the private property owner. Had the legislature intended to make a procedure for obtaining certificate of title available to private property owners, it could easily have done so. Instead the procedures outlined in R.C. 4513.60 - .63 provide the sole statutory provision for the removal of automobiles abandoned on private property which is not a commercial garage or place of storage and I must conclude that these provisions were intended to be exclusive.

It is, therefore, my opinion, and you are so advised that:

- 1) R.C. 4505.101 provides a mechanism available only to owners of repair garages or commercial storage facilities whereby certificate of title may be obtained when a motor vehicle worth less than \$200 has been left unclaimed for the statutorily specified period of time.
- 2) R.C. 4513.60 provides a method available both to private property owners and owners of commercial garages or storage facilities whereby unclaimed motor vehicles may be removed and ordered into storage.
- 3) R.C. 4513.63 provides for the removal and disposal of abandoned junk motor vehicles, whether abandoned upon private property, the property of a commercial garage or storage facility, or public property.