

As Reported by the House Civil and Commercial Law Committee

124th General Assembly

Regular Session

2001-2002

Sub. H. B. No. 345

**REPRESENTATIVES Womer Benjamin, Manning, Willamowski, Sulzer, Seitz,
Jones**

A B I L L

To amend sections 1339.66, 1339.68, 1340.22, 1547.54, 1
1548.07, 1548.071, 1548.08, 1548.11, 2106.18, 2
2109.62, 2113.30, 2113.61, 2117.25, 4503.12, 3
4505.06, 4505.10, 4549.08, and 4549.41; to amend, 4
for the purpose of adopting a new section number as 5
indicated in parentheses, section 2106.17 6
(2131.12); and to enact sections 1548.072 and 7
2131.13 of the Revised Code relative to the 8
valuation limit for termination of small trusts; 9
transfer on death of a motor vehicle, watercraft, 10
or outboard motor; reimbursement for payment of a 11
decedent's debt; issuance of a certificate of 12
transfer of real property; continuing a decedent's 13
business after death; and discretionary 14
distributions by a fiduciary. 15

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

Section 1. That sections 1339.66, 1339.68, 1340.22, 1547.54, 16
1548.07, 1548.071, 1548.08, 1548.11, 2106.18, 2109.62, 2113.30, 17
2113.61, 2117.25, 4503.12, 4505.06, 4505.10, 4549.08, and 4549.41 18
be amended; section 2106.17 (2131.12) be amended, for the purpose 19
of adopting a new section number as indicated in parentheses; and 20

sections 1548.072 and 2131.13 of the Revised Code be enacted to 21
read as follows: 22

Sec. 1339.66. (A)(1) Upon the filing of a motion by a trustee 23
with the court that has jurisdiction over the trust, upon the 24
provision of reasonable notice to all beneficiaries who are known 25
and in being and who have vested or contingent interests in the 26
trust, and after holding a hearing, the court may terminate the 27
trust, in whole or in part, if it determines that all of the 28
following apply: 29

(a) It is no longer economically feasible to continue the 30
trust. 31

(b) The termination of the trust is for the benefit of the 32
beneficiaries. 33

(c) The termination of the trust is equitable and practical. 34
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(d) The current value of the trust is less than fifty one 36
hundred thousand dollars. 37

(2) The existence of a spendthrift or similar provision in a 38
trust instrument or will does not preclude the termination of a 39
trust pursuant to this section. 40

(B) If property is to be distributed from an estate being 41
probated to a trust and the termination of the trust pursuant to 42
this section does not clearly defeat the intent of the testator, 43
the probate court has jurisdiction to order the outright 44
distribution of the property or to make the property custodial 45
property under sections 1339.31 to 1339.39 of the Revised Code. A 46
probate court may so order whether the application for the order 47
is made by an inter vivos trustee named in the will of the 48
decedent or by a testamentary trustee. 49

Sec. 1339.68. (A) As used in this section: 50

(1) "Disclaimant" means any person, any guardian or personal 51
representative of a person or estate of a person, or any 52
attorney-in-fact or agent of a person having a general or specific 53
authority to act granted in a written instrument, who is any of 54
the following: 55

(a) With respect to testamentary instruments and intestate 56
succession, an heir, next of kin, devisee, legatee, donee, person 57
succeeding to a disclaimed interest, surviving joint tenant, 58
surviving tenant by the entirety, surviving tenant of a tenancy 59
with a right of survivorship, beneficiary under a testamentary 60
instrument, or person designated to take pursuant to a power of 61
appointment exercised by a testamentary instrument; 62

(b) With respect to nontestamentary instruments, a grantee, 63
donee, person succeeding to a disclaimed interest, surviving joint 64
tenant, surviving tenant by the entirety, surviving tenant of a 65
tenancy with a right of survivorship, beneficiary under a 66
nontestamentary instrument, or person designated to take pursuant 67
to a power of appointment exercised by a nontestamentary 68
instrument; 69

(c) With respect to fiduciary rights, privileges, powers, and 70
immunities, a fiduciary under a testamentary or nontestamentary 71
instrument. This section does not authorize a fiduciary to 72
disclaim the rights of beneficiaries unless the instrument 73
creating the fiduciary relationship authorizes such a disclaimer. 74

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(d) Any person entitled to take an interest in property upon 76
the death of a person or upon the occurrence of any other event. 77

(2) "Property" means all forms of property, real and 78
personal, tangible and intangible. 79

(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:

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

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

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

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

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

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

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

(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 143
twenty-one years of age or an incompetent, and even if a guardian 144
of a minor or incompetent had filed an application pursuant to 145
division (B)(4) of this section and the probate division of the 146
court of common pleas involved did not consent to the guardian 147
executing a disclaimer. 148

(E) No disclaimer instrument is effective under this section 149
if either of the following applies under the terms of the 150
disclaimer instrument: 151

(1) The disclaimant has power to revoke the disclaimer. 152

(2) The disclaimant may transfer, or direct to be 153
transferred, to self the entire legal and equitable ownership of 154
the property subject to the disclaimer instrument. 155

(F)(1) Subject to division (F)(2) of this section, if the 156
interest disclaimed is created by a nontestamentary instrument, 157
the disclaimer instrument shall be delivered personally or by 158
certified mail to the trustee or other person who has legal title 159
to, or possession of, the property disclaimed. 160

(2) If the interest disclaimed is created by a testamentary 161
instrument, by intestate succession, ~~or~~ by a transfer on death 162
deed pursuant to section 5302.22 of the Revised Code, or by a 163
certificate of title to a motor vehicle, watercraft, or outboard 164
motor that evidences ownership of the motor vehicle, watercraft, 165
or outboard motor that is transferable on death pursuant to 166
section 2131.13 of the Revised Code, the disclaimer instrument 167
shall be filed in the probate division of the court of common 168
pleas in the county in which proceedings for the administration of 169
the decedent's estate have been commenced, and an executed copy of 170
the disclaimer instrument shall be delivered personally or by 171

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certified mail to the personal representative of the decedent's estate. 172
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(3) If no proceedings for the administration of the 174
decedent's estate have been commenced, the disclaimer instrument 175
shall be filed in the probate division of the court of common 176
pleas in the county in which proceedings for the administration of 177
the decedent's estate might be commenced according to law. The 178
disclaimer instrument shall be filed and indexed, and fees 179
charged, in the same manner as provided by law for an application 180
to be appointed as personal representative to administer the 181
decedent's estate. The disclaimer is effective whether or not 182
proceedings thereafter are commenced to administer the decedent's 183
estate. If proceedings thereafter are commenced for the 184
administration of the decedent's estate, they shall be filed 185
under, or consolidated with, the case number assigned to the 186
disclaimer instrument. 187

(4) If an interest in real estate is disclaimed, an executed 188
copy of the disclaimer instrument also shall be recorded in the 189
office of the recorder of the county in which the real estate is 190
located. The disclaimer instrument shall include a description of 191
the real estate with sufficient certainty to identify it, and 192
shall contain a reference to the record of the instrument that 193
created the interest disclaimed. If title to the real estate is 194
registered under Chapters 5309. and 5310. of the Revised Code, the 195
disclaimer interest shall be entered as a memorial on the last 196
certificate of title. A spouse of a disclaimant has no dower or 197
other interest in the real estate disclaimed. 198

(G) Unless the donative instrument expressly provides that, 199
if there is a disclaimer, there shall not be any acceleration of 200
remainders or other interests, the property, part of property, or 201
interest in property disclaimed, and any future interest that is 202
to take effect in possession or enjoyment at or after the 203

termination of the interest disclaimed, shall descend, be 204
distributed, or otherwise be disposed of, and shall be 205
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 contracts to assign, convey, encumber, pledge, or transfer, the property or any interest in it;	234 235 236
(2) Waives in writing the disclaimant's right to disclaim and executes and delivers, files, or records the waiver in the manner provided in this section for a disclaimer instrument;	237 238 239
(3) Accepts the property or an interest in it;	240
(4) Permits or suffers a sale or other disposition of the property pursuant to judicial action against the disclaimant.	241 242
(K) A fiduciary's application for appointment or assumption of duties as a fiduciary does not waive or bar the disclaimant's right to disclaim a right, power, privilege, or immunity.	243 244 245
(L) The right to disclaim under this section exists irrespective of any limitation on the interest of the disclaimant in the nature of a spendthrift provision or similar restriction.	246 247 248
(M) A disclaimer instrument or written waiver of the right to disclaim that has been executed and delivered, filed, or recorded as required by this section is final and binding upon all persons.	249 250 251 252
(N) The right to disclaim and the procedures for disclaimer established by this section are in addition to, and do not exclude or abridge, any other rights or procedures existing under any other section of the Revised Code or at common law to assign, convey, release, refuse to accept, renounce, waive, or disclaim property.	253 254 255 256 257 258
(O)(1) No person is liable for distributing or disposing of property in a manner inconsistent with the terms of a valid disclaimer if the distribution or disposition is otherwise proper and the person has no actual knowledge of the disclaimer.	259 260 261 262
(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 296
beneficiaries who possess both the right to remove the fiduciary 297
and the right to appoint a successor fiduciary that may include 298
but is not limited to the beneficiary, any of the beneficiaries, 299
or any related or subordinate person, within the meaning of 300
section 672(c) of the "Internal Revenue Code of 1986," 100 Stat. 301
2085, 26 U.S.C. 672(c), with respect to the beneficiary or any of 302
the beneficiaries, if the successor fiduciary has been appointed 303
by the exercise of both of those rights by the beneficiary or 304
beneficiaries. 305

(B)(1) If division (A)(1), (3), or (4) of this section 306
prohibits a fiduciary from exercising any power conferred by the 307
governing instrument, the fiduciary, notwithstanding division 308
(A)(1), (3), or (4) of this section, may exercise the power to the 309
extent set forth in the governing instrument, provided that the 310
exercise of that power, in all events, shall be limited to an 311
ascertainable standard. 312

(2) Any power conferred upon a fiduciary that permits the 313
fiduciary to make discretionary distributions of either principal 314
or income and that is expressed in terms of a beneficiary's 315
health, education, support, comfort, care, comfort and support, 316
support in reasonable comfort, support in accustomed manner of 317
living, maintenance, maintenance in health and reasonable comfort, 318
or any combination of those factors, is a power conferred upon the 319
fiduciary, the exercise of which is reasonably measurable in terms 320
of, and limited by, an ascertainable standard related to the 321
health, education, support, and maintenance of the beneficiary. 322

(C) Any fiduciary who is authorized to exercise one or more 323
powers set forth in a governing instrument may exercise any of 324
those powers that the fiduciary is not prohibited from exercising 325

because of the operation of division (A) of this section even 326
though one or more other fiduciaries under the governing 327
instrument is prohibited from exercising the power because of the 328
operation of division (A) of this section. 329

(D) Any power conferred upon a fiduciary that the fiduciary 330
cannot exercise because of the operation of division (A) of this 331
section may be exercised by a special fiduciary appointed by a 332
court of competent jurisdiction. Upon the application of any party 333
in interest, the appropriate probate court or general division of 334
the appropriate court of common pleas may appoint a special 335
fiduciary. Upon the appointment of a special fiduciary under this 336
division, the special fiduciary is qualified to exercise any power 337
set forth in the governing instrument during the period of time 338
that the court designates. 339

(E) This section does not apply to any of the following: 340

(1) Any purely discretionary power to distribute either 341
principal or income to or for the benefit of a beneficiary, other 342
than a beneficiary who is also a fiduciary, that is exercisable in 343
a fiduciary capacity in the sole and absolute discretion of the 344
fiduciary and without any other direction or limitation as to its 345
exercise or use set forth in the governing instrument; 346

(2) Any power of appointment or withdrawal that specifically 347
is granted in the governing instrument to a beneficiary and that 348
is exercisable in an individual capacity but not in a fiduciary 349
capacity; 350

(3) Any trust during the time that the trust is revocable or 351
amendable by its settlor; 352

(4) Any power held by a decedent's or settlor's spouse who is 353
the trustee under a decedent's trust for which a marital deduction 354
for estate tax purposes has been allowed, except a trust or 355
portion of a trust regarding which a special election for 356

qualified terminable interest property has been made as provided 357
in section 2652(a)(3) of the "Internal Revenue Code of 1986," 100 358
Stat. 2085, 26 U.S.C. 2652(a)(3); 359

(5)(a) Subject to divisions (E)(5)(b) and (c) of this 360
section, any irrevocable trust created under a governing 361
instrument executed before the expiration of three years after the 362
effective date of this amendment, if all of the parties in 363
interest elect affirmatively not to be subject to the application 364
of this section through a written instrument delivered to the 365
fiduciary. 366

(b) In the case of a testamentary trust, the election 367
described in division (E)(5)(a) of this section shall be filed 368
with the probate court in which the will was admitted to probate. 369

(c) All of the parties in interest shall make the election 370
described in division (E)(5)(a) of this section on or before the 371
later of the expiration of three years after the effective date of 372
this amendment or three years after the date on which the trust 373
becomes irrevocable. 374

(d) As used in division (E)(5) of this section, "party in 375
interest" does not include a contingent remainder beneficiary and 376
means any of the following: 377

(i) Each fiduciary then serving; 378

(ii) Each current beneficiary then in existence or, if that 379
beneficiary has not attained the age of majority or otherwise is 380
incapacitated, the beneficiary's legal representative under 381
applicable law or the attorney in fact of the current beneficiary 382
under a durable power of attorney that is sufficient to grant the 383
authority under division (E)(5) of this section; 384

(iii) Each remainder beneficiary then in existence or, if 385
that remainder beneficiary has not attained the age of majority or 386
otherwise is incapacitated, the remainder beneficiary's legal 387

representative under applicable law or the attorney in fact of the 388
remainder beneficiary under a durable power of attorney that is 389
sufficient to grant the authority under division (E)(5) of this 390
section. 391

Sec. 1547.54. (A)(1) The owner of every watercraft requiring 392
registration under this chapter shall file an application for a 393
triennial registration certificate with the chief of the division 394
of watercraft on forms that shall be provided by the chief or by 395
an electronic means approved by the chief. The application shall 396
be signed by the following: 397

(a) If the watercraft is owned by two persons under joint 398
ownership with right of survivorship established under section 399
~~2106.17~~ 2131.12 of the Revised Code, by both of those persons as 400
owners of the watercraft. The signatures may be done by electronic 401
signature if the owners themselves are renewing the registration 402
and there are no changes in the registration information since the 403
issuance of the immediately preceding registration certificate. In 404
all other instances, the signatures ~~must~~ shall be done manually. 405

(b) If the watercraft is owned by a minor, by the minor and a 407
parent or legal guardian. The signatures may be done by electronic 408
signature if the parent or legal guardian and the minor themselves 409
are renewing the registration and there are no changes in the 410
registration information since the issuance of the immediately 411
preceding registration certificate. In all other instances, the 412
signatures ~~must~~ shall be done manually. 413

(c) In all other cases, by the owner of the watercraft. The 414
signature may be done by electronic signature if the owner him or 415
herself is renewing the registration and there are no changes in 416
the registration information since the issuance of the immediately 417
preceding registration certificate. In all other instances, the 418

signatures ~~must~~ shall be done manually. 419

(2) An application for a triennial registration of a 420
watercraft filed under division (A)(1) of this section shall be 421
accompanied by the following fee: 422

(a) For canoes, kayaks, rowboats, and inflatable watercraft, 423
twelve dollars; 424

(b) For class A watercraft, including motorized canoes, 425
thirty dollars; 426

(c) For class 1 watercraft, forty-five dollars; 427

(d) For class 2 watercraft, sixty dollars; 428

(e) For class 3 watercraft, seventy-five dollars; 429

(f) For class 4 watercraft, ninety dollars. 430

(3) For the purpose of registration, any watercraft operated 431
by means of power, sail, or any other mechanical or electrical 432
means of propulsion, except motorized canoes, shall be registered 433
by length as prescribed in this section. 434

(4) If an application for registration is filed by two 435
persons as owners under division (A)(1)(a) of this section, the 436
person who is listed first on the title shall serve as and perform 437
the duties of the "owner" and shall be considered the person "in 438
whose name the watercraft is registered" for purposes of divisions 439
(B) to (Q) of this section and for purposes of all other sections 440
in this chapter. 441

(B) All registration certificates are valid for three years 442
and are renewable on a triennial basis unless sooner terminated or 443
discontinued in accordance with this chapter. The renewal date 444
shall be printed on the registration certificate. A registration 445
certificate may be renewed by the owner in the manner prescribed 446
by the chief. All fees shall be charged according to a proration 447
of the time remaining in the registration cycle to the nearest 448

year.

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

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

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

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(F) Whenever the ownership of a watercraft changes, a new

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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 483
manually by the person or persons specified in division (A)(1)(a) 484
to (c) of this section and shall be accompanied by a two-dollar 485
transfer fee. Any remaining time on the registration shall be 486
transferred. An authorized agent of the chief shall charge an 487
additional fee of three dollars, which shall be retained by the 488
issuing agent. If the certificate is issued by the chief, an 489
additional fee of three dollars for each certificate issued shall 490
be collected. 491

(G) If an agency of the United States has in force an overall 492
system of identification numbering for watercraft or certain types 493
of watercraft within the United States, the numbering system 494
employed by the division shall be in conformity with that system. 495

(H) The chief may assign any registration certificates to any 497
authorized agent for the assignment ~~thereof~~ of the registration 498
certificates. If a person accepts that authorization, the person 499
may be assigned a block of numbers and certificates ~~therefor~~ that 500
upon assignment, in conformity with this chapter and Chapter 1548. 501
of the Revised Code and with rules of the division, shall be valid 502
as if assigned directly by the division. Any person so designated 503
as an agent by the chief shall post with the division security as 504
may be required by the director of natural resources. The chief 505
may issue an order temporarily or permanently restricting or 506
suspending an agent's authorization without a hearing if the chief 507
finds that the agent has violated this chapter or Chapter 1548. of 508
the Revised Code, rules adopted under them, or any agreements 509
prescribed by the chief. 510

(I) All records of the division made or kept pursuant to this 511
section shall be public records. Those records shall be available 512

for inspection at reasonable hours and in a manner compatible with
normal operations of the division.

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

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(1) The transfer, other than through the creation of a
security interest in any watercraft, of all or any part of the
owner's interest or, 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, of all or any part of
the joint interest of either of the two persons. The transfer
shall not terminate the registration certificate.

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

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(3) The destruction or abandonment of the watercraft.

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

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

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

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(N) The chief, in accordance with Chapter 119. of the Revised

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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 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,

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may assign an identification number for the watercraft or outboard motor, and this number shall be permanently affixed or imprinted by the applicant, at the place and in the manner designated by the chief, upon the watercraft or outboard motor for which it is assigned.

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

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

Sec. 1548.08. When the clerk of a court of common pleas issues a physical certificate of title for a watercraft or outboard motor, the clerk shall issue it over the clerk's official seal. All physical certificates of title to watercraft or outboard

motors shall contain the information required in the application 666
for them as prescribed by section 1548.07 of the Revised Code, as 667
well as spaces for the dates of notation and cancellation of each 668
lien, mortgage, or encumbrance, over the signature of the clerk. 669
If any certificate of title is issued for a watercraft or outboard 670
motor in which two persons are establishing joint ownership with 671
right of survivorship under section ~~2106.17~~ 2131.12 of the Revised 672
Code, the certificate, in addition to the information required by 673
this section, shall show that the two persons have established 674
joint ownership with right of survivorship in the watercraft or 675
outboard motor. If the certificate of title is issued for a 676
watercraft or outboard motor that is designated in beneficiary 677
form under section 2131.13 of the Revised Code, in addition to the 678
information required by this section, the certificate shall show 679
that the present owner of the watercraft or outboard motor has 680
designated a specified transfer-on-death beneficiary or 681
beneficiaries who will take ownership of the watercraft or 682
outboard motor at the death of the present owner in accordance 683
with section 2131.13 of the Revised Code. 684

685

An assignment of certificate of title before a notary public 686
or other officer empowered to administer oaths shall appear on the 687
reverse side of each physical certificate of title in the form to 688
be prescribed by the chief of the division of watercraft. The 689
assignment form shall include a warranty that the signer is the 690
owner of the watercraft or outboard motor and that there are no 691
mortgages, liens, or encumbrances on the watercraft or outboard 692
motor except ~~as~~ those that are noted on the face of the 693
certificate of title. 694

Sec. 1548.11. (A) In the event of the transfer of ownership 695
of a watercraft or outboard motor by operation of law, as upon 696
inheritance, devise, bequest, order in bankruptcy, insolvency, 697

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replevin, or execution of sale, or whenever the engine of a 698
watercraft is replaced by another engine, ~~or whenever~~ a watercraft 699
or outboard motor is sold to satisfy storage or repair charges, or 700
repossession is had upon default in performance of the terms of a 701
security agreement as provided in Chapter 1309. of the Revised 702
Code, a clerk of a court of common pleas, upon the surrender of 703
the prior certificate of title or the manufacturer's or importer's 704
certificate, or, when that is not possible, upon presentation of 705
satisfactory proof to the clerk of ownership and rights of 706
possession to the watercraft or outboard motor, and upon payment 707
of the fee prescribed in section 1548.10 of the Revised Code and 708
presentation of an application for certificate of title, may issue 709
to the applicant a certificate of title to the watercraft or 710
outboard motor. Only an affidavit by the person or agent of the 711
person to whom possession of the watercraft or outboard motor has 712
passed, setting forth the facts entitling the person to possession 713
and ownership, together with a copy of the journal entry, court 714
order, or instrument upon which the claim of possession and 715
ownership is founded, is satisfactory proof of ownership and right 716
of possession. If the applicant cannot produce such proof of 717
ownership, the applicant may apply directly to the chief of the 718
division of watercraft and submit such evidence as the applicant 719
has, and the chief, if the chief finds the evidence sufficient, 720
may authorize the clerk to issue a certificate of title. If, from 721
the records in the office of the clerk, there appears to be any 722
lien on the watercraft or outboard motor, the certificate of title 723
shall contain a statement of the lien unless the application is 724
accompanied by proper evidence of its extinction. 725

(B) Upon the death of one of the persons who have established 728
joint ownership with right of survivorship under section ~~2106.17~~ 729
2131.12 of the Revised Code in a watercraft or outboard motor and 730

the presentation to the clerk of the title and the certificate of 731
death of the deceased person, the clerk shall enter into the 732
records the transfer of the watercraft or outboard motor to the 733
surviving person, and the title to the watercraft or outboard 734
motor immediately passes to the surviving person. The transfer 735
does not affect any liens on the watercraft or outboard motor. 736

(C) The clerk shall transfer a decedent's interest in one 737
watercraft, one outboard motor, or one of each to the decedent's 738
surviving spouse as provided in section 2106.19 of the Revised 739
Code. 740
741

(D) Upon the death of an owner of a watercraft or outboard 742
motor designated in beneficiary form under section 2131.13 of the 743
Revised Code, upon application of the transfer-on-death 744
beneficiary or beneficiaries designated pursuant to that section, 745
and upon presentation to the clerk of the certificate of title and 746
the certificate of death of the deceased owner, the clerk shall 747
transfer the watercraft or outboard motor and issue a certificate 748
of title to the transfer-on-death beneficiary or beneficiaries. 749
The transfer does not affect any liens upon any watercraft or 750
outboard motor so transferred. 751

Sec. 2106.18. (A) Upon the death of a married resident who 752
owned at least one automobile at the time of death, the interest 753
of the deceased spouse in up to two automobiles that are not 754
transferred to the surviving spouse due to joint ownership with 755
right of survivorship established under section ~~2106.17~~ 2131.12 of 756
the Revised Code, that are not transferred to a transfer-on-death 757
beneficiary or beneficiaries designated under section 2131.13 of 758
the Revised Code, and that are not otherwise specifically disposed 759
of by testamentary disposition, may be selected by the surviving 760
spouse. This interest shall immediately pass to the surviving 761
spouse upon transfer of the title or titles in accordance with 762

section 4505.10 of the Revised Code. The sum total of the values 763
of the automobiles selected by a surviving spouse under this 764
division, as specified in the affidavit that the surviving spouse 765
executes pursuant to division (B) of section 4505.10 of the 766
Revised Code, shall not exceed forty thousand dollars. Each 767
automobile that passes to a surviving spouse under this division 768
shall not be considered an estate asset and shall not be included 769
in the estate inventory. 770

(B) The executor or administrator, with the approval of the 771
probate court, may transfer title to an automobile owned by the 772
decedent to any of the following: 773

(1) The surviving spouse, when the automobile is purchased by 774
the surviving spouse pursuant to section 2106.16 of the Revised 775
Code; 776

(2) A distributee; 777

(3) A purchaser. 778

(C) The executor or administrator may transfer title to an 779
automobile owned by the decedent without the approval of the 780
probate court to any of the following: 781

(1) A legatee entitled to the automobile under the terms of 782
the will; 783

(2) A distributee if the distribution of the automobile is 784
made without court order pursuant to section 2113.55 of the 785
Revised Code; 786

(3) A purchaser if the sale of the automobile is made 787
pursuant to section 2113.39 of the Revised Code. 788

(D) As used in division (A) of this section, "automobile" 789
includes a truck if the truck was used as a method of conveyance 790
by the deceased spouse or the deceased spouse's family when the 791
deceased spouse was alive. 792

Sec. 2109.62. (A)(1) Upon the filing of a motion by a trustee 793
with the court that has jurisdiction over the trust, upon the 794
provision of reasonable notice to all beneficiaries who are known 795
and in being and who have vested or contingent interests in the 796
trust, and after holding a hearing, the court may terminate the 797
trust, in whole or in part, if it determines that all of the 798
following apply: 799

(a) It is no longer economically feasible to continue the 800
trust. 801

(b) The termination of the trust is for the benefit of the 802
beneficiaries. 803

(c) The termination of the trust is equitable and practical. 804
805

(d) The current value of the trust is less than fifty one 806
hundred thousand dollars. 807

(2) The existence of a spendthrift or similar provision in a 808
trust instrument or will does not preclude the termination of a 809
trust pursuant to this section. 810

(B) If property is to be distributed from an estate being 811
probated to a trust and the termination of the trust pursuant to 812
this section does not clearly defeat the intent of the testator, 813
the probate court has jurisdiction to order the outright 814
distribution of the property or to make the property custodial 815
property under sections 1339.31 to 1339.39 of the Revised Code. A 816
probate court may so order whether the application for the order 817
is made by an inter vivos trustee named in the will of the 818
decedent or by a testamentary trustee. 819

Sec. 2113.30. (A) Except as otherwise directed by the 820
decedent in ~~his~~ the decedent's last will and testament, an 821

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executor or administrator ~~may~~, without personal liability for 822
 losses incurred, may continue the decedent's business during ~~one~~ 823
~~month~~ four months next following the date of the appointment of 824
~~such~~ that executor or administrator, unless the probate court 825
 directs otherwise, and for ~~such~~ any further time ~~as~~ that the court 826
 may authorize ~~on~~ upon a hearing and after notice to the surviving 827
 spouse and distributees. In either case, no debts incurred or 828
 contracts entered into shall involve the estate beyond the assets 829
 used in ~~such~~ that business immediately prior to the death of the 830
 decedent without first obtaining the approval of the court ~~first~~ 831
~~obtained~~. During the time the business is continued, the executor 832
 or administrator shall file monthly reports in the court, setting 833
 forth the receipts and expenses of the business for the preceding 834
 month and ~~such~~ any other pertinent information ~~as~~ that the court 835
 may require. The executor or administrator may not bind the estate 836
 without court approval beyond the period during which the business 837
 is continued. 838

(B) As used in this section, "decedent's business" means a 839
business that is owned by the decedent as a sole proprietor at the 840
time of the decedent's death. "Decedent's business" does not 841
include a business that is owned in whole or in part by the 842
decedent as a shareholder of a corporation, a member of a limited 843
liability company, or a partner of a partnership, or under any 844
other form of ownership other than a sole proprietorship. 845

Sec. 2113.61. (A)(1) When real property passes by the laws of 846
 intestate succession or under a will, the administrator or 847
 executor shall file in probate court, at any time after the filing 848
of an inventory that includes the real property but prior to the 849
 filing of the administrator's or executor's final account, an 850
 application requesting the court to issue a certificate of 851
 transfer as to the real property. Real property sold by an 852
 executor or administrator or land registered under Chapters 5309. 853

and 5310. of the Revised Code is excepted from the application 854
requirement. Cases in which an order has been made under section 855
2113.03 of the Revised Code relieving an estate from 856
administration and in which the order directing transfer of real 857
property to the person entitled to it may be substituted for the 858
certificate of transfer also are excepted from the application 859
requirement. 860

(2) In accordance with division (C)(3)(b) of section 2113.031 861
of the Revised Code, an application for a certificate of transfer 862
of an interest in real property included in the assets of the 863
decedent's estate shall accompany an application for a summary 864
release from administration under that section. This section 865
applies to the application for and the issuance of the requested 866
certificate of transfer except to the extent that the probate 867
court determines that the nature of any of the provisions of this 868
section is inconsistent with the nature of a grant of a summary 869
release from administration. 870

(B) Subject to division (A)(2) of this section, the 871
application for a certificate of transfer shall contain all of the 872
following: 873

(1) The name, place of residence at death, and date of death 874
of the decedent; 875

(2) A statement whether the decedent died testate or 876
intestate; 877

(3) The fact and date of the filing and probate of the will, 878
if applicable, and the fact and date of the appointment of the 879
administrator or executor; 880

(4) A description of each parcel of real property situated in 881
this state that is owned by the decedent at the time of death; 882

(5) Insofar as they can be ascertained, the names, ages, 883
places of residence, and relationship to the decedent of the 884

persons to whom each parcel of real property described in division 885
(B)(4) of this section passed by descent or devise; 886

(6) A statement that all the known debts of the decedent's 887
estate have been paid or secured to be paid, or that sufficient 888
other assets are in hand to complete the payment of those debts; 889

(7) Other pertinent information that the court requires. 890

(C) Subject to division (A)(2) of this section, within five 891
days following the filing of an application for a certificate of 892
transfer that complies with division (B) of this section, the 893
court shall issue a certificate of transfer for record in each 894
county in this state in which real property so passing is 895
situated, that shall recite all of the following: 896

(1) The name and date of death of the decedent; 897

(2) Whether the decedent died testate or intestate and, if 898
testate, the volume and page of the record of the will; 899

(3) The volume and page of the probate court record of the 900
administration of the estate; 901

(4) The names and places of residence of the devisees, the 902
interests passing to them, the names and places of residence of 903
the persons inheriting intestate, and the interests inherited by 904
them, in each parcel of real property described in division (B)(4) 905
of this section; 906

(5) A description of each parcel of real property described 907
in division (B)(4) of this section; 908

(6) Other information that in the opinion of the court should 909
be included. 910

(D) If an executor or administrator has failed to file an 911
application for a certificate of transfer before being discharged, 912
the application may be filed by an heir or devisee, or a successor 913
in interest, in the probate court in which the testator's will was 914

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

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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 cemetery expenses, including that portion of the funeral director's bill allocated to cemetery expenses that have been paid to the cemetery by the funeral director.

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

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

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

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

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

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

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

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

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

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

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

~~(H)~~(8) Debts for manual labor performed for the decedent 975
within twelve months preceding the decedent's death, not exceeding 976
three hundred dollars to any one person; 977

~~(I)~~(9) Other debts for which claims have been presented and 978
finally allowed. 979

(B) The part of the bill of a funeral director that exceeds 980
the total of three thousand dollars as described in divisions 981
~~(B)~~(A)(2) and ~~(F)~~(6) of this section, and the part of a claim 982
included in division ~~(H)~~(A)(8) of this section that exceeds three 983
hundred dollars shall be included as a debt under division 984
~~(I)~~(A)(9) of this section, depending upon the time when the claim 985
for the additional amount is presented. 986

(C) Any natural person or fiduciary who pays a claim of any 987
creditor described in division (A) of this section shall be 988
subrogated to the rights of that creditor proportionate to the 989
amount of the payment and shall be entitled to reimbursement for 990
that amount in accordance with the priority of payments set forth 991
in that division. 992

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 993
to the manner in which and the time within which claims shall be 994
presented, shall apply to claims set forth in divisions ~~(B)~~(A)(2), 995
~~(F)~~(6), and ~~(H)~~(8) of this section. Claims for an expense of 996
administration or for the allowance for support need not be 997
presented. The executor or administrator shall pay debts included 998
in divisions ~~(D)~~(A)(4) and ~~(G)~~(7) of this section, of which the 999
executor or administrator has knowledge, regardless of 1000
presentation. 1001

(2) The giving of written notice to an executor or 1002
administrator of a motion or application to revive an action 1003
pending against the decedent at the date of death shall be 1004
equivalent to the presentation of a claim to the executor or 1005

administrator for the purpose of determining the order of payment 1006
of any judgment rendered or decree entered in such an action. 1007

(E) No payments shall be made to creditors of one class until 1008
all those of the preceding class are fully paid or provided for. 1009
If the assets are insufficient to pay all the claims of one class, 1010
the creditors of that class shall be paid ratably. 1011

(F) If it appears at any time that the assets have been 1012
exhausted in paying prior or preferred charges, allowances, or 1013
claims, ~~such those~~ payments shall be a bar to an action on any 1014
claim not entitled to ~~such that~~ priority or preference. 1015

Sec. ~~2106.17~~ 2131.12. (A) As used in this section: 1016

(1) "Motor vehicle" has the same meaning as in section 1017
4505.01 of the Revised Code. 1018

(2) "Joint ownership with right of survivorship" means a form 1019
of ownership of a motor vehicle, watercraft, or outboard motor 1020
that is established pursuant to this section and pursuant to which 1021
the entire interest in the motor vehicle, watercraft, or outboard 1022
motor is held by two persons for their joint lives and thereafter 1023
by the survivor of them. 1024

(3) "Watercraft" has the same meaning as in division (A) of 1025
section 1548.01 of the Revised Code. 1026

(B)(1) Any two persons may establish in accordance with this 1027
section joint ownership with right of survivorship in a motor 1028
vehicle or in a watercraft or outboard motor for which a 1029
certificate of title is required under Chapter 1548. of the 1030
Revised Code. 1031

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

certificate of title under section 4505.06 or 1548.07 of the Revised Code, as applicable.

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

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

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

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

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

(4) "Transfer-on-death beneficiary or beneficiaries" means a person or persons specified in a certificate of title of a motor vehicle, watercraft, or outboard motor who will become the owner

or owners of the motor vehicle, watercraft, or outboard motor upon 1066
the death of the present owner of the motor vehicle, watercraft, 1067
or outboard motor. 1068

(5) "Watercraft" has the same meaning as in section 1548.01 1069
of the Revised Code. 1070

(B) An individual whose certificate of title of a motor 1071
vehicle, watercraft, or outboard motor shows sole ownership by 1072
that individual may make an application for a certificate of title 1073
under section 1548.07 or 4505.06 of the Revised Code to designate 1074
that motor vehicle, watercraft, or outboard motor in beneficiary 1075
form pursuant to this section. 1076

(C)(1) A motor vehicle, watercraft, or outboard motor is 1077
designated in beneficiary form if the certificate of title of the 1078
motor vehicle, watercraft, or outboard motor includes the name or 1079
names of the transfer-on-death beneficiary or beneficiaries. 1080

(2) The designation of a motor vehicle, watercraft, or 1081
outboard motor in beneficiary form is not required to be supported 1082
by consideration, and the certificate of title in which the 1083
designation is made is not required to be delivered to the 1084
transfer-on-death beneficiary or beneficiaries in order for the 1085
designation in beneficiary form to be effective. 1086

(D) The designation of a motor vehicle, watercraft, or 1087
outboard motor in beneficiary form may be shown in the certificate 1088
of title by the words "transfer-on-death" or the abbreviation 1089
"TOD" after the name of the owner of a motor vehicle, watercraft, 1090
or outboard motor and before the name or names of the 1091
transfer-on-death beneficiary or beneficiaries. 1092

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

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outboard motor. The owner of a motor vehicle, watercraft, or 1097
outboard motor may cancel or change the designation of a 1098
transfer-on-death beneficiary or beneficiaries on a certificate of 1099
title at any time without the consent of the transfer-on-death 1100
beneficiary or beneficiaries by making an application for a 1101
certificate of title under section 1548.07 or 4505.06 of the 1102
Revised Code. 1103

(F)(1) Upon the death of the owner of a motor vehicle, 1104
watercraft, or outboard motor designated in beneficiary form, the 1105
ownership of the motor vehicle, watercraft, or outboard motor 1106
shall pass to the transfer-on-death beneficiary or beneficiaries 1107
who survive the owner upon transfer of title to the motor vehicle, 1108
watercraft, or outboard motor in accordance with section 1548.11 1109
or 4505.10 of the Revised Code. The transfer-on-death beneficiary 1110
or beneficiaries who survive the owner may apply for a certificate 1111
of title to the motor vehicle, watercraft, or outboard motor upon 1112
submitting proof of the death of the owner of the motor vehicle, 1113
watercraft, or outboard motor. 1114

(2) If no transfer-on-death beneficiary or beneficiaries 1115
survive the owner of a motor vehicle, watercraft, or outboard 1116
motor, the motor vehicle, watercraft, or outboard motor shall be 1117
included in the probate estate of the deceased owner. 1118

(G)(1) Any transfer of a motor vehicle, watercraft, or 1119
outboard motor to a transfer-on-death beneficiary or beneficiaries 1120
that results from a designation of the motor vehicle, watercraft, 1121
or outboard motor in beneficiary form is not testamentary. 1122

(2) This section does not limit the rights of any creditor of 1123
the owner of a motor vehicle, watercraft, or outboard motor 1124
against any transfer-on-death beneficiary or beneficiaries or 1125
other transferees of the motor vehicle, watercraft, or outboard 1126
motor under other laws of this state. 1127

(H)(1) This section shall be known and may be cited as the 1128
"Transfer-on-Death of Motor Vehicle, Watercraft, or Outboard Motor 1129
Statute." 1130

(2) Divisions (A) to (H) of this section shall be liberally 1131
construed and applied to promote their underlying purposes and 1132
policy. 1133

(3) Unless displaced by particular provisions of divisions 1134
(A) to (H) of this section, the principles of law and equity 1135
supplement the provisions of those divisions. 1136

Sec. 4503.12. Upon the transfer of ownership of a motor 1137
vehicle, the registration of the motor vehicle expires, and the 1138
original owner immediately shall remove the license plates from 1139
the motor vehicle, except that: 1140

(A) If a statutory merger or consolidation results in the 1141
transfer of ownership of a motor vehicle from a constituent 1142
corporation to the surviving corporation, or if the incorporation 1143
of a proprietorship or partnership results in the transfer of 1144
ownership of a motor vehicle from the proprietorship or 1145
partnership to the corporation, the registration shall be 1146
continued upon the filing by the surviving or new corporation, 1147
within thirty days of such transfer, of an application for an 1148
amended certificate of registration, unless such registration is 1149
prohibited by division (D) of section 2935.27, division (A) of 1150
section 2937.221, division (B) of section 4507.168, or division 1151
(B)(1) of section 4521.10 of the Revised Code. The application 1152
shall be accompanied by a service fee of two dollars and 1153
seventy-five cents commencing on July 1, 2001, three dollars and 1154
twenty-five cents commencing on January 1, 2003, and three dollars 1155
and fifty cents commencing on January 1, 2004, a transfer fee of 1156
one dollar, and the original certificate of registration. Upon a 1157
proper filing, the registrar of motor vehicles shall issue an 1158

amended certificate of registration in the name of the new owner. 1159

(B) If the death of the owner of a motor vehicle results in 1160
the transfer of ownership of the motor vehicle to the surviving 1161
spouse of the owner or if a motor vehicle is owned by two persons 1162
under joint ownership with right of survivorship established under 1163
section ~~2106.17~~ 2131.12 of the Revised Code and one of those 1164
persons dies, the registration shall be continued upon the filing 1165
by the ~~surviving spouse~~ survivor of an application for an amended 1166
certificate of registration, unless such registration is 1167
prohibited by division (D) of section 2935.27, division (A) of 1168
section 2937.221, division (A) of section 4503.13, division (B) of 1169
section 4507.168, or division (B)(1) of section 4521.10 of the 1170
Revised Code. The application shall be accompanied by a service 1171
fee of two dollars and seventy-five cents commencing on July 1, 1172
2001, three dollars and twenty-five cents commencing on January 1, 1173
2003, and three dollars and fifty cents commencing on January 1, 1174
2004, a transfer fee of one dollar, the original certificate of 1175
registration, and, in relation to a motor vehicle that is owned by 1176
two persons under joint ownership with right of survivorship 1177
established under section ~~2106.17~~ 2131.12 of the Revised Code, by 1178
a copy of the certificate of title that specifies that the vehicle 1179
is owned under joint ownership with right of survivorship. Upon a 1180
proper filing, the registrar shall issue an amended certificate of 1181
registration in the name of the ~~surviving spouse~~ survivor. 1182

(C) If the death of the owner of a motor vehicle results in 1183
the transfer of ownership of the motor vehicle to a 1184
transfer-on-death beneficiary or beneficiaries designated under 1185
section 2131.13 of the Revised Code, the registration shall be 1186
continued upon the filing by the transfer-on-death beneficiary or 1187
beneficiaries of an application for an amended certificate of 1188
registration, unless that registration is prohibited by division 1189
(D) of section 2935.27, division (A) of section 2937.221, division 1190

(A) of section 4503.13, division (B) of section 4507.168, or 1191
division (B)(1) of section 4521.10 of the Revised Code. The 1192
application shall be accompanied by a service fee of two dollars 1193
and seventy-five cents commencing on July 1, 2001, three dollars 1194
and twenty-five cents commencing on January 1, 2003, and three 1195
dollars and fifty cents commencing on January 1, 2004, a transfer 1196
fee of one dollar, the original certificate of registration, and a 1197
copy of the certificate of title that specifies that the owner of 1198
the motor vehicle has designated the motor vehicle in beneficiary 1199
form under section 2131.13 of the Revised Code. Upon a proper 1200
filing, the registrar shall issue an amended certificate of 1201
registration in the name of the transfer-on-death beneficiary or 1202
beneficiaries. 1203

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

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that thirty-day period, the license plates from the motor vehicle 1224
 for which they originally were issued may be displayed on the 1225
 succeeding motor vehicle, and the succeeding motor vehicle may be 1226
 operated on the public roads and highways in this state. 1227

At the time of application for transfer, the registrar shall 1228
 compute and collect the amount of tax due on the succeeding motor 1229
 vehicle, based upon the amount that would be due on a new 1230
 registration as of the date on which the transfer is made less a 1231
 credit for the unused portion of the original registration 1232
 beginning on that date. If the credit exceeds the amount of tax 1233
 due on the new registration, no refund shall be made. In computing 1234
 the amount of tax due and credits to be allowed under this 1235
 division, the provisions of division (B)(1)(a) and (b) of section 1236
 4503.11 of the Revised Code shall apply. As to passenger cars, 1237
 noncommercial vehicles, motor homes, and motorcycles, transfers 1238
 within or between these classes of motor vehicles only shall be 1239
 allowed. If the succeeding motor vehicle is of a different class 1240
 than the motor vehicle for which the registration originally was 1241
 issued, new license plates also shall be issued upon the surrender 1242
 of the license plates originally issued and payment of the fees 1243
 provided in divisions (C) and (D) of section 4503.10 of the 1244
 Revised Code. 1245

~~(D)~~(E) The owner of a commercial car having a gross vehicle 1246
 weight or combined gross vehicle weight of more than ten thousand 1247
 pounds may transfer the registration of that commercial car to 1248
 another commercial car the owner owns without transferring 1249
 ownership of the first commercial car, unless registration of the 1250
 second commercial car is prohibited by division (D) of section 1251
 2935.27, division (A) of section 2937.221, division (A) of section 1252
 4503.13, division (B) of section 4507.168, or division (B)(1) of 1253
 section 4521.10 of the Revised Code. At any time during the 1254
 remainder of the registration period for which the first 1255

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commercial car was registered, the owner may file an application 1256
for the transfer of the registration and, where applicable, the 1257
license plates, accompanied by a service fee of two dollars and 1258
seventy-five cents commencing on July 1, 2001, three dollars and 1259
twenty-five cents commencing on January 1, 2003, and three dollars 1260
and fifty cents commencing on January 1, 2004, a transfer fee of 1261
one dollar, and the certificate of registration of the first 1262
commercial car. The amount of any tax due or credit to be allowed 1263
for a transfer of registration under this division shall be 1264
computed in accordance with division ~~(E)~~(D) of this section. 1265

No commercial car to which a registration is transferred 1266
under this division shall be operated on a public road or highway 1267
in this state until after the transfer of registration is 1268
completed in accordance with this division. 1269

~~(E)~~(F) Upon application to the registrar or a deputy 1270
registrar, a person who owns or leases a motor vehicle may 1271
transfer special license plates assigned to that vehicle to any 1272
other vehicle that the person owns or leases or that is owned or 1273
leased by the person's spouse. The application shall be 1274
accompanied by a service fee of two dollars and seventy-five cents 1275
commencing on July 1, 2001, three dollars and twenty-five cents 1276
commencing on January 1, 2003, and three dollars and fifty cents 1277
commencing on January 1, 2004, a transfer fee of one dollar, and 1278
the original certificate of registration. As appropriate, the 1279
application also shall be accompanied by a power of attorney for 1280
the registration of a leased vehicle and a written statement 1281
releasing the special plates to the applicant. Upon a proper 1282
filing, the registrar or deputy registrar shall assign the special 1283
license plates to the motor vehicle owned or leased by the 1284
applicant and issue a new certificate of registration for that 1285
motor vehicle. 1286

As used in division ~~(E)~~(F) of this section, "special license 1287

plates" means either of the following: 1288

(1) Any license plates for which the person to whom the 1289
license plates are issued must pay an additional fee in excess of 1290
the fees prescribed in section 4503.04 of the Revised Code, 1291
Chapter 4504. of the Revised Code, and the service fee prescribed 1292
in division (D) or (G) of section 4503.10 of the Revised Code; 1293

(2) License plates issued under section 4503.44 of the 1294
Revised Code. 1295

Sec. 4505.06. (A)(1) Application for a certificate of title 1296
shall be made in a form prescribed by the registrar of motor 1297
vehicles and shall be sworn to before a notary public or other 1298
officer empowered to administer oaths. The application shall be 1299
filed with the clerk of any court of common pleas. An application 1300
for a certificate of title may be filed electronically by any 1301
electronic means approved by the registrar in any county with the 1302
clerk of the court of common pleas of that county. Any payments 1303
required by this chapter shall be considered as accompanying any 1304
electronically transmitted application when payment actually is 1305
received by the clerk. Payment of any fee or taxes may be made by 1306
electronic transfer of funds. 1307

(2) The application for a certificate of title shall be 1308
accompanied by the fee prescribed in section 4505.09 of the 1309
Revised Code. The fee shall be retained by the clerk who issues 1310
the certificate of title and shall be distributed in accordance 1311
with that section. If a clerk of a court of common pleas, other 1312
than the clerk of the court of common pleas of an applicant's 1313
county of residence, issues a certificate of title to the 1314
applicant, the clerk shall transmit data related to the 1315
transaction to the automated title processing system. 1316
1317

(3) If a certificate of title previously has been issued for 1318

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a motor vehicle in this state, the application for a certificate
of title also shall be accompanied by that certificate of title
duly assigned, unless otherwise provided in this chapter. If a
certificate of title 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, except that, if an
application for a certificate of title is filed electronically by
an electronic motor vehicle dealer on behalf of the purchaser of a
motor vehicle, the clerk shall retain the completed electronic
record to which the dealer converted the certificate of title
application and other required documents. The electronic motor
vehicle dealer shall forward the actual application and all other

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documents relating to the sale of the motor vehicle to any clerk 1352
within thirty days after the certificate of title is issued. The 1353
registrar, after consultation with the attorney general, shall 1354
adopt rules that govern the location at which, and the manner in 1355
which, are stored the actual application and all other documents 1356
relating to the sale of a motor vehicle when an electronic motor 1357
vehicle dealer files the application for a certificate of title 1358
electronically on behalf of the purchaser. 1359

1360
1361
The clerk shall use reasonable diligence in ascertaining 1362
whether or not the facts in the application for a certificate of 1363
title are true by checking the application and documents 1364
accompanying it or the electronic record to which a dealer 1365
converted the application and accompanying documents with the 1366
records of motor vehicles in the clerk's office. If the clerk is 1367
satisfied that the applicant is the owner of the motor vehicle and 1368
that the application is in the proper form, the clerk, within five 1369
business days after the application is filed, shall issue a 1370
physical certificate of title over the clerk's signature and 1371
sealed with the clerk's seal unless the applicant specifically 1372
requests the clerk not to issue a physical certificate of title 1373
and instead to issue an electronic certificate of title. For 1374
purposes of the transfer of a certificate of title, if the clerk 1375
is satisfied that the secured party has duly discharged a lien 1376
notation but has not canceled the lien notation with a clerk, the 1377
clerk may cancel the lien notation on the automated title 1378
processing system and notify the clerk of the county of origin. 1379

1380
(4) In the case of the sale of a motor vehicle to a general 1381
buyer or user by a dealer, by a motor vehicle leasing dealer 1382
selling the motor vehicle to the lessee or, in a case in which the 1383

leasing dealer subleased the motor vehicle, the sublessee, at the
end of the lease agreement or sublease agreement, or by a
manufactured home broker, the certificate of title shall be
obtained in the name of the buyer by the dealer, leasing dealer,
or manufactured home broker, as the case may be, upon application
signed by the buyer. The certificate of title shall be issued, or
the process of entering the certificate of title application
information into the automated title processing system if a
physical certificate of title is not to be issued shall be
completed, within five business days after the application for
title is filed with the clerk. If the buyer of the motor vehicle
previously leased the motor vehicle and is buying the motor
vehicle at the end of the lease pursuant to that lease, the
certificate of title shall be obtained in the name of the buyer by
the motor vehicle leasing dealer who previously leased the motor
vehicle to the buyer or by the motor vehicle leasing dealer who
subleased the motor vehicle to the buyer under a sublease
agreement.

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

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

applicable tax within the required seven business days may be 1416
indicated by postmark or receipt by a clerk within that period. 1417

(ii) Upon receipt of the certificate of title with the 1418
security interest noted on its face, the dealer or leasing dealer 1419
shall forward the certificate of title to the secured party at the 1420
location noted in the financing documents or otherwise specified 1421
by the secured party. 1422

(iii) A motor vehicle dealer or motor vehicle leasing dealer 1423
is liable to a secured party for a late fee of ten dollars per day 1424
for each certificate of title application and payment of the 1425
applicable tax that is submitted to a clerk more than seven 1426
business days but less than twenty-one days after the later of the 1427
delivery of the motor vehicle to the buyer or the date the dealer 1428
or leasing dealer obtains the manufacturer's or importer's 1429
certificate, or certificate of title issued in the name of the 1430
dealer or leasing dealer, for the motor vehicle and, from then on, 1431
twenty-five dollars per day until the application and applicable 1432
tax are submitted to a clerk. 1433

(b) In all cases of transfer of a motor vehicle, the 1434
application for certificate of title shall be filed within thirty 1435
days after the assignment or delivery of the motor vehicle. If an 1436
application for a certificate of title is not filed within the 1437
period specified in division (A)(5)(b) of this section, the clerk 1438
shall collect a fee of five dollars for the issuance of the 1439
certificate, except that no such fee shall be required from a 1440
motor vehicle salvage dealer, as defined in division (A) of 1441
section 4738.01 of the Revised Code, who immediately surrenders 1442
the certificate of title for cancellation. The fee shall be in 1443
addition to all other fees established by this chapter, and shall 1444
be retained by the clerk. The registrar shall provide, on the 1445
certificate of title form prescribed by section 4505.07 of the 1446
Revised Code, language necessary to give evidence of the date on 1447

which the assignment or delivery of the motor vehicle was made. 1448
1449

(6) As used in division (A) of this section, "lease 1450
agreement," "lessee," and "sublease agreement" have the same 1451
meanings as in section 4505.04 of the Revised Code. 1452

(B) The clerk, except as provided in this section, shall 1453
refuse to accept for filing any application for a certificate of 1454
title and shall refuse to issue a certificate of title unless the 1455
dealer or manufactured home broker or the applicant, in cases in 1456
which the certificate shall be obtained by the buyer, submits with 1457
the application payment of the tax levied by or pursuant to 1458
Chapters 5739. and 5741. of the Revised Code based on the 1459
purchaser's county of residence. Upon payment of the tax in 1460
accordance with division (E) of this section, the clerk shall 1461
issue a receipt prescribed by the registrar and agreed upon by the 1462
tax commissioner showing payment of the tax or a receipt issued by 1463
the commissioner showing the payment of the tax. When submitting 1464
payment of the tax to the clerk, a dealer shall retain any 1465
discount to which the dealer is entitled under section 5739.12 of 1466
the Revised Code. 1467

For receiving and disbursing such taxes paid to the clerk by 1468
a resident of the clerk's county, the clerk may retain a poundage 1469
fee of one and one one-hundredth per cent, ~~which~~ and the clerk 1470
~~shall be paid~~ pay the poundage fee into the certificate of title 1471
administration fund created by section 325.33 of the Revised Code. 1472
The clerk shall not retain a poundage fee from payments of taxes 1473
by persons who do not reside in the clerk's county. 1474

A clerk, however, may retain from the taxes paid to the clerk 1475
an amount equal to the poundage fees associated with certificates 1476
of title issued by other clerks of courts of common pleas to 1477
applicants who reside in the first clerk's county. The registrar, 1478
in consultation with the tax commissioner and the clerks of the 1479

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

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,
which shall be prima-facie evidence of the amount for the
determination of the tax.

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

The registrar shall prescribe an affidavit in which the
transferor shall swear to the true selling price and, except as
provided in this division, the true odometer reading of the motor
vehicle. The registrar may prescribe an affidavit in which the
seller and buyer provide information pertaining to the odometer
reading of the motor vehicle in addition to that required by this
section, as such information may be required by the United States

secretary of transportation by rule prescribed under authority of 1512
subchapter IV of the "Motor Vehicle Information and Cost Savings 1513
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 1514

(2) Division (C)(1) of this section does not require the 1515
giving of information concerning the odometer and odometer reading 1516
of a motor vehicle when ownership of a motor vehicle is being 1517
transferred as a result of a bequest, under the laws of intestate 1518
succession, to a ~~surviving spouse~~ survivor pursuant to section 1519
~~2106.17~~, 2106.18, 2131.12, or 4505.10 of the Revised Code, to a 1520
transfer-on-death beneficiary or beneficiaries pursuant to section 1521
2131.13 of the Revised Code, or in connection with the creation 1522
of a security interest. 1523

(D) When the transfer to the applicant was made in some other 1524
state or in interstate commerce, the clerk, except as provided in 1525
this section, shall refuse to issue any certificate of title 1526
unless the tax imposed by or pursuant to Chapter 5741. of the 1527
Revised Code based on the purchaser's county of residence has been 1528
paid as evidenced by a receipt issued by the tax commissioner, or 1529
unless the applicant submits with the application payment of the 1530
tax. Upon payment of the tax in accordance with division (E) of 1531
this section, the clerk shall issue a receipt prescribed by the 1532
registrar and agreed upon by the tax commissioner, showing payment 1533
of the tax. 1534

For receiving and disbursing such taxes paid to the clerk by 1535
a resident of the clerk's county, the clerk may retain a poundage 1536
fee of one and one one-hundredth per cent. The clerk shall not 1537
retain a poundage fee from payments of taxes by persons who do not 1538
reside in the clerk's county. 1539

A clerk, however, may retain from the taxes paid to the clerk 1540
an amount equal to the poundage fees associated with certificates 1541
of title issued by other clerks of courts of common pleas to 1542
applicants who reside in the first clerk's county. The registrar, 1543

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

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

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

The clerk shall make a good faith effort to collect any
payment of taxes due but not made because the payment was returned
or dishonored, but the clerk is not personally liable for the
payment of uncollected taxes or uncollected fees. The clerk shall

notify the tax commissioner of any such payment of taxes that is 1576
due but not made and shall furnish ~~such~~ the information to the 1577
commissioner ~~as~~ that the commissioner requires. The clerk shall 1578
deduct the amount of taxes due but not paid from the clerk's 1579
periodic remittance of tax payments, in accordance with procedures 1580
agreed upon by the tax commissioner. The commissioner may collect 1581
taxes due by assessment in the manner provided in section 5739.13 1582
of the Revised Code. 1583

Any person who presents payment that is returned or 1584
dishonored for any reason is liable to the clerk for payment of a 1585
penalty over and above the amount of the taxes due. The clerk 1586
shall determine the amount of the penalty, ~~which~~ and the penalty 1587
shall be no greater than that amount necessary to compensate the 1588
clerk for banking charges, legal fees, or other expenses incurred 1589
by the clerk in collecting the returned or dishonored payment. The 1590
remedies and procedures provided in this section are in addition 1591
to any other available civil or criminal remedies. Subsequently 1592
collected penalties, poundage fees, and title fees, less any title 1593
fee due the state, from returned or dishonored payments collected 1594
by the clerk shall be paid into the certificate of title 1595
administration fund. Subsequently collected taxes, less poundage 1596
fees, shall be sent by the clerk to the treasurer of state at the 1597
next scheduled periodic remittance of tax payments, with 1598
information as the commissioner may require. The clerk may abate 1599
all or any part of any penalty assessed under this division. 1600

(F) In the following cases, the clerk shall accept for filing 1602
an application and shall issue a certificate of title without 1603
requiring payment or evidence of payment of the tax: 1604

(1) When the purchaser is this state or any of its political 1605
subdivisions, a church, or an organization whose purchases are 1606
exempted by section 5739.02 of the Revised Code; 1607

(2) When the transaction in this state is not a retail sale 1608
as defined by section 5739.01 of the Revised Code; 1609

(3) When the purchase is outside this state or in interstate 1610
commerce and the purpose of the purchaser is not to use, store, or 1611
consume within the meaning of section 5741.01 of the Revised Code; 1612
1613

(4) When the purchaser is the federal government; 1614

(5) When the motor vehicle was purchased outside this state 1615
for use outside this state; 1616

(6) When the motor vehicle is purchased by a nonresident of 1617
this state for immediate removal from this state, and will be 1618
permanently titled and registered in another state, as provided by 1619
division (B)(23) of section 5739.02 of the Revised Code, and upon 1620
presentation of a copy of the affidavit provided by that section, 1621
and a copy of the exemption certificate provided by section 1622
5739.03 of the Revised Code. 1623

The clerk shall forward all payments of taxes, less poundage 1624
fees, to the treasurer of state in a manner to be prescribed by 1625
the tax commissioner and shall furnish information to the 1626
commissioner as the commissioner requires. 1627

(G) An application, as prescribed by the registrar and agreed 1628
to by the tax commissioner, shall be filled out and sworn to by 1629
the buyer of a motor vehicle in a casual sale. The application 1630
shall contain the following notice in bold lettering: "WARNING TO 1631
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 1632
law to state the true selling price. A false statement is in 1633
violation of section 2921.13 of the Revised Code and is punishable 1634
by six months' imprisonment or a fine of up to one thousand 1635
dollars, or both. All transfers are audited by the department of 1636
taxation. The seller and buyer must provide any information 1637
requested by the department of taxation. The buyer may be assessed 1638

any additional tax found to be due." 1639

(H) For sales of manufactured homes or mobile homes occurring 1640
on or after January 1, 2000, the clerk shall accept for filing, 1641
pursuant to Chapter 5739. of the Revised Code, an application for 1642
a certificate of title for a manufactured home or mobile home 1643
without requiring payment of any tax pursuant to section 5739.02, 1644
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 1645
issued by the tax commissioner showing payment of the tax. For 1646
sales of manufactured homes or mobile homes occurring on or after 1647
January 1, 2000, the applicant shall pay to the clerk an 1648
additional fee of five dollars for each certificate of title 1649
issued by the clerk for a manufactured or mobile home pursuant to 1650
division (H) of section 4505.11 of the Revised Code and for each 1651
certificate of title issued upon transfer of ownership of the 1652
home. The clerk shall credit the fee to the county certificate of 1653
title administration fund, and the fee shall be used to pay the 1654
expenses of archiving ~~such~~ those certificates pursuant to division 1655
(A) of section 4505.08 and division (H)(3) of section 4505.11 of 1656
the Revised Code. The tax commissioner shall administer any tax on 1657
a manufactured or mobile home pursuant to Chapters 5739. and 5741. 1658
of the Revised Code. 1659

(I) Every clerk shall have the capability to transact by 1660
electronic means all procedures and transactions relating to the 1661
issuance of motor vehicle certificates of title that are described 1662
in the Revised Code as being accomplished by electronic means. 1663

Sec. 4505.10. (A) In the event of the transfer of ownership 1665
of a motor vehicle by operation of law, as upon inheritance, 1666
devise, bequest, order in bankruptcy, insolvency, replevin, or 1667
execution sale, a motor vehicle is sold to satisfy storage or 1668
repair charges, or repossession is had upon default in performance 1669

As Reported by the House Civil and Commercial Law Committee

of the terms of a security agreement as provided in Chapter 1309. 1670
of the Revised Code and the secured party has notified the debtor 1671
as required by division (B) of section 1309.611 of the Revised 1672
Code, a clerk of a court of common pleas, upon the surrender of 1673
the prior certificate of title or the manufacturer's or importer's 1674
certificate, or, when that is not possible, upon presentation of 1675
satisfactory proof to the clerk of ownership and rights of 1676
possession to the motor vehicle, and upon payment of the fee 1677
prescribed in section 4505.09 of the Revised Code and presentation 1678
of an application for certificate of title, may issue to the 1679
applicant a certificate of title to the motor vehicle. Only an 1680
affidavit by the person or agent of the person to whom possession 1681
of the motor vehicle has passed, setting forth the facts entitling 1682
the person to the possession and ownership, together with a copy 1683
of the journal entry, court order, or instrument upon which the 1684
claim of possession and ownership is founded, is satisfactory 1685
proof of ownership and right of possession. If the applicant 1686
cannot produce that proof of ownership, the applicant may apply 1687
directly to the registrar of motor vehicles and submit the 1688
evidence the applicant has, and the registrar, if the registrar 1689
finds the evidence sufficient, then may authorize a clerk to issue 1690
a certificate of title. If, from the records in the office of the 1691
clerk involved, there appears to be any lien on the motor vehicle, 1692
the certificate of title shall contain a statement of the lien 1693
unless the application is accompanied by proper evidence of its 1694
extinction. 1695

(B) A clerk shall transfer a decedent's interest in one or 1696
two automobiles to the surviving spouse of the decedent, as 1697
provided in section 2106.18 of the Revised Code, upon receipt of 1698
the title or titles. An affidavit executed by the surviving spouse 1699
shall be submitted to the clerk with the title or titles. The 1700
affidavit shall give the date of death of the decedent, shall 1701
state that each automobile for which the decedent's interest is to 1702

be so transferred is not disposed of by testamentary disposition, 1703
and shall provide an approximate value for each automobile 1704
selected to be transferred by the surviving spouse. The affidavit 1705
shall also contain a description for each automobile for which the 1706
decedent's interest is to be so transferred. The transfer does not 1707
affect any liens upon any automobile for which the decedent's 1708
interest is so transferred. 1709

(C) Upon the death of one of the persons who have established 1710
joint ownership with right of survivorship under section ~~2106.17~~ 1711
2131.12 of the Revised Code in a motor vehicle, and upon 1712
presentation to a clerk of the title and the certificate of death 1713
of the decedent, the clerk shall transfer title to the motor 1714
vehicle to the survivor. The transfer does not affect any liens 1715
upon any motor vehicle so transferred. 1716

(D) Upon the death of the owner of a motor vehicle designated 1717
in beneficiary form under section 2131.13 of the Revised Code, 1718
upon application for a certificate of title by the 1719
transfer-on-death beneficiary or beneficiaries designated pursuant 1720
to that section, and upon presentation to the clerk of the 1721
certificate of title and the certificate of death of the decedent, 1722
the clerk shall transfer the motor vehicle and issue a certificate 1723
of title to the transfer-on-death beneficiary or beneficiaries. 1724
The transfer does not affect any liens upon the motor vehicle so 1725
transferred. 1726

Sec. 4549.08. No person shall operate or drive a motor 1727
vehicle upon the public roads and highways in this state if it 1728
displays a license plate or a distinctive number or identification 1729
mark that meets any of the following criteria: 1730

(A) Is fictitious; 1731

(B) Is a counterfeit or an unlawfully made copy of any 1732
distinctive number or identification mark; 1733

(C) Belongs to another motor vehicle, provided that this 1734
section does not apply to a motor vehicle that is operated on the 1735
public roads and highways in this state when the motor vehicle 1736
displays license plates that originally were issued for a motor 1737
vehicle that previously was owned by the same person who owns the 1738
motor vehicle that is operated on the public roads and highways in 1739
this state, during the thirty-day period described in division 1740
~~(C)~~(D) of section 4503.12 of the Revised Code. 1741

A person who fails to comply with the transfer of 1742
registration provisions of section 4503.12 of the Revised Code and 1743
is charged with a violation of that section shall not be charged 1744
with a violation of this section. 1745

Sec. 4549.41. As used in sections 4549.41 to 4549.51 of the 1746
Revised Code: 1747

(A) "Person" includes an individual, corporation, government, 1748
governmental subdivision or agency, business trust, estate, trust, 1749
partnership, association, or cooperative or any other legal 1750
entity, whether acting individually or by their agents, officers, 1751
employees, or representatives. 1752

(B) "Motor vehicle" means any vehicle driven or drawn by 1753
mechanical power for use on the public streets, roads, or 1754
highways. 1755

(C) "Odometer" means an instrument for measuring and 1756
recording the total distance ~~which~~ that a motor vehicle travels 1757
while in operation, including any cable, line, or other part 1758
necessary to make the instrument function properly. Odometer does 1759
not include any auxiliary odometer designed to be reset by the 1760
operator of a motor vehicle for the purpose of recording mileage 1761
on trips. 1762

(D) "Transfer" means to change ownership of a motor vehicle 1763

by purchase, by gift, or, except as otherwise provided in this 1764
division, by any other means. A "transfer" does not include a 1765
change of ownership as a result of a bequest, under the laws of 1766
intestate succession, as a result of a surviving spouse's actions 1767
pursuant to section 2106.18 or 4505.10 of the Revised Code, as a 1768
result of the operation of section ~~2106.17~~ 2131.12 or 2131.13 of 1769
the Revised Code, or in connection with the creation of a security 1770
interest. 1771

(E) "Transferor" means the person involved in a transfer, who 1772
transfers ownership of a motor vehicle. 1773

(F) "Transferee" means the person involved in a transfer, to 1774
whom the ownership of a motor vehicle is transferred. 1775

(G) "Service" means to repair or replace an odometer ~~which~~ 1776
that is not properly functioning. 1777

Section 2. That existing sections 1339.66, 1339.68, 1340.22, 1778
1547.54, 1548.07, 1548.071, 1548.08, 1548.11, 2106.17, 2106.18, 1779
2109.62, 2113.30, 2113.61, 2117.25, 4503.12, 4505.06, 4505.10, 1780
4549.08, and 4549.41 of the Revised Code are hereby repealed. 1781

Section 3. Section 1548.07 of the Revised Code is presented 1782
in this act as a composite of the section as amended by both Sub. 1783
H.B. 458 and Am. Sub. S.B. 182 of the 120th General Assembly. 1784
Section 4505.10 of the Revised Code is presented in this act as a 1785
composite of the section as amended by both Am. Sub. S.B. 74 and 1786
Sub. S.B. 59 of the 124th General Assembly. The General Assembly, 1787
applying the principle stated in division (B) of section 1.52 of 1788
the Revised Code that amendments are to be harmonized if 1789
reasonably capable of simultaneous operation, finds that the 1790
composite is the resulting version of the section in effect prior 1791
to the effective date of the section as presented in this act. 1792