

As Introduced

**124th General Assembly
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S. B. No. 59

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A B I L L

To amend sections 1548.01, 1548.02, 1548.03, 1548.06, 1
1548.07, 1548.08, 1548.09, 1548.11, 1548.12, 2
1548.13, 1548.17, 1548.18, 1548.19, 1548.20, 3
4501.01, 4503.182, 4505.03, 4505.04, 4505.06, 4
4505.08, 4505.09, 4505.10, 4505.102, 4505.11, 5
4505.12, 4505.13, 4505.18, 4505.181, 4505.19, 6
4505.20, 4519.01, 4519.51, 4519.52, 4519.53, 7
4519.55, 4519.57, 4519.58, 4519.59, 4519.60, 8
4519.61, 4519.62, 4519.66, 4519.67, and 4519.68 and 9
to enact sections 1548.021, 1548.141, 4503.034, 10
4505.021, 4505.032, 4505.141, 4505.25, 4519.511, 11
4519.512, 4519.521, and 4519.631 of the Revised 12
Code to make changes in the titling processes for 13
motor vehicles, watercraft, outboard motors, 14
off-highway motorcycles, and all-purpose vehicles. 15
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1548.01, 1548.02, 1548.03, 1548.06, 17
1548.07, 1548.08, 1548.09, 1548.11, 1548.12, 1548.13, 1548.17, 18
1548.18, 1548.19, 1548.20, 4501.01, 4503.182, 4505.03, 4505.04, 19
4505.06, 4505.08, 4505.09, 4505.10, 4505.102, 4505.11, 4505.12, 20
4505.13, 4505.18, 4505.181, 4505.19, 4505.20, 4519.01, 4519.51, 21

4519.52, 4519.53, 4519.55, 4519.57, 4519.58, 4519.59, 4519.60, 22
4519.61, 4519.62, 4519.66, 4519.67, and 4519.68 be amended and 23
sections 1548.021, 1548.141, 4503.034, 4505.021, 4505.032, 24
4505.141, 4505.25, 4519.511, 4519.512, 4519.521, and 4519.631 of 25
the Revised Code be enacted to read as follows: 26

Sec. 1548.01. (A) As used in this chapter, "electronic" and 27
"watercraft" ~~has~~ have the same ~~meaning~~ meanings as in section 28
1547.01 of the Revised Code. 29

(B) This chapter does not apply to any of the following: 30

(1) A watercraft covered by a marine document in effect that 31
has been assigned to it by the United States government pursuant 32
to federal law; 33

(2) A watercraft from a country other than the United States 34
temporarily using the waters in this state; 35

(3) A watercraft whose owner is the United States, a state, 36
or a political subdivision thereof; 37

(4) A ship's lifeboat. As used in division (B)(4) of this 38
section, "lifeboat" means a watercraft that is held aboard another 39
vessel and used exclusively for emergency purposes. 40

(5) A canoe; 41

(6) A watercraft less than fourteen feet in length without a 42
permanently affixed mechanical means of propulsion; 43

(7) A watercraft less than fourteen feet in length with a 44
permanently fixed mechanical means of propulsion of less than ten 45
horsepower as determined by the manufacturer's rating; 46

(8) Outboard motors of less than ten horsepower as determined 47
by the manufacturer's rating. 48

(C) The various certificates, applications, and assignments 49

necessary to provide certificates of title for watercraft and
outboard motors shall be made on appropriate forms approved by the
chief of the division of watercraft.

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Sec. 1548.02. The chief of the division of watercraft shall
adopt such rules as ~~he~~ the chief considers necessary to ensure
uniform and orderly operation of this chapter, and the clerks of
the courts of common pleas shall conform ~~thereto~~ to those rules.
The chief shall receive and file in ~~his~~ the chief's office all
information forwarded to ~~him~~ the chief by the clerks under this
chapter and shall maintain indexes covering the state at large for
that information. These indexes shall be for the state at large
and not for individual counties.

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The chief shall check with ~~his~~ the chief's record all
physical duplicate certificates of title received in ~~his~~ the
chief's office from the clerks. ~~If~~

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If it appears that ~~a~~ any certificate of title has been
improperly issued, the chief shall cancel the certificate. Upon
the cancellation of any certificate of title, the chief shall
notify the clerk who issued it, and the clerk shall enter the
cancellation in ~~his~~ the clerk's records. The chief also shall
notify the person to whom the certificate of title was issued, as
well as any lienholders appearing ~~thereon~~ on it, of the
cancellation and, if it is a physical certificate of title, shall
demand the surrender of the certificate of title, but the
cancellation shall not affect the validity of any lien noted
~~thereon~~ on it. The holder of ~~the~~ a physical certificate of title
shall return it to the chief immediately. ~~The~~

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The clerks shall keep on hand a sufficient supply of blank
forms that, except certificate of title and memorandum certificate
forms, shall be furnished and distributed without charge to
registered manufacturers or dealers or to other persons residing

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within the county. The clerks shall provide the certificates of 81
title, the ribbons for data processing, and removable backup media 82
from moneys provided to the clerks from the automated title 83
processing fund in accordance with division (B)(3)(b) of section 84
4505.09 of the Revised Code. The clerks shall furnish all other 85
supplies from other moneys available to the clerks. 86

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Sec. 1548.021. The owner of a watercraft or outboard motor 88
shall apply for a certificate of title for the watercraft or 89
outboard motor when required by this chapter, but, except as 90
otherwise specifically required in this chapter, the owner may 91
elect whether or not to have the clerk of the court of common 92
pleas to whom the certificate of title application is submitted 93
issue a physical certificate of title for the watercraft or 94
outboard motor, as provided in section 1548.09 of the Revised 95
Code. 96

Except as otherwise specifically provided in this chapter, 97
any provision of this chapter relating to the cancellation, 98
issuance, or surrender of a certificate of title, including, but 99
not limited to, provisions that contain a phrase such as "when a 100
certificate of title is issued," "the clerk shall issue a 101
certificate of title," or "the person shall obtain a certificate 102
of title to the watercraft or outboard motor," or another phrase 103
of similar import, shall include those circumstances when a clerk 104
enters certificate of title information into the automated title 105
processing system, but does not take any further action relating 106
to a physical certificate of title for the watercraft or outboard 107
motor. 108

Sec. 1548.03. No person, except as provided in section 109
1548.05 of the Revised Code, shall sell or otherwise dispose of a 110
watercraft or outboard motor without delivering to the purchaser 111

or transferee thereof a physical certificate of title with such an 112
assignment thereon on it as is necessary to show title in the 113
purchaser or transferee; nor shall any person purchase or 114
otherwise acquire a watercraft or outboard motor without obtaining 115
a certificate of title for it in his the person's name in 116
accordance with ~~Chapter 1548. of the Revised Code~~ this chapter; 117
however, a purchaser may take possession of and operate a 118
watercraft or outboard motor on the waters in this state without a 119
certificate of title for a period not exceeding thirty days if ~~he~~ 120
the purchaser has been issued and has in ~~his~~ the purchaser's 121
possession a dealer's dated bill of sale⁷ or, in the case of a 122
casual sale, a notarized bill of sale. 123

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Sec. 1548.06. Application for a certificate of title for a 125
watercraft or outboard motor shall be made upon a form prescribed 126
by the chief of the division of watercraft ~~and shall be sworn to~~ 127
~~before a notary public or other officer empowered to administer~~ 128
~~oaths.~~ The application shall be filed with the clerk of the any 129
court of common pleas ~~of the county in which the applicant resides~~ 130
~~if the applicant is a resident of this state or, if not a~~ 131
~~resident, in the county in which the transaction is consummated.~~ 132
An application for a certificate of title may be filed 133
electronically by any electronic means approved by the chief in 134
any county with the clerk of the court of common pleas of that 135
county. The application shall be accompanied by the fee prescribed 136
in section 1548.10 of the Revised Code, ~~and if.~~ The fee shall be 137
retained by the clerk who issues the certificate of title and 138
shall be distributed in accordance with that section. If a clerk 139
of a court of common pleas, other than the clerk of the court of 140
common pleas of an applicant's county of residence, issues a 141
certificate of title to the applicant, the clerk shall transmit 142
data related to the transaction to the database of the automated 143

data processing system in the office of the clerk of the court of 144
common pleas of the applicant's county of residence. 145

If a certificate of title previously has been issued for the 146
watercraft or outboard motor, ~~it~~ the application for a certificate 147
of title also shall be accompanied by the certificate of title 148
duly assigned unless otherwise provided in this chapter. If a 149
certificate of title previously has not been issued for the 150
watercraft or outboard motor in this state, the application, 151
unless otherwise provided in this chapter, shall be accompanied by 152
a manufacturer's or importer's certificate; by a sworn statement 153
of ownership if the watercraft or outboard motor was purchased by 154
the applicant on or before October 9, 1963, or if the watercraft 155
is less than fourteen feet long with a permanently affixed 156
mechanical means of propulsion and was purchased by the applicant 157
on or before January 1, 2000; or by a certificate of title, bill 158
of sale, or other evidence of ownership required by the law of 159
another state from which the watercraft or outboard motor was 160
brought into this state. Evidence of ownership of a watercraft or 161
outboard motor for which an Ohio certificate of title previously 162
has not been issued and which watercraft or outboard motor does 163
not have permanently affixed thereto a manufacturer's serial 164
number shall be accompanied by the certificate of assignment of a 165
hull identification number assigned by the chief as provided in 166
section 1548.07 of the Revised Code. 167

The clerk shall retain the evidence of title presented by the 169
applicant and on which the certificate of title is issued. The 170
clerk shall use reasonable diligence in ascertaining whether the 171
facts in the application are true by checking the application and 172
documents accompanying it with the records of watercraft and 173
outboard motors in the clerk's office. If the clerk is satisfied 174
that the applicant is the owner of the watercraft or outboard 175

motor and that the application is in the proper form, the clerk 176
shall issue a physical certificate of title over the clerk's 177
signature and sealed with the clerk's seal unless the applicant 178
specifically requests the clerk not to issue a physical 179
certificate of title and instead to issue an electronic 180
certificate of title. However, if the evidence indicates and an 181
investigation shows that one or more Ohio titles already exist for 182
the watercraft or outboard motor, the chief may cause the 183
redundant title or titles to be canceled. 184

In the case of the sale of a watercraft or outboard motor by 185
a vendor to a general purchaser or user, the certificate of title 186
shall be obtained in the name of the purchaser by the vendor upon 187
application signed by the purchaser. In all other cases the 188
certificate shall be obtained by the purchaser. In all cases of 189
transfer of watercraft or outboard motors, the application for 190
certificate of title shall be filed within thirty days after the 191
later of the date of purchase or assignment of ownership of the 192
watercraft or outboard motor. If the application for certificate 193
of title is not filed within thirty days after the later of the 194
date of purchase or assignment of ownership of the watercraft or 195
outboard motor, the clerk shall charge a late penalty fee of five 196
dollars in addition to the fee prescribed by section 1548.10 of 197
the Revised Code. The clerk shall retain the entire amount of each 198
late penalty fee. 199

The clerk shall refuse to accept an application for 200
certificate of title unless the applicant either tenders with the 201
application payment of all taxes levied by or pursuant to Chapter 202
5739. or 5741. of the Revised Code based on the applicant's county 203
of residence less, in the case of a sale by a vendor, any discount 204
to which the vendor is entitled under section 5739.12 of the 205
Revised Code, or submits any of the following: 206

(A) A receipt issued by the tax commissioner or a clerk of 207

courts showing payment of the tax; 208

(B) A copy of the unit certificate of exemption completed by 209
the purchaser at the time of sale as provided in section 5739.03 210
of the Revised Code; 211

(C) An exemption certificate, in a form prescribed by the tax 212
commissioner, that specifies why the purchase is not subject to 213
the tax imposed by Chapter 5739. or 5741. of the Revised Code. 214

Payment of the tax shall be in accordance with rules issued 215
by the tax commissioner, and the clerk shall issue a receipt in 216
the form prescribed by the tax commissioner to any applicant who 217
tenders payment of the tax with the application for ~~registration~~ 218
the certificate of title. 219

For receiving and disbursing the taxes paid to the clerk, the 220
clerk may retain a poundage fee of one per cent of the taxes 221
collected, which shall be paid into the general fund of the 222
county. In the case of casual sales of watercraft or outboard 223
motors that are subject to the tax imposed by Chapter 5739. or 224
5741. of the Revised Code, the purchase price for the purpose of 225
determining the tax shall be the purchase price on an affidavit 226
executed and filed with the clerk by the vendor on a form to be 227
prescribed by the chief, which shall be prima-facie evidence of 228
the price for the determination of the tax. In addition to the 229
information required by section 1548.08 of the Revised Code, each 230
certificate of title shall contain in bold lettering the following 231
notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE 232
(SELLER AND BUYER). You are required by law to state the true 233
selling price. A false statement is a violation of section 2921.13 234
of the Revised Code and is punishable by six months imprisonment 235
or a fine of up to one thousand dollars, or both. All transfers 236
are audited by the department of taxation. The seller and buyer 237
must provide any information requested by the department of 238
taxation. The buyer may be assessed any additional tax found to be 239

due." 240

The clerk shall forward all payments of taxes, less poundage 241
fees, to the treasurer of state in a manner to be prescribed by 242
the tax commissioner and shall furnish such information to the 243
commissioner as the commissioner may require. For purposes of a 244
transfer of a certificate of title, if the clerk is satisfied that 245
a secured party has discharged a lien, but has not canceled the 246
lien notation with the clerk of the county of origin, the clerk 247
may cancel the lien notation on the automated title processing 248
system and notify the clerk of the county of origin. 249

Every clerk shall have the capability to transact by 250
electronic means all procedures and transactions relating to the 251
issuance of watercraft or outboard motor certificates of title 252
that are described in the Revised Code as being accomplished by 253
electronic means. 254

Sec. 1548.07. (A) An application for a certificate of title 255
shall be ~~sworn to before a notary public or other officer~~ 256
~~empowered to administer oaths by the lawful owner or purchaser of~~ 257
~~the watercraft or outboard motor and shall~~ contain the following 258
information in the form ~~and,~~ together with any other information, 259
that the chief of the division of watercraft may require: 260

(1) Name, address, and social security number or employer's 261
tax identification number of the applicant; 262

(2) Statement of how the watercraft or outboard motor was 263
acquired; 264

(3) Name and address of the previous owner; 265

(4) A statement of all liens, mortgages, or other 266
encumbrances on the watercraft or outboard motor, including a 267
description of the nature and amount of each lien, mortgage, or 268
encumbrance, and the name and address of each holder thereof of 269

<u>each lien, mortgage, or encumbrance;</u>	270
(5) If there are no outstanding liens, mortgages, or other encumbrances, a statement of that fact;	271 272
(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;	273 274 275 276 277 278 279
(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.	280 281 282
(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 of the Revised Code.	283 284 285 286
(C) If the watercraft or outboard motor contains a permanent identification number placed thereon <u>on it</u> by the manufacturer, this number shall be used as the serial number or hull identification number. If there is no manufacturer's identification number, or if the manufacturer's identification number has been removed or obliterated, the chief, upon receipt of a prescribed application and proof of ownership, may assign an identification number for the watercraft or outboard motor, and this number shall be permanently affixed or imprinted 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.	287 288 289 290 291 292 293 294 295 296 297 298
Sec. 1548.08. The <u>When the</u> clerk of the <u>a</u> court of common pleas <u>issues a physical certificate of title for a watercraft or</u>	299 300

~~outboard motor, the clerk shall issue certificates of title for~~ 301
~~watercraft and outboard motors~~ it over his the clerk's official 302
seal. ~~The~~ All physical certificates of title to watercraft or 303
outboard motors shall contain the information required in the 304
application for ~~the certificate of title,~~ them as prescribed by 305
section 1548.07 of the Revised Code, as well as spaces for the 306
dates of notation and cancellation of each lien, mortgage, or 307
encumbrance, over the signature of the clerk. If ~~the~~ any 308
certificate of title is issued for a watercraft or outboard motor 309
in which two persons are establishing joint ownership with right 310
of survivorship under section 2106.17 of the Revised Code, the 311
certificate, in addition to the information required by this 312
section, shall show that the two persons have established joint 313
ownership with right of survivorship in the watercraft or outboard 314
motor. ~~An~~ 315

An assignment of certificate of title ~~before a notary public~~ 316
~~or other officer empowered to administer oaths~~ shall appear on the 317
reverse side of each physical certificate of title in the form to 318
be prescribed by the chief of the division of watercraft. Such 319
assignment form shall include a warranty that the signer is the 320
owner of the watercraft or outboard motor and that there are no 321
mortgages, liens, or encumbrances on the watercraft or outboard 322
motor except as are noted on the face of the certificate of title. 323

Sec. 1548.09. ~~The~~ When the clerk of ~~the~~ a court of common 325
pleas issues a physical certificate of title, ~~the clerk~~ shall 326
issue ~~certificates~~ the certificate of title in duplicate. One copy 327
shall be retained and filed by the clerk in the clerk's office, 328
and the information contained in it shall be transmitted on the 329
day it is issued to the chief of the division of watercraft. The 330
clerk shall sign and affix the clerk's seal to the original 331
certificate of title and, if there are no liens on the watercraft 332

or outboard motor, shall deliver the certificate to the applicant. 333
If there are one or more liens on the watercraft or outboard 334
motor, the clerk shall deliver the certificate of title to the 335
holder of the first lien. 336

The chief shall approve a uniform method of numbering 337
certificates of title. The numbering shall be in such manner that 338
the county of issuance is indicated. Numbers shall be assigned to 339
certificates of title in the manner approved by the chief. The 340
clerk shall file all certificates of title according to policies 341
prescribed by the chief, and the clerk shall maintain in the 342
clerk's office indexes for the certificates of title. 343

The clerk need not retain on file any certificate of title, 345
duplicate certificate of title, or memorandum certificate of 346
title, or supporting evidence thereof of them, covering any 347
watercraft or outboard motor for a period longer than seven years 348
after the date of its filing; thereafter, the certificate and 349
supporting information may be destroyed. The clerk shall issue a 350
duplicate title, when duly applied for, of any title that has been 351
destroyed as provided in this section. 352

The clerk shall issue a physical certificate of title to an 353
applicant unless the applicant specifically requests the clerk not 354
to issue a physical certificate of title and instead to issue an 355
electronic certificate of title. The fact that a physical 356
certificate of title is not issued for a watercraft or outboard 357
motor does not affect ownership of the watercraft or outboard 358
motor. In that case, when the clerk completes the process of 359
entering certificate of title application information into the 360
automated title processing system, the effect of the completion of 361
the process is the same as if the clerk actually issued a physical 362
certificate of title for the watercraft or outboard motor. 363

Sec. 1548.11. (A) In the event of the transfer of ownership 364
of a watercraft or outboard motor by operation of law, as upon 365
inheritance, devise, bequest, order in bankruptcy, insolvency, 366
replevin, or execution of sale, or whenever the engine of a 367
watercraft is replaced by another engine, or whenever a watercraft 368
or outboard motor is sold to satisfy storage or repair charges, or 369
repossession is had upon default in performance of the terms of a 370
security agreement as provided in ~~sections 1309.01 to 1309.50~~ 371
Chapter 1309. of the Revised Code, ~~the~~ a clerk of ~~the~~ a court of 372
common pleas ~~of the county in which the last certificate of title~~ 373
~~to the watercraft or outboard motor was issued,~~ upon the surrender 374
of the prior certificate of title or the manufacturer's or 375
importer's certificate, or, when that is not possible, upon 376
presentation of satisfactory proof to the clerk of ownership and 377
rights of possession to the watercraft or outboard motor, and upon 378
payment of the fee prescribed in section 1548.10 of the Revised 379
Code and presentation of an application for certificate of title, 380
may issue to the applicant a certificate of title to the 381
watercraft or outboard motor. Only an affidavit by the person or 382
agent of the person to whom possession of the watercraft or 383
outboard motor has passed, setting forth the facts entitling the 384
person to possession and ownership, together with a copy of the 385
journal entry, court order, or instrument upon which the claim of 386
possession and ownership is founded, is satisfactory proof of 387
ownership and right of possession. If the applicant cannot produce 388
such proof of ownership, the applicant may apply directly to the 389
chief of the division of watercraft and submit such evidence as 390
the applicant has, and the chief, if the chief finds the evidence 391
sufficient, may authorize the clerk to issue a certificate of 392
title. If, from the records in the office of the clerk, there 393
appears to be any lien on the watercraft or outboard motor, the 394
certificate of title shall contain a statement of the lien unless 395
the application is accompanied by proper evidence of its 396

extinction. 397

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(B) Upon the death of one of the persons who have established 399
joint ownership with right of survivorship under section 2106.17 400
of the Revised Code in a watercraft or outboard motor and the 401
presentation to the clerk of the title and the certificate of 402
death of the deceased person, the clerk shall enter into the 403
records the transfer of the watercraft or outboard motor to the 404
surviving person, and the title to the watercraft or outboard 405
motor immediately passes to the surviving person. The transfer 406
does not affect any liens on the watercraft or outboard motor. 407

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(C) The clerk shall transfer a decedent's interest in one 409
watercraft, one outboard motor, or one of each to the decedent's 410
surviving spouse as provided in section 2106.19 of the Revised 411
Code. 412

Sec. 1548.12. Each owner of a watercraft or outboard motor 413
and each person mentioned as owner in the last certificate of 414
title, when ~~such~~ the watercraft or outboard motor is dismantled, 415
destroyed, or changed in such manner that it loses its character 416
as a watercraft or outboard motor, or changed in such manner that 417
it is not the watercraft or outboard motor described in the 418
certificate of title, shall surrender ~~his~~ the certificate of title 419
to ~~the~~ a clerk of ~~the~~ a court of common pleas ~~who issued it~~, and 420
~~thereupon~~ the clerk ~~shall~~, with the consent of any holders of any 421
liens noted ~~thereon~~ on the certificate of title, then shall enter 422
a cancellation upon ~~his~~ the clerk's records and shall notify the 423
chief of the division of watercraft of ~~such~~ the cancellation. 424

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Upon the cancellation of a certificate of title in the manner 426
prescribed by this section, the clerk and the chief may cancel and 427

destroy all certificates and all memorandum certificates in that
chain of title.

Sec. 1548.13. In the event of a lost or destroyed certificate
of title, application shall be made to ~~the~~ a clerk of ~~the~~ a court
of common pleas of ~~the county where such certificate of title was~~
~~issued,~~ by the owner of ~~such~~ the watercraft or outboard motor, or
the holder of a lien ~~thereon~~ on it, for a certified copy of ~~such~~
the certificate upon a form prescribed by the chief of the
division of watercraft and accompanied by the fee prescribed by
section 1548.10 of the Revised Code. ~~Such~~ The application shall be
signed and sworn to by the person making the ~~same~~. ~~Thereupon~~
application, and the clerk shall issue a certified copy of ~~such~~
the certificate of title to the person entitled to receive it
under ~~Chapter 1548. of the Revised Code~~ this chapter. ~~Such~~ The
certified copy shall be plainly marked across its face with the
word "duplicate," and any subsequent purchaser of ~~such~~ the
watercraft or outboard motor in the chain of title originating
through ~~such~~ the certified copy acquires only such rights in the
watercraft or outboard motor as the original holder of the
certified copy ~~himself~~ had. Any purchaser of ~~such~~ the watercraft
or outboard motor ~~may,~~ at the time of purchase, may require the
seller of the same to indemnify ~~him~~ the purchaser and all
subsequent purchasers of ~~such~~ the watercraft or outboard motor
against any loss ~~which he~~ that the purchaser or ~~they~~ any
subsequent purchaser may suffer by reason of any claim presented
upon the original certificate. In the event of the recovery of the
original certificate of title by ~~said~~ the owner, ~~he~~ the owner
shall ~~forthwith~~ surrender ~~same~~ it immediately to the clerk for
cancellation.

The holder of a certificate of title for a watercraft or
outboard motor upon which is noted an existing lien, encumbrance,
or mortgage, may any time make application to ~~the~~ a clerk ~~who~~

~~issued the certificate of title for a memorandum certificate,~~ 460
which ~~form~~ shall be made in the form prescribed by the chief and 461
signed and sworn to by the applicant. Upon receipt of ~~such~~ the 462
application, if it appears to be regular, together with the fee 463
prescribed by section 1548.10 of the Revised Code, the clerk shall 464
issue to ~~such~~ the applicant a memorandum certificate for the 465
watercraft or outboard motor. ~~In the event such~~ If the memorandum 466
certificate is lost or destroyed, the holder ~~thereof~~ of it may 467
obtain a certified copy of ~~the same~~ it on a form prescribed by the 468
chief ~~and~~, accompanied by the fee prescribed in section 1548.10 of 469
the Revised Code. In the event of the recovery of the original 470
memorandum certificate by the owner, ~~he~~ the owner shall ~~forthwith~~ 471
~~surrender the same~~ it immediately to the clerk for cancellation. 472
Such a memorandum certificate is not assignable and constitutes no 473
evidence of title or of right to transfer or encumber the 474
watercraft or outboard motor described ~~therein~~ in it. 475

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Sec. 1548.141. (A) The chief of the division of watercraft 477
shall enable the public to access watercraft and outboard motor 478
title information via electronic means. The chief, in accordance 479
with Chapter 119. of the Revised Code, shall adopt rules governing 480
this access. In adopting these rules, the chief shall confer with 481
the clerks of the courts of common pleas. 482

(B) The rules adopted under division (A) of this section 483
shall require the payment of the fees prescribed in section 484
1548.14 of the Revised Code, if a person is seeking access via 485
electronic means to watercraft or outboard motor title information 486
as described in that section. 487

Sec. 1548.17. Every peace officer, sheriff, watercraft 488
officer, division of parks and recreation officer, division of 489
wildlife officer, conservancy district officer, constable, or 490

state highway patrol trooper, having knowledge of a stolen 491
watercraft or outboard motor, shall immediately furnish the chief 492
of the division of watercraft with full information concerning 493
~~such~~ the theft. 494

The chief, whenever ~~he receives~~ a report of the theft or 495
conversion of a watercraft or outboard motor is received, shall 496
make a distinctive record ~~thereof~~ of it, including the make of the 497
stolen watercraft or outboard motor and its manufacturer's or 498
assigned serial number, and shall file the ~~same~~ record in the 499
numerical order of the manufacturer's or assigned serial number 500
with the index records of the watercraft or outboard motors of 501
such make. The chief shall prepare a report listing watercraft and 502
outboard motors stolen and recovered as disclosed by the reports 503
submitted to ~~him~~ the chief, to be distributed as ~~he~~ the chief 504
deems advisable. 505

In the event of the receipt from any clerk of ~~the~~ a court of 506
common pleas of a copy of a physical certificate of title to such 507
a watercraft or outboard motor, the chief shall immediately notify 508
the rightful owner ~~thereof~~ of the watercraft or outboard motor and 509
the clerk who issued ~~such~~ its physical certificate of title, and 510
if, upon investigation, it appears that ~~such~~ the physical 511
certificate of title was improperly issued, the chief shall 512
immediately cancel ~~the same~~ it. 513

In the event of the recovery of a stolen or converted 514
watercraft or outboard motor, the owner shall immediately notify 515
the chief, who shall remove the record of the theft or conversion 516
from ~~his~~ the chief's file. 517

Sec. 1548.18. No person shall do any of the following: 518

(A) Operate in this state a watercraft for which a 519
certificate of title is required or a watercraft powered by an 520
outboard motor for which a certificate of title is required 521

without having ~~such~~ the certificate, or a valid temporary permit 522
and number, in accordance with ~~Chapter 1548. of the Revised Code~~ 523
this chapter or, if a physical certificate of title has not been 524
issued for it, operate the watercraft or outboard motor in this 525
state knowing that the ownership information relating to the 526
watercraft or outboard motor has not been entered into the 527
automated data processing system by a clerk of a court of common 528
pleas; 529

(B) Operate in this state a watercraft for which a 530
certificate of title is required or a watercraft powered by an 531
outboard motor for which a certificate of title is required upon 532
which the certificate of title has been canceled; 533

(C) Fail to surrender any certificate of title upon 534
cancellation of ~~the same~~ it by the chief of the division of 535
watercraft and notice ~~thereof~~ of the cancellation as prescribed in 536
~~Chapter 1548. of the Revised Code~~ this chapter; 537

(D) Fail to surrender the certificate of title to ~~the~~ a clerk 538
of ~~the~~ a court of common pleas as provided in ~~Chapter 1548. of the~~ 539
~~Revised Code~~ this chapter, in case of the destruction or 540
dismantling or change of a watercraft or outboard motor in such 541
respect that it is not the watercraft or outboard motor described 542
in the certificate of title; 543

(E) Violate ~~sections 1548.01 to 1548.21 of the Revised Code,~~ 544
any provision of this chapter for which no penalty is otherwise 545
provided, or any lawful rules ~~or regulations promulgated~~ adopted 546
pursuant to ~~such sections~~ this chapter; 547

(F) Operate in this state a watercraft or outboard motor 548
knowing that the certificate of title to or ownership of the 549
watercraft or outboard motor as otherwise reflected in the 550
automated title processing system has been canceled. 551

Sec. 1548.19. No person shall do any of the following: 552

(A) Procure or attempt to procure a certificate of title to a watercraft or outboard motor, or pass or attempt to pass a certificate of title or any assignment thereof to a watercraft or outboard motor, or in any manner gain or attempt to gain ownership by any means, knowing or having reason to believe that ~~such the~~ watercraft or outboard motor has been stolen;

(B) Sell or offer for sale in this state a watercraft or outboard motor on which the manufacturer's or assigned serial number has been destroyed, removed, covered, altered, or defaced with knowledge of ~~such the~~ destruction, removal, covering, alteration, or defacement of ~~such the~~ manufacturer's or assigned serial number;

(C) Sell or transfer a watercraft or outboard motor without delivering to the purchaser or transferee ~~thereof~~ of it a certificate of title, or a manufacturer's or importer's certificate ~~thereto~~ to it, assigned to ~~such the~~ purchaser as provided for in ~~such sections~~ this chapter, except as otherwise provided in this chapter.

Sec. 1548.20. Chapter 1309. of the Revised Code does not permit or require the deposit, filing, or other records of a security interest covering a watercraft or outboard motor for which a certificate of title is required. Any security agreement covering a security interest in a watercraft or outboard motor, if it is accompanied by delivery of a manufacturer's or importer's certificate and followed by actual and continued possession of that certificate by the holder of the instrument, or, in the case of a certificate of title, if a notation of the instrument has been made by ~~the~~ a clerk of ~~the~~ a court of common pleas on the face of the certificate, shall be valid as against the creditors of the debtor, whether armed with process or not, and against subsequent purchasers, secured parties, and other lienholders or

claimants. All liens, mortgages, and encumbrances noted upon a certificate of title shall take priority according to the order of time in which they are noted thereon by the clerk. Exposure for sale of any watercraft or outboard motor by its owner, with the knowledge or with the knowledge and consent of the holder of any lien, mortgage, or encumbrance thereon, shall not render the lien, mortgage, or encumbrance ineffective as against the creditors of the owner or against holders of subsequent liens, mortgages, or encumbrances upon the watercraft or outboard motor.

If the secured party presents the security agreement to ~~the a~~ clerk of ~~the a~~ court of common pleas of ~~the county in which the certificate of title was issued~~ together with the certificate of title, if a physical certificate of title for the watercraft or outboard motor exists, and the fee prescribed by section 1548.10 of the Revised Code, the clerk, unless the secured party specifically requests the clerk not to issue a physical certificate of title, shall issue a new original certificate of title from the automated title processing records. The new certificate shall indicate the lien or security interest and the date of that encumbrance. The clerk also shall note the lien or security interest and the date thereof in ~~his~~ the clerk's files and on that day shall notify the chief of the division of watercraft. The clerk shall indicate by appropriate notation on the agreement itself the fact that the lien or security interest has been noted on the certificate of title.

When the lien or security interest is discharged, the holder thereof shall note the discharge over ~~his~~ the holder's signature on the face of the certificate of title, or, if there is not sufficient space for the notation on the face of the title, ~~he~~ the holder shall note the discharge on a form prescribed by the chief. Prior to delivering the certificate to the owner, the holder or

~~his~~ the holder's agent shall present it and any additional 616
information the chief requires to the clerk for the purpose of 617
having the clerk note the discharge of the lien or security 618
interest on the face of the certificate of title and upon the 619
records of the clerk. If the discharge appears to be genuine, the 620
clerk shall note it on the certificate of title, and ~~he~~ the clerk 621
also shall note the discharge on ~~his~~ the clerk's records and 622
notify the chief, who shall note the discharge. 623
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Sec. 4501.01. As used in this chapter and Chapters 4503., 625
4505., 4507., 4509., 4511., 4513., 4515., and 4517. of the Revised 626
Code, and in the penal laws, except as otherwise provided: 627
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(A) "Vehicles" means everything on wheels or runners, 629
including motorized bicycles, but does not mean vehicles that are 630
operated exclusively on rails or tracks or from overhead electric 631
trolley wires and vehicles that belong to any police department, 632
municipal fire department, or volunteer fire department, or that 633
are used by such a department in the discharge of its functions. 634

(B) "Motor vehicle" means any vehicle, including mobile homes 635
and recreational vehicles, that is propelled or drawn by power 636
other than muscular power or power collected from overhead 637
electric trolley wires. "Motor vehicle" does not include motorized 638
bicycles, road rollers, traction engines, power shovels, power 639
cranes, and other equipment used in construction work and not 640
designed for or employed in general highway transportation, 641
well-drilling machinery, ditch-digging machinery, farm machinery, 642
trailers that are used to transport agricultural produce or 643
agricultural production materials between a local place of storage 644
or supply and the farm when drawn or towed on a public road or 645
highway at a speed of twenty-five miles per hour or less, 646
threshing machinery, hay-baling machinery, corn sheller, 647

hammermill and agricultural tractors, machinery used in the
production of horticultural, agricultural, and vegetable products,
and trailers that are designed and used exclusively to transport a
boat between a place of storage and a marina, or in and around a
marina, when drawn or towed on a public road or highway for a
distance of no more than ten miles and at a speed of twenty-five
miles per hour or less.

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(C) "Agricultural tractor" and "traction engine" mean any
self-propelling vehicle that is designed or used for drawing other
vehicles or wheeled machinery, but has no provisions for carrying
loads independently of such other vehicles, and that is used
principally for agricultural purposes.

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(D) "Commercial tractor," except as defined in division (C)
of this section, means any motor vehicle that has motive power and
either is designed or used for drawing other motor vehicles, or is
designed or used for drawing another motor vehicle while carrying
a portion of the other motor vehicle or its load, or both.

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(E) "Passenger car" means any motor vehicle that is designed
and used for carrying not more than nine persons and includes any
motor vehicle that is designed and used for carrying not more than
fifteen persons in a ridesharing arrangement.

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(F) "Collector's vehicle" means any motor vehicle or
agricultural tractor or traction engine that is of special
interest, that has a fair market value of one hundred dollars or
more, whether operable or not, and that is owned, operated,
collected, preserved, restored, maintained, or used essentially as
a collector's item, leisure pursuit, or investment, but not as the
owner's principal means of transportation. "Licensed collector's
vehicle" means a collector's vehicle, other than an agricultural
tractor or traction engine, that displays current, valid license

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tags issued under section 4503.45 of the Revised Code, or a 680
similar type of motor vehicle that displays current, valid license 681
tags issued under substantially equivalent provisions in the laws 682
of other states. 683

(G) "Historical motor vehicle" means any motor vehicle that 684
is over twenty-five years old and is owned solely as a collector's 685
item and for participation in club activities, exhibitions, tours, 686
parades, and similar uses, but that in no event is used for 687
general transportation. 688

(H) "Noncommercial motor vehicle" means any motor vehicle, 689
including a farm truck as defined in section 4503.04 of the 690
Revised Code, that is designed by the manufacturer to carry a load 691
of no more than one ton and is used exclusively for purposes other 692
than engaging in business for profit. 693

(I) "Bus" means any motor vehicle that has motor power and is 694
designed and used for carrying more than nine passengers, except 695
any motor vehicle that is designed and used for carrying not more 696
than fifteen passengers in a ridesharing arrangement. 697

(J) "Commercial car" or "truck" means any motor vehicle that 698
has motor power and is designed and used for carrying merchandise 699
or freight, or that is used as a commercial tractor. 700

(K) "Bicycle" means every device, other than a tricycle that 701
is designed solely for use as a play vehicle by a child, that is 702
propelled solely by human power upon which any person may ride, 703
and that has either two tandem wheels, or one wheel in front and 704
two wheels in the rear, any of which is more than fourteen inches 705
in diameter. 706

(L) "Motorized bicycle" means any vehicle that either has two 707
tandem wheels or one wheel in the front and two wheels in the 708
rear, that is capable of being pedaled, and that is equipped with 709
a helper motor of not more than fifty cubic centimeters piston 710

displacement that produces no more than one brake horsepower and
is capable of propelling the vehicle at a speed of no greater than
twenty miles per hour on a level surface.

(M) "Trailer" means any vehicle without motive power that is
designed or used for carrying property or persons wholly on its
own structure and for being drawn by a motor vehicle, and includes
any such vehicle that is formed by or operated as a combination of
a semitrailer and a vehicle of the dolly type such as that
commonly known as a trailer dolly, a vehicle used to transport
agricultural produce or agricultural production materials between
a local place of storage or supply and the farm when drawn or
towed on a public road or highway at a speed greater than
twenty-five miles per hour, and a vehicle that is designed and
used exclusively to transport a boat between a place of storage
and a marina, or in and around a marina, when drawn or towed on a
public road or highway for a distance of more than ten miles or at
a speed of more than twenty-five miles per hour. "Trailer" does
not include a manufactured home or travel trailer.

(N) "Noncommercial trailer" means any trailer, except a
travel trailer or trailer that is used to transport a boat as
described in division (B) of this section, but, where applicable,
includes a vehicle that is used to transport a boat as described
in division (M) of this section, that has a gross weight of no
more than three thousand pounds, and that is used exclusively for
purposes other than engaging in business for a profit.

(O) "Mobile home" means a building unit or assembly of closed
construction that is fabricated in an off-site facility, is more
than thirty-five body feet in length or, when erected on site, is
three hundred twenty or more square feet, is built on a permanent
chassis, is transportable in one or more sections, and does not
qualify as a manufactured home as defined in division (C)(4) of

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section 3781.06 of the Revised Code or as an industrialized unit 743
as defined in division (C)(3) of section 3781.06 of the Revised 744
Code. 745

(P) "Semitrailer" means any vehicle of the trailer type that 746
does not have motive power and is so designed or used with another 747
and separate motor vehicle that in operation a part of its own 748
weight or that of its load, or both, rests upon and is carried by 749
the other vehicle furnishing the motive power for propelling 750
itself and the vehicle referred to in this division, and includes, 751
for the purpose only of registration and taxation under those 752
chapters, any vehicle of the dolly type, such as a trailer dolly, 753
that is designed or used for the conversion of a semitrailer into 754
a trailer. 755

(Q) "Recreational vehicle" means a vehicular portable 756
structure that meets all of the following conditions: 757

(1) It is designed for the sole purpose of recreational 758
travel. 759

(2) It is not used for the purpose of engaging in business 760
for profit. 761

(3) It is not used for the purpose of engaging in intrastate 762
commerce. 763

(4) It is not used for the purpose of commerce as defined in 764
49 C.F.R. 383.5, as amended. 765

(5) It is not regulated by the public utilities commission 766
pursuant to Chapter 4919., 4921., or 4923. of the Revised Code. 767

(6) It is classed as one of the following: 768

(a) "Travel trailer" means a nonself-propelled recreational 769
vehicle that does not exceed an overall length of thirty-five 770
feet, exclusive of bumper and tongue or coupling, and contains 771
less than three hundred twenty square feet of space when erected 772

on site. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code. 773
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(b) "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping. 775
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(c) "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling. 779
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(d) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck. 785
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(e) "Park trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances. 792
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(R) "Pneumatic tires" means tires of rubber and fabric or tires of similar material, that are inflated with air. 799
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(S) "Solid tires" means tires of rubber or similar elastic material that are not dependent upon confined air for support of the load. 801
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(T) "Solid tire vehicle" means any vehicle that is equipped with two or more solid tires.

(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five miles per hour or less.

(V) "Owner" includes any person, or firm, ~~or corporation~~ other than a manufacturer or dealer that has title to a motor vehicle, except that in sections 4505.01 to 4505.19 of the Revised Code, "owner" includes in addition manufacturers and dealers.

(W) "Manufacturer" and "dealer" include all persons, and firms, ~~and corporations~~ that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand persons at the last federal census, even though a department in a place of business is used to dismantle, salvage, or rebuild motor vehicles by means of used parts, if such departments are operated for the purpose of

furthering and assisting in the business of manufacturing, 836
selling, displaying, offering for sale, or dealing in motor 837
vehicles. Places of business or departments in a place of business 838
used to dismantle, salvage, or rebuild motor vehicles by means of 839
using used parts are not considered as being maintained for the 840
purpose of assisting or furthering the manufacturing, selling, 841
displaying, and offering for sale or dealing in motor vehicles. 842

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(X) "Operator" includes any person who drives or operates a 844
motor vehicle upon the public highways. 845

(Y) "Chauffeur" means any operator who operates a motor 846
vehicle, other than a taxicab, as an employee for hire; or any 847
operator whether or not the owner of a motor vehicle, other than a 848
taxicab, who operates such vehicle for transporting, for gain, 849
compensation, or profit, either persons or property owned by 850
another. Any operator of a motor vehicle who is voluntarily 851
involved in a ridesharing arrangement is not considered an 852
employee for hire or operating such vehicle for gain, 853
compensation, or profit. 854

(Z) "State" includes the territories and federal districts of 855
the United States, and the provinces of Canada. 856

(AA) "Public roads and highways" for vehicles includes all 857
public thoroughfares, bridges, and culverts. 858

(BB) "Manufacturer's number" means the manufacturer's 859
original serial number that is affixed to or imprinted upon the 860
chassis or other part of the motor vehicle. 861

(CC) "Motor number" means the manufacturer's original number 862
that is affixed to or imprinted upon the engine or motor of the 863
vehicle. 864

(DD) "Distributor" means any person who is authorized by a 865
motor vehicle manufacturer to distribute new motor vehicles to 866

licensed motor vehicle dealers at an established place of business 867
that is used exclusively for the purpose of distributing new motor 868
vehicles to licensed motor vehicle dealers, except when the 869
distributor also is a new motor vehicle dealer, in which case the 870
distributor may distribute at the location of the distributor's 871
licensed dealership. 872

(EE) "Ridesharing arrangement" means the transportation of 873
persons in a motor vehicle where the transportation is incidental 874
to another purpose of a volunteer driver and includes ridesharing 875
arrangements known as carpools, vanpools, and buspools. 876

(FF) "Apportionable vehicle" means any vehicle that is used 877
or intended for use in two or more international registration plan 878
member jurisdictions that allocate or proportionally register 879
vehicles, that is used for the transportation of persons for hire 880
or designed, used, or maintained primarily for the transportation 881
of property, and that meets any of the following qualifications: 882

(1) Is a power unit having a gross vehicle weight in excess 884
of twenty-six thousand pounds; 885

(2) Is a power unit having three or more axles, regardless of 886
the gross vehicle weight; 887

(3) Is a combination vehicle with a gross vehicle weight in 888
excess of twenty-six thousand pounds. 889

"Apportionable vehicle" does not include recreational 890
vehicles, vehicles displaying restricted plates, city pick-up and 891
delivery vehicles, buses used for the transportation of chartered 892
parties, or vehicles owned and operated by the United States, this 893
state, or any political subdivisions thereof. 894

(GG) "Chartered party" means a group of persons who contract 895
as a group to acquire the exclusive use of a passenger-carrying 896
motor vehicle at a fixed charge for the vehicle in accordance with 897

the carrier's tariff, lawfully on file with the United States 898
department of transportation, for the purpose of group travel to a 899
specified destination or for a particular itinerary, either agreed 900
upon in advance or modified by the chartered group after having 901
left the place of origin. 902

(HH) "International registration plan" means a reciprocal 903
agreement of member jurisdictions that is endorsed by the American 904
association of motor vehicle administrators, and that promotes and 905
encourages the fullest possible use of the highway system by 906
authorizing apportioned registration of fleets of vehicles and 907
recognizing registration of vehicles apportioned in member 908
jurisdictions. 909

(II) "Restricted plate" means a license plate that has a 910
restriction of time, geographic area, mileage, or commodity, and 911
includes license plates issued to farm trucks under division (K) 912
of section 4503.04 of the Revised Code. 913

(JJ) "Gross vehicle weight," with regard to any commercial 914
car, trailer, semitrailer, or bus that is taxed at the rates 915
established under section 4503.042 of the Revised Code, means the 916
unladen weight of the vehicle fully equipped plus the maximum 917
weight of the load to be carried on the vehicle. 918

(KK) "Combined gross vehicle weight" with regard to any 919
combination of a commercial car, trailer, and semitrailer, that is 920
taxed at the rates established under section 4503.042 of the 921
Revised Code, means the total unladen weight of the combination of 922
vehicles fully equipped plus the maximum weight of the load to be 923
carried on that combination of vehicles. 924

(LL) "Chauffeured limousine" means a motor vehicle that is 925
designed to carry nine or fewer passengers and is operated for 926
hire on an hourly basis pursuant to a prearranged contract for the 927
transportation of passengers on public roads and highways along a 928

route under the control of the person hiring the vehicle and not 929
over a defined and regular route. "Prearranged contract" means an 930
agreement, made in advance of boarding, to provide transportation 931
from a specific location in a chauffeured limousine at a fixed 932
rate per hour or trip. "Chauffeured limousine" does not include 933
any vehicle that is used exclusively in the business of funeral 934
directing. 935

(MM) "Manufactured home" has the same meaning as in division 936
(C)(4) of section 3781.06 of the Revised Code. 937

(NN) "Acquired situs," with respect to a manufactured home or 938
a mobile home, means to become located in this state by the 939
placement of the home on real property, but does not include the 940
placement of a manufactured home or a mobile home in the inventory 941
of a new motor vehicle dealer or the inventory of a manufacturer, 942
remanufacturer, or distributor of manufactured or mobile homes. 943
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(OO) "Electronic" includes electrical, digital, magnetic, 945
optical, electromagnetic, or any other form of technology that 946
entails capabilities similar to these technologies. 947

(PP) "Electronic record" means a record generated, 948
communicated, received, or stored by electronic means for use in 949
an information system or for transmission from one information 950
system to another. 951

(QQ) "Electronic signature" means a signature in electronic 952
form attached to or logically associated with an electronic 953
record. 954

(RR) "Financial transaction device" has the same meaning as 955
in division (A) of section 113.40 of the Revised Code. 956

(SS) "Electronic motor vehicle dealer" means a motor vehicle 957
dealer licensed under Chapter 4517. of the Revised Code whom the 958
registrar of motor vehicles determines meets the criteria 959

designated in section 4503.034 of the Revised Code for electronic 960
motor vehicle dealers and designates as an electronic motor 961
vehicle dealer under that section. 962

Sec. 4503.034. The registrar of motor vehicles shall 963
designate as an electronic motor vehicle dealer a motor vehicle 964
dealer who meets all of the following criteria: 965

(A) The dealer holds a current, valid dealer license issued 966
under Chapter 4517. of the Revised Code. 967

(B) The dealer participates in the title defect recision fund 968
created by section 1345.52 of the Revised Code. 969

(C) The dealer has the capability, via electronic means, to 970
send motor vehicle title and registration information, as 971
specified by the registrar, to the registrar and clerks of the 972
courts of common pleas. 973

(D) The dealer meets other criteria for electronic motor 974
vehicle dealers that the registrar may establish by rule adopted 975
under Chapter 119. of the Revised Code. 976

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon 977
application and proof of purchase of the vehicle, may be issued a 978
temporary license placard or windshield sticker for the motor 979
vehicle. 980

The purchaser of a vehicle applying for a temporary license 981
placard or windshield sticker under this section shall execute an 982
affidavit stating that the purchaser has not been issued 983
previously during the current registration year a license plate 984
that could legally be transferred to ~~such~~ the vehicle. 985

Placards or windshield stickers shall be issued only for the 986
applicant's use of the vehicle to enable the applicant to legally 987
operate the motor vehicle while proper title, license plates, and 988

a certificate of registration are being obtained, and shall be 989
displayed on no other motor vehicle. 990

Placards or windshield stickers issued under this section are 991
valid for a period of thirty days from date of issuance and are 992
not transferable or renewable. 993

The fee for such placards or windshield stickers is two 994
dollars plus a deputy registrar service fee of two dollars and 995
twenty-five cents for each such placard issued by a deputy 996
registrar. 997

(B) The registrar of motor vehicles may issue to a motorized 998
bicycle dealer or a licensed motor vehicle dealer temporary 999
license placards to be issued to purchasers for use on vehicles 1000
sold by the ~~licensed~~ dealer, in accordance with rules prescribed 1001
by the registrar. The dealer shall notify the registrar, within 1002
forty-eight hours ~~of proof,~~ of the issuance on of a form 1003
prescribed placard by the registrar electronic means via computer 1004
equipment purchased and maintained by the dealer or in any other 1005
manner prescribed by the registrar. 1006

The fee for each ~~such~~ placard issued by the registrar to a 1007
licensed motor vehicle dealer is two dollars plus a fee of two 1008
dollars and twenty-five cents if the dealer notifies the registrar 1009
of the issuance of the placards in a manner other than by 1010
electronic means via such computer equipment. The fee for each 1011
placard issued by the registrar to a licensed motor vehicle dealer 1012
is two dollars if the dealer notifies the registrar of the 1013
issuance of the placards by electronic means via such computer 1014
equipment. When a licensed motor vehicle dealer issues a placard 1015
to the purchaser of a vehicle that the dealer sells, the dealer 1016
shall collect and retain a fee of four dollars and twenty-five 1017
cents. 1018

(C) The registrar of motor vehicles, at the registrar's 1019

discretion, may issue a temporary license placard. Such a placard
may be issued in the case of extreme hardship encountered by a
citizen from this state or another state who has attempted to
comply with all registration laws, but for extreme circumstances
is unable to properly register the citizen's vehicle.

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(D) The registrar shall adopt rules, in accordance with
division (B) of section 111.15 of the Revised Code, to specify the
procedures for reporting the information from applications for
temporary license placards and windshield stickers and for
providing the information from these applications to law
enforcement agencies.

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(E) Temporary license placards issued under this section
shall bear a distinctive combination of seven letters, numerals,
or letters and numerals, and shall incorporate a security feature
that, to the greatest degree possible, prevents tampering with any
of the information that is entered upon a placard when it is
issued.

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(F) As used in this section, "motorized bicycle dealer" means
any person engaged in the business of selling at retail,
displaying, offering for sale, or dealing in motorized bicycles
who is not subject to section 4503.09 of the Revised Code.

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Sec. 4505.021. The owner of a motor vehicle shall apply for a
certificate of title for the vehicle when required by this
chapter, but, except as otherwise specifically required in this
chapter, the owner may elect whether or not to have the clerk of
the court of common pleas to whom the certificate of title
application is submitted issue a physical certificate of title for
the motor vehicle, as provided in section 4505.08 of the Revised
Code.

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Except as otherwise specifically provided in this chapter,

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any provision of this chapter relating to the cancellation, issuance, or surrender of a certificate of title, including, but not limited to, provisions that contain a phrase such as "when a certificate of title is issued," "the clerk shall issue a certificate of title," or "the person shall obtain a certificate of title to the motor vehicle," or another phrase of similar import, shall include those circumstances when a clerk enters certificate of title information into the automated title processing system, but does not take any further action relating to a physical certificate of title for the motor vehicle.

Sec. 4505.03. No person, except as provided in ~~section~~ sections 4505.032 and 4505.05 of the Revised Code, shall sell or otherwise dispose of a motor vehicle without delivering to the buyer or transferee ~~thereof~~ of it a certificate of title with ~~such~~ an assignment thereon on it as is necessary to show title in the buyer or transferee; nor shall any person, except as provided in section 4505.032 or 4505.11 of the Revised Code, buy or otherwise acquire a motor vehicle without obtaining a certificate of title for it in the person's name in accordance with this chapter.

Sec. 4505.032. (A)(1) If a person who is not an electronic motor vehicle dealer owns a motor vehicle for which a physical certificate of title has not been issued by a clerk of a court of common pleas and the person sells the motor vehicle to an electronic motor vehicle dealer, the person is not required to obtain a physical certificate of title to the motor vehicle in order to transfer ownership to the dealer. The person shall present the dealer, in a manner approved by the registrar of motor vehicles, with sufficient proof of the person's identity and complete and sign a form prescribed by the registrar attesting to the person's identity and assigning the motor vehicle to the

dealer. The electronic motor vehicle dealer then shall inform a 1082
clerk of a court of common pleas via electronic means of the sale 1083
of the motor vehicle and assignment of ownership of the vehicle to 1084
the dealer. The clerk shall enter the information relating to the 1085
assignment, including, but not limited to, the odometer disclosure 1086
statement required by section 4505.06 of the Revised Code, into 1087
the automated title processing system, and ownership of the 1088
vehicle passes to the dealer when the clerk enters this 1089
information into the system. The dealer is not required to obtain 1090
a certificate of title to the vehicle in the dealer's name. 1091

(2) A clerk shall charge and collect from a dealer a fee of 1093
five dollars for each motor vehicle assigned to the dealer under 1094
division (A)(1) of this section. The fee shall be distributed in 1095
accordance with section 4505.09 of the Revised Code. 1096

(B)(1) Ownership of a motor vehicle may be assigned between 1097
electronic motor vehicle dealers without any of the dealers 1098
obtaining a certificate of title to the motor vehicle in the name 1099
of any of those dealers. Each assignor dealer shall inform a clerk 1100
of a court of common pleas via electronic means of the sale of a 1101
motor vehicle to and of the assignment of its ownership to an 1102
assignee dealer. The clerk shall enter the information relating to 1103
the assignment, including, but not limited to, the odometer 1104
disclosure statement required by section 4505.06 of the Revised 1105
Code, into the automated title processing system, and ownership of 1106
the vehicle passes to the assignee dealer when the clerk enters 1107
this information into the system. 1108

(2) A clerk shall charge and collect from an assignor dealer 1109
a fee of three dollars for each assignment of ownership of a motor 1110
vehicle that the assignor dealer makes under division (B)(1) of 1111
this section. The clerk shall retain two dollars and twenty-five 1112
cents of the fee charged for each assignment of ownership and 1113

shall pay the remaining seventy-five cents of each fee to the 1114
registrar by monthly returns, which the clerk shall forward to the 1115
registrar not later than the fifth day of the month next 1116
succeeding that in which the assignment is made. 1117

(3) The registrar shall pay the amount received for each 1118
assignment of ownership as follows: 1119

(a) Twenty-five cents into the state bureau of motor vehicles 1120
fund established in section 4501.25 of the Revised Code; 1121

(b) Four cents into the state treasury to the credit of the 1122
motor vehicle dealers board fund established in section 4505.09 of 1123
the Revised Code; 1124

(c) Twenty-one cents into the general revenue fund; 1125

(d) Twenty-five cents into the state treasury to the credit 1126
of the motor vehicle sales audit fund established in section 1127
4505.09 of the Revised Code. 1128

(C) If a person who is not an electronic motor vehicle dealer 1129
owns a motor vehicle for which a physical certificate of title has 1130
not been issued by a clerk of a court of common pleas and the 1131
person sells the motor vehicle to a person who is not an 1132
electronic motor vehicle dealer, the person shall obtain a 1133
physical certificate of title to the motor vehicle in order to 1134
transfer ownership of the vehicle to the person who is not an 1135
electronic motor vehicle dealer. 1136

Sec. 4505.04. (A) No person acquiring a motor vehicle from 1137
its owner, whether the owner is a manufacturer, importer, dealer, 1138
or any other person, shall acquire any right, title, claim, or 1139
interest in or to the motor vehicle until there is issued to the 1140
person a certificate of title to the motor vehicle, or there is 1141
delivered to the person a manufacturer's or importer's certificate 1142
for it, or a certificate of title to it is assigned as authorized 1143

by section 4505.032 of the Revised Code; and no waiver or estoppel 1144
operates in favor of such person against a person having 1145
possession of the certificate of title to, or manufacturer's or 1146
importer's certificate for, the motor vehicle, for a valuable 1147
consideration. 1148

(B) Subject to division (C) of this section, no court shall 1149
recognize the right, title, claim, or interest of any person in or 1150
to any motor vehicle sold or disposed of, or mortgaged or 1151
encumbered, unless evidenced: 1152

(1) By a certificate of title, an assignment of a certificate 1153
of title made under section 4505.032 of the Revised Code, a 1154
manufacturer's or importer's certificate, or a certified receipt 1155
of title cancellation to an exported motor vehicle issued in 1156
accordance with sections 4505.01 to 4505.21 of the Revised Code; 1157

(2) By admission in the pleadings or stipulation of the 1159
parties; 1160

(3) In an action by a secured party to enforce a security 1161
interest perfected under ~~sections 1309.01 to 1309.50~~ Chapter 1309. 1162
of the Revised Code in accordance with division (A) of section 1163
4505.13 of the Revised Code, by an instrument showing a valid 1164
security interest. 1165

(C)(1) As used in division (C) of this section: 1166

(a) "Harm" means damage or other loss. 1167

(b) "Lease agreement" includes a sublease agreement as 1168
defined in division (C)(1)(d) of this section. 1169

(c) "Lessee" includes a sublessee under a sublease agreement, 1170
but only if the sublessee is a motor vehicle leasing dealer 1171
licensed under Chapter 4517. of the Revised Code. 1172

(d) "Sublease agreement" means a lease of a motor vehicle 1173

between a motor vehicle leasing dealer licensed under Chapter 1174
4517. of the Revised Code and a second such duly licensed motor 1175
vehicle leasing dealer. 1176

(e) "Tort action" means a civil action for damages for harm 1177
to a motor vehicle, other than a civil action for damages for a 1178
breach of contract or another agreement between persons. 1179

(2) Notwithstanding divisions (A) and (B) of this section, if 1180
a motor vehicle that is the subject of a lease agreement sustains 1181
harm during the term of that agreement and if all of the following 1182
conditions are satisfied, the lessee may commence a tort action in 1183
the lessee's own name to recover damages for the harm from the 1184
person allegedly responsible for it: 1185

(a) The lessee shall file with and attach to the complaint in 1186
the tort action a copy of the lease agreement pursuant to which 1187
the lessee is responsible for damage to the motor vehicle, for 1188
purposes of establishing the ownership of the motor vehicle and 1189
the interest of the lessee in it. 1190

(b) The harm to the motor vehicle shall be such that, under 1191
the lease agreement, the lessee bringing the action is legally 1192
responsible for the repair of the harm. 1193

(c) The lessee shall cause a copy of the complaint in the 1194
tort action to be served upon the owner of the motor vehicle and 1195
upon any other lessee of the vehicle in accordance with the Rules 1196
of Civil Procedure. 1197

Sec. 4505.06. (A) Application for a certificate of title 1198
shall be made in a form prescribed by the registrar of motor 1199
vehicles, ~~and shall be sworn to before a notary public or other~~ 1200
~~officer empowered to administer oaths.~~ The application shall be 1201
filed with the clerk of ~~the~~ any court of common pleas ~~of the~~ 1202
~~county in which the applicant resides if the applicant is a~~ 1203

~~resident of this state or, if not a resident, in the county in~~ 1204
~~which the transaction is consummated. An application for a~~ 1205
~~certificate of title may be filed electronically by any electronic~~ 1206
~~image transmission means approved by the registrar in any county~~ 1207
~~in which with the clerk of the court of common pleas permits an~~ 1208
~~application to be filed electronically. The signature of an~~ 1209
~~officer empowered to administer oaths that appears on an~~ 1210
~~application for a certificate of title, or on any other document~~ 1211
~~required to be filed by this chapter that has been filed~~ 1212
~~electronically, is not a facsimile signature as defined in section~~ 1213
~~9.10 of the Revised Code of that county. Any payments required by~~ 1214
this chapter shall be considered as accompanying any 1215
electronically transmitted application when payment actually is 1216
received by the clerk. Payment of any fee or taxes may be made by 1217
electronic transfer of funds. 1218

The application for a certificate of title shall be 1219
accompanied by the fee prescribed in section 4505.09 of the 1220
Revised Code; ~~and if. The fee shall be retained by the clerk who~~ 1221
~~issues the certificate of title and shall be distributed in~~ 1222
~~accordance with that section. If a clerk of a court of common~~ 1223
~~pleas, other than the clerk of the court of common pleas of an~~ 1224
~~applicant's county of residence, issues a certificate of title to~~ 1225
~~the applicant, the clerk shall transmit data related to the~~ 1226
~~transaction to the database of the automated data processing~~ 1227
~~system in the office of the clerk of the court of common pleas of~~ 1228
~~the applicant's county of residence.~~ 1229

If a certificate of title previously has been issued for ~~the~~ 1230
a motor vehicle in this state, ~~it~~ the application for a 1231
certificate of title also shall be accompanied by that certificate 1232
of title duly assigned, unless otherwise provided in this chapter. 1233
If a certificate of title previously has not been issued for the 1234
motor vehicle in this state, the application, unless otherwise 1235

provided in this chapter, shall be accompanied by a manufacturer's 1236
or importer's certificate or by a certificate of title of another 1237
state from which the motor vehicle was brought into this state. If 1238
the application refers to a motor vehicle last previously 1239
registered in another state, the application also shall be 1240
accompanied by the physical inspection certificate required by 1241
section 4505.061 of the Revised Code. If the application is made 1242
by two persons regarding a motor vehicle in which they wish to 1243
establish joint ownership with right of survivorship, they may do 1244
so as provided in section 2106.17 of the Revised Code. The clerk 1245
shall retain the evidence of title presented by the applicant and 1246
on which the certificate of title is issued, except that, if an 1247
application for a certificate of title is filed electronically by 1248
an electronic motor vehicle dealer on behalf of the purchaser of a 1249
motor vehicle, the clerk shall retain the completed electronic 1250
record to which the dealer converted the certificate of title 1251
application and other required documents. The electronic motor 1252
vehicle dealer shall retain the actual application and all other 1253
documents relating to the sale for a period of time specified by 1254
the registrar, and the motor vehicle dealer shall make all of the 1255
documents available for inspection upon the request of the 1256
registrar. The clerk shall use reasonable diligence in 1257
ascertaining whether or not the facts in the application for a 1258
certificate of title are true by checking the application and 1259
documents accompanying it or the electronic record to which a 1260
dealer converted the application and accompanying documents with 1261
the records of motor vehicles in the clerk's office; ~~if.~~ If the 1262
clerk is satisfied that the applicant is the owner of the motor 1263
vehicle and that the application is in the proper form, the clerk, 1264
within five business days after the application is filed, shall 1265
issue a physical certificate of title over the clerk's signature 1266
and sealed with the clerk's seal unless the applicant specifically 1267
requests the clerk not to issue a physical certificate of title 1268

and instead to issue an electronic certificate of title. For 1269
purposes of the transfer of a certificate of title, if the clerk 1270
is satisfied that the secured party has duly discharged a lien 1271
notation, but has not canceled the lien notation with the clerk of 1272
the county of origin, the clerk may cancel the lien notation on 1273
the automated title processing system and notify the clerk of the 1274
county of origin. 1275

In the case of the sale of a motor vehicle to a general buyer 1277
or user by a dealer, by a motor vehicle leasing dealer selling the 1278
motor vehicle to the lessee or, in a case in which the leasing 1279
dealer subleased the motor vehicle, the sublessee, at the end of 1280
the lease agreement or sublease agreement, or by a manufactured 1281
home broker, the certificate of title shall be obtained in the 1282
name of the buyer by the dealer, leasing dealer, or ~~the~~ 1283
manufactured home broker, as the case may be, upon application 1284
signed by the buyer. The certificate of title shall be issued, or 1285
the process of entering the certificate of title application 1286
information into the automated title processing system if a 1287
physical certificate of title is not to be issued shall be 1288
completed, within five business days after the application for 1289
title is filed with the clerk. If the buyer of the motor vehicle 1290
previously leased the motor vehicle and is buying the motor 1291
vehicle at the end of the lease pursuant to that lease, the 1292
certificate of title shall be obtained in the name of the buyer by 1293
the motor vehicle leasing dealer who previously leased the motor 1294
vehicle to the buyer or by the motor vehicle leasing dealer who 1295
subleased the motor vehicle to the buyer under a sublease 1296
agreement. 1297

In all other cases, except as provided in section 4505.032 1298
and division (D)(2) of section 4505.11 of the Revised Code, such 1299
certificates shall be obtained by the buyer. In all cases of 1300

transfer of a motor vehicle, the application for certificate of 1301
title shall be filed within thirty days after the assignment or 1302
delivery of the motor vehicle. If an application for a certificate 1303
of title is not filed within that period, the clerk shall collect 1304
a fee of five dollars for the issuance of the certificate, except 1305
that no such fee shall be required from a motor vehicle salvage 1306
dealer, as defined in division (A) of section 4738.01 of the 1307
Revised Code, who immediately surrenders the certificate of title 1308
for cancellation. The fee shall be in addition to all other fees 1309
established by this chapter, and shall be retained by the clerk. 1310
The registrar shall provide, on the certificate of title form 1311
prescribed by section 4505.07 of the Revised Code, language 1312
necessary to give evidence of the date on which the assignment or 1313
delivery of the motor vehicle was made. 1314

As used in this division, "lease agreement," "lessee," and 1315
"sublease agreement" have the same meanings as in section 4505.04 1316
of the Revised Code. 1317

(B) The clerk, except as provided in this section, shall 1318
refuse to accept for filing any application for a certificate of 1319
title and shall refuse to issue a certificate of title unless the 1320
dealer or manufactured home broker or the applicant, in cases in 1321
which the certificate shall be obtained by the buyer, submits with 1322
the application payment of the tax levied by or pursuant to 1323
Chapters 5739. and 5741. of the Revised Code based on the 1324
purchaser's county of residence. Upon payment of the tax in 1325
accordance with division (E) of this section, the clerk shall 1326
issue a receipt prescribed by the registrar and agreed upon by the 1327
tax commissioner showing payment of the tax or a receipt issued by 1328
the commissioner showing the payment of the tax. When submitting 1329
payment of the tax to the clerk, a dealer shall retain any 1330
discount to which the dealer is entitled under section 5739.12 of 1331
the Revised Code. 1332

For receiving and disbursing such taxes paid to the clerk, 1333
the clerk may retain a poundage fee of one and one one-hundredth 1334
per cent, which shall be paid into the certificate of title 1335
administration fund created by section 325.33 of the Revised Code. 1336
1337

In the case of casual sales of motor vehicles, as defined in 1338
section 4517.01 of the Revised Code, the price for the purpose of 1339
determining the tax shall be the purchase price on the assigned 1340
certificate of title executed by the seller and filed with the 1341
clerk by the buyer on a form to be prescribed by the registrar, 1342
which shall be prima-facie evidence of the amount for the 1343
determination of the tax. 1344

(C)(1) If the transferor indicates on the certificate of 1345
title that the odometer reflects mileage in excess of the designed 1346
mechanical limit of the odometer, the clerk shall enter the phrase 1347
"exceeds mechanical limits" following the mileage designation. If 1348
the transferor indicates on the certificate of title that the 1349
odometer reading is not the actual mileage, the clerk shall enter 1350
the phrase "nonactual: warning - odometer discrepancy" following 1351
the mileage designation. The clerk shall use reasonable care in 1352
transferring the information supplied by the transferor, but is 1353
not liable for any errors or omissions of the clerk or those of 1354
the clerk's deputies in the performance of the clerk's duties 1355
created by this chapter. 1356

The registrar shall prescribe an affidavit in which the 1357
transferor shall swear to the true selling price and, except as 1358
provided in this division, the true odometer reading of the motor 1359
vehicle. The registrar may prescribe an affidavit in which the 1360
seller and buyer provide information pertaining to the odometer 1361
reading of the motor vehicle in addition to that required by this 1362
section, as such information may be required by the United States 1363
secretary of transportation by rule prescribed under authority of 1364

subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 1365
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(2) Division (C)(1) of this section does not require the 1367
giving of information concerning the odometer and odometer reading 1368
of a motor vehicle when ownership of a motor vehicle is being 1369
transferred as a result of a bequest, under the laws of intestate 1370
succession, to a surviving spouse pursuant to section 2106.17, 1371
2106.18, or 4505.10 of the Revised Code, or in connection with the 1372
creation of a security interest. 1373

(D) When the transfer to the applicant was made in some other 1374
state or in interstate commerce, the clerk, except as provided in 1375
this section, shall refuse to issue any certificate of title 1376
unless the tax imposed by or pursuant to Chapter 5741. of the 1377
Revised Code based on the purchaser's county of residence has been 1378
paid as evidenced by a receipt issued by the tax commissioner, or 1379
unless the applicant submits with the application payment of the 1380
tax. Upon payment of the tax in accordance with division (E) of 1381
this section, the clerk shall issue a receipt prescribed by the 1382
registrar and agreed upon by the tax commissioner, showing payment 1383
of the tax. For receiving and disbursing such taxes paid to the 1384
clerk, the clerk may retain a poundage fee of one per cent. When 1385
the vendor is not regularly engaged in the business of selling 1386
motor vehicles, the vendor shall not be required to purchase a 1387
vendor's license or make reports concerning such sales. 1388

(E) The clerk shall accept any payment of a tax in cash, or 1390
by cashier's check, certified check, draft, ~~or~~ money order, or 1391
teller check issued by any insured financial institution payable 1392
to the clerk and submitted with an application for a certificate 1393
of title under division (B) or (D) of this section. The clerk also 1394
may accept payment of the tax by corporate, business, or personal 1395
check, credit card, electronic transfer or wire transfer, debit 1396

card, or any other accepted form of payment made payable to the 1397
clerk. The clerk may require bonds, guarantees, or letters of 1398
credit to ensure the collection of corporate, business, or 1399
personal checks. Any service fee charged by a third party to a 1400
clerk for the use of any form of payment may be paid by the clerk 1401
from the certificate of title administration fund created in 1402
section 325.33 of the Revised Code, or may be assessed by the 1403
clerk upon the applicant as an additional fee. Upon collection, 1404
the additional fees shall be paid by the clerk into that 1405
certificate of title administration fund. 1406

The clerk shall make a good faith effort to collect any 1407
payment of taxes due but not made because the payment was returned 1408
or dishonored, but the clerk is not personally liable for the 1409
payment of uncollected taxes or uncollected fees. The clerk shall 1410
notify the tax commissioner of any such payment of taxes that is 1411
due but not made and shall furnish such information to the 1412
commissioner as the commissioner requires. The clerk shall deduct 1413
the amount of taxes due but not paid from the clerk's periodic 1414
remittance of tax payments, in accordance with procedures agreed 1415
upon by the tax commissioner. The commissioner may collect taxes 1416
due by assessment in the manner provided in section 5739.13 of the 1417
Revised Code. 1418

Any person who presents payment that is returned or 1419
dishonored for any reason is liable to the clerk for payment of a 1420
penalty over and above the amount of the taxes due. The clerk 1421
shall determine the amount of the penalty, which shall be no 1422
greater than that amount necessary to compensate the clerk for 1423
banking charges, legal fees, or other expenses incurred by the 1424
clerk in collecting the returned or dishonored payment. The 1425
remedies and procedures provided in this section are in addition 1426
to any other available civil or criminal remedies. Subsequently 1427
collected penalties, poundage, and title fees, less any title fee 1428

due the state, from returned or dishonored payments collected by 1429
the clerk shall be paid into the certificate of title 1430
administration fund. Subsequently collected taxes, less poundage, 1431
shall be sent by the clerk to the treasurer of state at the next 1432
scheduled periodic remittance of tax payments, with such 1433
information as the commissioner may require. The clerk may abate 1434
all or any part of any penalty assessed under this division. 1435
1436

(F) In the following cases, the clerk shall accept for filing 1437
such application and shall issue a certificate of title without 1438
requiring payment or evidence of payment of the tax: 1439

(1) When the purchaser is this state or any of its political 1440
subdivisions, a church, or an organization whose purchases are 1441
exempted by section 5739.02 of the Revised Code; 1442

(2) When the transaction in this state is not a retail sale 1443
as defined by section 5739.01 of the Revised Code; 1444

(3) When the purchase is outside this state or in interstate 1445
commerce and the purpose of the purchaser is not to use, store, or 1446
consume within the meaning of section 5741.01 of the Revised Code; 1447
1448

(4) When the purchaser is the federal government; 1449

(5) When the motor vehicle was purchased outside this state 1450
for use outside this state; 1451

(6) When the motor vehicle is purchased by a nonresident of 1452
this state for immediate removal from this state, and will be 1453
permanently titled and registered in another state, as provided by 1454
division (B)(23) of section 5739.02 of the Revised Code, and upon 1455
presentation of a copy of the affidavit provided by that section, 1456
and a copy of the exemption certificate provided by section 1457
5739.03 of the Revised Code. 1458

The clerk shall forward all payments of taxes, less poundage 1459

fee, to the treasurer of state in a manner to be prescribed by the 1460
tax commissioner and shall furnish ~~such~~ information to the 1461
commissioner as the commissioner requires. 1462

(G) An application, as prescribed by the registrar and agreed 1463
to by the tax commissioner, shall be filled out and sworn to by 1464
the buyer of a motor vehicle in a casual sale. The application 1465
shall contain the following notice in bold lettering: "WARNING TO 1466
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 1467
law to state the true selling price. A false statement is in 1468
violation of section 2921.13 of the Revised Code and is punishable 1469
by six months' imprisonment or a fine of up to one thousand 1470
dollars, or both. All transfers are audited by the department of 1471
taxation. The seller and buyer must provide any information 1472
requested by the department of taxation. The buyer may be assessed 1473
any additional tax found to be due." 1474

(H) For sales of manufactured homes or mobile homes occurring 1475
on or after January 1, 2000, the clerk shall accept for filing, 1476
pursuant to Chapter 5739. of the Revised Code, an application for 1477
a certificate of title for a manufactured home or mobile home 1478
without requiring payment of any tax pursuant to section 5739.02, 1479
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 1480
issued by the tax commissioner showing payment of the tax. For 1481
sales of manufactured homes or mobile homes occurring on or after 1482
January 1, 2000, the applicant shall pay to the clerk an 1483
additional fee of five dollars for each certificate of title 1484
issued by the clerk for a manufactured or mobile home pursuant to 1485
division (H) of section 4505.11 of the Revised Code and for each 1486
certificate of title issued upon transfer of ownership of the 1487
home. The clerk shall credit the fee to the county title 1488
administration fund, and the fee shall be used to pay the expenses 1489
of archiving such certificates pursuant to division (A) of section 1490
4505.08 and division (H)(3) of section 4505.11 of the Revised 1491

Code. The tax commissioner shall administer any tax on a 1492
manufactured or mobile home pursuant to Chapters 5739. and 5741. 1493
of the Revised Code. 1494

(I) Every clerk shall have the capability to transact by 1495
electronic means all procedures and transactions relating to the 1496
issuance of motor vehicle certificates of title that are described 1497
in the Revised Code as being accomplished by electronic means. 1498

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1500
Sec. 4505.08. (A) ~~The~~ When the clerk of ~~the~~ a court of common 1501
pleas issues a physical certificate of title, the clerk shall 1502
issue ~~certificates~~ the certificate of title in duplicate. One copy 1503
shall be retained and filed by the clerk in the clerk's office. 1504
The clerk shall sign and affix the clerk's seal to the original 1505
certificate of title and, if there are no liens on the motor 1506
vehicle, shall deliver the certificate to the applicant or the 1507
selling dealer. If there are one or more liens on the motor 1508
vehicle, the certificate of title shall be delivered to the holder 1509
of the first lien or the selling dealer, who shall deliver the 1510
certificate of title to the holder of the first lien. 1511

1512
The registrar of motor vehicles shall prescribe a uniform 1513
method of numbering certificates of title, and such numbering 1514
shall be in such manner that the county of issuance is indicated. 1515
The clerk shall assign numbers to certificates of title in the 1516
manner prescribed by the registrar. The clerk shall file all 1517
certificates of title according to ~~regulations~~ rules to be 1518
prescribed by the registrar, and the clerk shall maintain in the 1519
clerk's office indexes for the certificates of title. 1520

The clerk need not retain on file any current certificates of 1521
title, current duplicate certificates of title, current memorandum 1522

certificates of title, or current salvage certificates of title, 1523
or supporting evidence ~~thereof of them, including the electronic~~ 1524
record described in division (A) of section 4505.06 of the Revised 1525
Code, covering any motor vehicle or manufactured or mobile home 1526
for a period longer than seven years after the date of its filing; 1527
thereafter, the ~~same~~ documents and supporting evidence may be 1528
destroyed. The clerk need not retain on file any inactive records, 1529
including certificates of title, duplicate certificates of title, 1530
or memorandum certificates of title, or supporting evidence 1531
thereof of them, including the electronic record described in 1532
division (A) of section 4505.06 of the Revised Code, covering any 1533
motor vehicle or manufactured or mobile home for a period longer 1534
than five years after the date of its filing; thereafter, the ~~same~~ 1535
documents and supporting evidence may be destroyed. The clerk 1536
shall retain the active index and all active records in the data 1537
base of the computer in the clerk's office, and shall retain in 1538
the data base a record and index of all inactive titles for ten 1539
years, and a record and index of all inactive titles for 1540
manufactured and mobile homes for thirty years. If the clerk 1541
provides a written copy of any information contained in the data 1542
base, the copy shall be considered the original for purposes of 1543
the clerk certifying the record of such information for use in any 1544
legal proceeding. 1545
1546

(B)(1) If the clerk issues a certificate of title for a motor 1547
vehicle that was last previously registered in another state, the 1548
clerk shall record verbatim, where practicable, in the space on 1549
the title described in division (B)(19) of section 4505.07 of the 1550
Revised Code, the words that appear as a notation to the vehicle 1551
on the title issued by the previous state. These notations may 1552
include, but are not limited to, words to the effect that the 1553
vehicle was considered or was categorized by the state in which it 1554
was last previously registered to be a law enforcement vehicle, or 1555

a taxicab, or was once in a flood. 1556

(2) If the clerk, while issuing a certificate of title for a 1557
motor vehicle that was last previously registered in another 1558
state, receives information from the automated title processing 1559
system indicating that a title to the vehicle previously was 1560
issued by this state and that the previous title contained 1561
notations that appeared in the space described in division (B)(19) 1562
or (20) of section 4505.07 of the Revised Code, the clerk shall 1563
enter the notations that appeared on the previous certificate of 1564
title issued by this state on the new certificate of title in the 1565
space described in division (B)(19) or (20) of section 4505.07 of 1566
the Revised Code, irrespective of whether the notations appear on 1567
the certificate of title issued by the state in which the vehicle 1568
was last previously registered. 1569

(3) If the clerk, while issuing a certificate of title for a 1570
motor vehicle that was last previously registered in another 1571
state, receives information from the automated title processing 1572
system indicating that the vehicle was previously issued a title 1573
by this state and that the previous title bore the notation 1574
"REBUILT SALVAGE" as required by division (E) of section 4505.11 1575
of the Revised Code, or the previous title to the vehicle issued 1576
by this state was a salvage certificate of title, the clerk shall 1577
cause the certificate of title the clerk issues to bear the 1578
notation "REBUILT SALVAGE" in the location prescribed by the 1579
registrar pursuant to that division. 1580

(C) When the clerk issues a certificate of title for a motor 1581
vehicle that was last previously registered in this state and was 1582
a law enforcement vehicle, or a taxicab, or was once in a flood, 1583
the clerk shall record that information in the space on the title 1584
described in division (B)(20) of section 4505.07 of the Revised 1585
Code. The registrar, by rule, may prescribe any additional uses of 1586
or happenings to a motor vehicle that the registrar has reason to 1587

believe should be noted on the certificate of title as provided in 1588
this division. 1589

(D) The clerk shall use reasonable care in recording or 1590
entering onto titles the clerk issues any notation and information 1591
the clerk is required by divisions (B) and (C) of this section to 1592
record or enter and in causing the titles the clerk issues to bear 1593
any notation required by those divisions, but the clerk is not 1594
liable for any of the clerk's errors or omissions or those of the 1595
clerk's deputies, or the automated title processing system, in the 1596
performance of the duties imposed on the clerk by this section. 1597

(E) The clerk may issue a duplicate title, when duly applied 1599
for, of any title that has been destroyed as herein provided. 1600

(F) The clerk shall issue a physical certificate of title to 1602
an applicant unless the applicant specifically requests the clerk 1603
not to issue a physical certificate of title and instead to issue 1604
an electronic certificate of title. The fact that a physical 1605
certificate of title is not issued for a motor vehicle does not 1606
affect ownership of the vehicle. In that case, when the clerk 1607
completes the process of entering certificate of title application 1608
information into the automated title processing system, the effect 1609
of the completion of the process is the same as if the clerk 1610
actually issued a physical certificate of title for the motor 1611
vehicle. 1612

(G) An electronic motor vehicle dealer who applies for a 1613
certificate of title on behalf of a customer who purchases a motor 1614
vehicle from the dealer may print a non-negotiable evidence of 1615
ownership for the customer if the customer so requests. The 1616
authorization to print the non-negotiable evidence of ownership 1617
shall come from the clerk with whom the dealer makes application 1618
for the certificate of title for the customer, but the printing by 1619

the dealer does not create an agency relationship of any kind 1620
between the dealer and the clerk. 1621

Sec. 4505.09. (A) The clerk of ~~the~~ a court of common pleas 1622
shall charge a fee of five dollars for each certificate of title 1623
that is not applied for within thirty days after the assignment or 1624
delivery of the motor vehicle described ~~therein~~ in it. The fees 1625
shall be retained by the clerk. 1626

In addition to those fees, the clerk shall charge a fee of 1627
five dollars for each certificate of title, duplicate certificate 1628
of title, memorandum certificate of title, authorization to print 1629
a non-negotiable evidence of ownership described in division (G) 1630
of section 4505.08 of the Revised Code, and notation of any lien 1631
on a certificate of title. The clerk shall retain two dollars and 1632
twenty-five cents of the fee charged for each certificate of 1633
title, four dollars and seventy-five cents of the fee charged for 1634
each duplicate certificate of title, all of the fees charged for 1635
each memorandum certificate or authorization to print a 1636
non-negotiable evidence of ownership, and four dollars and 1637
twenty-five cents of the fee charged for each notation of a lien. 1638

The remaining two dollars and seventy-five cents charged for 1639
the certificate of title, the remaining twenty-five cents charged 1640
for the duplicate certificate of title, and the remaining 1641
seventy-five cents charged for the notation of any lien on a 1642
certificate of title shall be paid to the registrar of motor 1643
vehicles by monthly returns, which shall be forwarded to the 1644
registrar not later than the fifth day of the month next 1645
succeeding that in which the certificate is issued or that in 1646
which the registrar is notified of a lien or cancellation ~~thereof~~ 1647
of a lien. 1648

(B)(1) The registrar shall pay twenty-five cents of the 1649
amount received for each certificate of title and all of the 1650

amounts received for each notation of any lien and each duplicate 1651
certificate of title into the state bureau of motor vehicles fund 1652
established in section 4501.25 of the Revised Code. 1653

(2) Fifty cents of the amount received for each certificate 1654
of title shall be paid by the registrar as follows: 1655

(a) Four cents shall be paid into the state treasury to the 1656
credit of the motor vehicle dealers board fund, which is hereby 1657
created. All investment earnings of the fund shall be credited to 1658
the fund. The moneys in the motor vehicle dealers board fund shall 1659
be used by the motor vehicle dealers board created under section 1660
4517.30 of the Revised Code, together with other moneys 1661
appropriated to it, in the exercise of its powers and the 1662
performance of its duties under Chapter 4517. of the Revised Code, 1663
except that the director of budget and management may transfer 1664
excess money from the motor vehicle dealers board fund to the 1665
bureau of motor vehicles fund if the registrar determines that the 1666
amount of money in the motor vehicle dealers board fund, together 1667
with other moneys appropriated to the board, exceeds the amount 1668
required for the exercise of its powers and the performance of its 1669
duties under Chapter 4517. of the Revised Code and requests the 1670
director to make the transfer. 1671

(b) Twenty-one cents shall be paid into the general revenue 1672
fund. 1673

(c) Twenty-five cents shall be paid into the state treasury 1674
to the credit of the motor vehicle sales audit fund, which is 1675
hereby created. The moneys in the fund shall be used by the tax 1676
commissioner together with other funds available to the 1677
commissioner to conduct a continuing investigation of sales and 1678
use tax returns filed for motor vehicles in order to determine if 1679
sales and use tax liability has been satisfied. The commissioner 1680
shall refer cases of apparent violations of section 2921.13 of the 1681
Revised Code made in connection with the titling or sale of a 1682

motor vehicle and cases of any other apparent violations of the 1683
sales or use tax law to the appropriate county prosecutor whenever 1684
the commissioner considers it advisable. 1685

(3) Two dollars of the amount received by the registrar for 1686
each certificate of title shall be paid into the state treasury to 1687
the credit of the automated title processing fund, which is hereby 1688
created and which shall consist of moneys collected under division 1689
(B)(3) of this section and under sections 1548.10 and 4519.59 of 1690
the Revised Code. All investment earnings of the fund shall be 1691
credited to the fund. The moneys in the fund shall be used as 1692
follows: 1693

(a) Except for moneys collected under section 1548.10 of the 1694
Revised Code and as provided in division (B)(3)(c) of this 1695
section, moneys collected under division (B)(3) of this section 1696
shall be used to implement and maintain an automated title 1697
processing system for the issuance of motor vehicle, off-highway 1698
motorcycle, and all-purpose vehicle certificates of title in the 1699
offices of the clerks of the courts of common pleas. 1700

(b) Moneys collected under section 1548.10 of the Revised 1701
Code shall be used to issue marine certificates of title in the 1702
offices of the clerks of the courts of common pleas as provided in 1703
Chapter 1548. of the Revised Code. 1704

(c) Moneys collected under division (B)(3) of this section 1705
shall be used in accordance with section 4505.25 of the Revised 1706
Code to implementB.... of the 124th general assembly. 1707

(C)(1) The automated title processing board is hereby created 1709
consisting of the registrar or the registrar's representative, a 1710
person selected by the registrar, the president of the Ohio clerks 1711
of court association or the president's representative, and two 1712
clerks of courts of common pleas appointed by the governor. The 1713

director of budget and management or the director's designee, the
chief of the division of watercraft in the department of natural
resources or the chief's designee, and the tax commissioner or the
commissioner's designee shall be nonvoting members of the board.

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(2) The automated title processing board shall determine each
of the following:

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(a) The automated title processing equipment and certificates
of title requirements for each county;

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(b) The payment of expenses that may be incurred by the
counties in implementing an automated title processing system;

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(c) The repayment to the counties for existing title
processing equipment.

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(3) The registrar shall purchase, lease, or otherwise acquire
any automated title processing equipment and certificates of title
that the board determines are necessary from moneys in the
automated title processing fund established by division (B)(3) of
this section. Each county issuing more than one hundred thousand
certificates of title annually, with the approval of the registrar
and in accordance with the registrar's requirements, may purchase
and maintain an automated title processing system for the issuance
of motor vehicle titles, certificates of title for off-highway
motorcycles and all-purpose vehicles, and certificates of title
for watercraft and outboard motors with the cost of the system
paid for from the automated processing title fund.

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(D) All counties shall conform to the requirements of the
registrar regarding the operation of their automated title
processing system for motor vehicle titles, certificates of title
for off-highway motorcycles and all-purpose vehicles, and
certificates of title for watercraft and outboard motors.

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Sec. 4505.10. (A) In the event of the transfer of ownership 1745
of a motor vehicle by operation of law, as upon inheritance, 1746
devise or, bequest, order in bankruptcy, insolvency, replevin, or 1747
execution sale, a motor vehicle is sold to satisfy storage or 1748
repair charges, or repossession is had upon default in performance 1749
of the terms of a security agreement as provided in Chapter 1309. 1750
of the Revised Code, ~~the a~~ clerk of ~~the a~~ court of common pleas ~~of~~ 1751
~~the county in which the last certificate of title to the motor~~ 1752
~~vehicle was issued~~, upon the surrender of the prior certificate of 1753
title or the manufacturer's or importer's certificate, or, when 1754
that is not possible, upon presentation of satisfactory proof to 1755
the clerk of ownership and rights of possession to the motor 1756
vehicle, and upon payment of the fee prescribed in section 4505.09 1757
of the Revised Code and presentation of an application for 1758
certificate of title, may issue to the applicant a certificate of 1759
title to the motor vehicle. Only an affidavit by the person or 1760
agent of the person to whom possession of the motor vehicle has 1761
passed, setting forth the facts entitling the person to the 1762
possession and ownership, together with a copy of the journal 1763
entry, court order, or instrument upon which the claim of 1764
possession and ownership is founded, is satisfactory proof of 1765
ownership and right of possession. If the applicant cannot produce 1766
that proof of ownership, the applicant may apply directly to the 1767
registrar of motor vehicles and submit the evidence the applicant 1768
has, and the registrar, if the registrar finds the evidence 1769
sufficient, then may authorize the clerk to issue a certificate of 1770
title. If, from the records in the office of the clerk, there 1771
appears to be any lien on the motor vehicle, the certificate of 1772
title shall contain a statement of the lien unless the application 1773
is accompanied by proper evidence of its extinction. 1774

(B) The clerk shall transfer a decedent's interest in one or 1776

two automobiles to the surviving spouse of the decedent, as 1777
provided in section 2106.18 of the Revised Code, upon receipt of 1778
the title or titles. An affidavit executed by the surviving spouse 1779
shall be submitted to the clerk with the title or titles. The 1780
affidavit shall give the date of death of the decedent, shall 1781
state that each automobile for which the decedent's interest is to 1782
be so transferred is not disposed of by testamentary disposition, 1783
and shall provide an approximate value for each automobile 1784
selected to be transferred by the surviving spouse. The affidavit 1785
shall also contain a description for each automobile for which the 1786
decedent's interest is to be so transferred. The transfer does not 1787
affect any liens upon any automobile for which the decedent's 1788
interest is so transferred. 1789

(C) Upon the death of one of the persons who have established 1790
joint ownership with right of survivorship under section 2106.17 1791
of the Revised Code in a motor vehicle, and upon presentation to 1792
the clerk of the title and the certificate of death of the 1793
decedent, the clerk shall transfer title to the motor vehicle to 1794
the survivor. The transfer does not affect any liens upon any 1795
motor vehicle so transferred. 1796

Sec. 4505.102. (A) If a pawnbroker licensed under Chapter 1797
4727. of the Revised Code makes a loan that is secured by a motor 1798
vehicle, watercraft, or outboard motor and has taken possession of 1799
the motor vehicle, watercraft, or outboard motor and the 1800
certificate of title to the motor vehicle, watercraft, or outboard 1801
motor, and the owner of the motor vehicle, watercraft, or outboard 1802
motor fails to redeem or pay interest on the loan for which the 1803
motor vehicle, watercraft, or outboard motor was pledged within 1804
two months from the date of the loan or the date on which the last 1805
interest payment is due, and the pawnbroker notifies the owner by 1806
mail, with proof of mailing, as required by division (A) of 1807
section 4727.11 of the Revised Code, of the possible forfeiture of 1808

the motor vehicle, watercraft, or outboard motor, and the owner 1809
fails to redeem the motor vehicle, watercraft, or outboard motor 1810
within the thirty-day period required by that division to be 1811
specified in the notice, the pawnbroker shall proceed to obtain a 1812
certificate of title to the motor vehicle, watercraft, or outboard 1813
motor in the pawnbroker's name in the manner provided in this 1814
section. 1815

(B) The pawnbroker shall execute an affidavit stating all of 1816
the following: 1817

(1) That the pawnbroker is a pawnbroker licensed under 1818
Chapter 4727. of the Revised Code; 1819

(2) That the pawnbroker has made a loan to the owner of a 1820
motor vehicle, watercraft, or outboard motor, and the security for 1821
the loan is the motor vehicle, watercraft, or outboard motor; 1822
1823

(3) That both the motor vehicle, watercraft, or outboard 1824
motor and the certificate of title to the motor vehicle, 1825
watercraft, or outboard motor are in the possession of the 1826
pawnbroker; 1827

(4) That the owner of the motor vehicle, watercraft, or 1828
outboard motor has failed to redeem the pledged motor vehicle, 1829
watercraft, or outboard motor or pay interest on the loan for 1830
which the motor vehicle, watercraft, or outboard motor was pledged 1831
within two months from the date of the loan or the date on which 1832
the last interest payment was due; 1833

(5) That the pawnbroker has notified the owner of the motor 1834
vehicle, watercraft, or outboard motor by mail, with proof of 1835
mailing, as required by division (A) of section 4727.11 of the 1836
Revised Code, and the owner has failed to redeem the motor 1837
vehicle, watercraft, or outboard motor within the thirty-day 1838
period required by that division to be specified in the notice. 1839

Upon presentation by the pawnbroker of a copy of the 1840
affidavit, a copy of the pawn form, a copy of the proof of 1841
mailing, and the certificate of title to the motor vehicle, 1842
watercraft, or outboard motor, ~~the a~~ clerk of ~~the a~~ court of 1843
common pleas ~~of the county in which the last certificate of title~~ 1844
~~to the motor vehicle, watercraft, or outboard motor was issued~~ 1845
shall issue, if the record shows no lien or encumbrances exist, a 1846
certificate of title, free and clear of all liens and 1847
encumbrances, to the pawnbroker. 1848

(C) No person shall execute or present the affidavit required 1849
by this section, knowing any entry on the affidavit to be false. 1850
1851

Sec. 4505.11. (A) Each owner of a motor vehicle and each 1852
person mentioned as owner in the last certificate of title, when 1853
the motor vehicle is dismantled, destroyed, or changed in such 1854
manner that it loses its character as a motor vehicle, or changed 1855
in such manner that it is not the motor vehicle described in the 1856
certificate of title, shall surrender the certificate of title to 1857
that motor vehicle to ~~the a~~ clerk of ~~the a~~ court of common pleas 1858
~~who issued it, and thereupon~~ the clerk, with the consent of any 1859
holders of any liens noted ~~thereon~~ on the certificate of title, 1860
then shall enter a cancellation upon the clerk's records and shall 1861
notify the registrar of motor vehicles of the cancellation. 1862

Upon the cancellation of a certificate of title in the manner 1863
prescribed by this section, the clerk and the registrar of motor 1864
vehicles may cancel and destroy all certificates and all 1865
memorandum certificates in that chain of title. 1866

(B) Where an Ohio certificate of title or salvage certificate 1867
of title to a motor vehicle is assigned to a salvage dealer, the 1868
dealer is not required to obtain an Ohio certificate of title or a 1869
salvage certificate of title to the motor vehicle in the dealer's 1870

own name if the dealer dismantles or destroys the motor vehicle, 1871
indicates the number of the dealer's motor vehicle salvage 1872
dealer's license thereon, marks "FOR DESTRUCTION" across the face 1873
of the certificate of title or salvage certificate of title, and 1874
surrenders the certificate of title or salvage certificate of 1875
title to ~~the~~ a clerk of ~~the~~ a court of common pleas as provided in 1876
division (A) of this section. If the salvage dealer retains the 1877
motor vehicle for resale, the dealer shall make application for a 1878
salvage certificate of title to the motor vehicle in the dealer's 1879
own name as provided in division (C)(1) of this section. 1880

(C)(1) When an insurance company declares it economically 1882
impractical to repair such a motor vehicle and has paid an agreed 1883
price for the purchase of the motor vehicle to any insured or 1884
claimant owner, the insurance company shall receive the 1885
certificate of title and the motor vehicle and proceed as follows. 1886
Within thirty days the insurance company shall deliver the 1887
certificate of title to ~~the~~ a clerk of ~~the~~ a court of common pleas 1888
and shall make application for a salvage certificate of title. The 1889
clerk shall issue the salvage certificate of title on a form, 1890
prescribed by the registrar, that shall be easily distinguishable 1891
from the original certificate of title and shall bear the same 1892
number and information as the original certificate of title. 1893
Except as provided in division (C)(2) of this section, the salvage 1894
certificate of title shall be assigned by the insurance company to 1895
a salvage dealer or any other person for use as evidence of 1896
ownership upon the sale or other disposition of the motor vehicle, 1897
and the salvage certificate of title shall be transferrable to any 1898
other person. The clerk shall charge a fee of four dollars for the 1899
cost of processing each salvage certificate of title. 1900

(2) If an insurance company considers a motor vehicle as 1902

described in division (C)(1) of this section to be impossible to
restore for highway operation, the insurance company may assign
the certificate of title to the motor vehicle to a salvage dealer
or scrap metal processing facility and send the assigned
certificate of title to the clerk of the court of common pleas of
the county in which the salvage dealer or scrap metal processing
facility is located. The insurance company shall mark the face of
the certificate of title "FOR DESTRUCTION" and shall deliver a
photocopy of the certificate of title to the salvage dealer or
scrap metal processing facility for its records.

(3) If an insurance company declares it economically
impractical to repair a motor vehicle, agrees to pay to the
insured or claimant owner an amount in settlement of a claim
against a policy of motor vehicle insurance covering the motor
vehicle, and agrees to permit the insured or claimant owner to
retain possession of the motor vehicle, the insurance company
shall not pay the insured or claimant owner any amount in
settlement of the insurance claim until the owner obtains a
salvage certificate of title to the vehicle and furnishes a copy
of the salvage certificate of title to the insurance company.

(D) When a self-insured organization, rental or leasing
company, or secured creditor becomes the owner of a motor vehicle
that is burned, damaged, or dismantled and is determined to be
economically impractical to repair, the self-insured organization,
rental or leasing company, or secured creditor shall do one of the
following:

(1) Mark the face of the certificate of title to the motor
vehicle "FOR DESTRUCTION" and surrender the certificate of title
to ~~the~~ a clerk of ~~the~~ a court of common pleas for cancellation as
described in division (A) of this section. The self-insured
organization, rental or leasing company, or secured creditor
~~thereupon~~ then shall deliver the motor vehicle, together with a

photocopy of the certificate of title, to a salvage dealer or 1935
scrap metal processing facility and shall cause the motor vehicle 1936
to be dismantled, flattened, crushed, or destroyed. 1937

(2) Obtain a salvage certificate of title to the motor 1938
vehicle in the name of the self-insured organization, rental or 1939
leasing company, or secured creditor, as provided in division 1940
(C)(1) of this section, and then sell or otherwise dispose of the 1941
motor vehicle. If the motor vehicle is sold, the self-insured 1942
organization, rental or leasing company, or secured creditor shall 1943
obtain a salvage certificate of title to the motor vehicle in the 1944
name of the purchaser from ~~the a~~ clerk of ~~the a~~ court of common 1945
pleas of the county in which the purchaser resides. 1946

(E) If a motor vehicle titled with a salvage certificate of 1947
title is restored for operation upon the highways, application 1948
shall be made to ~~the a~~ clerk of ~~the a~~ court of common pleas for a 1949
certificate of title. Upon inspection by the state highway patrol, 1950
which shall include establishing proof of ownership and an 1951
inspection of the motor number and vehicle identification number 1952
of the motor vehicle and of documentation or receipts for the 1953
materials used in restoration by the owner of the motor vehicle 1954
being inspected, which documentation or receipts shall be 1955
presented at the time of inspection, the clerk, upon surrender of 1956
the salvage certificate of title, shall issue a certificate of 1957
title for a fee prescribed by the registrar. The certificate of 1958
title shall be in the same form as the original certificate of 1959
title, shall bear the same number as the salvage certificate of 1960
title and the original certificate of title, and shall bear the 1961
words "REBUILT SALVAGE" in black boldface letters on its face. 1962
Every subsequent certificate of title, memorandum certificate of 1963
title, or duplicate certificate of title issued for the motor 1964
vehicle also shall bear the words "REBUILT SALVAGE" in black 1965
boldface letters on its face. The exact location on the face of 1966

the certificate of title of the words "REBUILT SALVAGE" shall be 1967
determined by the registrar, who shall develop an automated 1968
procedure within the automated title processing system to comply 1969
with this division. The clerk shall use reasonable care in 1970
performing the duties imposed on the clerk by this division in 1971
issuing a certificate of title pursuant to this division, but the 1972
clerk is not liable for any of the clerk's errors or omissions or 1973
those of the clerk's deputies, or the automated title processing 1974
system in the performance of those duties. A fee of forty dollars 1975
in fiscal year 1998 and fifty dollars in fiscal year 1999 and 1976
thereafter shall be assessed by the state highway patrol for each 1977
inspection made pursuant to this division and shall be deposited 1978
into the state highway safety fund established by section 4501.06 1979
of the Revised Code. 1980

(F) No person shall operate upon the highways in this state a 1981
motor vehicle, title to which is evidenced by a salvage 1982
certificate of title, except to deliver the motor vehicle pursuant 1983
to an appointment for an inspection under this section. 1984

(G) No motor vehicle the certificate of title to which has 1985
been marked "FOR DESTRUCTION" and surrendered to ~~the~~ a clerk of 1986
~~the~~ a court of common pleas shall be used for anything except 1987
parts and scrap metal. 1988

(H)(1) Except as otherwise provided in this division, an 1989
owner of a manufactured or mobile home that will be taxed as real 1990
property pursuant to division (B) of section 4503.06 of the 1991
Revised Code shall surrender the certificate of title to the 1992
auditor of the county containing the taxing district in which the 1993
home is located. An owner whose home qualifies for real property 1994
taxation under divisions (B)(1)(a) and (b) of section 4503.06 of 1995
the Revised Code shall surrender the certificate within fifteen 1996
days after the home meets the conditions specified in those 1997
divisions. The auditor shall deliver the certificate of title to 1998

the clerk of the court of common pleas who issued it. 1999

(2) If the certificate of title for a manufactured or mobile 2000
home that is to be taxed as real property is held by a lienholder, 2001
the lienholder shall surrender the certificate of title to the 2002
auditor of the county containing the taxing district in which the 2003
home is located, and the auditor shall deliver the certificate of 2004
title to the clerk of the court of common pleas who issued it. The 2005
lienholder shall surrender the certificate within thirty days 2006
after both of the following have occurred: 2007

(a) The homeowner has provided written notice to the 2008
lienholder requesting that the certificate of title be surrendered 2009
to the auditor of the county containing the taxing district in 2010
which the home is located+. 2011

(b) The homeowner has either paid the lienholder the 2012
remaining balance owed to the lienholder, or, with the 2013
lienholder's consent, executed and delivered to the lienholder a 2014
mortgage on the home and land on which the home is sited in the 2015
amount of the remaining balance owed to the lienholder. 2016

(3) Upon the delivery of a certificate of title by the county 2017
auditor to the clerk of the court, the clerk of the court shall 2018
inactivate it and retain it for a period of thirty years. 2019

(4) Upon application by the owner of a manufactured or mobile 2020
home that is taxed as real property pursuant to division (B) of 2021
section 4503.06 of the Revised Code and that no longer satisfies 2022
divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that 2023
section, the clerk of court shall reactivate the record of the 2024
certificate of title that was inactivated under division (H)(3) of 2025
this section and shall issue a new certificate of title, but only 2026
if the application contains or has attached to it all of the 2027
following: 2028

(a) An endorsement of the county treasurer that all real 2029

property taxes charged against the home under Title LVII of the
Revised Code and division (B) of section 4503.06 of the Revised
Code for all preceding tax years have been paid;

(b) An endorsement of the county auditor that the home will
be removed from the real property tax list;

(c) Proof that there are no outstanding mortgages or other
liens on the home or, if there are such mortgages or other liens,
that the mortgagee or lienholder has consented to the reactivation
of the certificate of title.

Sec. 4505.12. In the event of a lost or destroyed certificate
of title, application shall be made to ~~the~~ a clerk of ~~the~~ a court
of common pleas of ~~the county where the certificate of title was~~
~~issued~~, by the owner of the motor vehicle, or the holder of a lien
~~thereon~~, on it for a duplicate certificate of title upon a form
and accompanied by the fee prescribed by section 4505.09 of the
Revised Code. The application shall be signed and sworn to by the
person making the application. Thereupon the clerk shall issue a
duplicate certificate of title to the person entitled to receive
it under this chapter. The duplicate copy shall be plainly marked
across its face with the word "duplicate," and any subsequent
purchaser of the motor vehicle in the chain of title originating
through the duplicate certificate of title acquires only such
rights in the motor vehicle as the original holder of the
duplicate certificate of title had. Any purchaser of the motor
vehicle, at the time of purchase, may require the seller to
indemnify the purchaser and all subsequent purchasers of the motor
vehicle against any loss ~~which~~ that the purchaser or they may
suffer by reason of any claim presented upon the original
certificate. In the event of the recovery of the original
certificate of title by the owner, the owner immediately shall
surrender ~~the original certificate of title~~ it to the clerk for

cancellation. 2061

The holder of a certificate of title for a motor vehicle upon 2062
which is noted an existing lien, encumbrance, or mortgage at any 2063
time may make application to ~~the a clerk who issued the~~ 2064
~~certificate of title~~ for a memorandum certificate, which 2065
application shall be made in the form prescribed by the registrar 2066
of motor vehicles and signed and sworn to by the applicant. Upon 2067
receipt of the application, if it appears to be complete and in 2068
order, together with the fee prescribed by section 4505.09 of the 2069
Revised Code, the clerk shall issue to the applicant a memorandum 2070
certificate for the motor vehicle. ~~In the event~~ If the memorandum 2071
certificate is lost or destroyed, the holder ~~thereof~~ of it may 2072
obtain another memorandum certificate upon the filing of an 2073
application with the clerk on a form ~~and~~ prescribed by the 2074
registrar, accompanied by the fee prescribed in section 4505.09 of 2075
the Revised Code. The memorandum certificate shall be effective 2076
only for the purpose of obtaining a certificate of registration, 2077
is not assignable, and constitutes no evidence of title or of 2078
right to transfer or encumber the motor vehicle described ~~therein~~ 2079
in it. 2080

Sec. 4505.13. (A)(1) ~~Sections 1309.01 to 1309.50 Chapter~~ 2081
~~1309.~~ and section 1701.66 of the Revised Code do not permit or 2082
require the deposit, filing, or other record of a security 2083
interest covering a motor vehicle, except as provided in division 2084
(A)(2) of this section. 2085

(2) ~~Sections 1309.01 to 1309.50 Chapter 1309.~~ of the Revised 2086
Code ~~apply~~ applies to a security interest in a motor vehicle held 2087
as inventory, as defined in division (D) of section 1309.07 of the 2088
Revised Code, for sale by a dealer, as defined in division (J) of 2089
section 4517.01 of the Revised Code. The security interest has 2090
priority over creditors of the dealer as provided in ~~sections~~ 2091

~~1309.01 to 1309.50~~ Chapter 1309. of the Revised Code without 2092
notation of the security interest on a certificate of title, 2093
without entry of a notation of the security interest into the 2094
automated title processing system if a physical certificate of 2095
title for the motor vehicle has not been issued, or without the 2096
retention of a manufacturer's or importer's certificate. 2097

(B) Subject to division (A) of this section, any security 2098
agreement covering a security interest in a motor vehicle, if a 2099
notation of the agreement has been made by ~~the~~ a clerk of ~~the~~ a 2100
court of common pleas on the face of the certificate of title or 2101
the clerk has entered a notation of the agreement into the 2102
automated title processing system and a physical certificate of 2103
title for the motor vehicle has not been issued, is valid as 2104
against the creditors of the debtor, whether armed with process or 2105
not, and against subsequent purchasers, secured parties, and other 2106
lienholders or claimants. All security interests, liens, 2107
mortgages, and encumbrances ~~noted upon~~ entered into the automated 2108
title processing system in relation to a particular certificate of 2109
title, regardless of whether or not a physical certificate of 2110
title is issued, take priority according to the order of time in 2111
which they are ~~noted on~~ entered into the certificate automated 2112
title processing system by the clerk. Exposure for sale of any 2113
motor vehicle by its owner, with the knowledge or with the 2114
knowledge and consent of the holder of any security interest, 2115
lien, mortgage, or encumbrance on it, does not render that 2116
security interest, lien, mortgage, or encumbrance ineffective as 2117
against the creditors of that owner, or against holders of 2118
subsequent security interests, liens, mortgages, or encumbrances 2119
upon that motor vehicle. 2120

The secured party, upon presentation of ~~the~~ evidence of a 2121
security ~~agreement~~ interest to ~~the~~ a clerk of ~~the county in which~~ 2122
~~the certificate of title was issued~~ a court of common pleas, 2123

together with the certificate of title if a physical certificate 2124
of title for the motor vehicle exists, and the fee prescribed by 2125
section 4505.09 of the Revised Code, may have a notation of the 2126
security interest made. ~~The~~ Unless the secured party specifically 2127
requests the clerk not to issue a physical certificate of title 2128
and instead to issue an electronic certificate of title, the clerk 2129
shall issue, over the clerk's signature and seal of office, a new 2130
original certificate of title from the automated title processing 2131
records that indicates the security interest and the date of the 2132
security interest. 2133

~~When the~~ If a security interest is discharged and the holder 2134
of the security interest holds a physical certificate of title, 2135
the holder of ~~it~~ the security interest shall note its discharge on 2136
the face of the certificate of title over the holder's signature, 2137
or over the holder's signature on a form prescribed by the 2138
registrar of motor vehicles when there is no space for the 2139
discharge on the face of the certificate of title. ~~Prior~~ Except as 2140
otherwise provided in this section, prior to delivering the 2141
certificate of title to the owner, the holder or the holder's 2142
agent shall ~~present it~~ convey the certificate of title or a 2143
separate sworn statement of the discharge of the security interest 2144
to the clerk, within five days after receipt by the holder of good 2145
funds, for the purpose of having the clerk, if the cancellation of 2146
the security interest appears to be genuine, note the cancellation 2147
~~of the security interest~~ on the face of the certificate of title, 2148
if it was so conveyed, and note it in the automated title 2149
processing system and upon the records of the clerk. ~~The clerk, if~~ 2150
~~that cancellation appears to be genuine, shall note the~~ 2151
~~cancellation on the certificate of title and also on the clerk's~~ 2152
~~records.~~ 2153

(C)(1) In all cases, a secured party may choose to present 2154
the clerk with evidence of a security interest via electronic 2155

means, and the clerk shall enter the security interest into the 2156
automated title processing system. A secured party also may choose 2157
to notify the clerk of the discharge of its security interest via 2158
electronic means, and the clerk shall enter the cancellation into 2159
the automated title processing system. 2160

(2) In the case of a security interest that is being 2161
satisfied by a motor vehicle dealer to whom a certificate of title 2162
is being transferred, the cancellation of the security interest 2163
shall occur during the course of the transfer. The secured party 2164
shall convey the certificate of title, with the discharge of the 2165
security interest noted on its face, to the motor vehicle dealer 2166
within five days after receipt of good funds by the secured party. 2167

If a secured party is unable to provide a certificate of 2169
title to a motor vehicle dealer under the circumstances described 2170
in this division, the secured party shall convey to the motor 2171
vehicle dealer an affidavit stating that the security interest has 2172
been discharged, together with payment for a duplicate certificate 2173
of title, within five days after receipt of good funds by the 2174
secured party. 2175

A secured party is liable to a motor vehicle dealer for a 2176
late fee of ten dollars per day for each certificate of title or 2177
affidavit and required payment conveyed to the motor vehicle 2178
dealer more than ten, but less than twenty-one days after receipt 2179
of good funds and, from then on, twenty-five dollars per day until 2180
the certificate of title or affidavit and required payment are 2181
conveyed to the motor vehicle dealer. 2182

(D) Notwithstanding any provision of ~~sections 1310.01 to~~ 2183
~~1310.78~~ Chapter 1310. of the Revised Code or of any other law, the 2184
lease of a motor vehicle or trailer does not constitute a 2185
conditional sale or create a security interest merely because the 2186
lease agreement permits or requires the lessor, at the end of the 2187

lease term, to adjust the rental price to either a higher or a 2188
lower amount by reference to the amount the lessor realizes upon 2189
the sale or other disposition of the motor vehicle or trailer. 2190

(E) If a physical certificate of title has not been issued 2191
for a motor vehicle and all the security interests relating to 2192
that motor vehicle have been discharged, the owner of the motor 2193
vehicle may obtain a physical certificate of title from the clerk 2194
of any court of common pleas upon payment of the fee specified in 2195
section 4509.09 of the Revised Code. 2196

(F) If a clerk of a court of common pleas, other than the 2197
clerk of the court of common pleas of the county in which the 2198
owner of a motor vehicle resides, enters a notation of the 2199
existence of, or the cancellation of, a security interest relating 2200
to the motor vehicle, the clerk shall transmit the data relating 2201
to the notation to the database of the automated data processing 2202
system in the office of the clerk of the court of common pleas of 2203
the county of the owner's residence. 2204

(G) The registrar of motor vehicles, in accordance with 2205
Chapter 119. of the Revised Code, shall adopt rules governing the 2206
electronic transmission of security interest and other information 2207
under this section. In adopting the rules, the registrar shall 2208
confer with the clerks of the courts of common pleas. 2209

Sec. 4505.141. The registrar of motor vehicles shall enable 2210
the public to access motor vehicle title information via 2211
electronic means. The registrar, in accordance with Chapter 119. 2212
of the Revised Code, shall adopt rules governing this access. In 2213
adopting the rules, the registrar shall confer with the clerks of 2214
the courts of common pleas. Access by the public to motor vehicle 2215
title information under this section shall comply with all 2216
restrictions contained in the Revised Code and federal law that 2217
govern the disclosure of that information. 2218

Sec. 4505.18. (A) No person shall do any of the following: 2219

(A)(1) Operate in this state a motor vehicle for which a 2220
certificate of title is required without having such that 2221
certificate in accordance with ~~sections 4505.01 to 4505.21 of the~~ 2222
~~Revised Code, this chapter or upon which the,~~ if a physical 2223
certificate of title has not been canceled issued for a motor 2224
vehicle, operate the motor vehicle in this state knowing that the 2225
ownership information relating to the vehicle has not been entered 2226
into the automated title processing system by a clerk of a court 2227
of common pleas; 2228

(B)(2) Display or display for sale or sell as a dealer or 2229
acting on behalf of a dealer, a motor vehicle without having 2230
obtained a manufacturer's or importer's certificate ~~or,~~ a 2231
certificate of title ~~therefor,~~ or an assignment of a certificate 2232
of title for it as provided in ~~sections 4505.01 to 4505.21 of the~~ 2233
~~Revised Code~~ this chapter; 2234

(C)(3) Fail to surrender any certificate of title or any 2235
certificate of registration or license plates upon cancellation of 2236
the same by the registrar of motor vehicles and notice thereof as 2237
prescribed in ~~sections 4505.01 to 4505.21 of the Revised Code~~ this 2238
chapter; 2239

(D)(4) Fail to surrender the certificate of title to ~~the a~~ 2240
clerk of ~~the a~~ court of common pleas as provided in ~~sections~~ 2241
~~4505.01 to 4505.21 of the Revised Code,~~ this chapter in case of 2242
the destruction or dismantling or change of a motor vehicle in 2243
such respect that it is not the motor vehicle described in the 2244
certificate of title; 2245

(E)(5) Violate any rules ~~promulgated~~ adopted pursuant to 2246
~~sections 4505.01 to 4505.21 of the Revised Code.~~ this chapter; 2247

(F)(6) Except as otherwise provided in this chapter and 2248

Chapter 4517. of the Revised Code, sell at wholesale a motor 2249
vehicle the ownership of which is not evidenced by an Ohio 2250
certificate of title, or the current certificate of title issued 2251
for the motor vehicle, or the manufacturer's certificate of 2252
origin, and all title assignments that evidence the seller's 2253
ownership of the motor vehicle, and an odometer disclosure 2254
statement that complies with section 4505.06 of the Revised Code 2255
and subchapter IV of the "Motor Vehicle Information and Cost 2256
Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981; 2257

(7) Operate in this state a motor vehicle knowing that the 2258
certificate of title to the vehicle or ownership of the vehicle as 2259
otherwise reflected in the automated title processing system has 2260
been canceled. 2261

(B) This section does not apply to persons engaged in the 2262
business of warehousing or transporting motor vehicles for the 2263
purpose of salvage disposition. 2264

Sec. 4505.181. (A) Notwithstanding divisions ~~(B)~~, ~~(E)~~(A)(2), 2265
(5), and ~~(F)~~(6) of section 4505.18 of the Revised Code, a motor 2266
vehicle dealer or person acting on behalf of a motor vehicle 2267
dealer may display, offer for sale, or sell a used motor vehicle 2268
without having first obtained a certificate of title for the 2269
vehicle in the name of the dealer as required by this chapter if 2270
the dealer or person acting on behalf of the dealer complies with 2271
divisions (A)(1)(a) and ~~(A)~~(2) of this section, or divisions 2272
(A)(1)(b) and ~~(A)~~(2) of this section, as follows: 2273

(1)(a) If the dealer has been licensed as a motor vehicle 2275
dealer for less than the three-year period prior to the date on 2276
which the dealer or person acting on behalf of the dealer 2277
displays, offers for sale, or sells the used motor vehicle for 2278
which the dealer has not obtained a certificate of title in the 2279

name of the dealer, or if the attorney general has paid a retail purchaser of the dealer under division (C) of this section within three years prior to such date, the dealer posts with the attorney general's office in favor of this state a bond of a surety company authorized to do business in this state, in an amount of not less than twenty-five thousand dollars, to be used solely for the purpose of compensating retail purchasers of motor vehicles who suffer damages due to failure of the dealer or person acting on behalf of the dealer to comply with this section. The dealer's surety shall notify the registrar and attorney general when a bond is canceled. Such notification of cancellation shall include the effective date of and reason for cancellation.

(b) If the dealer has been licensed as a motor vehicle dealer for longer than the three-year period prior to the date on which the dealer or person acting on behalf of the dealer displays, offers for sale, or sells the used motor vehicle for which the dealer has not obtained a certificate of title in the name of the dealer and the attorney general has not paid a retail purchaser of the dealer under division (C) of this section within three years prior to such date, the dealer pays one hundred fifty dollars to the attorney general for deposit into the title defect recision fund created by section 1345.52 of the Revised Code.

(2) Possesses The dealer or person acting on behalf of the dealer possesses a bill of sale for each motor vehicle proposed to be displayed, offered for sale, or sold under this section and a properly executed power of attorney or other related documents from the prior owner of the motor vehicle giving the dealer or person acting on behalf of the dealer authority to have a certificate of title to the motor vehicle issued in the name of the dealer, and retains copies of all such documents in the

dealer's or person's files until such time as a certificate of 2312
title in the dealer's name is issued for each such motor vehicle 2313
by the clerk of the court of common pleas. Such documents shall be 2314
available for inspection by the bureau of motor vehicles during 2315
normal business hours. 2316

(B) If a retail purchaser purchases a motor vehicle for which 2317
the dealer, pursuant to and in accordance with division (A) of 2318
this section, does not have a certificate of title issued in the 2319
name of the dealer at the time of the sale, the retail purchaser 2320
has an unconditional right to rescind the transaction and the 2321
dealer has an obligation to refund to the retail purchaser the 2322
full purchase price of the vehicle, if one of the following 2323
applies: 2324

(1) The dealer fails, on or before the fortieth day following 2325
the date of the sale, to obtain a title in the name of the retail 2326
purchaser. 2327

(2) The title for the vehicle indicates that it is a rebuilt 2328
salvage vehicle, and the fact that it is a rebuilt salvage vehicle 2329
was not disclosed to the retail purchaser in writing prior to the 2330
execution of the purchase agreement. 2331

(3) The title for the vehicle indicates that the dealer has 2332
made an inaccurate odometer disclosure to the retail purchaser. 2333

If any of the circumstances described in divisions (B)(1) to 2334
(3) of this section applies, a retail purchaser or the retail 2335
purchaser's representative shall notify the dealer and afford the 2336
dealer the opportunity to comply with the dealer's obligation to 2337
refund the full purchase price of the motor vehicle. Nothing in 2338
this division shall be construed as prohibiting the dealer and the 2339
retail purchaser or their representatives from negotiating a 2340
compromise resolution that is satisfactory to both parties. 2341

(C) If a retail purchaser notifies a dealer of one or more of 2342

the circumstances listed in division (B) of this section and the
dealer fails to refund to the retail purchaser the full purchase
price of the vehicle or reach a satisfactory compromise with the
retail purchaser within three business days of presentation of the
retail purchaser's recision claim, the retail purchaser may apply
to the attorney general for payment from the fund of the full
purchase price to the retail purchaser.

(D) Upon application by a retail purchaser for payment from
the fund, if the attorney general is satisfied that one or more of
the circumstances contained in divisions (B)(1) to (3) of this
section exist, the attorney general shall cause the full purchase
price of the vehicle to be paid to the retail purchaser from the
fund after delivery of the vehicle to the attorney general. The
attorney general may sell or otherwise dispose of any vehicle that
is delivered to the attorney general under this section, and may
collect the proceeds of any bond posted under division (A) of this
section by a dealer who has failed to comply with division (C) of
this section. The proceeds from all such sales and collections
shall be deposited into the title defect recision fund for use as
specified in section 1345.52 of the Revised Code.

(E) Failure by a dealer to comply with division (A) or (B) of
this section constitutes a deceptive act or practice in connection
with a consumer transaction, and is a violation of section 1345.02
of the Revised Code.

(F) The remedy provided in this section to retail purchasers
is in addition to any remedies otherwise available to the retail
purchaser for the same conduct of the dealer or person acting on
behalf of the dealer under federal law or the laws of this state
or a political subdivision of this state.

(G) All motor vehicle dealers licensed under Chapter 4517. of
the Revised Code shall pay to the attorney general for deposit

into the title defect recision fund the amount described in 2375
division (A)(1)(b) of this section beginning with the calendar 2376
year during which this section becomes effective and each year 2377
subsequent to that year until the balance in the fund is not less 2378
than three hundred thousand dollars. All such dealers also shall 2379
pay to the attorney general for deposit into the fund that amount 2380
during any year and subsequent years during which the balance in 2381
the fund is less than three hundred thousand dollars until the 2382
balance in the fund reaches three hundred thousand dollars. 2383

2384

If a motor vehicle dealer fails to comply with this division, 2385
the attorney general may bring a civil action in a court of 2386
competent jurisdiction to collect the amount the dealer failed to 2387
pay to the attorney general for deposit into the fund. 2388

Sec. 4505.19. No person shall do any of the following: 2389

(A) Procure or attempt to procure a certificate of title or a 2390
salvage certificate of title to a motor vehicle, or pass or 2391
attempt to pass a certificate of title, a salvage certificate of 2392
title, or any assignment ~~thereof~~ of a certificate of title or 2393
salvage certificate of title to a motor vehicle, or in any other 2394
manner gain or attempt to gain ownership to a motor vehicle, 2395
knowing or having reason to believe that ~~such the~~ motor vehicle or 2396
any part of the motor vehicle has been acquired through commission 2397
of a theft offense as defined in section 2913.01 of the Revised 2398
Code; 2399

(B) Purport to sell or transfer a motor vehicle without 2400
delivering to the purchaser or transferee ~~thereof~~ of it a 2401
certificate of title, a salvage certificate of title, or a 2402
manufacturer's or importer's certificate ~~thereto~~ to it, assigned 2403
to ~~such the~~ purchaser as provided for in this chapter, except as 2404
otherwise provided in this chapter; 2405

(C) With intent to defraud, possess, sell, offer to sell, 2406
counterfeit, or supply a blank, forged, fictitious, counterfeit, 2407
stolen, or fraudulently or unlawfully obtained certificate of 2408
title, registration, bill of sale, or other instruments of 2409
ownership of a motor vehicle, or conspire to do any of the 2410
foregoing; 2411

(D) Knowingly obtain goods, services, credit, or money by 2412
means of an invalid, fictitious, forged, counterfeit, stolen, or 2413
unlawfully obtained original or duplicate certificate of title, 2414
registration, bill of sale, or other instrument of ownership of a 2415
motor vehicle; 2416

(E) Knowingly obtain goods, services, credit, or money by 2417
means of a certificate of title to a motor vehicle, which is 2418
required to be surrendered to the registrar of motor vehicles or 2419
the clerk of the court of common pleas as provided in this 2420
chapter. 2421

Sec. 4505.20. (A) Notwithstanding division ~~(B)~~(A)(2) of 2422
section 4505.18 of the Revised Code or any other provision of 2423
~~Chapter 4505. this chapter~~ or Chapter 4517. of the Revised Code, a 2424
secured party may designate any dealer to display, display for 2425
sale, or sell a manufactured or mobile home if the home has come 2426
into the possession of that secured party by a default in the 2427
terms of a security instrument and the certificate of title 2428
remains in the name and possession of the secured party. 2429

(B) Notwithstanding division ~~(B)~~(A)(2) of section 4505.18 of 2430
the Revised Code or any other provision of ~~Chapter 4505. this~~ 2431
chapter or Chapter 4517. of the Revised Code, the owner of a 2432
recreational vehicle or a secured party of a recreational vehicle 2433
who has come into possession of the vehicle by a default in the 2434
terms of a security instrument, may designate any dealer to 2435
display, display for sale, or sell the vehicle while the 2436

certificate of title remains in the possession of the owner or 2437
secured party. No dealer may display or offer for sale more than 2438
five recreational vehicles at any time under this division. No 2439
dealer may display or offer for sale a recreational vehicle under 2440
this division unless the dealer maintains insurance or the bond of 2441
a surety company authorized to transact business within this state 2442
in an amount sufficient to satisfy the fair market value of the 2443
vehicle. 2444

(C) The registrar of motor vehicles may adopt rules in 2445
accordance with Chapter 119. of the Revised Code prescribing the 2446
maximum number of manufactured or mobile homes that have come into 2447
the possession of a secured party by a default in the terms of a 2448
security instrument that any dealer may display or offer for sale 2449
at any time. The registrar may adopt other reasonable rules 2450
regarding the resale of such manufactured homes, mobile homes, and 2451
recreational vehicles that the registrar considers necessary. 2452
2453

(D) The secured party or owner shall provide the dealer with 2454
written authorization to display, display for sale, or sell the 2455
manufactured home, mobile home, or recreational vehicle. The 2456
dealer shall show and explain the written authorization to any 2457
prospective purchaser. The written authorization shall contain the 2458
vehicle identification number, make, model, year of manufacture, 2459
and physical description of the manufactured home, mobile home, or 2460
recreational vehicle that is provided to the dealer. 2461
2462

(E) As used in this section, "dealer" means a new motor 2463
vehicle dealer that is licensed under Chapter 4517. of the Revised 2464
Code. 2465

Sec. 4505.25. The registrar of motor vehicles may use money 2466
from the automated title processing fund created in section 2467

4505.09 of the Revised Code, in accordance with appropriations 2468
made by the general assembly, to pay expenses related to 2469
implementing B. . . . of the 124th general assembly. 2470

2471

Sec. 4519.01. As used in this chapter: 2472

(A) "Snowmobile" means any self-propelled vehicle designed 2473
primarily for use on snow or ice, and steered by skis, runners, or 2474
caterpillar treads. 2475

(B) "All-purpose vehicle" means any self-propelled vehicle 2476
designed primarily for cross-country travel on land and water, or 2477
on more than one type of terrain, and steered by wheels or 2478
caterpillar treads, or any combination thereof, including vehicles 2479
that operate on a cushion of air, vehicles commonly known as 2480
all-terrain vehicles, all-season vehicles, mini-bikes, and trail 2481
bikes, but excluding any self-propelled vehicle not principally 2482
used for purposes of personal transportation, any vehicle 2483
principally used in playing golf, any motor vehicle or aircraft 2484
required to be registered under Chapter 4503. or 4561. of the 2485
Revised Code, and any vehicle excepted from definition as a motor 2486
vehicle by division (B) of section 4501.01 of the Revised Code. 2487

2488

(C) "Owner" means any person, or firm, ~~or corporation~~, other 2489
than a lienholder or dealer, having title to a snowmobile, 2490
off-highway motorcycle, or all-purpose vehicle, or other right to 2491
the possession thereof. 2492

(D) "Operator" means any person who operates or is in actual 2493
physical control of a snowmobile, off-highway motorcycle, or 2494
all-purpose vehicle. 2495

(E) "Dealer" means any person, or firm, ~~or corporation~~ 2496
engaged in the business of manufacturing or selling snowmobiles, 2497

off-highway motorcycles, or all-purpose vehicles at wholesale or 2498
retail, or who rents, leases, or otherwise furnishes snowmobiles, 2499
off-highway motorcycles, or all-purpose vehicles for hire. 2500

(F) "Street or highway" has the same meaning as ~~given that~~ 2501
~~term~~ in section 4511.01 of the Revised Code. 2502

(G) "Limited access highway" and "freeway" have the same 2503
~~meaning~~ meanings as ~~given those terms~~ in section 5511.02 of the 2504
Revised Code. 2505

(H) "Interstate highway" means any part of the interstate 2506
system of highways as defined in subsection (e), 90 Stat. 431 2507
(1976), 23 U.S.C.A. 103, ~~and amendments thereof~~ as amended. 2508

(I) "Off-highway motorcycle" means every motorcycle, as 2509
defined in section 4511.01 of the Revised Code, that is designed 2510
to be operated primarily on lands other than a street or highway. 2511

(J) "Electronic" and "electronic record" have the same 2512
meanings as in section 4501.01 of the Revised Code. 2513

(K) "Electronic dealer" means a dealer whom the registrar of 2514
motor vehicles designates under section 4519.511 of the Revised 2515
Code. 2516

Sec. 4519.51. The registrar of motor vehicles shall adopt 2517
~~such~~ rules ~~as~~ the registrar considers necessary to ensure uniform 2518
and orderly operation of sections 4519.51 to 4519.70 of the 2519
Revised Code, and the clerks of the courts of common pleas shall 2520
conform ~~thereto~~ to those rules. The registrar shall receive and 2521
file in the registrar's office all information forwarded to the 2522
registrar by the clerks under those sections, and the clerks shall 2523
maintain in their offices indexes for the certificates of title. 2524

The registrar shall check with the registrar's records all 2526
physical certificates of title received in the registrar's office 2527

from the clerks. If 2528

If it appears that a any certificate of title has been issued 2529
improperly, the registrar shall cancel the certificate. Upon the 2530
cancellation of any certificate of title, the registrar shall 2531
notify the clerk who issued it, and the clerk shall enter the 2532
cancellation in the clerk's records. The registrar also shall 2533
notify the person to whom the certificate of title was issued, as 2534
well as any lienholders appearing ~~thereon~~ on it, of the 2535
cancellation and, if it is a physical certificate of title, shall 2536
demand surrender of the certificate of title, but the cancellation 2537
shall not affect the validity of any lien noted ~~thereon~~ on it. The 2538
holder of ~~the~~ a physical certificate of title shall return it 2539
immediately to the registrar. ~~The~~ 2540

The clerks shall keep on hand a sufficient supply of blank 2541
forms, which, except for the certificate of title and memorandum 2542
certificate forms, shall be furnished and distributed without 2543
charge to registered manufacturers or dealers, or other persons 2544
residing within the county. 2545

Sec. 4519.511. The registrar of motor vehicles shall 2546
designate as an electronic dealer a dealer who meets both of the 2547
following criteria: 2548

(A) The dealer has the capability, via electronic means, to 2549
send title and registration information relating to off-highway 2550
motorcycles and all-purpose vehicles, as specified by the 2551
registrar, to the registrar and the clerks of the courts of common 2552
pleas. 2553

(B) The dealer meets other criteria for electronic dealers 2554
that the registrar may establish by rule adopted under Chapter 2555
119. of the Revised Code. 2556

Sec. 4519.512. The owner of an off-highway motorcycle or 2557

all-purpose vehicle shall apply for a certificate of title for the motorcycle or vehicle when required by this chapter, but, except as otherwise specifically required in this chapter, the owner may elect whether or not to have the clerk of the court of common pleas to whom the certificate of title application is submitted issue a physical certificate of title for the motorcycle or vehicle, as provided in section 4519.58 of the Revised Code.

Except as otherwise specifically provided in this chapter, any provision of this chapter relating to the cancellation, issuance, or surrender of a certificate of title, including, but not limited to, provisions that contain a phrase such as "when a certificate of title is issued," "the clerk shall issue a certificate of title," or "the person shall obtain a certificate of title to the off-highway motorcycle or all-purpose vehicle," or another phrase of similar import, shall include those circumstances when a clerk enters certificate of title information into the automated title processing system, but does not take any further action relating to a physical certificate of title for the motorcycle or vehicle.

Sec. 4519.52. (A) Except as provided in ~~section~~ sections 4519.521 and 4519.54 of the Revised Code, ~~on and after the effective date of this section,~~ no dealer engaged in the business of selling new or used off-highway motorcycles or all-purpose vehicles shall sell or otherwise transfer a new or used off-highway motorcycle or all-purpose vehicle without obtaining a certificate of title to the new or used motorcycle or vehicle, in accordance with this chapter, and delivering the certificate of title or memorandum certificate of title to the purchaser or transferee.

(B)(1) A person who is not a dealer engaged in the business

of selling new or used off-highway motorcycles or all-purpose
vehicles and who, ~~on and after the effective date of this section,~~
owns an off-highway motorcycle or all-purpose vehicle, may choose
to obtain a certificate of title to the motorcycle or vehicle. The
person shall comply with this chapter in order to obtain the
certificate of title.

(2) If a person who is not a dealer engaged in the business
of selling new or used off-highway motorcycles or all-purpose
vehicles and who owns an off-highway motorcycle or all-purpose
vehicle obtains a certificate of title to the motorcycle or
vehicle, that person, except as otherwise provided in section
4519.521 of the Revised Code, shall not sell or otherwise transfer
the motorcycle or vehicle without delivering to the purchaser or
transferee a certificate of title with ~~such an~~ assignment ~~thereon~~
on it as is necessary to show title in the purchaser or
transferee, and no person shall subsequently purchase or otherwise
acquire the motorcycle or vehicle without obtaining a certificate
of title to the motorcycle or vehicle in the person's own name.

Sec. 4519.521. (A)(1) If a person who is not an electronic
dealer owns an off-highway motorcycle or all-purpose vehicle for
which a physical certificate of title has not been issued by a
clerk of a court of common pleas and the person sells the
motorcycle or vehicle to an electronic dealer, the person is not
required to obtain a physical certificate of title to the
motorcycle or vehicle in order to transfer ownership to the
dealer. The person shall present the dealer, in a manner approved
by the registrar of motor vehicles, with sufficient proof of the
person's identity and complete and sign a form prescribed by the
registrar attesting to the person's identity and assigning the
motorcycle or vehicle to the dealer. The electronic dealer then
shall inform a clerk of a court of common pleas via electronic

means of the sale of the motorcycle or vehicle and assignment of 2621
ownership of the motorcycle or vehicle to the dealer. The clerk 2622
shall enter the information relating to the assignment into the 2623
automated title processing system, and ownership of the motorcycle 2624
or vehicle passes to the dealer when the clerk enters this 2625
information into the system. The dealer is not required to obtain 2626
a certificate of title to the motorcycle or vehicle in the 2627
dealer's name. 2628

(2) A clerk shall charge and collect from a dealer a fee of 2629
five dollars for each motorcycle or vehicle assigned to the dealer 2630
under division (A)(1) of this section. The fee shall be 2631
distributed in accordance with section 4519.59 of the Revised 2632
Code. 2633

(B)(1) Ownership of an off-highway motorcycle or all-purpose 2634
vehicle may be assigned between electronic dealers without any of 2635
the dealers obtaining a certificate of title to the motorcycle or 2636
vehicle in the name of any of those dealers. Each assignor dealer 2637
shall inform a clerk of a court of common pleas via electronic 2638
means of the sale of a motorcycle or vehicle to and of the 2639
assignment of its ownership to an assignee dealer. The clerk shall 2640
enter the information relating to the assignment into the 2641
automated title processing system, and ownership of the motorcycle 2642
or vehicle passes to the assignee dealer when the clerk enters 2643
this information into the system. 2644

(2) A clerk shall charge and collect from an assignor dealer 2645
a fee of three dollars for each assignment of ownership of a 2646
motorcycle or vehicle that the assignor dealer makes under 2647
division (B)(1) of this section. The clerk shall retain two 2648
dollars and twenty-five cents of the fee charged for each 2649
assignment of ownership and shall pay the remaining seventy-five 2650
cents of each fee to the registrar by monthly returns, which the 2651
clerk shall forward to the registrar not later than the fifth day 2652

of the month next succeeding that in which the assignment is made. 2653
2654

(3) The registrar shall pay the amount received for each 2655
assignment of ownership as follows: 2656

(a) Twenty-five cents into the state bureau of motor vehicles 2657
fund established in section 4501.25 of the Revised Code; 2658

(b) Four cents into the state treasury to the credit of the 2659
motor vehicle dealers board fund, established in section 4505.09 2660
of the Revised Code; 2661

(c) Twenty-one cents into the general revenue fund; 2662

(d) Twenty-five cents into the state treasury to the credit 2663
of the motor vehicle sales audit fund established in section 2664
4505.09 of the Revised Code. 2665

(C) If a person who is not an electronic dealer owns an 2666
off-highway motorcycle or all-purpose vehicle for which a physical 2667
certificate of title has not been issued by a clerk of a court of 2668
common pleas and the person sells the motorcycle or vehicle to a 2669
person who is not an electronic dealer, the person shall obtain a 2670
physical certificate of title to the motorcycle or vehicle in 2671
order to transfer ownership of the vehicle to the person who is 2672
not an electronic dealer. 2673

Sec. 4519.53. No person who acquires an off-highway 2674
motorcycle or all-purpose vehicle from the owner ~~thereof~~ of it, if 2675
whether the owner is a manufacturer, importer, ~~or~~ dealer, or any 2676
other person, acquires any right, title, claim, or interest in or 2677
to the off-highway motorcycle or all-purpose vehicle until the 2678
person has been issued a certificate of title to the off-highway 2679
motorcycle or all-purpose vehicle, or there is delivered to the 2680
person a manufacturer's or importer's certificate for it, or a 2681
certificate of title to it is assigned as authorized by section 2682

4519.521 of the Revised Code. No waiver or estoppel operates in 2683
favor of ~~such~~ that person against a person having possession of 2684
~~such~~ the certificate of title to, or manufacturer's or importer's 2685
certificate for, the off-highway motorcycle or all-purpose 2686
vehicle, for a valuable consideration. 2687

No court in any case at law or in equity shall recognize the 2688
right, title, claim, or interest of any person in or to any 2689
off-highway motorcycle or all-purpose vehicle sold or disposed of, 2690
or mortgaged or encumbered, unless evidenced by one of the 2691
following: 2692

(A) A certificate of title or a manufacturer's or importer's 2693
certificate issued in accordance with this chapter, or an 2694
assignment of a certificate of title made under section 4519.521 2695
of the Revised Code; 2696

(B) Admission in the pleadings or stipulation of the parties. 2697
2698

Sec. 4519.55. Application for a certificate of title for an 2699
off-highway motorcycle or all-purpose vehicle shall be made upon a 2700
form prescribed by the registrar of motor vehicles ~~and shall be~~ 2701
~~sworn to before a notary public or other officer empowered to~~ 2702
~~administer oaths.~~ The application shall be filed with the clerk of 2703
the any court of common pleas ~~of the county in which the applicant~~ 2704
~~resides if the applicant is a resident of this state or, if not a~~ 2705
~~resident, in the county in which the transaction is consummated.~~ 2706
The. An application for a certificate of title may be filed 2707
electronically by any electronic means approved by the registrar 2708
in any county with the clerk of the court of common pleas of that 2709
county. 2710

If an application for a certificate of title is filed 2711
electronically by an electronic dealer on behalf of the purchaser 2712

of an off-highway motorcycle or all-purpose vehicle, the clerk 2713
shall retain the completed electronic record to which the dealer 2714
converted the certificate of title application and other required 2715
documents. The electronic dealer shall retain the actual 2716
application and all other documents relating to the sale for a 2717
period of time specified by the registrar, and the dealer shall 2718
make all of the documents available for inspection upon the 2719
request of the registrar. 2720

The application shall be accompanied by the fee prescribed in 2721
section 4519.59 of the Revised Code and, if, The fee shall be 2722
retained by the clerk who issues the certificate of title and 2723
shall be distributed in accordance with that section. If a clerk 2724
of a court of common pleas, other than the clerk of the court of 2725
common pleas of an applicant's county of residence, issues a 2726
certificate of title to the applicant, the clerk shall transmit 2727
data related to the transaction to the database of the automated 2728
data processing system in the office of the clerk of the court of 2729
common pleas of the applicant's county of residence. 2730

If a certificate of title previously has been issued for the 2732
an off-highway motorcycle or all-purpose vehicle, the application 2733
also shall be accompanied by the certificate of title duly 2734
assigned, unless otherwise provided in this chapter. If a 2735
certificate of title previously has not been issued for the 2736
off-highway motorcycle or all-purpose vehicle, the application, 2737
unless otherwise provided in this chapter, shall be accompanied by 2738
a manufacturer's or importer's certificate; by a sworn statement 2739
of ownership; or by a certificate of title, bill of sale, or other 2740
evidence of ownership required by law of another state from which 2741
the off-highway motorcycle or all-purpose vehicle was brought into 2742
this state. The registrar, in accordance with Chapter 119. of the 2743
Revised Code, shall prescribe the types of additional 2744

documentation sufficient to establish proof of ownership, 2745
including, but not limited to, receipts from the purchase of parts 2746
or components, photographs, and affidavits of other persons. For 2747

2748

For purposes of the transfer of a certificate of title, if 2749
the clerk is satisfied that a secured party has duly discharged a 2750
lien notation, but has not canceled the lien notation with the 2751
clerk of the county of origin, the clerk may cancel the lien 2752
notation of the automated title processing system and notify the 2753
clerk of the county of origin. 2754

In the case of the sale of an off-highway motorcycle or 2755
all-purpose vehicle by a dealer to a general purchaser or user, 2756
the certificate of title shall be obtained in the name of the 2757
purchaser by the dealer upon application signed by the purchaser. 2758
In all other cases, the certificate shall be obtained by the 2759
purchaser. In all cases of transfer of an off-highway motorcycle 2760
or all-purpose vehicle, the application for certificate of title 2761
shall be filed within thirty days after the later of the date of 2762
purchase or assignment of ownership of the off-highway motorcycle 2763
or all-purpose vehicle. If the application for certificate of 2764
title is not filed within thirty days after the later of the date 2765
of purchase or assignment of ownership of the off-highway 2766
motorcycle or all-purpose vehicle, the clerk shall charge a late 2767
filing fee of five dollars in addition to the fee prescribed by 2768
section 4519.59 of the Revised Code. The clerk shall retain the 2769
entire amount of each late filing fee. 2770

Except in the case of an off-highway motorcycle or 2771
all-purpose vehicle purchased prior to ~~the effective date of this~~ 2772
~~section July 1, 1999~~, the clerk shall refuse to accept an 2773
application for certificate of title unless the applicant either 2774
tenders with the application payment of all taxes levied by or 2775
pursuant to Chapter 5739. or 5741. of the Revised Code based on 2776

the purchaser's county of residence, or submits either of the 2777
following: 2778

(A) A receipt issued by the tax commissioner or a clerk of 2779
courts showing payment of the tax; 2780

(B) An exemption certificate, in any form prescribed by the 2781
tax commissioner, that specifies why the purchase is not subject 2782
to the tax imposed by Chapter 5739. or 5741. of the Revised Code. 2783

Payment of the tax shall be made in accordance with division 2784
(E) of section 4505.06 of the Revised Code and any rules issued by 2785
the tax commissioner. When a dealer submits payment of the tax to 2786
the clerk, the dealer shall retain any discount to which the 2787
dealer is entitled under section 5739.12 of the Revised Code. The 2788
clerk shall issue a receipt in the form prescribed by the tax 2789
commissioner to any applicant who tenders payment of the tax with 2790
the application for a certificate of title. If the application for 2791
a certificate of title is for an off-highway motorcycle or 2792
all-purpose vehicle purchased prior to ~~the effective date of this~~ 2793
~~section July 1, 1999~~, the clerk shall accept the application 2794
without payment of the taxes levied by or pursuant to Chapter 2795
5739. or 5741. of the Revised Code or presentation of either of 2796
the items listed in division (A) or (B) of this section. 2797

2798
For receiving and disbursing such taxes paid to the clerk, 2799
the clerk may retain a poundage fee of one and one-hundredth per 2800
cent of the taxes collected, which shall be paid into the 2801
certificate of title administration fund created by section 325.33 2802
of the Revised Code. ~~In~~ 2803

In the case of casual sales of off-highway motorcycles or 2804
all-purpose vehicles that are subject to the tax imposed by 2805
Chapter 5739. or 5741. of the Revised Code, the purchase price for 2806
the purpose of determining the tax shall be the purchase price on 2807
an affidavit executed and filed with the clerk by the seller on a 2808

form to be prescribed by the registrar, which shall be prima-facie 2809
evidence of the price for the determination of the tax. ~~In~~ 2810

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In addition to the information required by section 4519.57 of 2812
the Revised Code, each certificate of title shall contain in bold 2813
lettering the following notification and statements: "WARNING TO 2814
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 2815
law to state the true selling price. A false statement is in 2816
violation of section 2921.13 of the Revised Code and is punishable 2817
by six months imprisonment or a fine of up to one thousand 2818
dollars, or both. All transfers are audited by the department of 2819
taxation. The seller and buyer must provide any information 2820
requested by the department of taxation. The buyer may be assessed 2821
any additional tax found to be due." 2822

The clerk shall forward all payments of taxes, less poundage 2823
~~fees~~, to the treasurer of state in a manner to be prescribed by 2824
the tax commissioner and shall furnish ~~such~~ information to the 2825
commissioner as the commissioner may require. 2826

Every clerk shall have the capability to transact by 2827
electronic means all procedures and transactions relating to the 2828
issuance of certificates of title for off-highway motorcycles and 2829
all-purpose vehicles that are described in the Revised Code as 2830
being accomplished by electronic means. 2831

Sec. 4519.57. ~~The~~ When the clerk of the a court of common 2832
pleas issues a physical certificate of title for an off-highway 2833
motorcycle or all-purpose vehicle, the clerk shall issue 2834
certificates of title for off-highway motorcycles and all-purpose 2835
vehicles it over the clerk's official seal. The front side of each 2836
physical certificate of title shall contain the information 2837
required in the application ~~therefor~~ for it as prescribed by 2838
section 4519.56 of the Revised Code, spaces for the dates of 2839

notation and cancellation of two liens, mortgages, or 2840
encumbrances, and any other pertinent information as may be 2841
required by the registrar of motor vehicles, but shall contain 2842
neither the social security number nor taxpayer identification 2843
number of the applicant. The reverse side of each physical 2844
certificate of title shall contain all of the information 2845
specified in division (F) of section 4505.07 of the Revised Code. 2846
An assignment of certificate of title before a notary public or 2847
other officer empowered to administer oaths shall appear on the 2848
reverse side of each physical certificate of title in the form to 2849
be prescribed by the registrar ~~of motor vehicles~~. The assignment 2850
form shall include a warranty that the signer is the owner of the 2851
off-highway motorcycle or all-purpose vehicle and that there are 2852
no mortgages, liens, or encumbrances on the off-highway motorcycle 2853
or all-purpose vehicle except as are noted on the face of the 2854
certificate of title. 2855

~~Certificates~~ Physical certificates of title also shall bear a 2856
statement that liens applicable to the off-highway motorcycle or 2857
all-purpose vehicle other than the two for which there are spaces 2858
on the ~~titles~~ certificates may exist and, if so, are entered into 2859
the automated title processing system for motor vehicle titles. 2860
2861

Sec. 4519.58. ~~The~~ When the clerk of ~~the~~ a court of common 2862
pleas issues a physical certificate of title, the clerk shall 2863
~~issue certificates~~ the certificate of title in duplicate. One copy 2864
shall be retained and filed by the clerk in the clerk's office, 2865
and the information contained in it shall be transmitted to the 2866
registrar of motor vehicles on the day it is issued. The clerk 2867
shall sign and affix the clerk's seal to the original certificate 2868
of title and, if there are no liens on the off-highway motorcycle 2869
or all-purpose vehicle, shall deliver the certificate to the 2870

applicant or the selling dealer. Except as otherwise provided in 2871
this section, if there are one or more liens on the off-highway 2872
motorcycle or all-purpose vehicle, the certificate of title shall 2873
be delivered to the holder of the first lien. If the certificate 2874
of title is obtained by a dealer on behalf of the applicant and 2875
there are one or more liens on the off-highway motorcycle or 2876
all-purpose vehicle, the clerk shall issue a certificate of title 2877
and may issue a memorandum certificate of title. The certificate 2878
of title and memorandum certificate of title, if issued, shall be 2879
delivered to the holder of the first lien or the selling dealer, 2880
who shall deliver the certificate of title to the holder of the 2881
first lien and the memorandum certificate of title to the 2882
applicant. The selling dealer also may make arrangements with the 2883
clerk to have the clerk deliver the memorandum certificate of 2884
title to the applicant. 2885

2886
The registrar shall prescribe a uniform method of numbering 2887
certificates of title. The numbering shall be in such manner that 2888
the county of issuance is indicated. Numbers shall be assigned to 2889
certificates of title in the manner prescribed by the registrar. 2890
The clerk shall file all certificates of title according to the 2891
rules to be prescribed by the registrar, and the clerk shall 2892
maintain in the clerk's office indexes for the certificates of 2893
title. 2894

The clerk need not retain on file any current certificates of 2895
title, current duplicate certificates of title, current memorandum 2896
certificates of title, or current salvage certificates of title, 2897
or supporting evidence ~~thereof of them, including the electronic~~ 2898
record described in section 4519.55 of the Revised Code, covering 2899
any off-highway motorcycle or all-purpose vehicle for a period 2900
longer than seven years after the date of their filing; 2901
thereafter, ~~the same~~ documents and supporting evidence may be 2902

destroyed. The clerk need not retain on file any inactive records, 2903
including certificates of title, duplicate certificates of title, 2904
or memorandum certificates of title, or supporting evidence 2905
thereof of them, including the electronic record described in 2906
section 4519.55 of the Revised Code, covering any off-highway 2907
motorcycle or all-purpose vehicle for a period longer than five 2908
years after the date of their filing; thereafter, the ~~same~~ 2909
documents and supporting evidence may be destroyed. The clerk 2910
shall retain the active index and all active records in the data 2911
base of the computer in the clerk's office, and shall retain in 2912
the data base a record and index of all inactive titles for ten 2913
years. If the clerk provides a written copy of any information 2914
contained in the data base, the copy shall be considered the 2915
original for purposes of the clerk certifying the record of the 2916
information for use in any legal proceeding. 2917

The clerk shall issue a physical certificate of title to an 2919
applicant unless the applicant specifically requests the clerk not 2920
to issue a physical certificate of title and instead to issue an 2921
electronic certificate of title. The fact that a physical 2922
certificate of title is not issued for an off-highway motorcycle 2923
or all-purpose vehicle does not affect ownership of the motorcycle 2924
or vehicle. In that case, when the clerk completes the process of 2925
entering certificate of title application information into the 2926
automated title processing system, the effect of the completion of 2927
the process is the same as if the clerk actually issued a physical 2928
certificate of title for the motorcycle or vehicle. 2929

An electronic dealer who applies for a certificate of title 2931
on behalf of a customer who purchases an off-highway motorcycle or 2932
all-purpose vehicle from the dealer may print a non-negotiable 2933
evidence of ownership for the customer if the customer so 2934

requests. The authorization to print the non-negotiable evidence of ownership shall come from the clerk with whom the dealer makes application for the certificate of title for the customer, but the printing by the dealer does not create an agency relationship of any kind between the dealer and the clerk.

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Sec. 4519.59. (A) The clerk of ~~the~~ a court of common pleas shall charge a fee of five dollars for each certificate of title, duplicate certificate of title, memorandum certificate of title, authorization to print a non-negotiable evidence of ownership described in section 4519.58 of the Revised Code, and notation of any lien on a certificate of title. The clerk shall retain two dollars and twenty-five cents of the fee charged for each certificate of title, four dollars and seventy-five cents of the fee charged for each duplicate certificate of title, all of the fees charged for each memorandum certificate or authorization to print a non-negotiable evidence of ownership, and four dollars and twenty-five cents of the fee charged for each notation of a lien.

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The remaining two dollars and seventy-five cents charged for the certificate of title, the remaining twenty-five cents charged for the duplicate certificate of title, and the remaining seventy-five cents charged for the notation of any lien on a certificate of title shall be paid to the registrar of motor vehicles by monthly returns, which shall be forwarded to the registrar not later than the fifth day of the month next succeeding that in which the certificate is forwarded or that in which the registrar is notified of a lien or cancellation ~~thereof~~ of a lien.

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(B)(1) The registrar shall pay twenty-five cents of the amount received for each certificate of title and all of the amounts received for each notation of any lien and each duplicate

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certificate of title into the state bureau of motor vehicles fund 2967
established in section 4501.25 of the Revised Code. 2968

(2) Fifty cents of the amount received for each certificate 2969
of title shall be paid by the registrar as follows: 2970

(a) Four cents shall be paid into the state treasury to the 2971
credit of the motor vehicle dealers board fund created in section 2972
4505.09 of the Revised Code, for use as described in division 2973
(B)(2)(a) of that section. 2974

(b) Twenty-one cents shall be paid into the general revenue 2975
fund. 2976

(c) Twenty-five cents shall be paid into the state treasury 2977
to the credit of the motor vehicle sales audit fund created in 2978
section 4505.09 of the Revised Code, for use as described in 2979
division (B)(2)(c) of that section. 2980

(3) Two dollars of the amount received by the registrar for 2981
each certificate of title shall be paid into the state treasury to 2982
the credit of the automated title processing fund created in 2983
section 4505.09 of the Revised Code, for use as described in 2984
~~division~~ divisions (B)(3)(a) and (c) of that section. 2985

Sec. 4519.60. In the event of the transfer of ownership of an 2986
off-highway motorcycle or all-purpose vehicle by operation of law, 2987
as upon inheritance, devise ~~or~~, bequest, order in bankruptcy, 2988
insolvency, replevin, or execution of sale, or when repossession 2989
is had upon default in performance of the terms of a security 2990
agreement as provided in Chapter 1309. of the Revised Code, ~~the a~~ 2991
~~clerk of the a court of common pleas of the county in which the~~ 2992
~~last certificate of title to the off-highway motorcycle or~~ 2993
~~all-purpose vehicle was issued~~, upon the surrender of the prior 2994
certificate of title or the manufacturer's or importer's 2995
certificate, or, when that is not possible, upon presentation to 2996

the clerk of satisfactory proof of ownership and rights of 2997
possession to ~~such~~ the off-highway motorcycle or all-purpose 2998
vehicle, and upon payment of the fee prescribed in section 4519.59 2999
of the Revised Code⁷, and presentation of an application for 3000
certificate of title, may issue to the applicant a certificate of 3001
title to the off-highway motorcycle or all-purpose vehicle. Only 3002
an affidavit by the person or agent of the person to whom 3003
possession of the off-highway motorcycle or all-purpose vehicle 3004
has passed, setting forth the facts entitling the person to ~~such~~ 3005
the possession and ownership, together with a copy of the journal 3006
entry, court order, or instrument upon which the claim of 3007
possession and ownership is founded, is satisfactory proof of 3008
ownership and right of possession. If the applicant cannot produce 3009
~~such~~ that proof of ownership, the applicant may apply directly to 3010
the registrar of motor vehicles and submit the evidence the 3011
applicant has, and the registrar, upon finding the evidence 3012
sufficient, may authorize the clerk to issue a certificate of 3013
title. If, from the records in the office of the clerk, there 3014
appears to be any lien on the off-highway motorcycle or 3015
all-purpose vehicle, the certificate of title shall contain a 3016
statement of the lien unless the application is accompanied by 3017
proper evidence of its extinction. 3018

3019

Sec. 4519.61. (A) Each owner of an off-highway motorcycle or 3020
all-purpose vehicle and each person mentioned as owner in the last 3021
certificate of title, when the off-highway motorcycle or 3022
all-purpose vehicle is dismantled, destroyed, or changed in such 3023
manner that it loses its character as an off-highway motorcycle or 3024
all-purpose vehicle, or changed in such manner that it is not the 3025
off-highway motorcycle or all-purpose vehicle described in the 3026
certificate of title, shall surrender the certificate of title to 3027
~~the~~ a clerk of ~~the~~ a court of common pleas ~~who issued it~~, and 3028

thereupon the clerk, with the consent of the holders of any liens 3029
noted ~~thereon~~, on the certificate of title, then shall enter a 3030
cancellation upon the clerk's records and shall notify the 3031
registrar of motor vehicles of the cancellation. 3032

Upon the cancellation of a certificate of title in the manner 3033
prescribed by this section, the clerk and the registrar may cancel 3034
and destroy all certificates and all memorandum certificates in 3035
that chain of title. 3036

(B) Where an Ohio certificate of title or salvage certificate 3037
of title to an off-highway motorcycle or all-purpose vehicle is 3038
assigned to a salvage dealer, the dealer shall not be required to 3039
obtain an Ohio certificate of title or a salvage certificate of 3040
title to the off-highway motorcycle or all-purpose vehicle in the 3041
dealer's own name if the dealer dismantles or destroys the 3042
off-highway motorcycle or all-purpose vehicle, completes the 3043
assignment on the certificate of title or salvage certificate of 3044
title, indicates the number of the dealer's motor vehicle salvage 3045
dealer's license thereon, marks "FOR DESTRUCTION" across the face 3046
of the certificate of title or salvage certificate of title, and 3047
surrenders the certificate of title or salvage certificate of 3048
title to ~~the~~ a clerk of ~~the~~ a court of common pleas as provided in 3049
division (A) of this section. If the salvage dealer retains the 3050
off-highway motorcycle or all-purpose vehicle for resale, the 3051
salvage dealer shall make application for a salvage certificate of 3052
title to the off-highway motorcycle or all-purpose vehicle in the 3053
salvage dealer's own name as provided in division (C)(1) of this 3054
section. 3055

(C)(1) When an insurance company declares it economically 3057
impractical to repair the off-highway motorcycle or all-purpose 3058
vehicle and has paid an agreed price for the purchase of the 3059
off-highway motorcycle or all-purpose vehicle to any insured or 3060

claimant owner, the insurance company shall receive the 3061
certificate of title and off-highway motorcycle or all-purpose 3062
vehicle and proceed as follows. Within thirty days, the insurance 3063
company shall deliver the certificate of title to ~~the~~ a clerk of 3064
~~the~~ a court of common pleas and shall make application for a 3065
salvage certificate of title. The clerk shall issue the salvage 3066
certificate of title on a form, prescribed by the registrar, that 3067
shall be easily distinguishable from the original certificate of 3068
title and shall bear the same number and information as the 3069
original certificate of title. Except as provided in division 3070
(C)(2) of this section, the salvage certificate of title shall be 3071
assigned by the insurance company to a salvage dealer or any other 3072
person for use as evidence of ownership upon the sale or other 3073
disposition of the off-highway motorcycle or all-purpose vehicle, 3074
and the salvage certificate of title shall be transferable to any 3075
other person. The clerk of the court of common pleas shall charge 3076
a fee of four dollars for the cost of processing each salvage 3077
certificate of title. 3078

(2) If an insurance company considers an off-highway 3079
motorcycle or all-purpose vehicle as described in division (C)(1) 3080
of this section to be impossible to restore to normal operation, 3081
the insurance company may assign the certificate of title to the 3082
off-highway motorcycle or all-purpose vehicle to a salvage dealer 3083
or scrap metal processing facility and send the assigned 3084
certificate of title to the clerk of the court of common pleas of 3085
the county in which the salvage dealer or scrap metal processing 3086
facility is located. The insurance company shall mark the face of 3087
the certificate of title "FOR DESTRUCTION" and shall deliver a 3088
photocopy of the certificate of title to the salvage dealer or 3089
scrap metal processing facility for its records. 3090

(3) If an insurance company declares it economically 3091
impractical to repair an off-highway motorcycle ~~of~~ or all-purpose 3092

vehicle, agrees to pay to the insured or claimant owner an amount 3093
in settlement of a claim against a policy of motor vehicle 3094
insurance covering the off-highway motorcycle or all-purpose 3095
vehicle, and agrees to permit the insured or claimant owner to 3096
retain possession of the off-highway motorcycle or all-purpose 3097
vehicle, the insurance company shall not pay the insured or 3098
claimant owner any amount in settlement of the insurance claim 3099
until the owner obtains a salvage certificate of title to the 3100
vehicle and furnishes a copy of the salvage certificate of title 3101
to the insurance company. 3102

(D) When a self-insured organization, rental or leasing 3103
company, or secured creditor becomes the owner of an off-highway 3104
motorcycle or all-purpose vehicle that is burned, damaged, or 3105
dismantled and is determined to be economically impractical to 3106
repair, the self-insured organization, rental or leasing company, 3107
or secured creditor shall do one of the following: 3108

(1) Mark the face of the certificate of title to the 3109
off-highway motorcycle or all-purpose vehicle "FOR DESTRUCTION" 3110
and surrender the certificate of title to ~~the~~ a clerk of ~~the~~ a 3111
court of common pleas for cancellation as described in division 3112
(A) of this section. The self-insured organization, rental or 3113
leasing company, or secured creditor ~~thereupon then~~ shall deliver 3114
the off-highway motorcycle or all-purpose vehicle, together with a 3115
photocopy of the certificate of title, to a salvage dealer or 3116
scrap metal processing facility and shall cause the off-highway 3117
motorcycle or all-purpose vehicle to be dismantled, flattened, 3118
crushed, or destroyed. 3119

(2) Obtain a salvage certificate of title to the off-highway 3120
motorcycle or all-purpose vehicle in the name of the self-insured 3121
organization, rental or leasing company, or secured creditor, as 3122
provided in division (C)(1) of this section, and then sell or 3123
otherwise dispose of the off-highway motorcycle or all-purpose 3124

vehicle. If the off-highway motorcycle or all-purpose vehicle is
sold, the self-insured organization, rental or leasing company, or
secured creditor shall obtain a salvage certificate of title to
the off-highway motorcycle or all-purpose vehicle in the name of
the purchaser from the clerk of the court of common pleas of the
county in which the purchaser resides.

(E) If an off-highway motorcycle or all-purpose vehicle
titled with a salvage certificate of title is restored for
operation, application shall be made to ~~the a~~ clerk of ~~the a~~ court
of common pleas for a certificate of title after inspection by the
state highway patrol. The inspection shall include establishing
proof of ownership and an inspection of the motor number and
vehicle identification number of the off-highway motorcycle or
all-purpose vehicle and of documentation or receipts for the
materials used in restoration by the owner of the off-highway
motorcycle or all-purpose vehicle being inspected, which
documentation or receipts shall be presented at the time of
inspection. Upon successful completion of the inspection, the
state highway patrol shall issue to the owner a completed
inspection form. The clerk, upon submission of the completed
inspection form and surrender of the salvage certificate of title,
shall issue a certificate of title for a fee prescribed by the
registrar. The certificate of title shall be in the same form as
the original certificate of title, shall bear the same number as
the salvage certificate of title and the original certificate of
title, and shall bear the words "REBUILT SALVAGE" in black
boldface letters on its face. Every subsequent certificate of
title, memorandum certificate of title, or certified copy of a
certificate of title or memorandum certificate of title issued for
the off-highway motorcycle or all-purpose vehicle also shall bear
the words "REBUILT SALVAGE" in black boldface letters on its face.
The exact location on the face of the certificate of title of the

words "REBUILT SALVAGE" shall be determined by the registrar, who 3158
shall develop an automated procedure within the automated title 3159
processing system to comply with this division. The clerk shall 3160
use reasonable care in performing the duties imposed on the clerk 3161
by this division in issuing a certificate of title pursuant to 3162
this division, but the clerk is not liable for errors or omissions 3163
of the clerk of courts, the clerk's deputies, or the automated 3164
title processing system in the performance of such duties. A fee 3165
of fifty dollars shall be assessed by the state highway patrol for 3166
each inspection made pursuant to this division. 3167

(F) No off-highway motorcycle or all-purpose vehicle the 3170
certificate of title to which has been marked "FOR DESTRUCTION" 3171
and surrendered to ~~the~~ a clerk of ~~the~~ a court of common pleas 3172
shall be used for anything except parts and scrap metal. 3173

Sec. 4519.62. In the event of a lost or destroyed certificate 3174
of title, application shall be made to ~~the~~ a clerk of ~~the~~ a court 3175
of common pleas ~~of the county where the certificate of title was~~ 3176
~~issued~~, by the owner of the off-highway motorcycle or all-purpose 3177
vehicle, or the holder of a lien ~~thereon~~ on it, for a certified 3178
copy of the certificate, upon a form prescribed by the registrar 3179
of motor vehicles and accompanied by the fee prescribed by section 3180
4519.59 of the Revised Code. The application shall be signed and 3181
sworn to by the person making the application, and the clerk shall 3182
issue a certified copy of the certificate of title to the person 3183
entitled to receive it under this chapter. The certified copy 3184
shall be plainly marked across its face with the word "duplicate," 3185
and any subsequent purchaser of the off-highway motorcycle or 3186
all-purpose vehicle in the chain of title originating through the 3187
certified copy acquires only such rights in the off-highway 3188
motorcycle or all-purpose vehicle as the original holder of the 3189

certified copy had. Any purchaser of the off-highway motorcycle or 3190
all-purpose vehicle, at the time of purchase, may require the 3191
seller of the same to indemnify the purchaser and all subsequent 3192
purchasers of the off-highway motorcycle or all-purpose vehicle 3193
against any loss that the purchaser or subsequent purchasers may 3194
suffer by reason of any claim presented upon the original 3195
certificate. In the event of the recovery of the original 3196
certificate of title by ~~said~~ the owner, the owner shall surrender 3197
~~forthwith the original certificate of title~~ it immediately to the 3198
clerk for cancellation. 3199

3200
The holder of a certificate of title for an off-highway 3201
motorcycle or all-purpose vehicle upon which is noted an existing 3202
lien, encumbrance, or mortgage, may make application at any time 3203
to ~~the~~ a clerk ~~who issued the certificate of title~~ for a 3204
memorandum certificate, which application shall be made in the 3205
form prescribed by the registrar and signed and sworn to by the 3206
applicant. Upon receipt of the application, if it appears to be 3207
correct, together with the fee prescribed by section 4519.59 of 3208
the Revised Code, the clerk shall issue to the applicant a 3209
memorandum certificate for the off-highway motorcycle or 3210
all-purpose vehicle. ~~In the event~~ If the memorandum certificate is 3211
lost or destroyed, the holder ~~thereof~~ of it may obtain a certified 3212
copy of ~~the same~~ it upon the filing of an application with the 3213
clerk on a form prescribed by the registrar ~~and~~, accompanied by 3214
the fee prescribed in section 4519.59 of the Revised Code. The 3215
memorandum certificate is not assignable and constitutes no 3216
evidence of title or of right to transfer or encumber the 3217
off-highway motorcycle or all-purpose vehicle described ~~therein~~ in 3218
it. 3219

Sec. 4519.631. The registrar of motor vehicles shall enable 3220

the public to access off-highway motorcycle and all-purpose 3221
vehicle title information via electronic means. The registrar, in 3222
accordance with Chapter 119. of the Revised Code, shall adopt 3223
rules governing this access. In adopting the rules, the registrar 3224
shall confer with the clerks of the courts of common pleas. Access 3225
by the public to off-highway motorcycle and all-purpose vehicle 3226
title information under this section shall comply with all 3227
restrictions contained in the Revised Code and federal law that 3228
govern the disclosure of that information. 3229

Sec. 4519.66. No person shall do any of the following: 3230

(A) Operate in this state an off-highway motorcycle or 3231
all-purpose vehicle without having a certificate of title for the 3232
off-highway motorcycle or all-purpose vehicle, if such a 3233
certificate is required by this chapter to be issued for the 3234
off-highway motorcycle or all-purpose vehicle, or, if a physical 3235
certificate of title has not been issued for it, operate an 3236
off-highway motorcycle or all-purpose vehicle knowing that the 3237
ownership information relating to the motorcycle or vehicle has 3238
not been entered into the automated title processing system by a 3239
clerk of a court of common pleas; 3240

(B) Operate in this state an off-highway motorcycle or 3241
all-purpose vehicle if a certificate of title to the off-highway 3242
motorcycle or all-purpose vehicle has been issued and then has 3243
been canceled; 3244

(C) Fail to surrender any certificate of title upon 3245
cancellation of ~~the same~~ it by the registrar of motor vehicles and 3246
notice ~~thereof~~ of the cancellation as prescribed in this chapter; 3247
3248

(D) Fail to surrender the certificate of title to ~~the~~ a clerk 3249
of ~~the~~ a court of common pleas as provided in this chapter, in 3250

case of the destruction or dismantling of, or change in, the 3251
off-highway motorcycle or all-purpose vehicle described in the 3252
certificate of title; 3253

(E) Violate any provision of sections 4519.51 to 4519.70 of 3254
the Revised Code for which no penalty is otherwise provided or any 3255
lawful rules ~~promulgated~~ adopted pursuant to those sections; 3256
3257

(F) Operate in this state an off-highway motorcycle or 3258
all-purpose vehicle knowing that the certificate of title to or 3259
ownership of the motorcycle or vehicle as otherwise reflected in 3260
the automated title processing system has been canceled. 3261

Sec. 4519.67. No person shall do any of the following: 3262

(A) Procure or attempt to procure a certificate of title to 3263
an off-highway motorcycle or all-purpose vehicle, or pass or 3264
attempt to pass a certificate of title or any assignment ~~thereof~~ 3265
of a certificate of title to an off-highway motorcycle or 3266
all-purpose vehicle, or in any other manner gain or attempt to 3267
gain ownership to an off-highway motorcycle or all-purpose 3268
vehicle, knowing or having reason to believe that the off-highway 3269
motorcycle or all-purpose vehicle has been stolen; 3270

(B) Sell or offer for sale in this state an off-highway 3271
motorcycle or all-purpose vehicle on which the manufacturer's or 3272
assigned vehicle identification number has been destroyed, 3273
removed, covered, altered, or defaced with knowledge of the 3274
destruction, removal, covering, alteration, or defacement of the 3275
manufacturer's or assigned vehicle identification number; 3276

(C) ~~Sell~~ Except as otherwise provided in this chapter, sell 3277
or transfer an off-highway motorcycle or all-purpose vehicle 3278
without delivering to the purchaser or transferee ~~thereof of it~~ a 3279
certificate of title, or a manufacturer's or importer's 3280
certificate ~~thereto~~ to it, assigned to the purchaser as provided 3281

for in this chapter. 3282

Sec. 4519.68. (A)(1) Chapter 1309. of the Revised Code does 3283
not permit or require the deposit, filing, or other record of a 3284
security interest covering an off-highway motorcycle or 3285
all-purpose vehicle, except as provided in division (A)(2) of this 3286
section. 3287

(2) ~~Sections 1309.01 to 1309.50 Chapter 1309.~~ of the Revised 3288
Code ~~apply~~ applies to a security interest in an off-highway 3289
motorcycle or all-purpose vehicle held as inventory, as defined in 3290
division (D) of section 1309.07 of the Revised Code, for sale by a 3291
dealer. The security interest has priority over creditors of the 3292
dealer as provided in ~~sections 1309.01 to 1309.50 Chapter 1309.~~ of 3293
the Revised Code without notation of the security interest on a 3294
certificate of title, without entry of a notation of the security 3295
interest into the automated title processing system if a physical 3296
certificate of title has not been issued, or without the retention 3297
of a manufacturer's or importer's certificate. 3298
3299

(B) Subject to division (A) of this section, any security 3300
agreement covering a security interest in an off-highway 3301
motorcycle or all-purpose vehicle, if a notation of the agreement 3302
has been made by ~~the~~ a clerk of ~~the~~ a court of common pleas on the 3303
face of the certificate of title or if the clerk has entered a 3304
notation of the agreement into the automated title processing 3305
system if a physical certificate of title has not been issued, is 3306
valid as against the creditors of the debtor, whether armed with 3307
process or not, and against subsequent purchasers, secured 3308
parties, and other lienholders or claimants. All security 3309
interests, liens, mortgages, and encumbrances ~~noted upon~~ entered 3310
into the automated title processing system in relation to a 3311
particular certificate of title, regardless of whether or not a 3312
physical certificate of title is issued, take priority according 3313

to the order of time in which they are ~~noted thereon~~ entered into 3314
the automated title processing system by the clerk. Exposure for 3315
sale of any off-highway motorcycle or all-purpose vehicle by its 3316
owner, with the knowledge or with the knowledge and consent of the 3317
holder of any security interest, lien, mortgage, or encumbrance 3318
~~thereon on it~~, does not render the security interest, lien, 3319
mortgage, or encumbrance ineffective as against the creditors of 3320
the owner, or against holders of subsequent security interests, 3321
liens, mortgages, or encumbrances upon the off-highway motorcycle 3322
or all-purpose vehicle. 3323

3324
The secured party, upon presentation of the evidence of a 3325
security ~~agreement~~ interest to the a clerk of the a court of 3326
common pleas ~~of the county in which the certificate of title was~~ 3327
~~issued~~, together with the certificate of title if a physical 3328
certificate of title for the off-highway motorcycle or all-purpose 3329
vehicle exists, and the fee prescribed by section 4519.59 of the 3330
Revised Code, may have a notation of the security interest made on 3331
the face of the certificate of title, and, if such a notation is 3332
made, another notation of the ~~lien~~ security interest shall be 3333
entered into the automated title processing system ~~for motor~~ 3334
~~vehicle titles~~. Unless the secured party specifically requests 3335
the clerk not to issue a physical certificate of title and instead 3336
to issue an electronic certificate of title, the clerk, over the 3337
clerk's signature and seal of office, shall issue a new original 3338
certificate of title from the automated title processing system 3339
that indicates the security interest and the date of the security 3340
interest. 3341

~~When the~~ If a security interest is discharged and the holder 3342
of the security interest holds a physical certificate of title, 3343
the holder ~~thereof~~ of the security interest shall note ~~the its~~ 3344
discharge over the holder's signature on the face of the 3345

certificate of title or over the holder's signature on a form 3346
prescribed by the registrar of motor vehicles when there is no 3347
space for the discharge on the face of the certificate of title. 3348
Prior to delivering the certificate of title to the owner, the 3349
holder or the holder's agent shall present it and any additional 3350
information the clerk requires to the clerk to have the clerk note 3351
the cancellation of the security interest on the face of the 3352
certificate of title and upon the records of the clerk. If the 3353
cancellation appears to be genuine, the clerk shall note the 3354
cancellation on the certificate of title and also shall note the 3355
cancellation on the clerk's records and notify the registrar, who 3356
shall note the cancellation. If a security interest that is 3357
discharged does not appear on the face of the certificate of 3358
title, but instead was entered into the automated title processing 3359
system ~~for motor vehicles~~, the clerk shall enter the cancellation 3360
into the automated title processing system and also shall note the 3361
cancellation on a form prescribed by the registrar. 3362

(C) If a physical certificate of title has not been issued 3363
for an off-highway motorcycle or all-purpose vehicle and all the 3364
security interests relating to that motorcycle or vehicle have 3365
been discharged, the owner of the motorcycle or vehicle may obtain 3366
a physical certificate of title from the clerk of any court of 3367
common pleas upon payment of the fee specified in section 4519.59 3368
of the Revised Code. 3369

(D) If a clerk of a court of common pleas, other than the 3370
clerk of the court of common pleas of the county in which the 3371
owner of an off-highway motorcycle or all-purpose vehicle resides, 3372
enters a notation of the existence of, or the cancellation of, a 3373
security interest relating to the off-highway motorcycle or 3374
all-purpose vehicle, the clerk shall transmit the data relating to 3375
the notation to the database of the automated data processing 3376
system in the office of the clerk of the court of common pleas of 3377

the county of the owner's residence. 3378

Section 2. That existing sections 1548.01, 1548.02, 1548.03, 3379
1548.06, 1548.07, 1548.08, 1548.09, 1548.11, 1548.12, 1548.13, 3380
1548.17, 1548.18, 1548.19, 1548.20, 4501.01, 4503.182, 4505.03, 3381
4505.04, 4505.06, 4505.08, 4505.09, 4505.10, 4505.102, 4505.11, 3382
4505.12, 4505.13, 4505.18, 4505.181, 4505.19, 4505.20, 4519.01, 3383
4519.51, 4519.52, 4519.53, 4519.55, 4519.57, 4519.58, 4519.59, 3384
4519.60, 4519.61, 4519.62, 4519.66, 4519.67, and 4519.68 of the 3385
Revised Code are hereby repealed. 3386

Section 3. (A) The Registrar of Motor Vehicles shall adopt 3387
rules that establish a pilot program to appoint limited authority 3388
deputy registrars. Notwithstanding division (B)(1) of section 3389
4503.03 of the Revised Code, the Registrar may appoint the clerk 3390
of a court of common pleas as a limited authority deputy registrar 3391
under the program. Each limited authority deputy registrar 3392
appointed under the program shall conduct only initial and 3393
transfer motor vehicle registration transactions via electronic 3394
means, and VIN inspections, in a manner approved in the rules that 3395
the Registrar adopts, is entitled to collect and retain a fee of 3396
\$2.25 for each transaction or inspection that the limited 3397
authority deputy registrar conducts, and shall collect all fees 3398
and taxes that are required by law and related to the transactions 3399
or inspections in a manner approved by the Registrar. A limited 3400
authority deputy registrar appointed under the program is not 3401
subject to the contribution limitations contained in division (B) 3402
of section 4503.03 of the Revised Code or to the filing 3403
requirement contained in division (A) of section 4503.033 of the 3404
Revised Code. 3405

(B) The Registrar shall adopt the rules required by division 3406
(A) of this section not later than 30 days after the effective 3407
date of this section. 3408

(C) The Registrar shall make recommendations, not later than 3409
twenty-four months after the effective date of this section, to 3410
the Governor, Speaker of the House of Representatives, and 3411
President of the Senate regarding the success of the pilot program 3412
established under division (A) of this section and the feasibility 3413
of establishing a permanent system of limited authority deputy 3414
registrars. 3415

Section 4. (A) The Legislative Service Commission shall 3416
conduct a study of both of the following: 3417

(1) The effect of this act on customer service in the 3418
issuance of certificates of title; 3419

(2) The fiscal impact of this act, including, but not limited 3420
to, its impact on the collection of state and local permissive 3421
sales and use taxes and on balances in county certificate of title 3422
administration funds. 3423

(B) The Commission, in conducting the study described in 3424
division (A) of this section, may seek the assistance of state 3425
agencies, political subdivisions, and organizations such as the 3426
County Commissioners Association of Ohio, the Ohio Clerk of Courts 3427
Association, and the Ohio Automobile Dealers Association. 3428

Section 5. Section 1548.07 of the Revised Code is presented 3429
in this act as a composite of the section as amended by both Sub. 3430
H.B. 458 and Am. Sub. S.B. 182 of the 120th General Assembly. The 3431
General Assembly, applying the principle stated in division (B) of 3432
section 1.52 of the Revised Code that amendments are to be 3433
harmonized if reasonably capable of simultaneous operation, finds 3434
that the composite is the resulting version of the section in 3435
effect prior to the effective date of the section as presented in 3436
this act. 3437