

## As Introduced

124th General Assembly  
Regular Session  
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H. B. No. 345

REPRESENTATIVE Womer Benjamin

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### A B I L L

To amend sections 1339.66, 1339.68, 1340.22, 1547.54, 1548.07, 1548.071, 1548.08, 1548.11, 2106.18, 2109.62, 2113.30, 2113.61, 2117.25, 4503.12, 4505.06, 4505.10, 4549.08, and 4549.41; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 2106.17 (2131.12); and to enact sections 1548.072 and 2131.13 of the Revised Code relative to the valuation limit for termination of small trusts; transfer on death of a motor vehicle, watercraft, or outboard motor; reimbursement for payment of a decedent's debt; issuance of a certificate of transfer of real property; continuing a decedent's business after death; and discretionary distributions by a fiduciary.

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

**Section 1.** That sections 1339.66, 1339.68, 1340.22, 1547.54, 1548.07, 1548.071, 1548.08, 1548.11, 2106.18, 2109.62, 2113.30, 2113.61, 2117.25, 4503.12, 4505.06, 4505.10, 4549.08, and 4549.41 be amended; section 2106.17 (2131.12) be amended, for the purpose of adopting a new section number as indicated in parentheses; and sections 1548.072 and 2131.13 of the Revised Code be enacted to

read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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.

(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.

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

(a) A reference to the donative instrument;

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

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

(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  
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: 113

(a) It is in the best interests of those interested in the 114  
estate of the person and of those who will take the disclaimed 115  
interest; 116

(b) It would not materially, adversely affect the minor or 117  
incompetent, or the beneficiaries of the estate of the decedent, 118  
taking into consideration other available resources and the age, 119  
probable life expectancy, physical and mental condition, and 120  
present and reasonably anticipated future needs of the minor or 121  
incompetent or the beneficiaries of the estate of the decedent. 122

A written instrument of disclaimer ordered by the court under 123  
this division shall be executed and be delivered, filed, or 124  
recorded within the time and in the manner in which the person 125  
could have disclaimed if the person were living, an adult, and 126  
competent. 127

(C) A partial disclaimer of property that is subject to a 128  
burdensome interest created by the donative instrument is not 129  
effective unless the disclaimed property constitutes a gift that 130  
is separate and distinct from undisclaimed gifts. 131

(D) The disclaimant shall deliver, file, or record the 132  
disclaimer, or cause the same to be done, not later than nine 133  
months after the latest of the following dates: 134

(1) The effective date of the donative instrument if both the 135  
taker and the taker's interest in the property are finally 136  
ascertained on that date; 137

(2) The date of the occurrence of the event upon which both 138  
the taker and the taker's interest in the property become finally 139  
ascertainable; 140

(3) The date on which the disclaimant attains twenty-one 141  
years of age or is no longer an incompetent, without tendering or 142

repaying any benefit received while the disclaimant was under  
twenty-one years of age or an incompetent, and even if a guardian  
of a minor or incompetent had filed an application pursuant to  
division (B)(4) of this section and the probate division of the  
court of common pleas involved did not consent to the guardian  
executing a disclaimer.

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

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

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

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

(2) If the interest disclaimed is created by a testamentary  
instrument, by intestate succession, ~~or~~ by a transfer on death  
deed pursuant to section 5302.22 of the Revised Code, or by a  
certificate of title to a motor vehicle, watercraft, or outboard  
motor that evidences ownership of the motor vehicle, watercraft,  
or outboard motor that is transferable on death pursuant to  
section 2131.13 of the Revised Code, the disclaimer instrument  
shall be filed in the probate division of the court of common  
pleas in the county in which proceedings for the administration of  
the decedent's estate have been commenced, and an executed copy of  
the disclaimer instrument shall be delivered personally or by  
certified mail to the personal representative of the decedent's  
estate.

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

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

(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:	206
(1) If intestate or testate succession is disclaimed, as if	207
the disclaimant had predeceased the decedent;	208
(2) If the disclaimant is one designated to take pursuant to	209
a power of appointment exercised by a testamentary instrument, as	210
if the disclaimant had predeceased the donee of the power;	211
(3) If the donative instrument is a nontestamentary	212
instrument, as if the disclaimant had died before the effective	213
date of the nontestamentary instrument;	214
(4) If the disclaimer is of a fiduciary right, power,	215
privilege, or immunity, as if the right, power, privilege, or	216
immunity was never in the donative instrument.	217
(H) A disclaimer pursuant to this section is effective as of,	218
and relates back for all purposes to, the date upon which the	219
taker and the taker's interest have been finally ascertained.	220
(I) A disclaimant who has a present and future interest in	221
property, and disclaims the disclaimant's present interest in	222
whole or in part, is considered to have disclaimed the	223
disclaimant's future interest to the same extent, unless a	224
contrary intention appears in the disclaimer instrument or the	225
donative instrument. A disclaimant is not precluded from	226
receiving, as an alternative taker, a beneficial interest in the	227
property disclaimed, unless a contrary intention appears in the	228
disclaimer instrument or in the donative instrument.	229
(J) The disclaimant's right to disclaim under this section is	230
barred if, before the expiration of the period within which the	231
disclaimant may disclaim the interest, the disclaimant does any of	232
the following:	233
(1) Assigns, conveys, encumbers, pledges, or transfers, or	234
contracts to assign, convey, encumber, pledge, or transfer, the	235



property or any interest in it;	236
(2) Waives in writing the disclaimant's right to disclaim and	237
executes and delivers, files, or records the waiver in the manner	238
provided in this section for a disclaimer instrument;	239
(3) Accepts the property or an interest in it;	240
(4) Permits or suffers a sale or other disposition of the	241
property pursuant to judicial action against the disclaimant.	242
(K) A fiduciary's application for appointment or assumption	243
of duties as a fiduciary does not waive or bar the disclaimant's	244
right to disclaim a right, power, privilege, or immunity.	245
(L) The right to disclaim under this section exists	246
irrespective of any limitation on the interest of the disclaimant	247
in the nature of a spendthrift provision or similar restriction.	248
(M) A disclaimer instrument or written waiver of the right to	249
disclaim that has been executed and delivered, filed, or recorded	250
as required by this section is final and binding upon all persons.	251
	252
(N) The right to disclaim and the procedures for disclaimer	253
established by this section are in addition to, and do not exclude	254
or abridge, any other rights or procedures existing under any	255
other section of the Revised Code or at common law to assign,	256
convey, release, refuse to accept, renounce, waive, or disclaim	257
property.	258
(O)(1) No person is liable for distributing or disposing of	259
property in a manner inconsistent with the terms of a valid	260
disclaimer if the distribution or disposition is otherwise proper	261
and the person has no actual knowledge of the disclaimer.	262
(2) No person is liable for distributing or disposing of	263
property in reliance upon the terms of a disclaimer that is	264
invalid because the right of disclaimer has been waived or barred	265

if the distribution or disposition is otherwise proper and the 266  
person has no actual knowledge of the facts that constitute a 267  
waiver or bar to the right to disclaim. 268

(P)(1) A disclaimant may disclaim pursuant to this section 269  
any interest in property that is in existence on September 27, 270  
1976, if either the interest in the property or the taker of the 271  
interest in the property is not finally ascertained on that date. 272

(2) No disclaimer executed pursuant to this section destroys 273  
or diminishes an interest in property that exists on September 27, 274  
1976, in any person other than the disclaimant. 275

**Sec. 1340.22.** (A) Unless the governing instrument conferring 276  
the powers specifically refers to this section and states that 277  
this section does not apply and except as provided in divisions 278  
(B), (C), and (D) of this section, any of the following powers 279  
conferred upon a fiduciary by the governing instrument cannot be 280  
exercised by the fiduciary: 281

(1) The power to make any discretionary distribution of 282  
either principal or income to or for the benefit of the fiduciary 283  
in the fiduciary's individual capacity; 284

(2) The power to make any discretionary distribution of 285  
either principal or income to satisfy any of the fiduciary's legal 286  
obligations in the fiduciary's individual capacity for support or 287  
other purposes; 288

(3) The power to make any discretionary distribution of 289  
either principal or income to or for the benefit of one or more 290  
beneficiaries to the extent that the fiduciary would or could 291  
receive a similar distribution in the fiduciary's individual 292  
capacity under any governing instrument from the beneficiary or 293  
beneficiaries acting as a fiduciary; 294

(4) The power to make any discretionary distribution of 295

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

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

instrument is prohibited from exercising the power because of the  
operation of division (A) of this section.

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

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

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

(2) Any power of appointment or withdrawal that specifically  
is granted in the governing instrument to a beneficiary and that  
is exercisable in an individual capacity but not in a fiduciary  
capacity;

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

(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);

(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.

(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.

(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.

(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:

(i) Each fiduciary then serving;

(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;

(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.

**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:

(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.

(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  
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  
in this chapter.

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

(C) In addition to the fees set forth in this section, the

chief, or any authorized agent, shall charge an additional fee of 451  
three dollars for any registration certificate the chief or 452  
authorized agent issues. When the registration certificate is 453  
issued by an authorized agent, the additional fee of three dollars 454  
shall be retained by the issuing agent. When the registration 455  
certificate is issued by the chief, the additional fee of three 456  
dollars shall be deposited to the credit of the waterways safety 457  
fund established in section 1547.75 of the Revised Code. 458

(D) Upon receipt of the application in approved form, the 459  
chief shall enter the same upon the records of the office of the 460  
division, assign a number to the watercraft if a number is 461  
required under section 1547.53 of the Revised Code, and issue to 462  
the applicant a registration certificate. If a number is assigned 463  
by the chief, it shall be set forth on the certificate. The 464  
registration certificate shall be on the watercraft for which it 465  
is issued and available at all times for inspection whenever the 466  
watercraft is in operation, except that livery operators may 467  
retain the registration certificate at the livery where it shall 468  
remain available for inspection at all times. 469

(E) No person shall issue or be issued a registration 470  
certificate for a watercraft that is required to be issued a 471  
certificate of title under Chapter 1548. of the Revised Code 472  
except upon presentation of a certificate of title for the 473  
watercraft as provided in that chapter, proof of current 474  
documentation by the United States coast guard, a renewal 475  
registration form provided by the division of watercraft, or a 476  
certificate of registration issued under this section that has 477  
expired if there is no change in the ownership or description of 478  
the watercraft. 479

(F) Whenever the ownership of a watercraft changes, a new 480  
application form together with the prescribed fee shall be filed 481  
with the chief or the chief's agent and a new registration 482



certificate shall be issued. The application shall be signed  
manually by the person or persons specified in division (A)(1)(a)  
to (c) of this section and shall be accompanied by a two-dollar  
transfer fee. Any remaining time on the registration shall be  
transferred. An authorized agent of the chief shall charge an  
additional fee of three dollars, which shall be retained by the  
issuing agent. If the certificate is issued by the chief, an  
additional fee of three dollars for each certificate issued shall  
be collected.

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

(H) The chief may assign any registration certificates to any  
authorized agent for the assignment ~~thereof~~ of the registration  
certificates. If a person accepts that authorization, the person  
may be assigned a block of numbers and certificates ~~therefor~~ that  
upon assignment, in conformity with this chapter and Chapter 1548.  
of the Revised Code and with rules of the division, shall be valid  
as if assigned directly by the division. Any person so designated  
as an agent by the chief shall post with the division security as  
may be required by the director of natural resources. The chief  
may issue an order temporarily or permanently restricting or  
suspending an agent's authorization without a hearing if the chief  
finds that the agent has violated this chapter or Chapter 1548. of  
the Revised Code, rules adopted under them, or any agreements  
prescribed by the chief.

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

(J) The owner shall furnish the division notice within 515  
fifteen days of the following: 516

(1) The transfer, other than through the creation of a 517  
security interest in any watercraft, of all or any part of the 518  
owner's interest or, if the watercraft is owned by two persons 519  
under joint ownership with right of survivorship established under 520  
section ~~2106.17~~ 2131.12 of the Revised Code, of all or any part of 521  
the joint interest of either of the two persons. The transfer 522  
shall not terminate the registration certificate. 523

(2) Any change in the address appearing on the certificate 524  
and, as a part of the notification, shall furnish the chief with 525  
the owner's new address; 526

(3) The destruction or abandonment of the watercraft. 527

(K) The chief may issue duplicate registration certificates 528  
or duplicate tags to owners of currently registered watercraft, 529  
the fee for which shall be four dollars. 530

(L) If the chief finds that a registration certificate 531  
previously issued to an owner is in error to a degree that would 532  
impair its basic purpose and use, the chief may issue a corrected 533  
certificate to the owner without charge. 534

(M) No authorized agent shall issue and no person shall 535  
receive or accept from an authorized agent a registration 536  
certificate assigned to the authorized agent under division (H) of 537  
this section unless the exact month, day, and year of issue are 538  
plainly written ~~thereon~~ on the certificate by the agent. 539  
Certificates issued with incorrect dates of issue are void from 540  
the time they are issued. 541

(N) The chief, in accordance with Chapter 119. of the Revised 542  
Code, shall adopt rules governing the renewal of watercraft 543  
registrations by electronic means. 544

(O) As used in this section: 545

(1) "Disabled veteran" means a person who is included in 546  
either of the following categories: 547

(a) Because of a service-connected disability, has been or is 548  
awarded funds for the purchase of a motor vehicle under the 549  
"Disabled Veterans' and Servicemen's Automobile Assistance Act of 550  
1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 551

(b) Has a service-connected disability rated at one hundred 552  
per cent by the veterans administration. 553

(2) "Prisoner of war" means any regularly appointed, 554  
enrolled, enlisted, or inducted member of the military forces of 555  
the United States who was captured, separated, and incarcerated by 556  
an enemy of the United States at any time, and any regularly 557  
appointed, enrolled, or enlisted member of the military forces of 558  
Great Britain, France, Australia, Belgium, Brazil, Canada, China, 559  
Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, 560  
South Africa, or the republics formerly associated with the Union 561  
of Soviet Socialist Republics or Yugoslavia who was a citizen of 562  
the United States at the time of the appointment, enrollment, or 563  
enlistment, and was captured, separated, and incarcerated by an 564  
enemy of this country during World War II. 565

(P) Any disabled veteran, congressional medal of honor 566  
awardee, or prisoner of war may apply to the chief for a 567  
certificate of registration, or for a renewal of the certificate 568  
of registration, without the payment of any fee required by this 569  
section. The application for a certificate of registration shall 570  
be accompanied by evidence of disability or by documentary 571  
evidence in support of a congressional medal of honor that the 572  
chief requires by rule. The application for a certificate of 573  
registration by any person who has been a prisoner of war shall be 574  
accompanied by written evidence in the form of a record of 575

separation, a letter from one of the armed forces of a country 576  
listed in division (O)(2) of this section, or other evidence that 577  
the chief may require by rule, that the person was honorably 578  
discharged or is currently residing in this state on active duty 579  
with one of the branches of the armed forces of the United States, 580  
or was a prisoner of war and was honorably discharged or received 581  
an equivalent discharge or release from one of the armed forces of 582  
a country listed in division (O)(2) of this section. 583

(Q) Annually by the fifteenth day of January, the director of 584  
natural resources shall determine the amount of fees that would 585  
have been collected in the prior calendar year for each 586  
certificate of registration issued or renewed pursuant to division 587  
(P) of this section and shall certify the total amount of foregone 588  
revenue to the director of budget and management for 589  
reimbursement. The director of budget and management shall 590  
transfer the amount certified from the general revenue fund to the 591  
waterways safety fund created pursuant to section 1547.75 of the 592  
Revised Code. 593

**Sec. 1548.07.** (A) An application for a certificate of title 594  
shall be sworn to before a notary public or other officer 595  
empowered to administer oaths by the lawful owner or purchaser of 596  
the watercraft or outboard motor and shall contain the following 597  
information in the form and together with any other information 598  
that the chief of the division of watercraft may require: 599

(1) Name, address, and social security number or employer's 600  
tax identification number of the applicant; 601

(2) Statement of how the watercraft or outboard motor was 602  
acquired; 603

(3) Name and address of the previous owner; 604

(4) A statement of all liens, mortgages, or other 605

encumbrances on the watercraft or outboard motor, including a  
description of the nature and amount of each lien, mortgage, or  
encumbrance, and the name and address of each holder ~~thereof~~ of  
the lien, mortgage, or encumbrance;

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

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

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

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

(C) If the applicant wishes to designate a watercraft or  
outboard motor in beneficiary form, the applicant may do so as  
provided in section 2131.13 of the Revised Code.

(D) If the watercraft or outboard motor contains a permanent  
identification number placed ~~thereon~~ on the watercraft or outboard  
motor by the manufacturer, this number shall be used as the serial  
number or hull identification number. If there is no  
manufacturer's identification number, or if the manufacturer's  
identification number has been removed or obliterated, the chief,  
upon receipt of a prescribed application and proof of ownership,  
may assign an identification number for the watercraft or outboard

motor, and this number shall be permanently affixed or imprinted 637  
by the applicant, at the place and in the manner designated by the 638  
chief, upon the watercraft or outboard motor for which it is 639  
assigned. 640

**Sec. 1548.071.** Any two persons may establish in accordance 641  
with section ~~2106.17~~ 2131.12 of the Revised Code joint ownership 642  
with right of survivorship in a watercraft or outboard motor for 643  
which a certificate of title is required under this chapter and 644  
that one or both of them owns. Two persons who establish joint 645  
ownership with right of survivorship in a watercraft or outboard 646  
motor in accordance with section ~~2106.17~~ 2131.12 of the Revised 647  
Code may terminate the joint ownership with right of survivorship 648  
by applying for a title in accordance with ~~Chapter 1548. of the~~ 649  
~~Revised Code~~ this chapter. 650

**Sec. 1548.072.** Any person who owns a watercraft or outboard 651  
motor for which a certificate of title is required under this 652  
chapter may establish ownership of the watercraft or outboard 653  
motor that is transferable on death by designating the watercraft 654  
or outboard motor in beneficiary form in accordance with section 655  
2131.13 of the Revised Code. Any person who establishes ownership 656  
of a watercraft or outboard motor that is transferable on death in 657  
accordance with section 2131.13 of the Revised Code may terminate 658  
that type of ownership or change the designation of the 659  
transfer-on-death beneficiary or beneficiaries by applying for a 660  
certificate of title in accordance with this chapter. 661

**Sec. 1548.08.** The clerk of the court of common pleas shall 662  
issue certificates of title for watercraft and outboard motors 663  
over ~~his~~ the clerk's official seal. The certificates shall contain 664  
the information required in the application for the certificate of 665  
title, as prescribed by section 1548.07 of the Revised Code, as 666

well as spaces for the dates of notation and cancellation of each  
lien, mortgage, or encumbrance, over the signature of the clerk.  
If the certificate of title is issued for a watercraft or outboard  
motor in which two persons are establishing joint ownership with  
right of survivorship under section ~~2106.17~~ 2131.12 of the Revised  
Code, the certificate, in addition to the information required by  
this section, shall show that the two persons have established  
joint ownership with right of survivorship in the watercraft or  
outboard motor. If the certificate of title is issued for a  
watercraft or outboard motor that is designated in beneficiary  
form under section 2131.13 of the Revised Code, in addition to the  
information required by this section, the certificate shall show  
that the present owner of the watercraft or outboard motor has  
designated a specified transfer-on-death beneficiary or  
beneficiaries who will take ownership of the watercraft or  
outboard motor at the death of the present owner in accordance  
with section 2131.13 of the Revised Code. An assignment of a  
certificate of title before a notary public or other officer  
empowered to administer oaths shall appear on the reverse side of  
each certificate of title in the form to be prescribed by the  
chief of the division of watercraft. Such assignment form shall  
include a warranty that the signer is the 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.

**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 699  
security agreement as provided in Chapter 1309. of the Revised 700  
Code, the clerk of the court of common pleas of the county in 701  
which the last certificate of title to the watercraft or outboard 702  
motor was issued, upon the surrender of the prior certificate of 703  
title or the manufacturer's or importer's certificate, or, when 704  
that is not possible, upon presentation of satisfactory proof to 705  
the clerk of ownership and rights of possession to the watercraft 706  
or outboard motor, and upon payment of the fee prescribed in 707  
section 1548.10 of the Revised Code and presentation of an 708  
application for certificate of title, may issue to the applicant a 709  
certificate of title to the watercraft or outboard motor. Only an 710  
affidavit by the person or agent of the person to whom possession 711  
of the watercraft or outboard motor has passed, setting forth the 712  
facts entitling the person to possession and ownership, together 713  
with a copy of the journal entry, court order, or instrument upon 714  
which the claim of possession and ownership is founded, is 715  
satisfactory proof of ownership and right of possession. If the 716  
applicant cannot produce such proof of ownership, the applicant 717  
may apply directly to the chief of the division of watercraft and 718  
submit such evidence as the applicant has, and the chief, if the 719  
chief finds the evidence sufficient, may authorize the clerk to 720  
issue a certificate of title. If, from the records in the office 721  
of the clerk, there appears to be any lien on the watercraft or 722  
outboard motor, the certificate of title shall contain a statement 723  
of the lien unless the application is accompanied by proper 724  
evidence of its extinction. 725

(B) Upon the death of one of the persons who have established 726  
joint ownership with right of survivorship under section ~~2106.17~~ 727  
2131.12 of the Revised Code in a watercraft or outboard motor and 728  
the presentation to the clerk of the title and the certificate of 729  
death of the deceased person, the clerk shall enter into the 730  
records the transfer of the watercraft or outboard motor to the 731



surviving person, and the title to the watercraft or outboard  
motor immediately passes to the surviving person. The transfer  
does not affect any liens on the watercraft or outboard motor.

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

(D) Upon the death of an owner of a watercraft or outboard  
motor designated in beneficiary form under section 2131.13 of the  
Revised Code, upon application of 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 deceased owner, the clerk shall  
transfer the watercraft or outboard motor and issue a certificate  
of title to the transfer-on-death beneficiary or beneficiaries.  
The transfer does not affect any liens upon any watercraft or  
outboard motor so transferred.

**Sec. 2106.18.** (A) Upon the death of a married resident who  
owned at least one automobile at the time of death, the interest  
of the deceased spouse in up to two automobiles that are not  
transferred to the surviving spouse due to joint ownership with  
right of survivorship established under section ~~2106.17~~ 2131.12 of  
the Revised Code, that are not transferred to a transfer-on-death  
beneficiary or beneficiaries designated under section 2131.13 of  
the Revised Code, and that are not otherwise specifically disposed  
of by testamentary disposition, may be selected by the surviving  
spouse. This interest shall immediately pass to the surviving  
spouse upon transfer of the title or titles in accordance with  
section 4505.10 of the Revised Code. The sum total of the values  
of the automobiles selected by a surviving spouse under this  
division, as specified in the affidavit that the surviving spouse

executes pursuant to division (B) of section 4505.10 of the Revised Code, shall not exceed forty thousand dollars. Each automobile that passes to a surviving spouse under this division shall not be considered an estate asset and shall not be included in the estate inventory.

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

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

(2) A distributee;

(3) A purchaser.

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

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

(2) A distributee if the distribution of the automobile is 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. 2109.62.** (A)(1) Upon the filing of a motion by a trustee with the court that has jurisdiction over the trust, upon the

provision of reasonable notice to all beneficiaries who are known 793  
and in being and who have vested or contingent interests in the 794  
trust, and after holding a hearing, the court may terminate the 795  
trust, in whole or in part, if it determines that all of the 796  
following apply: 797

(a) It is no longer economically feasible to continue the 798  
trust~~+~~. 799

(b) The termination of the trust is for the benefit of the 800  
beneficiaries~~+~~. 801

(c) The termination of the trust is equitable and practical~~+~~. 802  
803

(d) The current value of the trust is less than ~~fifty~~ one 804  
hundred thousand dollars. 805

(2) The existence of a spendthrift or similar provision in a 806  
trust instrument or will does not preclude the termination of a 807  
trust pursuant to this section. 808

(B) If property is to be distributed from an estate being 809  
probated to a trust and the termination of the trust pursuant to 810  
this section does not clearly defeat the intent of the testator, 811  
the probate court has jurisdiction to order the outright 812  
distribution of the property or to make the property custodial 813  
property under sections 1339.31 to 1339.39 of the Revised Code. A 814  
probate court may so order whether the application for the order 815  
is made by an inter vivos trustee named in the will of the 816  
decedent or by a testamentary trustee. 817

**Sec. 2113.30.** (A) Except as otherwise directed by the 818  
decedent in ~~his~~ the decedent's last will and testament, an 819  
executor or administrator ~~may~~, without personal liability for 820  
losses incurred, may continue the decedent's business during ~~one~~ 821  
~~month~~ four months next following the date of the appointment of 822

~~such that~~ executor or administrator, unless the probate court 823  
directs otherwise, and for ~~such~~ any further time ~~as that~~ the court 824  
may authorize ~~on~~ upon a hearing and after notice to the surviving 825  
spouse and distributees. In either case, no debts incurred or 826  
contracts entered into shall involve the estate beyond the assets 827  
used in ~~such that~~ business immediately prior to the death of the 828  
decedent without first obtaining the approval of the court ~~first~~ 829  
~~obtained~~. During the time the business is continued, the executor 830  
or administrator shall file monthly reports in the court, setting 831  
forth the receipts and expenses of the business for the preceding 832  
month and ~~such~~ any other pertinent information ~~as that~~ the court 833  
may require. The executor or administrator may not bind the estate 834  
without court approval beyond the period during which the business 835  
is continued. 836

(B) As used in this section, "decedent's business" means a 837  
business that is owned by the decedent as a sole proprietor at the 838  
time of the decedent's death. "Decedent's business" does not 839  
include a business that is owned in whole or in part by the 840  
decedent as a shareholder of a corporation, a member of a limited 841  
liability company, or a partner of a partnership, or under any 842  
other form of ownership other than a sole proprietorship. 843

**Sec. 2113.61.** (A)(1) When real property passes by the laws of 844  
intestate succession or under a will, the administrator or 845  
executor shall file in probate court, at any time after the filing 846  
of an inventory that includes the real property but prior to the 847  
filing of the administrator's or executor's final account, an 848  
application requesting the court to issue a certificate of 849  
transfer as to the real property. Real property sold by an 850  
executor or administrator or land registered under Chapters 5309. 851  
and 5310. of the Revised Code is excepted from the application 852  
requirement. Cases in which an order has been made under section 853  
2113.03 of the Revised Code relieving an estate from 854

administration and in which the order directing transfer of real 855  
property to the person entitled to it may be substituted for the 856  
certificate of transfer also are excepted from the application 857  
requirement. 858

(2) In accordance with division (C)(3)(b) of section 2113.031 859  
of the Revised Code, an application for a certificate of transfer 860  
of an interest in real property included in the assets of the 861  
decedent's estate shall accompany an application for a summary 862  
release from administration under that section. This section 863  
applies to the application for and the issuance of the requested 864  
certificate of transfer except to the extent that the probate 865  
court determines that the nature of any of the provisions of this 866  
section is inconsistent with the nature of a grant of a summary 867  
release from administration. 868

(B) Subject to division (A)(2) of this section, the 869  
application for a certificate of transfer shall contain all of the 870  
following: 871

(1) The name, place of residence at death, and date of death 872  
of the decedent; 873

(2) A statement whether the decedent died testate or 874  
intestate; 875

(3) The fact and date of the filing and probate of the will, 876  
if applicable, and the fact and date of the appointment of the 877  
administrator or executor; 878

(4) A description of each parcel of real property situated in 879  
this state that is owned by the decedent at the time of death; 880

(5) Insofar as they can be ascertained, the names, ages, 881  
places of residence, and relationship to the decedent of the 882  
persons to whom each parcel of real property described in division 883  
(B)(4) of this section passed by descent or devise; 884

(6) A statement that all the known debts of the decedent's 885

estate have been paid or secured to be paid, or that sufficient  
other assets are in hand to complete the payment of those debts;

(7) Other pertinent information that the court requires.

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

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

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

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

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

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

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

(D) If an executor or administrator has failed to file an  
application for a certificate of transfer before being discharged,  
the application may be filed by an heir or devisee, or a successor  
in interest, in the probate court in which the testator's will was  
probated or, in the case of intestate estates, in the probate  
court in which administration was had. If no administration was  
had on an estate and if no administration is contemplated, except

in the case of the grant of or contemplated application for the  
grant of an order of a summary release from administration under  
section 2113.031 of the Revised Code, an application for a  
certificate of transfer may be filed by an heir or devisee, or a  
successor in interest, in the probate court of the county in which  
the decedent was a resident at the time of death.

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

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

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

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

~~(B)~~(2) An amount, not exceeding two thousand dollars, for  
funeral expenses that are included in the bill of a funeral  
director, funeral expenses other than those in the bill of a  
funeral director that are approved by the probate court, and an

amount, not exceeding two thousand dollars, for burial and 947  
cemetery expenses, including that portion of the funeral 948  
director's bill allocated to cemetery expenses that have been paid 949  
to the cemetery by the funeral director. 950

For purposes of this division, burial and cemetery expenses 951  
shall be limited to the following: 952

~~(1)~~(a) The purchase of a place of interment; 953

~~(2)~~(b) Monuments or other markers; 954

~~(3)~~(c) The outer burial container; 955

~~(4)~~(d) The cost of opening and closing the place of 956  
interment; 957

~~(5)~~(e) The urn. 958

~~(C)~~(3) The allowance for support made to the surviving 959  
spouse, minor children, or both under section 2106.13 of the 960  
Revised Code; 961

~~(D)~~(4) Debts entitled to a preference under the laws of the 962  
United States; 963

~~(E)~~(5) Expenses of the last sickness of the decedent; 964

~~(F)~~(6) If the total bill of a funeral director for funeral 965  
expenses exceeds two thousand dollars, then, in addition to the 966  
amount described in division ~~(B)~~(A)~~(2)~~ of this section, an amount, 967  
not exceeding one thousand dollars, for funeral expenses that are 968  
included in the bill and that exceed two thousand dollars; 969

~~(G)~~(7) Personal property taxes and obligations for which the 970  
decedent was personally liable to the state or any of its 971  
subdivisions; 972

~~(H)~~(8) Debts for manual labor performed for the decedent 973  
within twelve months preceding the decedent's death, not exceeding 974  
three hundred dollars to any one person; 975



~~(I)~~(9) Other debts for which claims have been presented and 976  
finally allowed. 977

(B) The part of the bill of a funeral director that exceeds 978  
the total of three thousand dollars as described in divisions 979  
~~(B)~~(A)(2) and ~~(F)~~(6) of this section, and the part of a claim 980  
included in division ~~(H)~~(A)(8) of this section that exceeds three 981  
hundred dollars shall be included as a debt under division 982  
~~(I)~~(A)(9) of this section, depending upon the time when the claim 983  
for the additional amount is presented. 984

(C) Any natural person or fiduciary who pays a claim of any 985  
creditor described in division (A) of this section shall be 986  
subrogated to the rights of that creditor proportionate to the 987  
amount of the payment and shall be entitled to reimbursement for 988  
that amount in accordance with the priority of payments set forth 989  
in that division. 990

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 991  
to the manner in which and the time within which claims shall be 992  
presented, shall apply to claims set forth in divisions ~~(B)~~(A)(2), 993  
~~(F)~~(6), and ~~(H)~~(8) of this section. Claims for an expense of 994  
administration or for the allowance for support need not be 995  
presented. The executor or administrator shall pay debts included 996  
in divisions ~~(D)~~(A)(4) and ~~(G)~~(7) of this section, of which the 997  
executor or administrator has knowledge, regardless of 998  
presentation. 999

(2) The giving of written notice to an executor or 1000  
administrator of a motion or application to revive an action 1001  
pending against the decedent at the date of death shall be 1002  
equivalent to the presentation of a claim to the executor or 1003  
administrator for the purpose of determining the order of payment 1004  
of any judgment rendered or decree entered in such an action. 1005

(E) No payments shall be made to creditors of one class until 1006

all those of the preceding class are fully paid or provided for. 1007  
If the assets are insufficient to pay all the claims of one class, 1008  
the creditors of that class shall be paid ratably. 1009

(F) If it appears at any time that the assets have been 1010  
exhausted in paying prior or preferred charges, allowances, or 1011  
claims, ~~such~~ those payments shall be a bar to an action on any 1012  
claim not entitled to ~~such~~ that priority or preference. 1013

**Sec. ~~2106.17~~ 2131.12.** (A) As used in this section: 1014

(1) "Motor vehicle" has the same meaning as in section 1015  
4505.01 of the Revised Code. 1016

(2) "Joint ownership with right of survivorship" means a form 1017  
of ownership of a motor vehicle, watercraft, or outboard motor 1018  
that is established pursuant to this section and pursuant to which 1019  
the entire interest in the motor vehicle, watercraft, or outboard 1020  
motor is held by two persons for their joint lives and thereafter 1021  
by the survivor of them. 1022

(3) "Watercraft" has the same meaning as in division (A) of 1023  
section 1548.01 of the Revised Code. 1024

(B)(1) Any two persons may establish in accordance with this 1025  
section joint ownership with right of survivorship in a motor 1026  
vehicle or in a watercraft or outboard motor for which a 1027  
certificate of title is required under Chapter 1548. of the 1028  
Revised Code. 1029

(2) If two persons wish to establish joint ownership with 1030  
right of survivorship in a motor vehicle or in a watercraft or 1031  
outboard motor that is required to be titled under Chapter 1548. 1032  
of the Revised Code, they may make a joint application for a 1033  
certificate of title under section 4505.06 or 1548.07 of the 1034  
Revised Code, as applicable. 1035

(C) If two persons have established in a certificate of title 1036

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  
or owners of the motor vehicle, watercraft, or outboard motor upon  
the death of the present owner of the motor vehicle, watercraft,  
or outboard motor.

(5) "Watercraft" has the same meaning as in section 1548.01 1067  
of the Revised Code. 1068

(B) An individual whose certificate of title of a motor 1069  
vehicle, watercraft, or outboard motor shows sole ownership by 1070  
that individual may make an application for a certificate of title 1071  
under section 1548.07 or 4505.06 of the Revised Code to designate 1072  
that motor vehicle, watercraft, or outboard motor in beneficiary 1073  
form pursuant to this section. 1074

(C)(1) A motor vehicle, watercraft, or outboard motor is 1075  
designated in beneficiary form if the certificate of title of the 1076  
motor vehicle, watercraft, or outboard motor includes the name or 1077  
names of the transfer-on-death beneficiary or beneficiaries. 1078

(2) The designation of a motor vehicle, watercraft, or 1079  
outboard motor in beneficiary form is not required to be supported 1080  
by consideration, and the certificate of title in which the 1081  
designation is made is not required to be delivered to the 1082  
transfer-on-death beneficiary or beneficiaries in order for the 1083  
designation in beneficiary form to be effective. 1084

(D) The designation of a motor vehicle, watercraft, or 1085  
outboard motor in beneficiary form may be shown in the certificate 1086  
of title by the words "transfer-on-death" or the abbreviation 1087  
"TOD" after the name of the owner of a motor vehicle, watercraft, 1088  
or outboard motor and before the name or names of the 1089  
transfer-on-death beneficiary or beneficiaries. 1090

(E) The designation of a transfer-on-death beneficiary or 1091  
beneficiaries on a certificate of title has no effect on the 1092  
ownership of a motor vehicle, watercraft, or outboard motor until 1093  
the death of the owner of the motor vehicle, watercraft, or 1094  
outboard motor. The owner of a motor vehicle, watercraft, or 1095  
outboard motor may cancel or change the designation of a 1096  
transfer-on-death beneficiary or beneficiaries on a certificate of 1097

title at any time without the consent of the transfer-on-death 1098  
beneficiary or beneficiaries by making an application for a 1099  
certificate of title under section 1548.07 or 4505.06 of the 1100  
Revised Code. 1101

(F)(1) Upon the death of the owner of a motor vehicle, 1102  
watercraft, or outboard motor designated in beneficiary form, the 1103  
ownership of the motor vehicle, watercraft, or outboard motor 1104  
shall pass to the transfer-on-death beneficiary or beneficiaries 1105  
who survive the owner upon transfer of title to the motor vehicle, 1106  
watercraft, or outboard motor in accordance with section 1548.11 1107  
or 4505.10 of the Revised Code. The transfer-on-death beneficiary 1108  
or beneficiaries who survive the owner may apply for a certificate 1109  
of title to the motor vehicle, watercraft, or outboard motor upon 1110  
submitting proof of the death of the owner of the motor vehicle, 1111  
watercraft, or outboard motor. 1112

(2) If no transfer-on-death beneficiary or beneficiaries 1113  
survive the owner of a motor vehicle, watercraft, or outboard 1114  
motor, the motor vehicle, watercraft, or outboard motor shall be 1115  
included in the probate estate of the deceased owner. 1116

(G)(1) Any transfer of a motor vehicle, watercraft, or 1117  
outboard motor to a transfer-on-death beneficiary or beneficiaries 1118  
that results from a designation of the motor vehicle, watercraft, 1119  
or outboard motor in beneficiary form is not testamentary. 1120

(2) This section does not limit the rights of any creditor of 1121  
the owner of a motor vehicle, watercraft, or outboard motor 1122  
against any transfer-on-death beneficiary or beneficiaries or 1123  
other transferees of the motor vehicle, watercraft, or outboard 1124  
motor under other laws of this state. 1125

(H)(1) This section shall be known and may be cited as the 1126  
"Transfer-on-Death of Motor Vehicle, Watercraft, or Outboard Motor 1127  
Statute." 1128

(2) Divisions (A) to (H) of this section shall be liberally 1129  
construed and applied to promote their underlying purposes and 1130  
policy. 1131

(3) Unless displaced by particular provisions of divisions 1132  
(A) to (H) of this section, the principles of law and equity 1133  
supplement the provisions of those divisions. 1134

**Sec. 4503.12.** Upon the transfer of ownership of a motor 1135  
vehicle, the registration of the motor vehicle expires, and the 1136  
original owner immediately shall remove the license plates from 1137  
the motor vehicle, except that: 1138

(A) If a statutory merger or consolidation results in the 1139  
transfer of ownership of a motor vehicle from a constituent 1140  
corporation to the surviving corporation, or if the incorporation 1141  
of a proprietorship or partnership results in the transfer of 1142  
ownership of a motor vehicle from the proprietorship or 1143  
partnership to the corporation, the registration shall be 1144  
continued upon the filing by the surviving or new corporation, 1145  
within thirty days of such transfer, of an application for an 1146  
amended certificate of registration, unless such registration is 1147  
prohibited by division (D) of section 2935.27, division (A) of 1148  
section 2937.221, division (B) of section 4507.168, or division 1149  
(B)(1) of section 4521.10 of the Revised Code. The application 1150  
shall be accompanied by a service fee of two dollars and 1151  
seventy-five cents commencing on July 1, 2001, three dollars and 1152  
twenty-five cents commencing on January 1, 2003, and three dollars 1153  
and fifty cents commencing on January 1, 2004, a transfer fee of 1154  
one dollar, and the original certificate of registration. Upon a 1155  
proper filing, the registrar of motor vehicles shall issue an 1156  
amended certificate of registration in the name of the new owner. 1157

(B) If the death of the owner of a motor vehicle results in 1158  
the transfer of ownership of the motor vehicle to the surviving 1159

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.

(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  
registration, unless that 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 1192  
and twenty-five cents commencing on January 1, 2003, and three 1193  
dollars and fifty cents commencing on January 1, 2004, a transfer 1194  
fee of one dollar, the original certificate of registration, and a 1195  
copy of the certificate of title that specifies that the owner of 1196  
the motor vehicle has designated the motor vehicle in beneficiary 1197  
form under section 2131.13 of the Revised Code. Upon a proper 1198  
filing, the registrar shall issue an amended certificate of 1199  
registration in the name of the transfer-on-death beneficiary or 1200  
beneficiaries. 1201

(D) If the original owner of a motor vehicle that has been 1202  
transferred makes application for the registration of another 1203  
motor vehicle at any time during the remainder of the registration 1204  
period for which the transferred motor vehicle was registered, the 1205  
owner, unless such registration is prohibited by division (D) of 1206  
section 2935.27, division (A) of section 2937.221, division (A) of 1207  
section 4503.13, division (E) of section 4503.234, division (B) of 1208  
section 4507.168, or division (B)(1) of section 4521.10 of the 1209  
Revised Code, may file an application for transfer of the 1210  
registration and, where applicable, the license plates, 1211  
accompanied by a service fee of two dollars and seventy-five cents 1212  
commencing on July 1, 2001, three dollars and twenty-five cents 1213  
commencing on January 1, 2003, and three dollars and fifty cents 1214  
commencing on January 1, 2004, a transfer fee of one dollar, and 1215  
the original certificate of registration. The transfer of the 1216  
registration and, where applicable, the license plates from the 1217  
motor vehicle for which they originally were issued to a 1218  
succeeding motor vehicle purchased by the same person in whose 1219  
name the original registration and license plates were issued 1220  
shall be done within a period not to exceed thirty days. During 1221  
that thirty-day period, the license plates from the motor vehicle 1222  
for which they originally were issued may be displayed on the 1223  
succeeding motor vehicle, and the succeeding motor vehicle may be 1224



operated on the public roads and highways in this state. 1225

At the time of application for transfer, the registrar shall 1226  
compute and collect the amount of tax due on the succeeding motor 1227  
vehicle, based upon the amount that would be due on a new 1228  
registration as of the date on which the transfer is made less a 1229  
credit for the unused portion of the original registration 1230  
beginning on that date. If the credit exceeds the amount of tax 1231  
due on the new registration, no refund shall be made. In computing 1232  
the amount of tax due and credits to be allowed under this 1233  
division, the provisions of division (B)(1)(a) and (b) of section 1234  
4503.11 of the Revised Code shall apply. As to passenger cars, 1235  
noncommercial vehicles, motor homes, and motorcycles, transfers 1236  
within or between these classes of motor vehicles only shall be 1237  
allowed. If the succeeding motor vehicle is of a different class 1238  
than the motor vehicle for which the registration originally was 1239  
issued, new license plates also shall be issued upon the surrender 1240  
of the license plates originally issued and payment of the fees 1241  
provided in divisions (C) and (D) of section 4503.10 of the 1242  
Revised Code. 1243

~~(D)~~(E) The owner of a commercial car having a gross vehicle 1244  
weight or combined gross vehicle weight of more than ten thousand 1245  
pounds may transfer the registration of that commercial car to 1246  
another commercial car the owner owns without transferring 1247  
ownership of the first commercial car, unless registration of the 1248  
second commercial car is prohibited by division (D) of section 1249  
2935.27, division (A) of section 2937.221, division (A) of section 1250  
4503.13, division (B) of section 4507.168, or division (B)(1) of 1251  
section 4521.10 of the Revised Code. At any time during the 1252  
remainder of the registration period for which the first 1253  
commercial car was registered, the owner may file an application 1254  
for the transfer of the registration and, where applicable, the 1255  
license plates, accompanied by a service fee of two dollars and 1256

seventy-five cents commencing on July 1, 2001, three dollars and 1257  
twenty-five cents commencing on January 1, 2003, and three dollars 1258  
and fifty cents commencing on January 1, 2004, a transfer fee of 1259  
one dollar, and the certificate of registration of the first 1260  
commercial car. The amount of any tax due or credit to be allowed 1261  
for a transfer of registration under this division shall be 1262  
computed in accordance with division ~~(E)~~(D) of this section. 1263

No commercial car to which a registration is transferred 1264  
under this division shall be operated on a public road or highway 1265  
in this state until after the transfer of registration is 1266  
completed in accordance with this division. 1267

~~(E)~~(F) Upon application to the registrar or a deputy 1268  
registrar, a person who owns or leases a motor vehicle may 1269  
transfer special license plates assigned to that vehicle to any 1270  
other vehicle that the person owns or leases or that is owned or 1271  
leased by the person's spouse. The application shall be 1272  
accompanied by a service fee of two dollars and seventy-five cents 1273  
commencing on July 1, 2001, three dollars and twenty-five cents 1274  
commencing on January 1, 2003, and three dollars and fifty cents 1275  
commencing on January 1, 2004, a transfer fee of one dollar, and 1276  
the original certificate of registration. As appropriate, the 1277  
application also shall be accompanied by a power of attorney for 1278  
the registration of a leased vehicle and a written statement 1279  
releasing the special plates to the applicant. Upon a proper 1280  
filing, the registrar or deputy registrar shall assign the special 1281  
license plates to the motor vehicle owned or leased by the 1282  
applicant and issue a new certificate of registration for that 1283  
motor vehicle. 1284

As used in division ~~(E)~~(F) of this section, "special license 1285  
plates" means either of the following: 1286

(1) Any license plates for which the person to whom the 1287  
license plates are issued must pay an additional fee in excess of 1288

the fees prescribed in section 4503.04 of the Revised Code, 1289  
Chapter 4504. of the Revised Code, and the service fee prescribed 1290  
in division (D) or (G) of section 4503.10 of the Revised Code; 1291

(2) License plates issued under section 4503.44 of the 1292  
Revised Code. 1293

**Sec. 4505.06.** (A) Application for a certificate of title 1294  
shall be made in a form prescribed by the registrar of motor 1295  
vehicles, and shall be sworn to before a notary public or other 1296  
officer empowered to administer oaths. The application shall be 1297  
filed with the clerk of the court of common pleas of the county in 1298  
which the applicant resides if the applicant is a resident of this 1299  
state or, if not a resident, in the county in which the 1300  
transaction is consummated. An application for a certificate of 1301  
title may be filed electronically by electronic image transmission 1302  
in any county in which the clerk of the court of common pleas 1303  
permits an application to be filed electronically. The signature 1304  
of an officer empowered to administer oaths that appears on an 1305  
application for a certificate of title, or on any other document 1306  
required to be filed by this chapter that has been filed 1307  
electronically, is not a facsimile signature as defined in section 1308  
9.10 of the Revised Code. Any payments required by this chapter 1309  
shall be considered as accompanying any electronically transmitted 1310  
application when payment actually is received by the clerk. 1311  
Payment of any fee or taxes may be made by electronic transfer of 1312  
funds. 1313

The application for a certificate of title shall be 1314  
accompanied by the fee prescribed in section 4505.09 of the 1315  
Revised Code; and if a certificate of title previously has been 1316  
issued for the motor vehicle in this state, it shall be 1317  
accompanied by that certificate of title duly assigned, unless 1318  
otherwise provided in this chapter. If a certificate of title 1319

previously has not been issued for the motor vehicle in this  
state, the application, unless otherwise provided in this chapter,  
shall be accompanied by a manufacturer's or importer's certificate  
or by a certificate of title of another state from which the motor  
vehicle was brought into this state. If the application refers to  
a motor vehicle last previously registered in another state, the  
application also shall be accompanied by the physical inspection  
certificate required by section 4505.061 of the Revised Code. If  
the application is made by two persons regarding a motor vehicle  
in which they wish to establish joint ownership with right of  
survivorship they may do so as provided in section ~~2106.17~~ 2131.12  
of the Revised Code. If the applicant requests a designation of  
the motor vehicle in beneficiary form so that upon the death of  
the owner of the motor vehicle, ownership of the motor vehicle  
will pass to a designated transfer-on-death beneficiary or  
beneficiaries, the applicant may do so as provided in section  
2131.13 of the Revised Code. A person who establishes ownership of  
a motor vehicle that is transferable on death in accordance with  
section 2131.13 of the Revised Code may terminate that type of  
ownership or change the designation of the transfer-on-death  
beneficiary or beneficiaries by applying for a certificate of  
title pursuant to this section. The clerk shall retain the  
evidence of title presented by the applicant and on which the  
certificate of title is issued. The clerk shall use reasonable  
diligence in ascertaining whether or not the facts in the  
application are true by checking the application and documents  
accompanying it with the records of motor vehicles in the clerk's  
office; if satisfied that the applicant is the owner of the motor  
vehicle and that the application is in the proper form, the clerk,  
within five business days after the application is filed, shall  
issue a certificate of title over the clerk's signature and sealed  
with the clerk's seal. For purposes of the transfer of a  
certificate of title, if the clerk is satisfied that the secured

party has duly discharged a lien notation, but has not canceled 1353  
the lien notation with the clerk of the county of origin, the 1354  
clerk may cancel the lien notation on the automated title 1355  
processing system and notify the clerk of the county of origin. 1356

In the case of the sale of a motor vehicle to a general buyer 1357  
or user by a dealer, by a motor vehicle leasing dealer selling the 1358  
motor vehicle to the lessee or, in a case in which the leasing 1359  
dealer subleased the motor vehicle, the sublessee, at the end of 1360  
the lease agreement or sublease agreement, or by a manufactured 1361  
home broker, the certificate of title shall be obtained in the 1362  
name of the buyer by the dealer, leasing dealer, or the 1363  
manufactured home broker, as the case may be, upon application 1364  
signed by the buyer. The certificate of title shall be issued 1365  
within five business days after the application for title is filed 1366  
with the clerk. If the buyer of the motor vehicle previously 1367  
leased the motor vehicle and is buying the motor vehicle at the 1368  
end of the lease pursuant to that lease, the certificate of title 1369  
shall be obtained in the name of the buyer by the motor vehicle 1370  
leasing dealer who previously leased the motor vehicle to the 1371  
buyer or by the motor vehicle leasing dealer who subleased the 1372  
motor vehicle to the buyer under a sublease agreement. 1373

In all other cases, except as provided in division (D)(2) of 1374  
section 4505.11 of the Revised Code, such certificates shall be 1375  
obtained by the buyer. In all cases of transfer of a motor 1376  
vehicle, the application for certificate of title shall be filed 1377  
within thirty days after the assignment or delivery of the motor 1378  
vehicle. If an application for a certificate of title is not filed 1379  
within that period, the clerk shall collect a fee of five dollars 1380  
for the issuance of the certificate, except that no such fee shall 1381  
be required from a motor vehicle salvage dealer, as defined in 1382  
division (A) of section 4738.01 of the Revised Code, who 1383  
immediately surrenders the certificate of title for cancellation. 1384

The fee shall be in addition to all other fees established by this chapter, and shall 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.

As used in this division, "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. 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, 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.

In the case of casual sales of motor vehicles, as defined in section 4517.01 of the Revised Code, the price for the purpose of determining the tax shall be the purchase price on the assigned certificate of title executed by the seller and filed with the

clerk by the buyer on a form to be prescribed by the registrar, 1417  
which shall be prima-facie evidence of the amount for the 1418  
determination of the tax. 1419

(C)(1) If the transferor indicates on the certificate of 1420  
title that the odometer reflects mileage in excess of the designed 1421  
mechanical limit of the odometer, the clerk shall enter the phrase 1422  
"exceeds mechanical limits" following the mileage designation. If 1423  
the transferor indicates on the certificate of title that the 1424  
odometer reading is not the actual mileage, the clerk shall enter 1425  
the phrase "nonactual: warning - odometer discrepancy" following 1426  
the mileage designation. The clerk shall use reasonable care in 1427  
transferring the information supplied by the transferor, but is 1428  
not liable for any errors or omissions of the clerk or those of 1429  
the clerk's deputies in the performance of the clerk's duties 1430  
created by this chapter. 1431

The registrar shall prescribe an affidavit in which the 1432  
transferor shall swear to the true selling price and, except as 1433  
provided in this division, the true odometer reading of the motor 1434  
vehicle. The registrar may prescribe an affidavit in which the 1435  
seller and buyer provide information pertaining to the odometer 1436  
reading of the motor vehicle in addition to that required by this 1437  
section, as such information may be required by the United States 1438  
secretary of transportation by rule prescribed under authority of 1439  
subchapter IV of the "Motor Vehicle Information and Cost Savings 1440  
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 1441

(2) Division (C)(1) of this section does not require the 1442  
giving of information concerning the odometer and odometer reading 1443  
of a motor vehicle when ownership of a motor vehicle is being 1444  
transferred as a result of a bequest, under the laws of intestate 1445  
succession, to a ~~surviving spouse~~ survivor pursuant to section 1446  
~~2106.17,~~ 2106.18, 2131.12, or 4505.10 of the Revised Code, to a 1447  
transfer-on-death beneficiary or beneficiaries pursuant to section 1448

2131.13 of the Revised Code, or in connection with the creation of 1449  
a security interest. 1450

(D) When the transfer to the applicant was made in some other 1451  
state or in interstate commerce, the clerk, except as provided in 1452  
this section, shall refuse to issue any certificate of title 1453  
unless the tax imposed by or pursuant to Chapter 5741. of the 1454  
Revised Code has been paid as evidenced by a receipt issued by the 1455  
tax commissioner, or unless the applicant submits with the 1456  
application payment of the tax. Upon payment of the tax in 1457  
accordance with division (E) of this section, the clerk shall 1458  
issue a receipt prescribed by the registrar and agreed upon by the 1459  
tax commissioner, showing payment of the tax. For receiving and 1460  
disbursing such taxes paid to the clerk, the clerk may retain a 1461  
poundage fee of one per cent. When the vendor is not regularly 1462  
engaged in the business of selling motor vehicles, the vendor 1463  
shall not be required to purchase a vendor's license or make 1464  
reports concerning such sales. 1465

(E) The clerk shall accept any payment of a tax in cash, or 1466  
by certified check, draft, or money order payable to the clerk and 1467  
submitted with an application for a certificate of title under 1468  
division (B) or (D) of this section. The clerk also may accept 1469  
payment of the tax by corporate, business, or personal check, 1470  
credit card, electronic transfer or wire transfer, debit card, or 1471  
any other accepted form of payment made payable to the clerk. The 1472  
clerk may require bonds, guarantees, or letters of credit to 1473  
ensure the collection of corporate, business, or personal checks. 1474  
Any service fee charged by a third party to a clerk for the use of 1475  
any form of payment may be paid by the clerk from the certificate 1476  
of title administration fund created in section 325.33 of the 1477  
Revised Code, or may be assessed by the clerk upon the applicant 1478  
as an additional fee. Upon collection, the additional fees shall 1479  
be paid by the clerk into that certificate of title administration 1480



fund. 1481

The clerk shall make a good faith effort to collect any 1482  
payment of taxes due but not made because the payment was returned 1483  
or dishonored, but the clerk is not personally liable for the 1484  
payment of uncollected taxes or uncollected fees. The clerk shall 1485  
notify the tax commissioner of any such payment of taxes that is 1486  
due but not made and shall furnish ~~such~~ the information to the 1487  
commissioner ~~as~~ that the commissioner requires. The clerk shall 1488  
deduct the amount of taxes due but not paid from the clerk's 1489  
periodic remittance of tax payments, in accordance with procedures 1490  
agreed upon by the tax commissioner. The commissioner may collect 1491  
taxes due by assessment in the manner provided in section 5739.13 1492  
of the Revised Code. 1493

Any person who presents payment that is returned or 1494  
dishonored for any reason is liable to the clerk for payment of a 1495  
penalty over and above the amount of the taxes due. The clerk 1496  
shall determine the amount of the penalty, ~~which~~ and the penalty 1497  
shall be no greater than that amount necessary to compensate the 1498  
clerk for banking charges, legal fees, or other expenses incurred 1499  
by the clerk in collecting the returned or dishonored payment. The 1500  
remedies and procedures provided in this section are in addition 1501  
to any other available civil or criminal remedies. Subsequently 1502  
collected penalties, poundage, and title fees, less any title fee 1503  
due the state, from returned or dishonored payments collected by 1504  
the clerk shall be paid into the certificate of title 1505  
administration fund. Subsequently collected taxes, less poundage, 1506  
shall be sent by the clerk to the treasurer of state at the next 1507  
scheduled periodic remittance of tax payments, with ~~such~~ the 1508  
information ~~as~~ that the commissioner may require. The clerk may 1509  
abate all or any part of any penalty assessed under this division. 1510

(F) In the following cases, the clerk shall accept for filing 1511  
such application and shall issue a certificate of title without 1512

requiring payment or evidence of payment of the tax: 1513

(1) When the purchaser is this state or any of its political 1514  
subdivisions, a church, or an organization whose purchases are 1515  
exempted by section 5739.02 of the Revised Code; 1516

(2) When the transaction in this state is not a retail sale 1517  
as defined by section 5739.01 of the Revised Code; 1518

(3) When the purchase is outside this state or in interstate 1519  
commerce and the purpose of the purchaser is not to use, store, or 1520  
consume within the meaning of section 5741.01 of the Revised Code; 1521

(4) When the purchaser is the federal government; 1522

(5) When the motor vehicle was purchased outside this state 1523  
for use outside this state; 1524

(6) When the motor vehicle is purchased by a nonresident of 1525  
this state for immediate removal from this state, and will be 1526  
permanently titled and registered in another state, as provided by 1527  
division (B)(23) of section 5739.02 of the Revised Code, and upon 1528  
presentation of a copy of the affidavit provided by that section, 1529  
and a copy of the exemption certificate provided by section 1530  
5739.03 of the Revised Code. 1531

The clerk shall forward all payments of taxes, less poundage 1532  
fee, to the treasurer of state in a manner to be prescribed by the 1533  
tax commissioner and shall furnish ~~such~~ the information to the 1534  
commissioner ~~as~~ that the commissioner requires. 1535

(G) An application, as prescribed by the registrar and agreed 1536  
to by the tax commissioner, shall be filled out and sworn to by 1537  
the buyer of a motor vehicle in a casual sale. The application 1538  
shall contain the following notice in bold lettering: "WARNING TO 1539  
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 1540  
law to state the true selling price. A false statement is in 1541  
violation of section 2921.13 of the Revised Code and is punishable 1542

by six months' imprisonment or a fine of up to one thousand  
dollars, or both. All transfers are audited by the department of  
taxation. The seller and buyer must provide any information  
requested by the department of taxation. The buyer may be assessed  
any additional tax found to be due."

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

**Sec. 4505.10.** (A) In the event of the transfer of ownership  
of a motor vehicle by operation of law, as upon inheritance,  
devise or bequest, order in bankruptcy, insolvency, replevin, or  
execution sale, a motor vehicle 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 and the secured party has notified the debtor

as required by division (B) of section 1309.611 of the Revised 1575  
Code, the clerk of the court of common pleas of the county in 1576  
which the last certificate of title to the motor vehicle was 1577  
issued, upon the surrender of the prior certificate of title or 1578  
the manufacturer's or importer's certificate, or, when that is not 1579  
possible, upon presentation of satisfactory proof to the clerk of 1580  
ownership and rights of possession to the motor vehicle, and upon 1581  
payment of the fee prescribed in section 4505.09 of the Revised 1582  
Code and presentation of an application for certificate of title, 1583  
may issue to the applicant a certificate of title to the motor 1584  
vehicle. Only an affidavit by the person or agent of the person to 1585  
whom possession of the motor vehicle has passed, setting forth the 1586  
facts entitling the person to the possession and ownership, 1587  
together with a copy of the journal entry, court order, or 1588  
instrument upon which the claim of possession and ownership is 1589  
founded, is satisfactory proof of ownership and right of 1590  
possession. If the applicant cannot produce that proof of 1591  
ownership, the applicant may apply directly to the registrar of 1592  
motor vehicles and submit the evidence the applicant has, and the 1593  
registrar, if the registrar finds the evidence sufficient, then 1594  
may authorize the clerk to issue a certificate of title. If, from 1595  
the records in the office of the clerk, there appears to be any 1596  
lien on the motor vehicle, the certificate of title shall contain 1597  
a statement of the lien unless the application is accompanied by 1598  
proper evidence of its extinction. 1599

(B) The clerk shall transfer a decedent's interest in one or 1600  
two automobiles to the surviving spouse of the decedent, as 1601  
provided in section 2106.18 of the Revised Code, upon receipt of 1602  
the title or titles. An affidavit executed by the surviving spouse 1603  
shall be submitted to the clerk with the title or titles. The 1604  
affidavit shall give the date of death of the decedent, shall 1605  
state that each automobile for which the decedent's interest is to 1606  
be so transferred is not disposed of by testamentary disposition, 1607

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 the 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;

(B) Is a counterfeit or an unlawfully made copy of any  
distinctive number or identification mark;

(C) Belongs to another motor vehicle, provided that this 1638  
section does not apply to a motor vehicle that is operated on the 1639  
public roads and highways in this state when the motor vehicle 1640  
displays license plates that originally were issued for a motor 1641  
vehicle that previously was owned by the same person who owns the 1642  
motor vehicle that is operated on the public roads and highways in 1643  
this state, during the thirty-day period described in division 1644  
~~(C)~~(D) of section 4503.12 of the Revised Code. 1645

A person who fails to comply with the transfer of 1646  
registration provisions of section 4503.12 of the Revised Code and 1647  
is charged with a violation of that section shall not be charged 1648  
with a violation of this section. 1649

**Sec. 4549.41.** As used in sections 4549.41 to 4549.51 of the 1650  
Revised Code: 1651

(A) "Person" includes an individual, corporation, government, 1652  
governmental subdivision or agency, business trust, estate, trust, 1653  
partnership, association, or cooperative or any other legal 1654  
entity, whether acting individually or by their agents, officers, 1655  
employees, or representatives. 1656

(B) "Motor vehicle" means any vehicle driven or drawn by 1657  
mechanical power for use on the public streets, roads, or 1658  
highways. 1659

(C) "Odometer" means an instrument for measuring and 1660  
recording the total distance ~~which~~ that a motor vehicle travels 1661  
while in operation, including any cable, line, or other part 1662  
necessary to make the instrument function properly. Odometer does 1663  
not include any auxiliary odometer designed to be reset by the 1664  
operator of a motor vehicle for the purpose of recording mileage 1665  
on trips. 1666

(D) "Transfer" means to change ownership of a motor vehicle 1667

by purchase, by gift, or, except as otherwise provided in this  
division, by any other means. A "transfer" does not include a  
change of ownership as a result of a bequest, under the laws of  
intestate succession, as a result of a surviving spouse's actions  
pursuant to section 2106.18 or 4505.10 of the Revised Code, as a  
result of the operation of section ~~2106.17~~ 2131.12 or 2131.13 of  
the Revised Code, or in connection with the creation of a security  
interest.

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

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

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

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

**Section 3.** Section 1548.07 of the Revised Code is presented  
in this act as a composite of the section as amended by both Sub.  
H.B. 458 and Am. Sub. S.B. 182 of the 120th General Assembly. The  
General Assembly, applying the principle stated in division (B) of  
section 1.52 of the Revised Code that amendments are to be  
harmonized if reasonably capable of simultaneous operation, finds  
that the composite is the resulting version of the section in  
effect prior to the effective date of the section as presented in  
this act.