

As Reported by the Committee of Conference

124th General Assembly

Regular Session

2001-2002

Sub. H. B. No. 345

REPRESENTATIVES Womer Benjamin, Manning, Willamowski, Sulzer, Seitz,
Jones, Rhine, Schmidt, Roman, Salerno, Carano, Wilson, Calvert, Barrett,
Krupinski, Hollister, Latta, Coates
SENATOR Jacobson

A BILL

To amend sections 1339.66, 1339.68, 1340.22, 1547.54, 1
1548.07, 1548.071, 1548.08, 1548.11, 2105.39, 2
2106.18, 2107.27, 2107.28, 2109.62, 2113.30, 3
2113.61, 2117.25, 4503.12, 4505.06, 4505.10, 4
4549.08, and 4549.41; to amend, for the purpose of 5
adopting a new section number as indicated in 6
parentheses, section 2106.17 (2131.12); and to 7
enact sections 1548.072, 2107.06, 2131.13, 8
2305.121, and 3923.061 of the Revised Code relative 9
to the valuation limit for termination of small 10
trusts; transfer on death of a motor vehicle, 11
watercraft, or outboard motor; reimbursement for 12
payment of a decedent's debt; issuance of a 13
certificate of transfer of real property; 14
continuing a decedent's business after death; 15
establishing an age requirement to witness a will; 16
discretionary distributions by a fiduciary; lost, 17
spoliated, or destroyed wills; statute of 18
limitations for certain revocable trusts; interest 19
on proceeds of sickness and accident insurance 20
policies due to death; the prospective application 21
of Am. Sub. H.B. 242 of the 124th General Assembly; 22

and to declare an emergency. 23

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

Section 1. That sections 1339.66, 1339.68, 1340.22, 1547.54, 24
1548.07, 1548.071, 1548.08, 1548.11, 2106.18, 2107.27, 2107.28, 25
2109.62, 2113.30, 2113.61, 2117.25, 4503.12, 4505.06, 4505.10, 26
4549.08, and 4549.41 be amended; section 2106.17 (2131.12) be 27
amended, for the purpose of adopting a new section number as 28
indicated in parentheses; and sections 1548.072, 2107.06, 2131.13, 29
2305.121, and 3923.061 of the Revised Code be enacted to read as 30
follows: 31

Sec. 1339.66. (A)(1) Upon the filing of a motion by a trustee 32
with the court that has jurisdiction over the trust, upon the 33
provision of reasonable notice to all beneficiaries who are known 34
and in being and who have vested or contingent interests in the 35
trust, and after holding a hearing, the court may terminate the 36
trust, in whole or in part, if it determines that all of the 37
following apply: 38

(a) It is no longer economically feasible to continue the 39
trust~~+~~. 40

(b) The termination of the trust is for the benefit of the 41
beneficiaries~~+~~. 42

(c) The termination of the trust is equitable and practical~~+~~. 43
44

(d) The current value of the trust is less than fifty one 45
hundred thousand dollars. 46

(2) The existence of a spendthrift or similar provision in a 47
trust instrument or will does not preclude the termination of a 48
trust pursuant to this section. 49

(B) If property is to be distributed from an estate being 50
probated to a trust and the termination of the trust pursuant to 51
this section does not clearly defeat the intent of the testator, 52
the probate court has jurisdiction to order the outright 53
distribution of the property or to make the property custodial 54
property under sections 1339.31 to 1339.39 of the Revised Code. A 55
probate court may so order whether the application for the order 56
is made by an inter vivos trustee named in the will of the 57
decedent or by a testamentary trustee. 58

Sec. 1339.68. (A) As used in this section: 59

(1) "Disclaimant" means any person, any guardian or personal 60
representative of a person or estate of a person, or any 61
attorney-in-fact or agent of a person having a general or specific 62
authority to act granted in a written instrument, who is any of 63
the following: 64

(a) With respect to testamentary instruments and intestate 65
succession, an heir, next of kin, devisee, legatee, donee, person 66
succeeding to a disclaimed interest, surviving joint tenant, 67
surviving tenant by the entirety, surviving tenant of a tenancy 68
with a right of survivorship, beneficiary under a testamentary 69
instrument, or person designated to take pursuant to a power of 70
appointment exercised by a testamentary instrument; 71

(b) With respect to nontestamentary instruments, a grantee, 72
donee, person succeeding to a disclaimed interest, surviving joint 73
tenant, surviving tenant by the entirety, surviving tenant of a 74
tenancy with a right of survivorship, beneficiary under a 75
nontestamentary instrument, or person designated to take pursuant 76
to a power of appointment exercised by a nontestamentary 77
instrument; 78

(c) With respect to fiduciary rights, privileges, powers, and 79
immunities, a fiduciary under a testamentary or nontestamentary 80

instrument. This section does not authorize a fiduciary to
disclaim the rights of beneficiaries unless the instrument
creating the fiduciary relationship authorizes such a disclaimer.

81
82
83
84

(d) Any person entitled to take an interest in property upon
the death of a person or upon the occurrence of any other event.

85
86

(2) "Property" means all forms of property, real and
personal, tangible and intangible.

87
88

(B)(1) A disclaimant, other than a fiduciary under an
instrument who is not authorized by the instrument to disclaim the
interest of a beneficiary, may disclaim, in whole or in part, the
succession to any property by executing and by delivering, filing,
or recording a written disclaimer instrument in the manner
provided in this section.

89
90
91
92
93
94

(2) A disclaimant who is a fiduciary under an instrument may
disclaim, in whole or in part, any right, power, privilege, or
immunity, by executing and by delivering, filing, or recording a
written disclaimer instrument in the manner provided in this
section.

95
96
97
98
99

(3) The written instrument of disclaimer shall be signed and
acknowledged by the disclaimant and shall contain all of the
following:

100
101
102

(a) A reference to the donative instrument;

103

(b) A description of the property, part of property, or
interest disclaimed, and of any fiduciary right, power, privilege,
or immunity disclaimed;

104
105
106

(c) A declaration of the disclaimer and its extent.

107

(4) The guardian of the estate of a minor or an incompetent,
or the personal representative of a deceased person, with the
consent of the probate division of the court of common pleas, may

108
109
110

disclaim, in whole or in part, the succession to any property, or
interest in property, that the ward, if an adult and competent, or
the deceased, if living, might have disclaimed. The guardian or
personal representative, or any interested person may file an
application with the probate division of the court of common pleas
that has jurisdiction of the estate, asking that the court order
the guardian or personal representative to execute and deliver,
file, or record the disclaimer on behalf of the ward or estate.
The court shall order the guardian or personal representative to
execute and deliver, file, or record the disclaimer if the court
finds, upon hearing after notice to interested parties and such
other persons as the court shall direct, that:

111
112
113
114
115
116
117
118
119
120
121
122

(a) It is in the best interests of those interested in the
estate of the person and of those who will take the disclaimed
interest;

123
124
125

(b) It would not materially, adversely affect the minor or
incompetent, or the beneficiaries of the estate of the decedent,
taking into consideration other available resources and the age,
probable life expectancy, physical and mental condition, and
present and reasonably anticipated future needs of the minor or
incompetent or the beneficiaries of the estate of the decedent.

126
127
128
129
130
131

A written instrument of disclaimer ordered by the court under
this division shall be executed and be delivered, filed, or
recorded within the time and in the manner in which the person
could have disclaimed if the person were living, an adult, and
competent.

132
133
134
135
136

(C) A partial disclaimer of property that is subject to a
burdensome interest created by the donative instrument is not
effective unless the disclaimed property constitutes a gift that
is separate and distinct from undisclaimed gifts.

137
138
139
140

(D) The disclaimant shall deliver, file, or record the

141

disclaimer, or cause the same to be done, not later than nine 142
months after the latest of the following dates: 143

(1) The effective date of the donative instrument if both the 144
taker and the taker's interest in the property are finally 145
ascertained on that date; 146

(2) The date of the occurrence of the event upon which both 147
the taker and the taker's interest in the property become finally 148
ascertainable; 149

(3) The date on which the disclaimant attains twenty-one 150
years of age or is no longer an incompetent, without tendering or 151
repaying any benefit received while the disclaimant was under 152
twenty-one years of age or an incompetent, and even if a guardian 153
of a minor or incompetent had filed an application pursuant to 154
division (B)(4) of this section and the probate division of the 155
court of common pleas involved did not consent to the guardian 156
executing a disclaimer. 157

(E) No disclaimer instrument is effective under this section 158
if either of the following applies under the terms of the 159
disclaimer instrument: 160

(1) The disclaimant has power to revoke the disclaimer. 161

(2) The disclaimant may transfer, or direct to be 162
transferred, to self the entire legal and equitable ownership of 163
the property subject to the disclaimer instrument. 164

(F)(1) Subject to division (F)(2) of this section, if the 165
interest disclaimed is created by a nontestamentary instrument, 166
the disclaimer instrument shall be delivered personally or by 167
certified mail to the trustee or other person who has legal title 168
to, or possession of, the property disclaimed. 169

(2) If the interest disclaimed is created by a testamentary 170
instrument, by intestate succession, or by a transfer on death 171

deed pursuant to section 5302.22 of the Revised Code, or by a 172
certificate of title to a motor vehicle, watercraft, or outboard 173
motor that evidences ownership of the motor vehicle, watercraft, 174
or outboard motor that is transferable on death pursuant to 175
section 2131.13 of the Revised Code, the disclaimer instrument 176
shall be filed in the probate division of the court of common 177
pleas in the county in which proceedings for the administration of 178
the decedent's estate have been commenced, and an executed copy of 179
the disclaimer instrument shall be delivered personally or by 180
certified mail to the personal representative of the decedent's 181
estate. 182

(3) If no proceedings for the administration of the 183
decedent's estate have been commenced, the disclaimer instrument 184
shall be filed in the probate division of the court of common 185
pleas in the county in which proceedings for the administration of 186
the decedent's estate might be commenced according to law. The 187
disclaimer instrument shall be filed and indexed, and fees 188
charged, in the same manner as provided by law for an application 189
to be appointed as personal representative to administer the 190
decedent's estate. The disclaimer is effective whether or not 191
proceedings thereafter are commenced to administer the decedent's 192
estate. If proceedings thereafter are commenced for the 193
administration of the decedent's estate, they shall be filed 194
under, or consolidated with, the case number assigned to the 195
disclaimer instrument. 196

(4) If an interest in real estate is disclaimed, an executed 197
copy of the disclaimer instrument also shall be recorded in the 198
office of the recorder of the county in which the real estate is 199
located. The disclaimer instrument shall include a description of 200
the real estate with sufficient certainty to identify it, and 201
shall contain a reference to the record of the instrument that 202
created the interest disclaimed. If title to the real estate is 203

registered under Chapters 5309. and 5310. of the Revised Code, the
disclaimer interest shall be entered as a memorial on the last
certificate of title. A spouse of a disclaimant has no dower or
other interest in the real estate disclaimed.

204
205
206
207

(G) Unless the donative instrument expressly provides that,
if there is a disclaimer, there shall not be any acceleration of
remainders or other interests, the property, part of property, or
interest in property disclaimed, and any future interest that is
to take effect in possession or enjoyment at or after the
termination of the interest disclaimed, shall descend, be
distributed, or otherwise be disposed of, and shall be
accelerated, in the following manner:

208
209
210
211
212
213
214
215

(1) If intestate or testate succession is disclaimed, as if
the disclaimant had predeceased the decedent;

216
217

(2) If the disclaimant is one designated to take pursuant to
a power of appointment exercised by a testamentary instrument, as
if the disclaimant had predeceased the donee of the power;

218
219
220

(3) If the donative instrument is a nontestamentary
instrument, as if the disclaimant had died before the effective
date of the nontestamentary instrument;

221
222
223

(4) If the disclaimer is of a fiduciary right, power,
privilege, or immunity, as if the right, power, privilege, or
immunity was never in the donative instrument.

224
225
226

(H) A disclaimer pursuant to this section is effective as of,
and relates back for all purposes to, the date upon which the
taker and the taker's interest have been finally ascertained.

227
228
229

(I) A disclaimant who has a present and future interest in
property, and disclaims the disclaimant's present interest in
whole or in part, is considered to have disclaimed the
disclaimant's future interest to the same extent, unless a
contrary intention appears in the disclaimer instrument or the

230
231
232
233
234

donative instrument. A disclaimant is not precluded from 235
receiving, as an alternative taker, a beneficial interest in the 236
property disclaimed, unless a contrary intention appears in the 237
disclaimer instrument or in the donative instrument. 238

(J) The disclaimant's right to disclaim under this section is 239
barred if, before the expiration of the period within which the 240
disclaimant may disclaim the interest, the disclaimant does any of 241
the following: 242

(1) Assigns, conveys, encumbers, pledges, or transfers, or 243
contracts to assign, convey, encumber, pledge, or transfer, the 244
property or any interest in it; 245

(2) Waives in writing the disclaimant's right to disclaim and 246
executes and delivers, files, or records the waiver in the manner 247
provided in this section for a disclaimer instrument; 248

(3) Accepts the property or an interest in it; 249

(4) Permits or suffers a sale or other disposition of the 250
property pursuant to judicial action against the disclaimant. 251

(K) A fiduciary's application for appointment or assumption 252
of duties as a fiduciary does not waive or bar the disclaimant's 253
right to disclaim a right, power, privilege, or immunity. 254

(L) The right to disclaim under this section exists 255
irrespective of any limitation on the interest of the disclaimant 256
in the nature of a spendthrift provision or similar restriction. 257

(M) A disclaimer instrument or written waiver of the right to 258
disclaim that has been executed and delivered, filed, or recorded 259
as required by this section is final and binding upon all persons. 260
261

(N) The right to disclaim and the procedures for disclaimer 262
established by this section are in addition to, and do not exclude 263
or abridge, any other rights or procedures existing under any 264

other section of the Revised Code or at common law to assign, 265
convey, release, refuse to accept, renounce, waive, or disclaim 266
property. 267

(O)(1) No person is liable for distributing or disposing of 268
property in a manner inconsistent with the terms of a valid 269
disclaimer if the distribution or disposition is otherwise proper 270
and the person has no actual knowledge of the disclaimer. 271

(2) No person is liable for distributing or disposing of 272
property in reliance upon the terms of a disclaimer that is 273
invalid because the right of disclaimer has been waived or barred 274
if the distribution or disposition is otherwise proper and the 275
person has no actual knowledge of the facts that constitute a 276
waiver or bar to the right to disclaim. 277

(P)(1) A disclaimant may disclaim pursuant to this section 278
any interest in property that is in existence on September 27, 279
1976, if either the interest in the property or the taker of the 280
interest in the property is not finally ascertained on that date. 281

(2) No disclaimer executed pursuant to this section destroys 282
or diminishes an interest in property that exists on September 27, 283
1976, in any person other than the disclaimant. 284

Sec. 1340.22. (A) Unless the governing instrument conferring 285
the powers specifically refers to this section and states that 286
this section does not apply and except as provided in divisions 287
(B), (C), and (D) of this section, any of the following powers 288
conferred upon a fiduciary by the governing instrument cannot be 289
exercised by the fiduciary: 290

(1) The power to make any discretionary distribution of 291
either principal or income to or for the benefit of the fiduciary 292
in the fiduciary's individual capacity; 293

(2) The power to make any discretionary distribution of 294

either principal or income to satisfy any of the fiduciary's legal obligations in the fiduciary's individual capacity for support or other purposes;

(3) The power to make any discretionary distribution of either principal or income to or for the benefit of one or more beneficiaries to the extent that the fiduciary would or could receive a similar distribution in the fiduciary's individual capacity under any governing instrument from the beneficiary or beneficiaries acting as a fiduciary;

(4) The power to make any discretionary distribution of either principal or income to or for the benefit of one or more beneficiaries who possess both the right to remove the fiduciary and the right to appoint a successor fiduciary that may include but is not limited to the beneficiary, any of the beneficiaries, or any related or subordinate person, within the meaning of section 672(c) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 672(c), with respect to the beneficiary or any of the beneficiaries, if the successor fiduciary has been appointed by the exercise of both of those rights by the beneficiary or beneficiaries.

(B)(1) If division (A)(1), (3), or (4) of this section prohibits a fiduciary from exercising any power conferred by the governing instrument, the fiduciary, notwithstanding division (A)(1), (3), or (4) of this section, may exercise the power to the extent set forth in the governing instrument, provided that the exercise of that power, in all events, shall be limited to an ascertainable standard.

(2) Any power conferred upon a fiduciary that permits the fiduciary to make discretionary distributions of either principal or income and that is expressed in terms of a beneficiary's health, education, support, comfort, care, comfort and support, support in reasonable comfort, support in accustomed manner of

living, maintenance, maintenance in health and reasonable comfort, 327
or any combination of those factors, is a power conferred upon the 328
fiduciary, the exercise of which is reasonably measurable in terms 329
of, and limited by, an ascertainable standard related to the 330
health, education, support, and maintenance of the beneficiary. 331

(C) Any fiduciary who is authorized to exercise one or more 332
powers set forth in a governing instrument may exercise any of 333
those powers that the fiduciary is not prohibited from exercising 334
because of the operation of division (A) of this section even 335
though one or more other fiduciaries under the governing 336
instrument is prohibited from exercising the power because of the 337
operation of division (A) of this section. 338

(D) Any power conferred upon a fiduciary that the fiduciary 339
cannot exercise because of the operation of division (A) of this 340
section may be exercised by a special fiduciary appointed by a 341
court of competent jurisdiction. Upon the application of any party 342
in interest, the appropriate probate court or general division of 343
the appropriate court of common pleas may appoint a special 344
fiduciary. Upon the appointment of a special fiduciary under this 345
division, the special fiduciary is qualified to exercise any power 346
set forth in the governing instrument during the period of time 347
that the court designates. 348

(E) This section does not apply to any of the following: 349

(1) Any purely discretionary power to distribute either 350
principal or income to or for the benefit of a beneficiary, other 351
than a beneficiary who is also a fiduciary, that is exercisable in 352
a fiduciary capacity in the sole and absolute discretion of the 353
fiduciary and without any other direction or limitation as to its 354
exercise or use set forth in the governing instrument; 355

(2) Any power of appointment or withdrawal that specifically 356
is granted in the governing instrument to a beneficiary and that 357

is exercisable in an individual capacity but not in a fiduciary capacity;
358
359

(3) Any trust during the time that the trust is revocable or amendable by its settlor;
360
361

(4) Any power held by a decedent's or settlor's spouse who is the trustee under a decedent's trust for which a marital deduction for estate tax purposes has been allowed, except a trust or portion of a trust regarding which a special election for qualified terminable interest property has been made as provided in section 2652(a)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 2652(a)(3);
362
363
364
365
366
367
368

(5)(a) Subject to divisions (E)(5)(b) and (c) of this section, any irrevocable trust created under a governing instrument executed before the expiration of three years after the effective date of this amendment, if all of the parties in interest elect affirmatively not to be subject to the application of this section through a written instrument delivered to the fiduciary.
369
370
371
372
373
374
375

(b) In the case of a testamentary trust, the election described in division (E)(5)(a) of this section shall be filed with the probate court in which the will was admitted to probate.
376
377
378

(c) All of the parties in interest shall make the election described in division (E)(5)(a) of this section on or before the later of the expiration of three years after the effective date of this amendment or three years after the date on which the trust becomes irrevocable.
379
380
381
382
383

(d) As used in division (E)(5) of this section, "party in interest" does not include a contingent remainder beneficiary and means any of the following:
384
385
386

(i) Each fiduciary then serving;
387

(ii) Each current beneficiary then in existence or, if that beneficiary has not attained the age of majority or otherwise is incapacitated, the beneficiary's legal representative under applicable law or the attorney in fact of the current beneficiary under a durable power of attorney that is sufficient to grant the authority under division (E)(5) of this section; 388
389
390
391
392
393

(iii) Each remainder beneficiary then in existence or, if that remainder beneficiary has not attained the age of majority or otherwise is incapacitated, the remainder beneficiary's legal representative under applicable law or the attorney in fact of the remainder beneficiary under a durable power of attorney that is sufficient to grant the authority under division (E)(5) of this section. 394
395
396
397
398
399
400

Sec. 1547.54. (A)(1) The owner of every watercraft requiring registration under this chapter shall file an application for a triennial registration certificate with the chief of the division of watercraft on forms that shall be provided by the chief or by an electronic means approved by the chief. The application shall be signed by the following: 401
402
403
404
405
406

(a) If the watercraft is owned by two persons under joint ownership with right of survivorship established under section ~~2106.17~~ 2131.12 of the Revised Code, by both of those persons as owners of the watercraft. The signatures may be done by electronic signature if the owners themselves are renewing the registration and there are no changes in the registration information since the issuance of the immediately preceding registration certificate. In all other instances, the signatures ~~must~~ shall be done manually. 407
408
409
410
411
412
413
414

(b) If the watercraft is owned by a minor, by the minor and a parent or legal guardian. The signatures may be done by electronic signature if the parent or legal guardian and the minor themselves 415
416
417
418

are renewing the registration and there are no changes in the
registration information since the issuance of the immediately
preceding registration certificate. In all other instances, the
signatures ~~must~~ shall be done manually.

(c) In all other cases, by the owner of the watercraft. The
signature may be done by electronic signature if the owner him or
herself is renewing the registration and there are no changes in
the registration information since the issuance of the immediately
preceding registration certificate. In all other instances, the
signatures ~~must~~ shall be done manually.

(2) An application for a triennial registration of a
watercraft filed under division (A)(1) of this section shall be
accompanied by the following fee:

(a) For canoes, kayaks, rowboats, and inflatable watercraft,
twelve dollars;

(b) For class A watercraft, including motorized canoes,
thirty dollars;

(c) For class 1 watercraft, forty-five dollars;

(d) For class 2 watercraft, sixty dollars;

(e) For class 3 watercraft, seventy-five dollars;

(f) For class 4 watercraft, ninety dollars.

(3) For the purpose of registration, any watercraft operated
by means of power, sail, or any other mechanical or electrical
means of propulsion, except motorized canoes, shall be registered
by length as prescribed in this section.

(4) If an application for registration is filed by two
persons as owners under division (A)(1)(a) of this section, the
person who is listed first on the title shall serve as and perform
the duties of the "owner" and shall be considered the person "in
whose name the watercraft is registered" for purposes of divisions

(B) to (Q) of this section and for purposes of all other sections 449
in this chapter. 450

(B) All registration certificates are valid for three years 451
and are renewable on a triennial basis unless sooner terminated or 452
discontinued in accordance with this chapter. The renewal date 453
shall be printed on the registration certificate. A registration 454
certificate may be renewed by the owner in the manner prescribed 455
by the chief. All fees shall be charged according to a proration 456
of the time remaining in the registration cycle to the nearest 457
year. 458

(C) In addition to the fees set forth in this section, the 459
chief, or any authorized agent, shall charge an additional fee of 460
three dollars for any registration certificate the chief or 461
authorized agent issues. When the registration certificate is 462
issued by an authorized agent, the additional fee of three dollars 463
shall be retained by the issuing agent. When the registration 464
certificate is issued by the chief, the additional fee of three 465
dollars shall be deposited to the credit of the waterways safety 466
fund established in section 1547.75 of the Revised Code. 467

(D) Upon receipt of the application in approved form, the 468
chief shall enter the same upon the records of the office of the 469
division, assign a number to the watercraft if a number is 470
required under section 1547.53 of the Revised Code, and issue to 471
the applicant a registration certificate. If a number is assigned 472
by the chief, it shall be set forth on the certificate. The 473
registration certificate shall be on the watercraft for which it 474
is issued and available at all times for inspection whenever the 475
watercraft is in operation, except that livery operators may 476
retain the registration certificate at the livery where it shall 477
remain available for inspection at all times. 478

(E) No person shall issue or be issued a registration 479
certificate for a watercraft that is required to be issued a 480

certificate of title under Chapter 1548. of the Revised Code 481
except upon presentation of a certificate of title for the 482
watercraft as provided in that chapter, proof of current 483
documentation by the United States coast guard, a renewal 484
registration form provided by the division of watercraft, or a 485
certificate of registration issued under this section that has 486
expired if there is no change in the ownership or description of 487
the watercraft. 488

(F) Whenever the ownership of a watercraft changes, a new 489
application form together with the prescribed fee shall be filed 490
with the chief or the chief's agent and a new registration 491
certificate shall be issued. The application shall be signed 492
manually by the person or persons specified in division (A)(1)(a) 493
to (c) of this section and shall be accompanied by a two-dollar 494
transfer fee. Any remaining time on the registration shall be 495
transferred. An authorized agent of the chief shall charge an 496
additional fee of three dollars, which shall be retained by the 497
issuing agent. If the certificate is issued by the chief, an 498
additional fee of three dollars for each certificate issued shall 499
be collected. 500

(G) If an agency of the United States has in force an overall 501
system of identification numbering for watercraft or certain types 502
of watercraft within the United States, the numbering system 503
employed by the division shall be in conformity with that system. 504

(H) The chief may assign any registration certificates to any 506
authorized agent for the assignment ~~thereof~~ of the registration 507
certificates. If a person accepts that authorization, the person 508
may be assigned a block of numbers and certificates ~~therefor~~ that 509
upon assignment, in conformity with this chapter and Chapter 1548. 510
of the Revised Code and with rules of the division, shall be valid 511
as if assigned directly by the division. Any person so designated 512

as an agent by the chief shall post with the division security as 513
may be required by the director of natural resources. The chief 514
may issue an order temporarily or permanently restricting or 515
suspending an agent's authorization without a hearing if the chief 516
finds that the agent has violated this chapter or Chapter 1548. of 517
the Revised Code, rules adopted under them, or any agreements 518
prescribed by the chief. 519

(I) All records of the division made or kept pursuant to this 520
section shall be public records. Those records shall be available 521
for inspection at reasonable hours and in a manner compatible with 522
normal operations of the division. 523

(J) The owner shall furnish the division notice within 524
fifteen days of the following: 525

(1) The transfer, other than through the creation of a 526
security interest in any watercraft, of all or any part of the 527
owner's interest or, if the watercraft is owned by two persons 528
under joint ownership with right of survivorship established under 529
section ~~2106.17~~ 2131.12 of the Revised Code, of all or any part of 530
the joint interest of either of the two persons. The transfer 531
shall not terminate the registration certificate. 532

(2) Any change in the address appearing on the certificate 533
and, as a part of the notification, shall furnish the chief with 534
the owner's new address; 535

(3) The destruction or abandonment of the watercraft. 536

(K) The chief may issue duplicate registration certificates 537
or duplicate tags to owners of currently registered watercraft, 538
the fee for which shall be four dollars. 539

(L) If the chief finds that a registration certificate 540
previously issued to an owner is in error to a degree that would 541
impair its basic purpose and use, the chief may issue a corrected 542
certificate to the owner without charge. 543

(M) No authorized agent shall issue and no person shall 544
receive or accept from an authorized agent a registration 545
certificate assigned to the authorized agent under division (H) of 546
this section unless the exact month, day, and year of issue are 547
plainly written ~~thereon~~ on the certificate by the agent. 548
Certificates issued with incorrect dates of issue are void from 549
the time they are issued. 550

(N) The chief, in accordance with Chapter 119. of the Revised 551
Code, shall adopt rules governing the renewal of watercraft 552
registrations by electronic means. 553

(O) As used in this section: 554

(1) "Disabled veteran" means a person who is included in 555
either of the following categories: 556

(a) Because of a service-connected disability, has been or is 557
awarded funds for the purchase of a motor vehicle under the 558
"Disabled Veterans' and Servicemen's Automobile Assistance Act of 559
1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 560

(b) Has a service-connected disability rated at one hundred 561
per cent by the veterans administration. 562

(2) "Prisoner of war" means any regularly appointed, 563
enrolled, enlisted, or inducted member of the military forces of 564
the United States who was captured, separated, and incarcerated by 565
an enemy of the United States at any time, and any regularly 566
appointed, enrolled, or enlisted member of the military forces of 567
Great Britain, France, Australia, Belgium, Brazil, Canada, China, 568
Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, 569
South Africa, or the republics formerly associated with the Union 570
of Soviet Socialist Republics or Yugoslavia who was a citizen of 571
the United States at the time of the appointment, enrollment, or 572
enlistment, and was captured, separated, and incarcerated by an 573
enemy of this country during World War II. 574

(P) Any disabled veteran, congressional medal of honor
awardee, or prisoner of war may apply to the chief for a
certificate of registration, or for a renewal of the certificate
of registration, without the payment of any fee required by this
section. The application for a certificate of registration shall
be accompanied by evidence of disability or by documentary
evidence in support of a congressional medal of honor that the
chief requires by rule. The application for a certificate of
registration by any person who has been a prisoner of war shall be
accompanied by written evidence in the form of a record of
separation, a letter from one of the armed forces of a country
listed in division (O)(2) of this section, or other evidence that
the chief may require by rule, that the person was honorably
discharged or is currently residing in this state on active duty
with one of the branches of the armed forces of the United States,
or was a prisoner of war and was honorably discharged or received
an equivalent discharge or release from one of the armed forces of
a country listed in division (O)(2) of this section.

(Q) Annually by the fifteenth day of January, the director of
natural resources shall determine the amount of fees that would
have been collected in the prior calendar year for each
certificate of registration issued or renewed pursuant to division
(P) of this section and shall certify the total amount of foregone
revenue to the director of budget and management for
reimbursement. The director of budget and management shall
transfer the amount certified from the general revenue fund to the
waterways safety fund created pursuant to section 1547.75 of the
Revised Code.

Sec. 1548.07. (A) An application for a certificate of title
shall be sworn to before a notary public or other officer
empowered to administer oaths by the lawful owner or purchaser of
the watercraft or outboard motor and shall contain the following

information in the form and together with any other information 607
that the chief of the division of watercraft may require: 608

(1) Name, address, and social security number or employer's 609
tax identification number of the applicant; 610

(2) Statement of how the watercraft or outboard motor was 611
acquired; 612

(3) Name and address of the previous owner; 613

(4) A statement of all liens, mortgages, or other 614
encumbrances on the watercraft or outboard motor, including a 615
description of the nature and amount of each lien, mortgage, or 616
encumbrance, and the name and address of each holder ~~thereof~~ of 617
the lien, mortgage, or encumbrance; 618

(5) If there are no outstanding liens, mortgages, or other 619
encumbrances, a statement of that fact; 620

(6) A description of the watercraft, including the make, 621
year, length, series or model, if any, body type, hull 622
identification number or ~~hull identification number~~ serial number, 623
and make, manufacturer's serial number, and horsepower of any 624
inboard motor or motors; or a description of the outboard motor, 625
including the make, year, series or model, if any, manufacturer's 626
serial number, and horsepower; 627

~~(G)~~ (7) The purchase price, trade-in allowed, and amount of 628
sales or use tax paid under Chapter 5739. or 5741. of the Revised 629
Code. 630

(B) If the application is made by two persons regarding a 631
watercraft or outboard motor in which they wish to establish joint 632
ownership with right of survivorship, they may do so as provided 633
in section ~~2106.17~~ 2131.12 of the Revised Code. 634

(C) If the applicant wishes to designate a watercraft or 635
outboard motor in beneficiary form, the applicant may do so as 636

provided in section 2131.13 of the Revised Code. 637

(D) If the watercraft or outboard motor contains a permanent 638
identification number placed ~~thereon~~ on the watercraft or outboard 639
motor by the manufacturer, this number shall be used as the serial 640
number or hull identification number. If there is no 641
manufacturer's identification number, or if the manufacturer's 642
identification number has been removed or obliterated, the chief, 643
upon receipt of a prescribed application and proof of ownership, 644
may assign an identification number for the watercraft or outboard 645
motor, and this number shall be permanently affixed or imprinted 646
by the applicant, at the place and in the manner designated by the 647
chief, upon the watercraft or outboard motor for which it is 648
assigned. 649

Sec. 1548.071. Any two persons may establish in accordance 650
with section ~~2106.17~~ 2131.12 of the Revised Code joint ownership 651
with right of survivorship in a watercraft or outboard motor for 652
which a certificate of title is required under this chapter and 653
that one or both of them owns. Two persons who establish joint 654
ownership with right of survivorship in a watercraft or outboard 655
motor in accordance with section ~~2106.17~~ 2131.12 of the Revised 656
Code may terminate the joint ownership with right of survivorship 657
by applying for a title in accordance with ~~Chapter 1548. of the~~ 658
~~Revised Code~~ this chapter. 659

Sec. 1548.072. Any person who owns a watercraft or outboard 660
motor for which a certificate of title is required under this 661
chapter may establish ownership of the watercraft or outboard 662
motor that is transferable on death by designating the watercraft 663
or outboard motor in beneficiary form in accordance with section 664
2131.13 of the Revised Code. Any person who establishes ownership 665
of a watercraft or outboard motor that is transferable on death in 666
accordance with section 2131.13 of the Revised Code may terminate 667

that type of ownership or change the designation of the 668
transfer-on-death beneficiary or beneficiaries by applying for a 669
certificate of title in accordance with this chapter. 670

Sec. 1548.08. When the clerk of a court of common pleas 671
issues a physical certificate of title for a watercraft or 672
outboard motor, the clerk shall issue it over the clerk's official 673
seal. All physical certificates of title to watercraft or outboard 674
motors shall contain the information required in the application 675
for them as prescribed by section 1548.07 of the Revised Code, as 676
well as spaces for the dates of notation and cancellation of each 677
lien, mortgage, or encumbrance, over the signature of the clerk. 678
If any certificate of title is issued for a watercraft or outboard 679
motor in which two persons are establishing joint ownership with 680
right of survivorship under section ~~2106.17~~ 2131.12 of the Revised 681
Code, the certificate, in addition to the information required by 682
this section, shall show that the two persons have established 683
joint ownership with right of survivorship in the watercraft or 684
outboard motor. If the certificate of title is issued for a 685
watercraft or outboard motor that is designated in beneficiary 686
form under section 2131.13 of the Revised Code, in addition to the 687
information required by this section, the certificate shall show 688
that the present owner of the watercraft or outboard motor has 689
designated a specified transfer-on-death beneficiary or 690
beneficiaries who will take ownership of the watercraft or 691
outboard motor at the death of the present owner in accordance 692
with section 2131.13 of the Revised Code. 693

An assignment of certificate of title before a notary public 695
or other officer empowered to administer oaths shall appear on the 696
reverse side of each physical certificate of title in the form to 697
be prescribed by the chief of the division of watercraft. The 698
assignment form shall include a warranty that the signer is the 699

owner of the watercraft or outboard motor and that there are no
mortgages, liens, or encumbrances on the watercraft or outboard
motor except ~~as~~ those that are noted on the face of the
certificate of title.

700
701
702
703

Sec. 1548.11. (A) In the event of the transfer of ownership
of a watercraft or outboard motor by operation of law, as upon
inheritance, devise, bequest, order in bankruptcy, insolvency,
replevin, or execution of sale, or whenever the engine of a
watercraft is replaced by another engine, ~~or whenever~~ a watercraft
or outboard motor is sold to satisfy storage or repair charges, or
repossession is had upon default in performance of the terms of a
security agreement as provided in Chapter 1309. of the Revised
Code, a clerk of a court of common pleas, upon the surrender of
the prior certificate of title or the manufacturer's or importer's
certificate, or, when that is not possible, upon presentation of
satisfactory proof to the clerk of ownership and rights of
possession to the watercraft or outboard motor, and upon payment
of the fee prescribed in section 1548.10 of the Revised Code and
presentation of an application for certificate of title, may issue
to the applicant a certificate of title to the watercraft or
outboard motor. Only an affidavit by the person or agent of the
person to whom possession of the watercraft or outboard motor has
passed, setting forth the facts entitling the person to possession
and ownership, together with a copy of the journal entry, court
order, or instrument upon which the claim of possession and
ownership is founded, is satisfactory proof of ownership and right
of possession. If the applicant cannot produce such proof of
ownership, the applicant may apply directly to the chief of the
division of watercraft and submit such evidence as the applicant
has, and the chief, if the chief finds the evidence sufficient,
may authorize the clerk to issue a certificate of title. If, from
the records in the office of the clerk, there appears to be any

704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731

lien on the watercraft or outboard motor, the certificate of title 732
shall contain a statement of the lien unless the application is 733
accompanied by proper evidence of its extinction. 734

735

736

(B) Upon the death of one of the persons who have established 737
joint ownership with right of survivorship under section ~~2106.17~~ 738
2131.12 of the Revised Code in a watercraft or outboard motor and 739
the presentation to the clerk of the title and the certificate of 740
death of the deceased person, the clerk shall enter into the 741
records the transfer of the watercraft or outboard motor to the 742
surviving person, and the title to the watercraft or outboard 743
motor immediately passes to the surviving person. The transfer 744
does not affect any liens on the watercraft or outboard motor. 745

746

(C) The clerk shall transfer a decedent's interest in one 747
watercraft, one outboard motor, or one of each to the decedent's 748
surviving spouse as provided in section 2106.19 of the Revised 749
Code. 750

(D) Upon the death of an owner of a watercraft or outboard 751
motor designated in beneficiary form under section 2131.13 of the 752
Revised Code, upon application of the transfer-on-death 753
beneficiary or beneficiaries designated pursuant to that section, 754
and upon presentation to the clerk of the certificate of title and 755
the certificate of death of the deceased owner, the clerk shall 756
transfer the watercraft or outboard motor and issue a certificate 757
of title to the transfer-on-death beneficiary or beneficiaries. 758
The transfer does not affect any liens upon any watercraft or 759
outboard motor so transferred. 760

Sec. 2106.18. (A) Upon the death of a married resident who 761
owned at least one automobile at the time of death, the interest 762

of the deceased spouse in up to two automobiles that are not 763
transferred to the surviving spouse due to joint ownership with 764
right of survivorship established under section 2106.17 2131.12 of 765
the Revised Code, that are not transferred to a transfer-on-death 766
beneficiary or beneficiaries designated under section 2131.13 of 767
the Revised Code, and that are not otherwise specifically disposed 768
of by testamentary disposition, may be selected by the surviving 769
spouse. This interest shall immediately pass to the surviving 770
spouse upon transfer of the title or titles in accordance with 771
section 4505.10 of the Revised Code. The sum total of the values 772
of the automobiles selected by a surviving spouse under this 773
division, as specified in the affidavit that the surviving spouse 774
executes pursuant to division (B) of section 4505.10 of the 775
Revised Code, shall not exceed forty thousand dollars. Each 776
automobile that passes to a surviving spouse under this division 777
shall not be considered an estate asset and shall not be included 778
in the estate inventory. 779

(B) The executor or administrator, with the approval of the 780
probate court, may transfer title to an automobile owned by the 781
decedent to any of the following: 782

(1) The surviving spouse, when the automobile is purchased by 783
the surviving spouse pursuant to section 2106.16 of the Revised 784
Code; 785

(2) A distributee; 786

(3) A purchaser. 787

(C) The executor or administrator may transfer title to an 788
automobile owned by the decedent without the approval of the 789
probate court to any of the following: 790

(1) A legatee entitled to the automobile under the terms of 791
the will; 792

(2) A distributee if the distribution of the automobile is 793

made without court order pursuant to section 2113.55 of the
Revised Code;

(3) A purchaser if the sale of the automobile is made
pursuant to section 2113.39 of the Revised Code.

(D) As used in division (A) of this section, "automobile"
includes a truck if the truck was used as a method of conveyance
by the deceased spouse or the deceased spouse's family when the
deceased spouse was alive.

Sec. 2107.06. No person under eighteen years of age shall
witness a will executed pursuant to section 2107.03 of the Revised
Code or an agreement to make a will or to make a devise or bequest
by will pursuant to section 2107.04 of the Revised Code.

Sec. 2107.27. (A) When application is made to the probate
court to admit to probate a will that has been lost, spoliated, or
destroyed, the party seeking to prove the will shall give a
written notice by certified mail to the surviving spouse, to the
next of kin of the testator, and to all persons whose interest it
may be to resist the probate who would be entitled to inherit from
the testator under Chapter 2105. of the Revised Code if the
testator had died intestate, to all legatees and devisees that are
named in the will, and to all legatees and devisees that are named
in the most recent will prior to the lost, spoliated, or destroyed
will that is known to the applicant.

(B) In such the cases described in division (A) of this
section, the court proponents and opponents of the will shall
cause the witnesses to the will, and any other witnesses that a
person interested in having have relevant and material knowledge
about the will admitted to probate desires, to have appear, to
come before the court to testify. The witnesses shall be examined
by the probate judge, and their testimony shall be reduced to

794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823

~~writing and then filed in the records of the probate court~~ 824
~~pertaining to the testator's estate. When If any witnesses reside~~ 825
~~out of its jurisdiction, or reside within its jurisdiction but are~~ 826
~~infirm or unable to attend, the probate court may order their~~ 827
~~testimony to be taken and reduced to writing by some competent~~ 828
~~person, which. The testimony shall be filed in ~~such~~ the records of~~ 829
~~the probate court pertaining to the testator's estate.~~ 830

~~(C) If upon such proof, the court is satisfied that the will~~ 831
~~was executed in the manner provided by the law in force at the~~ 832
~~time of its execution, that its contents are substantially proved,~~ 833
~~that it was unrevoked at the death of the testator, and has been~~ 834
~~lost, spoliated, or destroyed since his death, since he became~~ 835
~~incapable of making a will by reason of insanity, or before the~~ 836
~~death of the testator if his lack of knowledge of the loss,~~ 837
~~spoliation, or destruction can be proved by clear and convincing~~ 838
~~testimony finds that the requirements of section 2107.26 of the~~ 839
~~Revised Code have been met, the probate court shall find and~~ 840
~~establish the contents of the will as near as can be ascertained~~ 841
~~and cause them and the testimony taken in the case to be recorded~~ 842
~~in the probate court. The~~ 843

~~The contents of the will shall be as effectual for all~~ 844
~~purposes as if the original will had been admitted to probate and~~ 845
~~record.~~ 846

Sec. 2107.28. ~~If a will is lost, spoliated, destroyed,~~ 847
~~mislaid, or stolen, after it has been admitted to probate but~~ 848
~~before it has been recorded, upon notice being given, to the~~ 849
~~persons as provided by section 2107.27 of the Revised Code, ~~to~~~~ 850
~~~~persons whose interest it may be to resist the probate and record~~~~ 851  
~~~~of such will the probate court may hear testimony, and if. If the~~~~ 852  
~~court is satisfied that the contents of the will have been~~ 853
~~substantially proved, the court may record ~~such~~ the will as thus~~ 854
~~proven, which. The record shall have all the ~~effect~~ effects of a~~ 855

record of the original will. 856

Sec. 2109.62. (A)(1) Upon the filing of a motion by a trustee 857
with the court that has jurisdiction over the trust, upon the 858
provision of reasonable notice to all beneficiaries who are known 859
and in being and who have vested or contingent interests in the 860
trust, and after holding a hearing, the court may terminate the 861
trust, in whole or in part, if it determines that all of the 862
following apply: 863

(a) It is no longer economically feasible to continue the 864
trust. 865

(b) The termination of the trust is for the benefit of the 866
beneficiaries. 867

(c) The termination of the trust is equitable and practical. 868
869

(d) The current value of the trust is less than fifty one 870
hundred thousand dollars. 871

(2) The existence of a spendthrift or similar provision in a 872
trust instrument or will does not preclude the termination of a 873
trust pursuant to this section. 874

(B) If property is to be distributed from an estate being 875
probated to a trust and the termination of the trust pursuant to 876
this section does not clearly defeat the intent of the testator, 877
the probate court has jurisdiction to order the outright 878
distribution of the property or to make the property custodial 879
property under sections 1339.31 to 1339.39 of the Revised Code. A 880
probate court may so order whether the application for the order 881
is made by an inter vivos trustee named in the will of the 882
decedent or by a testamentary trustee. 883

Sec. 2113.30. (A) Except as otherwise directed by the 884

decedent in ~~his~~ the decedent's last will and testament, an 885
executor or administrator ~~may~~, without personal liability for 886
losses incurred, may continue the decedent's business during ~~one~~ 887
~~month~~ four months next following the date of the appointment of 888
~~such~~ that executor or administrator, unless the probate court 889
directs otherwise, and for ~~such~~ any further time ~~as~~ that the court 890
may authorize ~~on~~ upon a hearing and after notice to the surviving 891
spouse and distributees. In either case, no debts incurred or 892
contracts entered into shall involve the estate beyond the assets 893
used in ~~such~~ that business immediately prior to the death of the 894
decedent without first obtaining the approval of the court ~~first~~ 895
~~obtained~~. During the time the business is continued, the executor 896
or administrator shall file monthly reports in the court, setting 897
forth the receipts and expenses of the business for the preceding 898
month and ~~such~~ any other pertinent information ~~as~~ that the court 899
may require. The executor or administrator may not bind the estate 900
without court approval beyond the period during which the business 901
is continued. 902

(B) As used in this section, "decedent's business" means a 903
business that is owned by the decedent as a sole proprietor at the 904
time of the decedent's death. "Decedent's business" does not 905
include a business that is owned in whole or in part by the 906
decedent as a shareholder of a corporation, a member of a limited 907
liability company, or a partner of a partnership, or under any 908
other form of ownership other than a sole proprietorship. 909

Sec. 2113.61. (A)(1) When real property passes by the laws of 910
intestate succession or under a will, the administrator or 911
executor shall file in probate court, at any time after the filing 912
of an inventory that includes the real property but prior to the 913
filing of the administrator's or executor's final account, an 914
application requesting the court to issue a certificate of 915
transfer as to the real property. Real property sold by an 916

executor or administrator or land registered under Chapters 5309. 917
and 5310. of the Revised Code is excepted from the application 918
requirement. Cases in which an order has been made under section 919
2113.03 of the Revised Code relieving an estate from 920
administration and in which the order directing transfer of real 921
property to the person entitled to it may be substituted for the 922
certificate of transfer also are excepted from the application 923
requirement. 924

(2) In accordance with division (C)(3)(b) of section 2113.031 925
of the Revised Code, an application for a certificate of transfer 926
of an interest in real property included in the assets of the 927
decedent's estate shall accompany an application for a summary 928
release from administration under that section. This section 929
applies to the application for and the issuance of the requested 930
certificate of transfer except to the extent that the probate 931
court determines that the nature of any of the provisions of this 932
section is inconsistent with the nature of a grant of a summary 933
release from administration. 934

(B) Subject to division (A)(2) of this section, the 935
application for a certificate of transfer shall contain all of the 936
following: 937

(1) The name, place of residence at death, and date of death 938
of the decedent; 939

(2) A statement whether the decedent died testate or 940
intestate; 941

(3) The fact and date of the filing and probate of the will, 942
if applicable, and the fact and date of the appointment of the 943
administrator or executor; 944

(4) A description of each parcel of real property situated in 945
this state that is owned by the decedent at the time of death; 946

(5) Insofar as they can be ascertained, the names, ages, 947

places of residence, and relationship to the decedent of the 948
persons to whom each parcel of real property described in division 949
(B)(4) of this section passed by descent or devise; 950

(6) A statement that all the known debts of the decedent's 951
estate have been paid or secured to be paid, or that sufficient 952
other assets are in hand to complete the payment of those debts; 953

(7) Other pertinent information that the court requires. 954

(C) Subject to division (A)(2) of this section, within five 955
days following the filing of an application for a certificate of 956
transfer that complies with division (B) of this section, the 957
court shall issue a certificate of transfer for record in each 958
county in this state in which real property so passing is 959
situated, that shall recite all of the following: 960

(1) The name and date of death of the decedent; 961

(2) Whether the decedent died testate or intestate and, if 962
testate, the volume and page of the record of the will; 963

(3) The volume and page of the probate court record of the 964
administration of the estate; 965

(4) The names and places of residence of the devisees, the 966
interests passing to them, the names and places of residence of 967
the persons inheriting intestate, and the interests inherited by 968
them, in each parcel of real property described in division (B)(4) 969
of this section; 970

(5) A description of each parcel of real property described 971
in division (B)(4) of this section; 972

(6) Other information that in the opinion of the court should 973
be included. 974

(D) If an executor or administrator has failed to file an 975
application for a certificate of transfer before being discharged, 976
the application may be filed by an heir or devisee, or a successor 977

in interest, in the probate court in which the testator's will was 978
probated or, in the case of intestate estates, in the probate 979
court in which administration was had. If no administration was 980
had on an estate and if no administration is contemplated, except 981
in the case of the grant of or contemplated application for the 982
grant of an order of a summary release from administration under 983
section 2113.031 of the Revised Code, an application for a 984
certificate of transfer may be filed by an heir or devisee, or a 985
successor in interest, in the probate court of the county in which 986
the decedent was a resident at the time of death. 987

A foreign executor or administrator, when no ancillary 988
administration proceedings have been had or are being had in this 989
state, may file in accordance with this section an application for 990
a certificate of transfer in the probate court of any county of 991
this state in which real property of the decedent is located. 992

When a person who has entered into a written contract for the 993
sale and conveyance of an interest in real property dies before 994
its completion, the interest of the decedent in the contract and 995
the record title to the real property described in the contract 996
may be transferred to the persons, legatees, devisees, or heirs at 997
law entitled to the interest of the decedent in the real property, 998
in the same manner as provided in this section and sections 999
2113.62 and 2113.63 of the Revised Code for the transfer of real 1000
property. The application for the certificate of transfer and the 1001
certificate itself also shall recite that the real property 1002
described in the application or certificate is subject to a 1003
written contract for its sale and conveyance. 1004

Sec. 2117.25. (A) Every executor or administrator shall 1005
proceed with diligence to pay the debts of the decedent, and shall 1006
apply the assets in the following order: 1007

(A)(1) Costs and expenses of administration; 1008

~~(B)~~(2) An amount, not exceeding two thousand dollars, for 1009
funeral expenses that are included in the bill of a funeral 1010
director, funeral expenses other than those in the bill of a 1011
funeral director that are approved by the probate court, and an 1012
amount, not exceeding two thousand dollars, for burial and 1013
cemetery expenses, including that portion of the funeral 1014
director's bill allocated to cemetery expenses that have been paid 1015
to the cemetery by the funeral director. 1016

For purposes of this division, burial and cemetery expenses 1017
shall be limited to the following: 1018

~~(1)~~(a) The purchase of a place of interment; 1019

~~(2)~~(b) Monuments or other markers; 1020

~~(3)~~(c) The outer burial container; 1021

~~(4)~~(d) The cost of opening and closing the place of 1022
interment; 1023

~~(5)~~(e) The urn. 1024

~~(C)~~(3) The allowance for support made to the surviving 1025
spouse, minor children, or both under section 2106.13 of the 1026
Revised Code; 1027

~~(D)~~(4) Debts entitled to a preference under the laws of the 1028
United States; 1029

~~(E)~~(5) Expenses of the last sickness of the decedent; 1030

~~(F)~~(6) If the total bill of a funeral director for funeral 1031
expenses exceeds two thousand dollars, then, in addition to the 1032
amount described in division ~~(B)~~(A)(2) of this section, an amount, 1033
not exceeding one thousand dollars, for funeral expenses that are 1034
included in the bill and that exceed two thousand dollars; 1035

~~(G)~~(7) Personal property taxes and obligations for which the 1036
decedent was personally liable to the state or any of its 1037

subdivisions; 1038

~~(H)~~(8) Debts for manual labor performed for the decedent 1039
within twelve months preceding the decedent's death, not exceeding 1040
three hundred dollars to any one person; 1041

~~(I)~~(9) Other debts for which claims have been presented and 1042
finally allowed. 1043

(B) The part of the bill of a funeral director that exceeds 1044
the total of three thousand dollars as described in divisions 1045
~~(B)~~(A)(2) and ~~(F)~~(6) of this section, and the part of a claim 1046
included in division ~~(H)~~(A)(8) of this section that exceeds three 1047
hundred dollars shall be included as a debt under division 1048
~~(I)~~(A)(9) of this section, depending upon the time when the claim 1049
for the additional amount is presented. 1050

(C) Any natural person or fiduciary who pays a claim of any 1051
creditor described in division (A) of this section shall be 1052
subrogated to the rights of that creditor proportionate to the 1053
amount of the payment and shall be entitled to reimbursement for 1054
that amount in accordance with the priority of payments set forth 1055
in that division. 1056

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 1057
to the manner in which and the time within which claims shall be 1058
presented, shall apply to claims set forth in divisions ~~(B)~~(A)(2), 1059
~~(F)~~(6), and ~~(H)~~(8) of this section. Claims for an expense of 1060
administration or for the allowance for support need not be 1061
presented. The executor or administrator shall pay debts included 1062
in divisions ~~(D)~~(A)(4) and ~~(G)~~(7) of this section, of which the 1063
executor or administrator has knowledge, regardless of 1064
presentation. 1065

(2) The giving of written notice to an executor or 1066
administrator of a motion or application to revive an action 1067
pending against the decedent at the date of death shall be 1068

equivalent to the presentation of a claim to the executor or 1069
administrator for the purpose of determining the order of payment 1070
of any judgment rendered or decree entered in such an action. 1071

(E) No payments shall be made to creditors of one class until 1072
all those of the preceding class are fully paid or provided for. 1073
If the assets are insufficient to pay all the claims of one class, 1074
the creditors of that class shall be paid ratably. 1075

(F) If it appears at any time that the assets have been 1076
exhausted in paying prior or preferred charges, allowances, or 1077
claims, ~~such~~ those payments shall be a bar to an action on any 1078
claim not entitled to ~~such~~ that priority or preference. 1079

Sec. ~~2106.17~~ 2131.12. (A) As used in this section: 1080

(1) "Motor vehicle" has the same meaning as in section 1081
4505.01 of the Revised Code. 1082

(2) "Joint ownership with right of survivorship" means a form 1083
of ownership of a motor vehicle, watercraft, or outboard motor 1084
that is established pursuant to this section and pursuant to which 1085
the entire interest in the motor vehicle, watercraft, or outboard 1086
motor is held by two persons for their joint lives and thereafter 1087
by the survivor of them. 1088

(3) "Watercraft" has the same meaning as in division (A) of 1089
section 1548.01 of the Revised Code. 1090

(B)(1) Any two persons may establish in accordance with this 1091
section joint ownership with right of survivorship in a motor 1092
vehicle or in a watercraft or outboard motor for which a 1093
certificate of title is required under Chapter 1548. of the 1094
Revised Code. 1095

(2) If two persons wish to establish joint ownership with 1096
right of survivorship in a motor vehicle or in a watercraft or 1097
outboard motor that is required to be titled under Chapter 1548. 1098

of the Revised Code, they may make a joint application for a
certificate of title under section 4505.06 or 1548.07 of the
Revised Code, as applicable.

(C) If two persons have established in a certificate of title
joint ownership with right of survivorship in a motor vehicle or a
watercraft or outboard motor that is required to be titled under
Chapter 1548. of the Revised Code, and if one of those persons
dies, the interest of the deceased person in the motor vehicle,
watercraft, or outboard motor shall pass to the survivor of them
upon transfer of title to the motor vehicle or watercraft or
outboard motor in accordance with section 4505.10 or 1548.11 of
the Revised Code. The motor vehicle, watercraft, or outboard motor
shall not be considered an estate asset and shall not be included
and stated in the estate inventory.

Sec. 2131.13. (A) As used in this section:

(1) "Designate or designation in beneficiary form" means to
designate, or the designation of, a motor vehicle, watercraft, or
outboard motor in a certificate of title that indicates the
present owner of the motor vehicle, watercraft, or outboard motor
and the intention of the present owner with respect to the
transfer of ownership on the present owner's death by designating
one or more persons as the beneficiary or beneficiaries who will
become the owner or owners of the motor vehicle, watercraft, or
outboard motor upon the death of the present owner.

(2) "Motor vehicle" has the same meaning as in section
4505.01 of the Revised Code.

(3) "Person" means an individual, a corporation, an
organization, or other legal entity.

(4) "Transfer-on-death beneficiary or beneficiaries" means a
person or persons specified in a certificate of title of a motor

vehicle, watercraft, or outboard motor who will become the owner 1129
or owners of the motor vehicle, watercraft, or outboard motor upon 1130
the death of the present owner of the motor vehicle, watercraft, 1131
or outboard motor. 1132

(5) "Watercraft" has the same meaning as in section 1548.01 1133
of the Revised Code. 1134

(B) An individual whose certificate of title of a motor 1135
vehicle, watercraft, or outboard motor shows sole ownership by 1136
that individual may make an application for a certificate of title 1137
under section 1548.07 or 4505.06 of the Revised Code to designate 1138
that motor vehicle, watercraft, or outboard motor in beneficiary 1139
form pursuant to this section. 1140

(C)(1) A motor vehicle, watercraft, or outboard motor is 1141
designated in beneficiary form if the certificate of title of the 1142
motor vehicle, watercraft, or outboard motor includes the name or 1143
names of the transfer-on-death beneficiary or beneficiaries. 1144

(2) The designation of a motor vehicle, watercraft, or 1145
outboard motor in beneficiary form is not required to be supported 1146
by consideration, and the certificate of title in which the 1147
designation is made is not required to be delivered to the 1148
transfer-on-death beneficiary or beneficiaries in order for the 1149
designation in beneficiary form to be effective. 1150

(D) The designation of a motor vehicle, watercraft, or 1151
outboard motor in beneficiary form may be shown in the certificate 1152
of title by the words "transfer-on-death" or the abbreviation 1153
"TOD" after the name of the owner of a motor vehicle, watercraft, 1154
or outboard motor and before the name or names of the 1155
transfer-on-death beneficiary or beneficiaries. 1156

(E) The designation of a transfer-on-death beneficiary or 1157
beneficiaries on a certificate of title has no effect on the 1158
ownership of a motor vehicle, watercraft, or outboard motor until 1159

the death of the owner of the motor vehicle, watercraft, or 1160
outboard motor. The owner of a motor vehicle, watercraft, or 1161
outboard motor may cancel or change the designation of a 1162
transfer-on-death beneficiary or beneficiaries on a certificate of 1163
title at any time without the consent of the transfer-on-death 1164
beneficiary or beneficiaries by making an application for a 1165
certificate of title under section 1548.07 or 4505.06 of the 1166
Revised Code. 1167

(F)(1) Upon the death of the owner of a motor vehicle, 1168
watercraft, or outboard motor designated in beneficiary form, the 1169
ownership of the motor vehicle, watercraft, or outboard motor 1170
shall pass to the transfer-on-death beneficiary or beneficiaries 1171
who survive the owner upon transfer of title to the motor vehicle, 1172
watercraft, or outboard motor in accordance with section 1548.11 1173
or 4505.10 of the Revised Code. The transfer-on-death beneficiary 1174
or beneficiaries who survive the owner may apply for a certificate 1175
of title to the motor vehicle, watercraft, or outboard motor upon 1176
submitting proof of the death of the owner of the motor vehicle, 1177
watercraft, or outboard motor. 1178

(2) If no transfer-on-death beneficiary or beneficiaries 1179
survive the owner of a motor vehicle, watercraft, or outboard 1180
motor, the motor vehicle, watercraft, or outboard motor shall be 1181
included in the probate estate of the deceased owner. 1182

(G)(1) Any transfer of a motor vehicle, watercraft, or 1183
outboard motor to a transfer-on-death beneficiary or beneficiaries 1184
that results from a designation of the motor vehicle, watercraft, 1185
or outboard motor in beneficiary form is not testamentary. 1186

(2) This section does not limit the rights of any creditor of 1187
the owner of a motor vehicle, watercraft, or outboard motor 1188
against any transfer-on-death beneficiary or beneficiaries or 1189
other transferees of the motor vehicle, watercraft, or outboard 1190
motor under other laws of this state. 1191

(H)(1) This section shall be known and may be cited as the 1192
"Transfer-on-Death of Motor Vehicle, Watercraft, or Outboard Motor 1193
Statute." 1194

(2) Divisions (A) to (H) of this section shall be liberally 1195
construed and applied to promote their underlying purposes and 1196
policy. 1197

(3) Unless displaced by particular provisions of divisions 1198
(A) to (H) of this section, the principles of law and equity 1199
supplement the provisions of those divisions. 1200

Sec. 2305.121. (A) Any of the following actions pertaining to 1201
a revocable trust that is made irrevocable by the death of the 1202
grantor of the trust shall be commenced within two years after the 1203
date of the death of the grantor of the trust: 1204

(1) An action to contest the validity of the trust; 1205

(2) An action to contest the validity of any amendment to the 1206
trust that was made during the lifetime of the grantor of the 1207
trust; 1208

(3) An action to contest the revocation of the trust during 1209
the lifetime of the grantor of the trust; 1210

(4) An action to contest the validity of any transfer made to 1211
the trust during the lifetime of the grantor of the trust. 1212

(B) Upon the death of the grantor of a revocable trust that 1213
was made irrevocable by the death of the grantor, the trustee, 1214
without liability, may proceed to distribute the trust property in 1215
accordance with the terms of the trust unless either of the 1216
following applies: 1217

(1) The trustee has actual knowledge of a pending action to 1218
contest the validity of the trust, any amendment to the trust, the 1219
revocation of the trust, or any transfer made to the trust during 1220

the lifetime of the grantor of the trust. 1221

(2) The trustee receives written notification from a 1222
potential contestant of a potential action to contest the validity 1223
of the trust, any amendment to the trust, the revocation of the 1224
trust, or any transfer made to the trust during the lifetime of 1225
the grantor of the trust, and the action is actually filed within 1226
ninety days after the written notification was given to the 1227
trustee. 1228

(C) If a distribution of trust property is made pursuant to 1229
division (B) of this section, a beneficiary of the trust shall 1230
return any distribution to the extent that it exceeds the 1231
distribution to which the beneficiary is entitled if the trust, an 1232
amendment to the trust, or a transfer made to the trust later is 1233
determined to be invalid. 1234

(D) This section applies only to revocable trusts that are 1235
made irrevocable by the death of the grantor of the trust if the 1236
grantor dies on or after the effective date of this section. 1237

Sec. 3923.061. (A) On and after January 1, 2003, any 1238
insurance company authorized to do business in this state shall 1239
pay interest, in accordance with division (B) of this section and 1240
subject to division (C) of this section, on any proceeds that 1241
become due pursuant to the terms of a policy of sickness and 1242
accident insurance due to the death of the insured by sickness or 1243
accident. 1244

(B) The interest payable pursuant to division (A) of this 1245
section shall be computed from the date of the death of the 1246
insured to the date of the payment of the proceeds and shall be at 1247
whichever of the following rates is greater: 1248

(1) The annual short-term applicable federal rate for 1249
purposes of section 1274(d) of the Internal Revenue Code, as 1250
defined in section 5747.01 of the Revised Code, in effect for the 1251

month in which the insured died; 1252

(2) The current rate of interest on proceeds left on deposit 1253
with the company under an interest settlement option contained in 1254
the policy of sickness and accident insurance. 1255

(C) Division (A) or (B) of this section does not require the 1256
payment of interest unless the insured was a resident of this 1257
state on the date of the insured's death and unless the 1258
beneficiary under the policy of sickness and accident insurance 1259
elects in writing to receive, or a written election has been made 1260
for the beneficiary to receive, the proceeds of the policy by 1261
means of a lump sum payment. 1262

Sec. 4503.12. Upon the transfer of ownership of a motor 1263
vehicle, the registration of the motor vehicle expires, and the 1264
original owner immediately shall remove the license plates from 1265
the motor vehicle, except that: 1266

(A) If a statutory merger or consolidation results in the 1267
transfer of ownership of a motor vehicle from a constituent 1268
corporation to the surviving corporation, or if the incorporation 1269
of a proprietorship or partnership results in the transfer of 1270
ownership of a motor vehicle from the proprietorship or 1271
partnership to the corporation, the registration shall be 1272
continued upon the filing by the surviving or new corporation, 1273
within thirty days of such transfer, of an application for an 1274
amended certificate of registration, unless such registration is 1275
prohibited by division (D) of section 2935.27, division (A) of 1276
section 2937.221, division (B) of section 4507.168, or division 1277
(B)(1) of section 4521.10 of the Revised Code. The application 1278
shall be accompanied by a service fee of two dollars and 1279
seventy-five cents commencing on July 1, 2001, three dollars and 1280
twenty-five cents commencing on January 1, 2003, and three dollars 1281
and fifty cents commencing on January 1, 2004, a transfer fee of 1282

one dollar, and the original certificate of registration. Upon a
proper filing, the registrar of motor vehicles shall issue an
amended certificate of registration in the name of the new owner.

1283
1284
1285

(B) If the death of the owner of a motor vehicle results in
the transfer of ownership of the motor vehicle to the surviving
spouse of the owner or if a motor vehicle is owned by two persons
under joint ownership with right of survivorship established under
section ~~2106.17~~ 2131.12 of the Revised Code and one of those
persons dies, the registration shall be continued upon the filing
by the ~~surviving spouse~~ survivor of an application for an amended
certificate of registration, unless such registration is
prohibited by division (D) of section 2935.27, division (A) of
section 2937.221, division (A) of section 4503.13, division (B) of
section 4507.168, or division (B)(1) of section 4521.10 of the
Revised Code. The application shall be accompanied by a service
fee of two dollars and seventy-five cents commencing on July 1,
2001, three dollars and twenty-five cents commencing on January 1,
2003, and three dollars and fifty cents commencing on January 1,
2004, a transfer fee of one dollar, the original certificate of
registration, and, in relation to a motor vehicle that is owned by
two persons under joint ownership with right of survivorship
established under section ~~2106.17~~ 2131.12 of the Revised Code, by
a copy of the certificate of title that specifies that the vehicle
is owned under joint ownership with right of survivorship. Upon a
proper filing, the registrar shall issue an amended certificate of
registration in the name of the ~~surviving spouse~~ survivor.

1286
1287
1288
1289
1290
1291
1292
1293
1294
1295
1296
1297
1298
1299
1300
1301
1302
1303
1304
1305
1306
1307
1308

(C) If the death of the owner of a motor vehicle results in
the transfer of ownership of the motor vehicle to a
transfer-on-death beneficiary or beneficiaries designated under
section 2131.13 of the Revised Code, the registration shall be
continued upon the filing by the transfer-on-death beneficiary or
beneficiaries of an application for an amended certificate of

1309
1310
1311
1312
1313
1314

registration, unless that registration is prohibited by division 1315
(D) of section 2935.27, division (A) of section 2937.221, division 1316
(A) of section 4503.13, division (B) of section 4507.168, or 1317
division (B)(1) of section 4521.10 of the Revised Code. The 1318
application shall be accompanied by a service fee of two dollars 1319
and seventy-five cents commencing on July 1, 2001, three dollars 1320
and twenty-five cents commencing on January 1, 2003, and three 1321
dollars and fifty cents commencing on January 1, 2004, a transfer 1322
fee of one dollar, the original certificate of registration, and a 1323
copy of the certificate of title that specifies that the owner of 1324
the motor vehicle has designated the motor vehicle in beneficiary 1325
form under section 2131.13 of the Revised Code. Upon a proper 1326
filing, the registrar shall issue an amended certificate of 1327
registration in the name of the transfer-on-death beneficiary or 1328
beneficiaries. 1329

(D) If the original owner of a motor vehicle that has been 1330
transferred makes application for the registration of another 1331
motor vehicle at any time during the remainder of the registration 1332
period for which the transferred motor vehicle was registered, the 1333
owner, unless such registration is prohibited by division (D) of 1334
section 2935.27, division (A) of section 2937.221, division (A) of 1335
section 4503.13, division (E) of section 4503.234, division (B) of 1336
section 4507.168, or division (B)(1) of section 4521.10 of the 1337
Revised Code, may file an application for transfer of the 1338
registration and, where applicable, the license plates, 1339
accompanied by a service fee of two dollars and seventy-five cents 1340
commencing on July 1, 2001, three dollars and twenty-five cents 1341
commencing on January 1, 2003, and three dollars and fifty cents 1342
commencing on January 1, 2004, a transfer fee of one dollar, and 1343
the original certificate of registration. The transfer of the 1344
registration and, where applicable, the license plates from the 1345
motor vehicle for which they originally were issued to a 1346
succeeding motor vehicle purchased by the same person in whose 1347

name the original registration and license plates were issued 1348
shall be done within a period not to exceed thirty days. During 1349
that thirty-day period, the license plates from the motor vehicle 1350
for which they originally were issued may be displayed on the 1351
succeeding motor vehicle, and the succeeding motor vehicle may be 1352
operated on the public roads and highways in this state. 1353

At the time of application for transfer, the registrar shall 1354
compute and collect the amount of tax due on the succeeding motor 1355
vehicle, based upon the amount that would be due on a new 1356
registration as of the date on which the transfer is made less a 1357
credit for the unused portion of the original registration 1358
beginning on that date. If the credit exceeds the amount of tax 1359
due on the new registration, no refund shall be made. In computing 1360
the amount of tax due and credits to be allowed under this 1361
division, the provisions of division (B)(1)(a) and (b) of section 1362
4503.11 of the Revised Code shall apply. As to passenger cars, 1363
noncommercial vehicles, motor homes, and motorcycles, transfers 1364
within or between these classes of motor vehicles only shall be 1365
allowed. If the succeeding motor vehicle is of a different class 1366
than the motor vehicle for which the registration originally was 1367
issued, new license plates also shall be issued upon the surrender 1368
of the license plates originally issued and payment of the fees 1369
provided in divisions (C) and (D) of section 4503.10 of the 1370
Revised Code. 1371

~~(D)~~(E) The owner of a commercial car having a gross vehicle 1372
weight or combined gross vehicle weight of more than ten thousand 1373
pounds may transfer the registration of that commercial car to 1374
another commercial car the owner owns without transferring 1375
ownership of the first commercial car, unless registration of the 1376
second commercial car is prohibited by division (D) of section 1377
2935.27, division (A) of section 2937.221, division (A) of section 1378
4503.13, division (B) of section 4507.168, or division (B)(1) of 1379

section 4521.10 of the Revised Code. At any time during the 1380
remainder of the registration period for which the first 1381
commercial car was registered, the owner may file an application 1382
for the transfer of the registration and, where applicable, the 1383
license plates, accompanied by a service fee of two dollars and 1384
seventy-five cents commencing on July 1, 2001, three dollars and 1385
twenty-five cents commencing on January 1, 2003, and three dollars 1386
and fifty cents commencing on January 1, 2004, a transfer fee of 1387
one dollar, and the certificate of registration of the first 1388
commercial car. The amount of any tax due or credit to be allowed 1389
for a transfer of registration under this division shall be 1390
computed in accordance with division ~~(E)~~(D) of this section. 1391

No commercial car to which a registration is transferred 1392
under this division shall be operated on a public road or highway 1393
in this state until after the transfer of registration is 1394
completed in accordance with this division. 1395

~~(E)~~(F) Upon application to the registrar or a deputy 1396
registrar, a person who owns or leases a motor vehicle may 1397
transfer special license plates assigned to that vehicle to any 1398
other vehicle that the person owns or leases or that is owned or 1399
leased by the person's spouse. The application shall be 1400
accompanied by a service fee of two dollars and seventy-five cents 1401
commencing on July 1, 2001, three dollars and twenty-five cents 1402
commencing on January 1, 2003, and three dollars and fifty cents 1403
commencing on January 1, 2004, a transfer fee of one dollar, and 1404
the original certificate of registration. As appropriate, the 1405
application also shall be accompanied by a power of attorney for 1406
the registration of a leased vehicle and a written statement 1407
releasing the special plates to the applicant. Upon a proper 1408
filing, the registrar or deputy registrar shall assign the special 1409
license plates to the motor vehicle owned or leased by the 1410
applicant and issue a new certificate of registration for that 1411

motor vehicle. 1412

As used in division ~~(E)~~(F) of this section, "special license plates" means either of the following: 1413
1414

(1) Any license plates for which the person to whom the license plates are issued must pay an additional fee in excess of the fees prescribed in section 4503.04 of the Revised Code, Chapter 4504. of the Revised Code, and the service fee prescribed in division (D) or (G) of section 4503.10 of the Revised Code; 1415
1416
1417
1418
1419

(2) License plates issued under section 4503.44 of the Revised Code. 1420
1421

Sec. 4505.06. (A)(1) Application for a certificate of title shall be made in a form prescribed by the registrar of motor vehicles and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of any court of common pleas. An application for a certificate of title may be filed electronically by any electronic means approved by the registrar in any county with the clerk of the court of common pleas of that county. Any payments required by this chapter shall be considered as accompanying any electronically transmitted application when payment actually is received by the clerk. Payment of any fee or taxes may be made by electronic transfer of funds. 1422
1423
1424
1425
1426
1427
1428
1429
1430
1431
1432
1433

(2) The application for a certificate of title shall be accompanied by the fee prescribed in section 4505.09 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the 1434
1435
1436
1437
1438
1439
1440
1441
1442

transaction to the automated title processing system. 1443

(3) If a certificate of title previously has been issued for 1444
a motor vehicle in this state, the application for a certificate 1445
of title also shall be accompanied by that certificate of title 1446
duly assigned, unless otherwise provided in this chapter. If a 1447
certificate of title previously has not been issued for the motor 1448
vehicle in this state, the application, unless otherwise provided 1449
in this chapter, shall be accompanied by a manufacturer's or 1450
importer's certificate or by a certificate of title of another 1451
state from which the motor vehicle was brought into this state. If 1452
the application refers to a motor vehicle last previously 1453
registered in another state, the application also shall be 1454
accompanied by the physical inspection certificate required by 1455
section 4505.061 of the Revised Code. If the application is made 1456
by two persons regarding a motor vehicle in which they wish to 1457
establish joint ownership with right of survivorship, they may do 1458
so as provided in section ~~2106.17~~ 2131.12 of the Revised Code. If 1459
the applicant requests a designation of the motor vehicle in 1460
beneficiary form so that upon the death of the owner of the motor 1461
vehicle, ownership of the motor vehicle will pass to a designated 1462
transfer-on-death beneficiary or beneficiaries, the applicant may 1463
do so as provided in section 2131.13 of the Revised Code. A person 1464
who establishes ownership of a motor vehicle that is transferable 1465
on death in accordance with section 2131.13 of the Revised Code 1466
may terminate that type of ownership or change the designation of 1467
the transfer-on-death beneficiary or beneficiaries by applying for 1468
a certificate of title pursuant to this section. The clerk shall 1469
retain the evidence of title presented by the applicant and on 1470
which the certificate of title is issued, except that, if an 1471
application for a certificate of title is filed electronically by 1472
an electronic motor vehicle dealer on behalf of the purchaser of a 1473
motor vehicle, the clerk shall retain the completed electronic 1474

record to which the dealer converted the certificate of title 1475
application and other required documents. The electronic motor 1476
vehicle dealer shall forward the actual application and all other 1477
documents relating to the sale of the motor vehicle to any clerk 1478
within thirty days after the certificate of title is issued. The 1479
registrar, after consultation with the attorney general, shall 1480
adopt rules that govern the location at which, and the manner in 1481
which, are stored the actual application and all other documents 1482
relating to the sale of a motor vehicle when an electronic motor 1483
vehicle dealer files the application for a certificate of title 1484
electronically on behalf of the purchaser. 1485

1486
1487
The clerk shall use reasonable diligence in ascertaining 1488
whether or not the facts in the application for a certificate of 1489
title are true by checking the application and documents 1490
accompanying it or the electronic record to which a dealer 1491
converted the application and accompanying documents with the 1492
records of motor vehicles in the clerk's office. If the clerk is 1493
satisfied that the applicant is the owner of the motor vehicle and 1494
that the application is in the proper form, the clerk, within five 1495
business days after the application is filed, shall issue a 1496
physical certificate of title over the clerk's signature and 1497
sealed with the clerk's seal unless the applicant specifically 1498
requests the clerk not to issue a physical certificate of title 1499
and instead to issue an electronic certificate of title. For 1500
purposes of the transfer of a certificate of title, if the clerk 1501
is satisfied that the secured party has duly discharged a lien 1502
notation but has not canceled the lien notation with a clerk, the 1503
clerk may cancel the lien notation on the automated title 1504
processing system and notify the clerk of the county of origin. 1505

1506

(4) In the case of the sale of a motor vehicle to a general 1507
buyer or user by a dealer, by a motor vehicle leasing dealer 1508
selling the motor vehicle to the lessee or, in a case in which the 1509
leasing dealer subleased the motor vehicle, the sublessee, at the 1510
end of the lease agreement or sublease agreement, or by a 1511
manufactured home broker, the certificate of title shall be 1512
obtained in the name of the buyer by the dealer, leasing dealer, 1513
or manufactured home broker, as the case may be, upon application 1514
signed by the buyer. The certificate of title shall be issued, or 1515
the process of entering the certificate of title application 1516
information into the automated title processing system if a 1517
physical certificate of title is not to be issued shall be 1518
completed, within five business days after the application for 1519
title is filed with the clerk. If the buyer of the motor vehicle 1520
previously leased the motor vehicle and is buying the motor 1521
vehicle at the end of the lease pursuant to that lease, the 1522
certificate of title shall be obtained in the name of the buyer by 1523
the motor vehicle leasing dealer who previously leased the motor 1524
vehicle to the buyer or by the motor vehicle leasing dealer who 1525
subleased the motor vehicle to the buyer under a sublease 1526
agreement. 1527

In all other cases, except as provided in section 4505.032 1528
and division (D)(2) of section 4505.11 of the Revised Code, such 1529
certificates shall be obtained by the buyer. 1530

(5)(a)(i) If the certificate of title is being obtained in 1531
the name of the buyer by a motor vehicle dealer or motor vehicle 1532
leasing dealer and there is a security interest to be noted on the 1533
certificate of title, the dealer or leasing dealer shall submit 1534
the application for the certificate of title and payment of the 1535
applicable tax to a clerk within seven business days after the 1536
later of the delivery of the motor vehicle to the buyer or the 1537
date the dealer or leasing dealer obtains the manufacturer's or 1538

importer's certificate, or certificate of title issued in the name 1539
of the dealer or leasing dealer, for the motor vehicle. Submission 1540
of the application for the certificate of title and payment of the 1541
applicable tax within the required seven business days may be 1542
indicated by postmark or receipt by a clerk within that period. 1543

(ii) Upon receipt of the certificate of title with the 1544
security interest noted on its face, the dealer or leasing dealer 1545
shall forward the certificate of title to the secured party at the 1546
location noted in the financing documents or otherwise specified 1547
by the secured party. 1548

(iii) A motor vehicle dealer or motor vehicle leasing dealer 1549
is liable to a secured party for a late fee of ten dollars per day 1550
for each certificate of title application and payment of the 1551
applicable tax that is submitted to a clerk more than seven 1552
business days but less than twenty-one days after the later of the 1553
delivery of the motor vehicle to the buyer or the date the dealer 1554
or leasing dealer obtains the manufacturer's or importer's 1555
certificate, or certificate of title issued in the name of the 1556
dealer or leasing dealer, for the motor vehicle and, from then on, 1557
twenty-five dollars per day until the application and applicable 1558
tax are submitted to a clerk. 1559

(b) In all cases of transfer of a motor vehicle, the 1560
application for certificate of title shall be filed within thirty 1561
days after the assignment or delivery of the motor vehicle. If an 1562
application for a certificate of title is not filed within the 1563
period specified in division (A)(5)(b) of this section, the clerk 1564
shall collect a fee of five dollars for the issuance of the 1565
certificate, except that no such fee shall be required from a 1566
motor vehicle salvage dealer, as defined in division (A) of 1567
section 4738.01 of the Revised Code, who immediately surrenders 1568
the certificate of title for cancellation. The fee shall be in 1569
addition to all other fees established by this chapter, and shall 1570

be retained by the clerk. The registrar shall provide, on the
certificate of title form prescribed by section 4505.07 of the
Revised Code, language necessary to give evidence of the date on
which the assignment or delivery of the motor vehicle was made.

(6) As used in division (A) of this section, "lease
agreement," "lessee," and "sublease agreement" have the same
meanings as in section 4505.04 of the Revised Code.

(B) The clerk, except as provided in this section, shall
refuse to accept for filing any application for a certificate of
title and shall refuse to issue a certificate of title unless the
dealer or manufactured home broker or the applicant, in cases in
which the certificate shall be obtained by the buyer, submits with
the application payment of the tax levied by or pursuant to
Chapters 5739. and 5741. of the Revised Code based on the
purchaser's county of residence. Upon payment of the tax in
accordance with division (E) of this section, the clerk shall
issue a receipt prescribed by the registrar and agreed upon by the
tax commissioner showing payment of the tax or a receipt issued by
the commissioner showing the payment of the tax. When submitting
payment of the tax to the clerk, a dealer shall retain any
discount to which the dealer is entitled under section 5739.12 of
the Revised Code.

For receiving and disbursing such taxes paid to the clerk by
a resident of the clerk's county, the clerk may retain a poundage
fee of one and one one-hundredth per cent, ~~which~~ and the clerk
~~shall be paid~~ pay the poundage fee into the certificate of title
administration fund created by section 325.33 of the Revised Code.
The clerk shall not retain a poundage fee from payments of taxes
by persons who do not reside in the clerk's county.

A clerk, however, may retain from the taxes paid to the clerk
an amount equal to the poundage fees associated with certificates

of title issued by other clerks of courts of common pleas to 1603
applicants who reside in the first clerk's county. The registrar, 1604
in consultation with the tax commissioner and the clerks of the 1605
courts of common pleas, shall develop a report from the automated 1606
title processing system that informs each clerk of the amount of 1607
the poundage fees that the clerk is permitted to retain from those 1608
taxes because of certificates of title issued by the clerks of 1609
other counties to applicants who reside in the first clerk's 1610
county. 1611

In the case of casual sales of motor vehicles, as defined in 1612
section 4517.01 of the Revised Code, the price for the purpose of 1613
determining the tax shall be the purchase price on the assigned 1614
certificate of title executed by the seller and filed with the 1615
clerk by the buyer on a form to be prescribed by the registrar, 1616
which shall be prima-facie evidence of the amount for the 1617
determination of the tax. 1618

(C)(1) If the transferor indicates on the certificate of 1619
title that the odometer reflects mileage in excess of the designed 1620
mechanical limit of the odometer, the clerk shall enter the phrase 1621
"exceeds mechanical limits" following the mileage designation. If 1622
the transferor indicates on the certificate of title that the 1623
odometer reading is not the actual mileage, the clerk shall enter 1624
the phrase "nonactual: warning - odometer discrepancy" following 1625
the mileage designation. The clerk shall use reasonable care in 1626
transferring the information supplied by the transferor, but is 1627
not liable for any errors or omissions of the clerk or those of 1628
the clerk's deputies in the performance of the clerk's duties 1629
created by this chapter. 1630

The registrar shall prescribe an affidavit in which the 1631
transferor shall swear to the true selling price and, except as 1632
provided in this division, the true odometer reading of the motor 1633
vehicle. The registrar may prescribe an affidavit in which the 1634

seller and buyer provide information pertaining to the odometer 1635
reading of the motor vehicle in addition to that required by this 1636
section, as such information may be required by the United States 1637
secretary of transportation by rule prescribed under authority of 1638
subchapter IV of the "Motor Vehicle Information and Cost Savings 1639
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 1640

(2) Division (C)(1) of this section does not require the 1641
giving of information concerning the odometer and odometer reading 1642
of a motor vehicle when ownership of a motor vehicle is being 1643
transferred as a result of a bequest, under the laws of intestate 1644
succession, to a ~~surviving spouse~~ survivor pursuant to section 1645
~~2106.17,~~ 2106.18, 2131.12, or 4505.10 of the Revised Code, to a 1646
transfer-on-death beneficiary or beneficiaries pursuant to section 1647
2131.13 of the Revised Code, or in connection with the creation 1648
of a security interest. 1649

(D) When the transfer to the applicant was made in some other 1650
state or in interstate commerce, the clerk, except as provided in 1651
this section, shall refuse to issue any certificate of title 1652
unless the tax imposed by or pursuant to Chapter 5741. of the 1653
Revised Code based on the purchaser's county of residence has been 1654
paid as evidenced by a receipt issued by the tax commissioner, or 1655
unless the applicant submits with the application payment of the 1656
tax. Upon payment of the tax in accordance with division (E) of 1657
this section, the clerk shall issue a receipt prescribed by the 1658
registrar and agreed upon by the tax commissioner, showing payment 1659
of the tax. 1660

For receiving and disbursing such taxes paid to the clerk by 1661
a resident of the clerk's county, the clerk may retain a poundage 1662
fee of one and one one-hundredth per cent. The clerk shall not 1663
retain a poundage fee from payments of taxes by persons who do not 1664
reside in the clerk's county. 1665

A clerk, however, may retain from the taxes paid to the clerk 1666

an amount equal to the poundage fees associated with certificates
of title issued by other clerks of courts of common pleas to
applicants who reside in the first clerk's county. The registrar,
in consultation with the tax commissioner and the clerks of the
courts of common pleas, shall develop a report from the automated
title processing system that informs each clerk of the amount of
the poundage fees that the clerk is permitted to retain from those
taxes because of certificates of title issued by the clerks of
other counties to applicants who reside in the first clerk's
county.

When the vendor is not regularly engaged in the business of
selling motor vehicles, the vendor shall not be required to
purchase a vendor's license or make reports concerning those
sales.

(E) The clerk shall accept any payment of a tax in cash, or
by cashier's check, certified check, draft, money order, or teller
check issued by any insured financial institution payable to the
clerk and submitted with an application for a certificate of title
under division (B) or (D) of this section. The clerk also may
accept payment of the tax by corporate, business, or personal
check, credit card, electronic transfer or wire transfer, debit
card, or any other accepted form of payment made payable to the
clerk. The clerk may require bonds, guarantees, or letters of
credit to ensure the collection of corporate, business, or
personal checks. Any service fee charged by a third party to a
clerk for the use of any form of payment may be paid by the clerk
from the certificate of title administration fund created in
section 325.33 of the Revised Code, or may be assessed by the
clerk upon the applicant as an additional fee. Upon collection,
the additional fees shall be paid by the clerk into that
certificate of title administration fund.

The clerk shall make a good faith effort to collect any

payment of taxes due but not made because the payment was returned 1699
or dishonored, but the clerk is not personally liable for the 1700
payment of uncollected taxes or uncollected fees. The clerk shall 1701
notify the tax commissioner of any such payment of taxes that is 1702
due but not made and shall furnish ~~such~~ the information to the 1703
commissioner ~~as~~ that the commissioner requires. The clerk shall 1704
deduct the amount of taxes due but not paid from the clerk's 1705
periodic remittance of tax payments, in accordance with procedures 1706
agreed upon by the tax commissioner. The commissioner may collect 1707
taxes due by assessment in the manner provided in section 5739.13 1708
of the Revised Code. 1709

Any person who presents payment that is returned or 1710
dishonored for any reason is liable to the clerk for payment of a 1711
penalty over and above the amount of the taxes due. The clerk 1712
shall determine the amount of the penalty, ~~which~~ and the penalty 1713
shall be no greater than that amount necessary to compensate the 1714
clerk for banking charges, legal fees, or other expenses incurred 1715
by the clerk in collecting the returned or dishonored payment. The 1716
remedies and procedures provided in this section are in addition 1717
to any other available civil or criminal remedies. Subsequently 1718
collected penalties, poundage fees, and title fees, less any title 1719
fee due the state, from returned or dishonored payments collected 1720
by the clerk shall be paid into the certificate of title 1721
administration fund. Subsequently collected taxes, less poundage 1722
fees, shall be sent by the clerk to the treasurer of state at the 1723
next scheduled periodic remittance of tax payments, with 1724
information as the commissioner may require. The clerk may abate 1725
all or any part of any penalty assessed under this division. 1726

(F) In the following cases, the clerk shall accept for filing 1728
an application and shall issue a certificate of title without 1729
requiring payment or evidence of payment of the tax: 1730

| | |
|--|--|
| (1) When the purchaser is this state or any of its political subdivisions, a church, or an organization whose purchases are exempted by section 5739.02 of the Revised Code; | 1731
1732
1733 |
| (2) When the transaction in this state is not a retail sale as defined by section 5739.01 of the Revised Code; | 1734
1735 |
| (3) When the purchase is outside this state or in interstate commerce and the purpose of the purchaser is not to use, store, or consume within the meaning of section 5741.01 of the Revised Code; | 1736
1737
1738
1739 |
| (4) When the purchaser is the federal government; | 1740 |
| (5) When the motor vehicle was purchased outside this state for use outside this state; | 1741
1742 |
| (6) When the motor vehicle is purchased by a nonresident of this state for immediate removal from this state, and will be permanently titled and registered in another state, as provided by division (B)(23) of section 5739.02 of the Revised Code, and upon presentation of a copy of the affidavit provided by that section, and a copy of the exemption certificate provided by section 5739.03 of the Revised Code. | 1743
1744
1745
1746
1747
1748
1749 |
| The clerk shall forward all payments of taxes, less poundage fees, to the treasurer of state in a manner to be prescribed by the tax commissioner and shall furnish information to the commissioner as the commissioner requires. | 1750
1751
1752
1753 |
| (G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand | 1754
1755
1756
1757
1758
1759
1760
1761 |

dollars, or both. All transfers are audited by the department of 1762
taxation. The seller and buyer must provide any information 1763
requested by the department of taxation. The buyer may be assessed 1764
any additional tax found to be due." 1765

(H) For sales of manufactured homes or mobile homes occurring 1766
on or after January 1, 2000, the clerk shall accept for filing, 1767
pursuant to Chapter 5739. of the Revised Code, an application for 1768
a certificate of title for a manufactured home or mobile home 1769
without requiring payment of any tax pursuant to section 5739.02, 1770
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 1771
issued by the tax commissioner showing payment of the tax. For 1772
sales of manufactured homes or mobile homes occurring on or after 1773
January 1, 2000, the applicant shall pay to the clerk an 1774
additional fee of five dollars for each certificate of title 1775
issued by the clerk for a manufactured or mobile home pursuant to 1776
division (H) of section 4505.11 of the Revised Code and for each 1777
certificate of title issued upon transfer of ownership of the 1778
home. The clerk shall credit the fee to the county certificate of 1779
title administration fund, and the fee shall be used to pay the 1780
expenses of archiving ~~such~~ those certificates pursuant to division 1781
(A) of section 4505.08 and division (H)(3) of section 4505.11 of 1782
the Revised Code. The tax commissioner shall administer any tax on 1783
a manufactured or mobile home pursuant to Chapters 5739. and 5741. 1784
of the Revised Code. 1785

(I) Every clerk shall have the capability to transact by 1786
electronic means all procedures and transactions relating to the 1787
issuance of motor vehicle certificates of title that are described 1788
in the Revised Code as being accomplished by electronic means. 1789
1790

Sec. 4505.10. (A) In the event of the transfer of ownership 1791
of a motor vehicle by operation of law, as upon inheritance, 1792

devise, bequest, order in bankruptcy, insolvency, replevin, or 1793
execution sale, a motor vehicle is sold to satisfy storage or 1794
repair charges, or repossession is had upon default in performance 1795
of the terms of a security agreement as provided in Chapter 1309. 1796
of the Revised Code and the secured party has notified the debtor 1797
as required by division (B) of section 1309.611 of the Revised 1798
Code, a clerk of a court of common pleas, upon the surrender of 1799
the prior certificate of title or the manufacturer's or importer's 1800
certificate, or, when that is not possible, upon presentation of 1801
satisfactory proof to the clerk of ownership and rights of 1802
possession to the motor vehicle, and upon payment of the fee 1803
prescribed in section 4505.09 of the Revised Code and presentation 1804
of an application for certificate of title, may issue to the 1805
applicant a certificate of title to the motor vehicle. Only an 1806
affidavit by the person or agent of the person to whom possession 1807
of the motor vehicle has passed, setting forth the facts entitling 1808
the person to the possession and ownership, together with a copy 1809
of the journal entry, court order, or instrument upon which the 1810
claim of possession and ownership is founded, is satisfactory 1811
proof of ownership and right of possession. If the applicant 1812
cannot produce that proof of ownership, the applicant may apply 1813
directly to the registrar of motor vehicles and submit the 1814
evidence the applicant has, and the registrar, if the registrar 1815
finds the evidence sufficient, then may authorize a clerk to issue 1816
a certificate of title. If, from the records in the office of the 1817
clerk involved, there appears to be any lien on the motor vehicle, 1818
the certificate of title shall contain a statement of the lien 1819
unless the application is accompanied by proper evidence of its 1820
extinction. 1821

(B) A clerk shall transfer a decedent's interest in one or 1822
two automobiles to the surviving spouse of the decedent, as 1823
provided in section 2106.18 of the Revised Code, upon receipt of 1824
the title or titles. An affidavit executed by the surviving spouse 1825

shall be submitted to the clerk with the title or titles. The
affidavit shall give the date of death of the decedent, shall
state that each automobile for which the decedent's interest is to
be so transferred is not disposed of by testamentary disposition,
and shall provide an approximate value for each automobile
selected to be transferred by the surviving spouse. The affidavit
shall also contain a description for each automobile for which the
decedent's interest is to be so transferred. The transfer does not
affect any liens upon any automobile for which the decedent's
interest is so transferred.

(C) Upon the death of one of the persons who have established
joint ownership with right of survivorship under section 2106.17
2131.12 of the Revised Code in a motor vehicle, and upon
presentation to a clerk of the title and the certificate of death
of the decedent, the clerk shall transfer title to the motor
vehicle to the survivor. The transfer does not affect any liens
upon any motor vehicle so transferred.

(D) Upon the death of the owner of a motor vehicle designated
in beneficiary form under section 2131.13 of the Revised Code,
upon application for a certificate of title by the
transfer-on-death beneficiary or beneficiaries designated pursuant
to that section, and upon presentation to the clerk of the
certificate of title and the certificate of death of the decedent,
the clerk shall transfer the motor vehicle and issue a certificate
of title to the transfer-on-death beneficiary or beneficiaries.
The transfer does not affect any liens upon the motor vehicle so
transferred.

Sec. 4549.08. No person shall operate or drive a motor
vehicle upon the public roads and highways in this state if it
displays a license plate or a distinctive number or identification
mark that meets any of the following criteria:

| | |
|--|--|
| (A) Is fictitious; | 1857 |
| (B) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark; | 1858
1859 |
| (C) Belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the public roads and highways in this state when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the public roads and highways in this state, during the thirty-day period described in division (C) (D) of section 4503.12 of the Revised Code. | 1860
1861
1862
1863
1864
1865
1866
1867 |
| A person who fails to comply with the transfer of registration provisions of section 4503.12 of the Revised Code and is charged with a violation of that section shall not be charged with a violation of this section. | 1868
1869
1870
1871 |
| Sec. 4549.41. As used in sections 4549.41 to 4549.51 of the Revised Code: | 1872
1873 |
| (A) "Person" includes an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, or cooperative or any other legal entity, whether acting individually or by their agents, officers, employees, or representatives. | 1874
1875
1876
1877
1878 |
| (B) "Motor vehicle" means any vehicle driven or drawn by mechanical power for use on the public streets, roads, or highways. | 1879
1880
1881 |
| (C) "Odometer" means an instrument for measuring and recording the total distance which <u>that</u> a motor vehicle travels while in operation, including any cable, line, or other part necessary to make the instrument function properly. Odometer does not include any auxiliary odometer designed to be reset by the | 1882
1883
1884
1885
1886 |

operator of a motor vehicle for the purpose of recording mileage 1887
on trips. 1888

(D) "Transfer" means to change ownership of a motor vehicle 1889
by purchase, by gift, or, except as otherwise provided in this 1890
division, by any other means. A "transfer" does not include a 1891
change of ownership as a result of a bequest, under the laws of 1892
intestate succession, as a result of a surviving spouse's actions 1893
pursuant to section 2106.18 or 4505.10 of the Revised Code, as a 1894
result of the operation of section ~~2106.17~~ 2131.12 or 2131.13 of 1895
the Revised Code, or in connection with the creation of a security 1896
interest. 1897

(E) "Transferor" means the person involved in a transfer, who 1898
transfers ownership of a motor vehicle. 1899

(F) "Transferee" means the person involved in a transfer, to 1900
whom the ownership of a motor vehicle is transferred. 1901

(G) "Service" means to repair or replace an odometer ~~which~~ 1902
that is not properly functioning. 1903

Section 2. That existing sections 1339.66, 1339.68, 1340.22, 1904
1547.54, 1548.07, 1548.071, 1548.08, 1548.11, 2106.17, 2106.18, 1905
2107.27, 2107.28, 2109.62, 2113.30, 2113.61, 2117.25, 4503.12, 1906
4505.06, 4505.10, 4549.08, and 4549.41 of the Revised Code are 1907
hereby repealed. 1908

Section 3. That section 2105.39 of the Revised Code, as 1909
enacted by Am. Sub. H.B. 242 of the 124th General Assembly, 1910
effective May 16, 2002, be amended to read as follows: 1911

Sec. 2105.39. (A) Sections 2105.31 to 2105.39 of the Revised 1912
Code do not impair any act done in any proceeding, or any right 1913
that accrued, before ~~January 1~~ May 16, 2002. If a right is 1914
acquired, extinguished, or barred upon the expiration of a 1915

prescribed period of time that has commenced to run prior to 1916
~~January 1~~ May 16, 2002, under any provision of the Revised Code, 1917
the provision of the applicable section of the Revised Code 1918
applies with respect to that right. 1919

(B) Any rule of construction or presumption that is provided 1920
in sections 2105.31 to 2105.39 of the Revised Code applies to any 1921
governing instrument that is executed, or any multiple-party 1922
account that is opened, prior to ~~January 1~~ May 16, 2002, unless 1923
there is a clear indication of a contrary intent in the governing 1924
instrument or multiple-party account. 1925

(C) If any provision of sections 2105.31 to 2105.39 of the 1926
Revised Code or the application of those sections to any persons 1927
or circumstance is held invalid, the invalidity does not affect 1928
other provisions or applications of sections 2105.31 to 2105.39 of 1929
the Revised Code that can be given effect without the invalid 1930
provision or application. 1931

Section 4. That existing section 2105.39 of the Revised Code, 1932
as enacted by Am. Sub. H.B. 242 of the 124th General Assembly, 1933
effective May 16, 2002, is hereby repealed. 1934

Section 5. That Section 3 of Am. Sub. H.B. 242 of the 124th 1935
General Assembly is hereby repealed. 1936

Section 6. Sections 1 and 2 of this act shall take effect on 1937
the ninety-first day after the effective date of this act. 1938

Section 7. Sections 3, 4, and 5 of this act shall take effect 1939
May 16, 2002. 1940

Section 8. Section 1548.07 of the Revised Code is presented 1941
in this act as a composite of the section as amended by both Sub. 1942
H.B. 458 and Am. Sub. S.B. 182 of the 120th General Assembly. 1943
Section 4505.10 of the Revised Code is presented in this act as a 1944

composite of the section as amended by both Am. Sub. S.B. 74 and 1945
Sub. S.B. 59 of the 124th General Assembly. The General Assembly, 1946
applying the principle stated in division (B) of section 1.52 of 1947
the Revised Code that amendments are to be harmonized if 1948
reasonably capable of simultaneous operation, finds that each 1949
composite is the resulting version of the section in effect prior 1950
to the effective date of the section as presented in this act. 1951

Section 9. This act is hereby declared to be an emergency 1952
measure necessary for the immediate preservation of the public 1953
peace, health, and safety. The reason for such necessity is to 1954
clarify a potential unconstitutional ambiguity in the effective 1955
date of Am. Sub. H.B. 242 of the 124th General Assembly. 1956
Therefore, this act shall go into immediate effect. 1957