



Ohio Revised Code

Section 1547.305 Alternative process to take title to abandoned watercraft vessel or outboard motor.

Effective: January 29, 2021

Legislation: House Bill 211 - 133rd General Assembly

(A) In lieu of the processes set forth in sections 1547.30 to 1547.303 of the Revised Code, a person may obtain a certificate of title to a vessel or outboard motor of another if all of the following apply:

- (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.
- (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.
- (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:
 - (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;
 - (b) The United States coast guard vessel documentation database.
- (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:



- (a) A statement that the vessel or outboard motor must be removed from the property within ten days after receiving the notice;
- (b) A statement that informs the recipient of the vessel or outboard motor's location.
- (5) The person either received the signed receipt from the certified mail or was notified that the delivery of the certified mail was not possible.
- (6) The vessel or outboard motor continues to remain unclaimed for more than ten days after the date that the required notice was received by the owner or lienholder, as evidenced by a signed receipt, or the date that the person was notified that the delivery was not possible. If a lienholder does not claim the vessel or outboard motor within that ten-day period, the lienholder's lien is invalid.
- (7) The person that mailed the notice under division (A)(4) of this section executes an affidavit, in a form established by the director of natural resources by rule adopted under Chapter 119. of the Revised Code, affirming that all of the requirements of this section necessary to authorize the issuance of a certificate of title for the vessel or outboard motor have been met. The person shall include all of the following in the affidavit:
- (a) A statement of the length of time that the vessel or outboard motor remained unclaimed prior to sending the notice under division (A)(4) of this section;
- (b) A statement that the person does not have a valid storage or repair contract with the owner or lienholder of the vessel or outboard motor;
- (c) A statement that, prior to sending a notice under division (A)(4) of this section, a search of the records of the department of natural resources was made to identify any owner or lienholder of the vessel or outboard motor;
- (d) A statement that the notice to remove the vessel or outboard motor was mailed to any owner and any lienholder by certified mail, return receipt requested, under division (A)(4) of this section;
- (e) A statement that the vessel or outboard motor remains unclaimed for more than ten days after the



date that the required notice was received by the owner or lienholder, as evidenced by a signed receipt, or the date that the person was notified that the delivery was not possible;

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

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

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

(C)(1) A person that owns property where a vessel or outboard motor has been left unclaimed may bring a civil action in a court of common pleas or other court of competent jurisdiction against the owner of the vessel or outboard motor to recover the costs of storing or removing the vessel or outboard motor if both of the following apply:

(a) The vessel or outboard motor has been left unclaimed on the person's property for twenty days or more prior to the provision of notice under division (A)(4) of this section.

(b) The person does not have a valid storage or repair contract with the owner of the vessel or outboard motor.

(2) A person that owns property where a vessel or outboard motor has been left unclaimed may have the vessel or outboard motor impounded until the costs of storing the vessel or outboard motor have been paid or until the clerk of courts issues the property owner a certificate of title under division (B) of this section if all of the following apply:

(a) The vessel or outboard motor has been left unclaimed on the person's property for twenty days or more prior to the provision of notice under division (A)(4) of this section.



(b) The property owner sends notice in accordance with division (A)(4) of this section to any owner and any lienholder of the vessel or outboard motor.

(c) The person does not have a valid storage or repair contract with the owner of the vessel or outboard motor.