

Ohio’s Solution for Exorbitant Towing and Storing Fees: Ohio Revised Code 4513.70

By Chad M. Sizemore & Phillip Sarnowski

Ohio Revised Code 4513.70 permits an insurance company to bring a civil action against a towing service or storage facility to recover a motor vehicle, dispute the amount billed for services, or both.¹ The action **must** be filed within 30 days of receipt of the bill for towing or storage services and it **must** be filed in the municipal or county court where the vehicle was towed or stored.

Challenging the Amount Billed

For suits challenging the amount billed, the complaint must include the amount of the bill that is undisputed, the reasons the insurance company objects to the remainder of the bill, a copy of the bill, and any evidence that supports their position. The court — not a jury — will decide whether the amount charged by the towing service was unreasonable. The insurance company will be ordered to pay the unpaid balance of the bill if the court determines that the amount is reasonable. If the amount charged was unreasonable, the court must determine a reasonable amount and order the insurance company to pay the same.² The Ohio General Assembly delegated the authority to set the maximum fees that may be charged for the towing and storage of motor vehicles that have been impounded or towed from private lots to the Public Utilities Commission of Ohio, which set the following maximum fees³ and may be used as a persuasive (but not mandatory) guide to determine what is “reasonable” under R.C. 4513.70:

Manufacturer’s Gross Vehicle Weight Rating	Maximum Towing Fee	Maximum Storage Fee
Less than 10,001	\$129	\$17/day
More than 10,001	\$216	\$29/day

Getting the Vehicle Back

For the recovery of the vehicle, the insurance company must pay the undisputed amount of the bill to the towing or storage company. Upon receipt of that payment — and no later than two business days after service of the complaint—the towing or storage company is required to release the vehicle to the owner of the vehicle or a representative of the insurance company that filed the complaint.⁴

Limitations

The statute only permits the filing in municipal or county⁵ courts, which have jurisdiction over cases where the amount claimed by any party **does not** exceed \$15,000. R.C. 1901.01; 1907.03. Therefore, many

disputes arising out of the towing and storage of commercial motor vehicles fall outside the scope of R.C. 4513.70 and must be litigated by ordinary means.

If you would like more information on this or other issues relating to transportation, please contact any of the listed attorneys.

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¹ The action can be filed on behalf of the insurance company, the holder of a policy of automobile insurance, or the motor vehicle owner. Additionally, R.C. 4513.611 allows the owner of a vehicle to bring suit against a towing company or storage facility for damages associated with towing and storage malfeasance.

² The court also may require either party to pay any additional amount and may impose any monetary penalties the court determines to be appropriate.

³ OAC 4901:2-24-03. The maximum after-hours retrieval fee that may be charged is \$150. OAC 4901:2-22-06.

⁴ If the towing service fails to release the vehicle, the court is permitted to issue an order that imposes a penalty of up to \$100 per day against the towing service for each day the towing service fails to release the vehicle. The towing service must pay any such fines to the clerk of courts.

⁵ A county court is created only in those counties "in which the territorial jurisdiction of a municipal court of municipal courts is not coextensive with the boundaries of the county." R.C. 1907.01.