

As Passed by the House

124th General Assembly

Regular Session

2001-2002

Sub. S. B. No. 59

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Trakas, Blasdel, Evans, D. Miller, Britton, Patton, Damschroder, R. Miller,
Beatty, G. Smith, Seitz, Oakar

A B I L L

To amend sections 325.33, 1548.01, 1548.02, 1548.03, 1
1548.06, 1548.08, 1548.09, 1548.10, 1548.11, 2
1548.12, 1548.13, 1548.17, 1548.18, 1548.19, 3
1548.20, 4501.01, 4503.03, 4503.10, 4503.182, 4
4505.03, 4505.04, 4505.06, 4505.08, 4505.09, 5
4505.10, 4505.102, 4505.11, 4505.12, 4505.13, 6
4505.18, 4505.181, 4505.19, 4505.20, 4519.01, 7
4519.03, 4519.51, 4519.52, 4519.53, 4519.55, 8
4519.57, 4519.58, 4519.59, 4519.60, 4519.61, 9
4519.62, 4519.66, 4519.67, and 4519.68 and to enact 10
sections 1548.021, 1548.061, 1548.141, 4503.035, 11
4505.021, 4505.032, 4505.062, 4505.141, 4505.25, 12
4519.511, 4519.512, 4519.521, 4519.551, and 13
4519.631 of the Revised Code to make changes in the 14
titling processes for motor vehicles, watercraft, 15
outboard motors, off-highway motorcycles, and 16
all-purpose vehicles. 17

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

Section 1. That sections 325.33, 1548.01, 1548.02, 1548.03, 18
1548.06, 1548.08, 1548.09, 1548.10, 1548.11, 1548.12, 1548.13, 19
1548.17, 1548.18, 1548.19, 1548.20, 4501.01, 4503.03, 4503.10, 20
4503.182, 4505.03, 4505.04, 4505.06, 4505.08, 4505.09, 4505.10, 21
4505.102, 4505.11, 4505.12, 4505.13, 4505.18, 4505.181, 4505.19, 22
4505.20, 4519.01, 4519.03, 4519.51, 4519.52, 4519.53, 4519.55, 23
4519.57, 4519.58, 4519.59, 4519.60, 4519.61, 4519.62, 4519.66, 24
4519.67, and 4519.68 be amended and sections 1548.021, 1548.061, 25
1548.141, 4503.035, 4505.021, 4505.032, 4505.062, 4505.141, 26
4505.25, 4519.511, 4519.512, 4519.521, 4519.551, and 4519.631 of 27
the Revised Code be enacted to read as follows: 28

Sec. 325.33. Notwithstanding sections 325.27 and 325.31 of 29
the Revised Code, all fees retained by the clerk of courts under 30
Chapters 1548., 4505., and 4519. of the Revised Code and all fees 31
the clerk of courts receives in the capacity of deputy registrar 32
under section 4503.03 of the Revised Code shall be paid into the 33
county treasury to the credit of the certificate of title 34
administration fund, which is hereby created. Except as otherwise 35
provided in this section, fees credited to the fund shall be used 36
only to pay the costs incurred by the clerk of courts in 37
processing titles under ~~Chapters 1548., 4505., and 4519. of the~~ 38
~~Revised Code~~ those chapters and in performing the duties of a 39
deputy registrar if the clerk of courts is appointed a deputy 40
registrar. However, if the board of county commissioners and the 41
clerk of courts agree that the money in the fund exceeds what is 42
needed to pay ~~such~~ those costs, the excess may be transferred to 43
the county general fund and used for other county purposes. If the 44
board of county commissioners and the clerk of courts are unable 45
to agree on the amount of any such excess, the county budget 46

commission shall determine the amount that will be transferred to 47
the county general fund. 48

Sec. 1548.01. (A) As used in this chapter, "electronic" and 49
"watercraft" ~~has~~ have the same ~~meaning~~ meanings as in section 50
1547.01 of the Revised Code. 51

(B) This chapter does not apply to any of the following: 52

(1) A watercraft covered by a marine document in effect that 53
has been assigned to it by the United States government pursuant 54
to federal law; 55

(2) A watercraft from a country other than the United States 56
temporarily using the waters in this state; 57

(3) A watercraft whose owner is the United States, a state, 58
or a political subdivision ~~thereof~~ of a state; 59

(4) A ship's lifeboat. As used in division (B)(4) of this 60
section, "lifeboat" means a watercraft that is held aboard another 61
vessel and used exclusively for emergency purposes. 62

(5) A canoe; 63

(6) A watercraft less than fourteen feet in length without a 64
permanently affixed mechanical means of propulsion; 65

(7) A watercraft less than fourteen feet in length with a 66
permanently fixed mechanical means of propulsion of less than ten 67
horsepower as determined by the manufacturer's rating; 68

(8) Outboard motors of less than ten horsepower as determined 69
by the manufacturer's rating. 70

(C) The various certificates, applications, and assignments 71
necessary to provide certificates of title for watercraft and 72
outboard motors shall be made on appropriate forms approved by the 73
chief of the division of watercraft. 74

Sec. 1548.02. The chief of the division of watercraft shall 75
adopt such rules as ~~he~~ the chief considers necessary to ensure 76
uniform and orderly operation of this chapter, and the clerks of 77
the courts of common pleas shall conform ~~thereto~~ to those rules. 78
The chief shall receive and file in ~~his~~ the chief's office all 79
information forwarded to ~~him~~ the chief by the clerks under this 80
chapter and shall maintain indexes covering the state at large for 81
that information. These indexes shall be for the state at large 82
and not for individual counties. 83

The chief shall check with ~~his~~ the chief's record all 84
duplicate certificates of title received in ~~his~~ the chief's office 85
from the clerks. ~~If~~ 86

If it appears that ~~a~~ any certificate of title has been 87
improperly issued, the chief shall cancel the certificate. Upon 88
the cancellation of any certificate of title, the chief shall 89
notify the clerk who issued it, and the clerk shall enter the 90
cancellation in ~~his~~ the clerk's records. The chief also shall 91
notify the person to whom the certificate of title was issued, as 92
well as any lienholders appearing ~~thereon~~ on it, of the 93
cancellation and, if it is a physical certificate of title, shall 94
demand the surrender of the certificate of title, but the 95
cancellation shall not affect the validity of any lien noted 96
~~thereon~~ on it. The holder of ~~the~~ a physical certificate of title 97
shall return it to the chief immediately. ~~The~~ 98

The clerks shall keep on hand a sufficient supply of blank 99
forms that, except certificate of title and memorandum certificate 100
forms, shall be furnished and distributed without charge to 101
registered manufacturers or dealers or to other persons residing 102
within the county. The clerks shall provide the certificates of 103
title, the ribbons for data processing, and removable backup media 104
from moneys provided to the clerks from the automated title 105

processing fund in accordance with division (B)(3)(b) of section 106
4505.09 of the Revised Code. The clerks shall furnish all other 107
supplies from other moneys available to the clerks. 108

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Sec. 1548.021. The owner of a watercraft or outboard motor 110
shall apply for a certificate of title for the watercraft or 111
outboard motor when required by this chapter, but, except as 112
otherwise specifically required in this chapter, the owner may 113
elect whether or not to have the clerk of the court of common 114
pleas to whom the certificate of title application is submitted 115
issue a physical certificate of title for the watercraft or 116
outboard motor, as provided in section 1548.09 of the Revised 117
Code. 118

Except as otherwise specifically provided in this chapter, 119
any provision of this chapter relating to the cancellation, 120
issuance, or surrender of a certificate of title, including, but 121
not limited to, provisions that contain a phrase such as "when a 122
certificate of title is issued," "the clerk shall issue a 123
certificate of title," or "the person shall obtain a certificate 124
of title to the watercraft or outboard motor," or another phrase 125
of similar import, shall include those circumstances when a clerk 126
enters certificate of title information into the automated title 127
processing system, but does not take any further action relating 128
to a physical certificate of title for the watercraft or outboard 129
motor. 130

Sec. 1548.03. No person, except as provided in section 131
1548.05 of the Revised Code, shall sell or otherwise dispose of a 132
watercraft or outboard motor without delivering to the purchaser 133
or transferee thereof a physical certificate of title with such an 134
assignment thereon on it as is necessary to show title in the 135
purchaser or transferee; nor shall any person purchase or 136

otherwise acquire a watercraft or outboard motor without obtaining 137
a certificate of title for it in ~~his~~ the person's name in 138
accordance with ~~Chapter 1548. of the Revised Code~~ this chapter;
however, a purchaser may take possession of and operate a 139
watercraft or outboard motor on the waters in this state without a 140
certificate of title for a period not exceeding thirty days if ~~he~~ 141
the purchaser has been issued and has in ~~his~~ the purchaser's 142
possession a dealer's dated bill of sale, or, in the case of a 143
casual sale, a notarized bill of sale. 144
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Sec. 1548.06. Application for a certificate of title for a 147
watercraft or outboard motor shall be made upon a form prescribed 148
by the chief of the division of watercraft and shall be sworn to 149
before a notary public or other officer empowered to administer 150
oaths. The application shall be filed with the clerk of ~~the any~~ 151
court of common pleas of the county in which the applicant resides
~~if the applicant is a resident of this state or, if not a~~ 152
~~resident, in the county in which the transaction is consummated.~~ 153
An application for a certificate of title may be filed 154
electronically by any electronic means approved by the chief in 155
any county with the clerk of the court of common pleas of that 156
county. The application shall be accompanied by the fee prescribed 157
in section 1548.10 of the Revised Code, ~~and if.~~ The fee shall be 158
retained by the clerk who issues the certificate of title and 159
shall be distributed in accordance with that section. If a clerk 160
of a court of common pleas, other than the clerk of the court of 161
common pleas of an applicant's county of residence, issues a 162
certificate of title to the applicant, the clerk shall transmit 163
data related to the transaction to the automated title processing 164
system. 165
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If a certificate of title previously has been issued for the 167
watercraft or outboard motor, ~~it~~ the application for a certificate 168

of title also shall be accompanied by the certificate of title 169
duly assigned unless otherwise provided in this chapter. If a 170
certificate of title previously has not been issued for the 171
watercraft or outboard motor in this state, the application, 172
unless otherwise provided in this chapter, shall be accompanied by 173
a manufacturer's or importer's certificate; by a sworn statement 174
of ownership if the watercraft or outboard motor was purchased by 175
the applicant on or before October 9, 1963, or if the watercraft 176
is less than fourteen feet long with a permanently affixed 177
mechanical means of propulsion and was purchased by the applicant 178
on or before January 1, 2000; or by a certificate of title, bill 179
of sale, or other evidence of ownership required by the law of 180
another state from which the watercraft or outboard motor was 181
brought into this state. Evidence of ownership of a watercraft or 182
outboard motor for which an Ohio certificate of title previously 183
has not been issued and which watercraft or outboard motor does 184
not have permanently affixed ~~thereto~~ to it a manufacturer's serial 185
number shall be accompanied by the certificate of assignment of a 186
hull identification number assigned by the chief as provided in 187
section 1548.07 of the Revised Code. 188

The clerk shall retain the evidence of title presented by the 190
applicant and on which the certificate of title is issued. ~~The,~~ 191
except that, if an application for a certificate of title is filed 192
electronically, by a vendor on behalf of a purchaser of a 193
watercraft or outboard motor, the clerk shall retain the completed 194
electronic record to which the vendor converted the certificate of 195
title application and other required documents. The vendor shall 196
forward the actual application and all other documents relating to 197
the sale of the watercraft or outboard motor to any clerk within 198
thirty days after the certificate of title is issued. The chief, 199
after consultation with the attorney general, shall adopt rules 200
that govern the location at which, and the manner in which, are 201

stored the actual application and all other documents relating to 202
the sale of a watercraft or outboard motor when a vendor files the 203
application for a certificate of title electronically on behalf of 204
a purchaser. 205

The clerk shall use reasonable diligence in ascertaining 206
whether the facts in the application are true by checking the 207
application and documents accompanying it or the electronic record 208
to which a vendor converted the application and accompanying 209
documents with the records of watercraft and outboard motors in 210
the clerk's office. If the clerk is satisfied that the applicant 211
is the owner of the watercraft or outboard motor and that the 212
application is in the proper form, the clerk shall issue a 213
physical certificate of title over the clerk's signature and 214
sealed with the clerk's seal unless the applicant specifically 215
requests the clerk not to issue a physical certificate of title 216
and instead to issue an electronic certificate of title. However, 217
if the evidence indicates and an investigation shows that one or 218
more Ohio titles already exist for the watercraft or outboard 219
motor, the chief may cause the redundant title or titles to be 220
canceled. 221

In the case of the sale of a watercraft or outboard motor by 222
a vendor to a general purchaser or user, the certificate of title 223
shall be obtained in the name of the purchaser by the vendor upon 224
application signed by the purchaser. In all other cases, the 225
certificate shall be obtained by the purchaser. In all cases of 226
transfer of watercraft or outboard motors, the application for 227
certificate of title shall be filed within thirty days after the 228
later of the date of purchase or assignment of ownership of the 229
watercraft or outboard motor. If the application for certificate 230
of title is not filed within thirty days after the later of the 231
date of purchase or assignment of ownership of the watercraft or 232
outboard motor, the clerk shall charge a late penalty fee of five 233

dollars in addition to the fee prescribed by section 1548.10 of 234
the Revised Code. The clerk shall retain the entire amount of each 235
late penalty fee. 236

The clerk shall refuse to accept an application for 237
certificate of title unless the applicant either tenders with the 238
application payment of all taxes levied by or pursuant to Chapter 239
5739. or 5741. of the Revised Code based on the applicant's county 240
of residence less, in the case of a sale by a vendor, any discount 241
to which the vendor is entitled under section 5739.12 of the 242
Revised Code, or submits any of the following: 243

(A) A receipt issued by the tax commissioner or a clerk of 244
courts showing payment of the tax; 245

(B) A copy of the unit certificate of exemption completed by 246
the purchaser at the time of sale as provided in section 5739.03 247
of the Revised Code; 248

(C) An exemption certificate, in a form prescribed by the tax 249
commissioner, that specifies why the purchase is not subject to 250
the tax imposed by Chapter 5739. or 5741. of the Revised Code. 251

Payment of the tax shall be in accordance with rules issued 252
by the tax commissioner, and the clerk shall issue a receipt in 253
the form prescribed by the tax commissioner to any applicant who 254
tenders payment of the tax with the application for ~~registration~~ 255
the certificate of title. 256

For receiving and disbursing the taxes paid to the clerk by a 257
resident of the clerk's county, the clerk may retain a poundage 258
fee of one and one one-hundredth per cent of the taxes collected, 259
which shall be paid into the ~~general fund of the county~~ 260
certificate of title administration fund created by section 325.33 261
of the Revised Code. ~~¶~~ The clerk shall not retain a poundage fee 262
from payments of taxes by persons who do not reside in the clerk's 263
county. 264

A clerk, however, may retain from the taxes paid to the clerk 265
an amount equal to the poundage fees associated with certificates 266
of title issued by other clerks of courts of common pleas to 267
applicants who reside in the first clerk's county. The chief of 268
the division of watercraft, in consultation with the tax 269
commissioner and the clerks of the courts of common pleas, shall 270
develop a report from the automated title processing system that 271
informs each clerk of the amount of the poundage fees that the 272
clerk is permitted to retain from those taxes because of 273
certificates of title issued by the clerks of other counties to 274
applicants who reside in the first clerk's county. 275

In the case of casual sales of watercraft or outboard motors 276
that are subject to the tax imposed by Chapter 5739. or 5741. of 277
the Revised Code, the purchase price for the purpose of 278
determining the tax shall be the purchase price on an affidavit 279
executed and filed with the clerk by the vendor on a form to be 280
prescribed by the chief, which shall be prima-facie evidence of 281
the price for the determination of the tax. In addition to the 282
information required by section 1548.08 of the Revised Code, each 283
certificate of title shall contain in bold lettering the following 284
notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE 285
(SELLER AND BUYER). You are required by law to state the true 286
selling price. A false statement is a violation of section 2921.13 287
of the Revised Code and is punishable by six months imprisonment 288
or a fine of up to one thousand dollars, or both. All transfers 289
are audited by the department of taxation. The seller and buyer 290
must provide any information requested by the department of 291
taxation. The buyer may be assessed any additional tax found to be 292
due." 293

The clerk shall forward all payments of taxes, less poundage 294
fees, to the treasurer of state in a manner to be prescribed by 295
the tax commissioner and shall furnish such information to the 296

commissioner as the commissioner may require. For purposes of a 297
transfer of a certificate of title, if the clerk is satisfied that 298
a secured party has discharged a lien, but has not canceled the 299
lien notation with ~~the~~ a clerk of the county of origin, the clerk 300
may cancel the lien notation on the automated title processing 301
system and notify the clerk of the county of origin. 302

Every clerk shall have the capability to transact by 303
electronic means all procedures and transactions relating to the 304
issuance of watercraft or outboard motor certificates of title 305
that are described in the Revised Code as being accomplished by 306
electronic means. 307

Sec. 1548.061. Notwithstanding any general requirement in 308
this chapter to the effect that an application for a certificate 309
of title to a watercraft or outboard motor shall be "sworn to" or 310
shall be "sworn to before a notary public or other officer 311
empowered to administer oaths," that requirement shall apply only 312
in the case of a transfer of a watercraft or outboard motor 313
between parties in the course of a sale by a person other than a 314
registered watercraft dealer, as defined in section 1547.01 of the 315
Revised Code, to a person who purchases the watercraft or outboard 316
motor for use as a consumer. 317

Sec. 1548.08. The ~~When the~~ clerk of the ~~a~~ court of common 318
pleas issues a physical certificate of title for a watercraft or 319
outboard motor, the clerk shall issue certificates of title for 320
watercraft and outboard motors ~~it~~ over his ~~the clerk's~~ official 321
seal. ~~The~~ All physical certificates of title to watercraft or 322
outboard motors shall contain the information required in the 323
application for ~~the certificate of title,~~ them as prescribed by 324
section 1548.07 of the Revised Code, as well as spaces for the 325
dates of notation and cancellation of each lien, mortgage, or 326
encumbrance, over the signature of the clerk. If ~~the~~ any 327

certificate of title is issued for a watercraft or outboard motor 328
in which two persons are establishing joint ownership with right 329
of survivorship under section 2106.17 of the Revised Code, the 330
certificate, in addition to the information required by this 331
section, shall show that the two persons have established joint 332
ownership with right of survivorship in the watercraft or outboard 333
motor. ~~An~~ 334

An assignment of certificate of title before a notary public 335
or other officer empowered to administer oaths shall appear on the 336
reverse side of each physical certificate of title in the form to 337
be prescribed by the chief of the division of watercraft. ~~Such~~ The 338
assignment form shall include a warranty that the signer is the 339
owner of the watercraft or outboard motor and that there are no 340
mortgages, liens, or encumbrances on the watercraft or outboard 341
motor except as are noted on the face of the certificate of title. 342
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Sec. 1548.09. ~~The~~ When the clerk of ~~the~~ a court of common 344
pleas issues a physical certificate of title, the clerk shall 345
issue ~~certificates~~ the certificate of title in duplicate. One copy 346
shall be retained and filed by the clerk in the clerk's office, 347
and the information contained in it shall be transmitted on the 348
day it is issued to the chief of the division of watercraft. The 349
clerk shall sign and affix the clerk's seal to the original 350
certificate of title and, if there are no liens on the watercraft 351
or outboard motor, shall deliver the certificate to the applicant. 352
If there are one or more liens on the watercraft or outboard 353
motor, the clerk shall deliver the certificate of title to the 354
holder of the first lien. 355

The chief shall approve a uniform method of numbering 356
certificates of title. The numbering shall be in such manner that 357
the county of issuance is indicated. Numbers shall be assigned to 358
certificates of title in the manner approved by the chief. The 359

clerk shall file all certificates of title according to policies
prescribed by the chief, and the clerk shall maintain in the
clerk's office indexes for the certificates of title.

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

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

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Sec. 1548.10. The clerk of the court of common pleas shall
charge a fee of five dollars for each memorandum certificate of
title, each non-negotiable evidence of ownership, and ~~for~~ each
duplicate copy of a certificate of title. The fees shall be
retained by the clerk.

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In addition to those fees, the clerk shall charge a fee of
five dollars for each certificate of title and for each notation
or indication of any lien or security interest on a certificate of

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title. The clerk shall retain two dollars of the fee charged for
each certificate of title, and three dollars and fifty cents of
the fee charged for each notation or indication of any lien or
security interest. The remaining fees charged for a certificate of
title and the notation or indication of any lien or security
interest on a certificate of title shall be paid to the chief of
the division of watercraft by monthly returns, which shall be
forwarded to the chief not later than the fifth day of the month
next succeeding that in which the certificate is forwarded, or
that in which the chief is notified of a lien or security interest
or cancellation ~~thereof~~ of a lien or security interest.

The chief shall deposit one dollar of the amount ~~he~~ the chief
receives for each certificate of title in the automated title
processing fund created in section 4505.09 of the Revised Code.
Moneys deposited in that fund under this section shall be used for
the purpose specified in division (B)(3)(b) of that section.

Sec. 1548.11. (A) In the event of the transfer of ownership
of a watercraft or outboard motor by operation of law, as upon
inheritance, devise, bequest, order in bankruptcy, insolvency,
replevin, or execution of sale, or whenever the engine of a
watercraft is replaced by another engine, or whenever a watercraft
or outboard motor is sold to satisfy storage or repair charges, or
repossession is had upon default in performance of the terms of a
security agreement as provided in ~~sections 1309.01 to 1309.50~~
Chapter 1309. of the Revised Code, ~~the a~~ a clerk of ~~the a~~ a court of
common pleas ~~of the county in which the last certificate of title~~
~~to the watercraft or outboard motor was issued~~, upon the surrender
of the prior certificate of title or the manufacturer's or
importer's certificate, or, when that is not possible, upon
presentation of satisfactory proof to the clerk of ownership and
rights of possession to the watercraft or outboard motor, and upon
payment of the fee prescribed in section 1548.10 of the Revised

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Code and presentation of an application for certificate of title, 423
may issue to the applicant a certificate of title to the 424
watercraft or outboard motor. Only an affidavit by the person or 425
agent of the person to whom possession of the watercraft or 426
outboard motor has passed, setting forth the facts entitling the 427
person to possession and ownership, together with a copy of the 428
journal entry, court order, or instrument upon which the claim of 429
possession and ownership is founded, is satisfactory proof of 430
ownership and right of possession. If the applicant cannot produce 431
such proof of ownership, the applicant may apply directly to the 432
chief of the division of watercraft and submit such evidence as 433
the applicant has, and the chief, if the chief finds the evidence 434
sufficient, may authorize the clerk to issue a certificate of 435
title. If, from the records in the office of the clerk, there 436
appears to be any lien on the watercraft or outboard motor, the 437
certificate of title shall contain a statement of the lien unless 438
the application is accompanied by proper evidence of its 439
extinction. 440

(B) Upon the death of one of the persons who have established 442
joint ownership with right of survivorship under section 2106.17 443
of the Revised Code in a watercraft or outboard motor and the 444
presentation to the clerk of the title and the certificate of 445
death of the deceased person, the clerk shall enter into the 446
records the transfer of the watercraft or outboard motor to the 447
surviving person, and the title to the watercraft or outboard 448
motor immediately passes to the surviving person. The transfer 449
does not affect any liens on the watercraft or outboard motor. 450

(C) The clerk shall transfer a decedent's interest in one 452
watercraft, one outboard motor, or one of each to the decedent's 453
surviving spouse as provided in section 2106.19 of the Revised 454

Code.

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Sec. 1548.12. Each owner of a watercraft or outboard motor 456
and each person mentioned as owner in the last certificate of 457
title, when ~~such~~ the watercraft or outboard motor is dismantled, 458
destroyed, or changed in such manner that it loses its character 459
as a watercraft or outboard motor, or changed in such manner that 460
it is not the watercraft or outboard motor described in the 461
certificate of title, shall surrender ~~his~~ the certificate of title 462
to ~~the~~ a clerk of ~~the~~ a court of common pleas ~~who issued it~~, and 463
~~thereupon~~ the clerk ~~shall~~, with the consent of any holders of any 464
liens noted ~~thereon~~ on the certificate of title, then shall enter 465
a cancellation upon ~~his~~ the clerk's records and shall notify the 466
chief of the division of watercraft of ~~such~~ the cancellation. 467
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Upon the cancellation of a certificate of title in the manner 469
prescribed by this section, the clerk and the chief may cancel and 470
destroy all certificates and all memorandum certificates in that 471
chain of title. 472

Sec. 1548.13. In the event of a lost or destroyed certificate 473
of title, application shall be made to ~~the~~ a clerk of ~~the~~ a court 474
of common pleas ~~of the county where such certificate of title was~~ 475
~~issued~~, by the owner of ~~such~~ the watercraft or outboard motor, or 476
the holder of a lien ~~thereon~~ on it, for a certified copy of ~~such~~ 477
the certificate upon a form prescribed by the chief of the 478
division of watercraft and accompanied by the fee prescribed by 479
section 1548.10 of the Revised Code. ~~Such~~ The application shall be 480
signed and sworn to by the person making the ~~same~~. ~~Thereupon~~ 481
application, and the clerk shall issue a certified copy of ~~such~~ 482
the certificate of title to the person entitled to receive it 483
under ~~Chapter 1548. of the Revised Code~~ this chapter. ~~Such~~ The 484
certified copy shall be plainly marked across its face with the 485

word "duplicate," and any subsequent purchaser of ~~such the~~ 486
watercraft or outboard motor in the chain of title originating 487
through ~~such the~~ certified copy acquires only such rights in the 488
watercraft or outboard motor as the original holder of the 489
certified copy ~~himself~~ had. Any purchaser of ~~such the~~ watercraft 490
or outboard motor ~~may,~~ at the time of purchase, may require the 491
seller ~~of the same~~ to indemnify ~~him~~ the purchaser and all 492
subsequent purchasers of ~~such the~~ watercraft or outboard motor 493
against any loss ~~which he~~ that the purchaser or ~~they~~ any 494
subsequent purchaser may suffer by reason of any claim presented 495
upon the original certificate. In the event of the recovery of the 496
original certificate of title by ~~said the~~ owner, ~~he~~ the owner 497
shall ~~forthwith~~ surrender ~~same~~ it immediately to the clerk for 498
cancellation. 499

The holder of a certificate of title for a watercraft or 500
outboard motor upon which is noted an existing lien, encumbrance, 501
or mortgage, may apply at any time ~~make application to the a~~ clerk 502
~~who issued the certificate of title~~ for a memorandum certificate, 503
~~which form shall be made in the~~ on a form prescribed by the chief 504
~~and, that is~~ signed and sworn to by the applicant. Upon receipt of 505
~~such the~~ application, ~~if it appears to be regular,~~ together with 506
the fee prescribed by section 1548.10 of the Revised Code, and if 507
the application appears to be regular, the clerk shall issue to 508
~~such the~~ applicant a memorandum certificate for the watercraft or 509
outboard motor. ~~In the event such~~ If the memorandum certificate is 510
lost or destroyed, the holder ~~thereof of it~~ may obtain a certified 511
copy of ~~the same~~ it by applying for the copy on a form prescribed 512
by the chief ~~and,~~ accompanied by the fee prescribed in section 513
1548.10 of the Revised Code. In the event of the recovery of the 514
original memorandum certificate by the owner, ~~he~~ the owner shall 515
~~forthwith~~ surrender ~~the same~~ it immediately to ~~the a~~ clerk for 516
cancellation. Such a memorandum certificate is not assignable and 517
constitutes no evidence of title or of right to transfer or 518

encumber the watercraft or outboard motor described ~~therein~~ in it. 519
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If an electronic certificate of title previously has been 521
issued for a watercraft or outboard motor, the owner of the 522
watercraft or outboard motor may apply at any time to a clerk for 523
a non-negotiable evidence of ownership for the watercraft or 524
outboard motor. 525

Sec. 1548.141. The chief of the division of watercraft shall 526
enable the public to access watercraft and outboard motor title 527
information via electronic means. No fee shall be charged for this 528
access. The title information that must be so accessible is only 529
the title information that is in an electronic format at the time 530
a person requests this access. 531

The chief, in accordance with Chapter 119. of the Revised 532
Code, shall adopt rules governing this access. In adopting these 533
rules, the chief shall confer with the clerks of the courts of 534
common pleas. 535

Access by the public to watercraft and outboard motor title 536
information under this section shall comply with all restrictions 537
contained in the Revised Code and federal law that govern the 538
disclosure of that information. 539

Sec. 1548.17. Every peace officer, sheriff, watercraft 540
officer, division of parks and recreation officer, division of 541
wildlife officer, conservancy district officer, constable, or 542
state highway patrol trooper, having knowledge of a stolen 543
watercraft or outboard motor, shall immediately furnish the chief 544
of the division of watercraft with full information concerning 545
such the theft. 546

The chief, whenever ~~he receives~~ a report of the theft or 547
conversion of a watercraft or outboard motor is received, shall 548

make a distinctive record ~~thereof~~ of it, including the make of the 549
stolen watercraft or outboard motor and its manufacturer's or 550
assigned serial number, and shall file the ~~same~~ record in the 551
numerical order of the manufacturer's or assigned serial number 552
with the index records of the watercraft or outboard motors of 553
such make. The chief shall prepare a report listing watercraft and 554
outboard motors stolen and recovered as disclosed by the reports 555
submitted to ~~him~~ the chief, to be distributed as ~~he~~ the chief 556
deems advisable. 557

~~In the event of the receipt from any clerk of the court of 558
common pleas of a copy~~ If, under section 1548.02 of the Revised 559
Code, the chief learns of the issuance of a certificate of title 560
to such a watercraft or outboard motor, the chief shall 561
immediately notify the rightful owner ~~thereof~~ of the watercraft or 562
outboard motor and the clerk who issued ~~such the~~ certificate of 563
title, and if, upon investigation, it appears that ~~such the~~ 564
certificate of title was improperly issued, the chief shall 565
immediately cancel ~~the same~~ it. 566

In the event of the recovery of a stolen or converted 567
watercraft or outboard motor, the owner shall immediately notify 568
the chief, who shall remove the record of the theft or conversion 569
from ~~his~~ the chief's file. 570

Sec. 1548.18. No person shall do any of the following: 571

(A) Operate in this state a watercraft for which a 572
certificate of title is required or a watercraft powered by an 573
outboard motor for which a certificate of title is required 574
without having ~~such the~~ certificate, or a valid temporary permit 575
and number, in accordance with ~~Chapter 1548. of the Revised Code 576
this chapter or, if a physical certificate of title has not been 577
issued for it, operate the watercraft or outboard motor in this 578
state knowing that the ownership information relating to the 579~~

watercraft or outboard motor has not been entered into the 580
automated title processing system by a clerk of a court of common 581
pleas; 582

(B) Operate in this state a watercraft for which a 583
certificate of title is required or a watercraft powered by an 584
outboard motor for which a certificate of title is required upon 585
which the certificate of title has been canceled; 586

(C) Fail to surrender any certificate of title upon 587
cancellation of ~~the same~~ it by the chief of the division of 588
watercraft and notice ~~thereof~~ of the cancellation as prescribed in 589
~~Chapter 1548. of the Revised Code~~ this chapter; 590

(D) Fail to surrender the certificate of title to ~~the~~ a clerk 591
of ~~the~~ a court of common pleas as provided in ~~Chapter 1548. of the~~ 592
~~Revised Code~~ this chapter, in case of the destruction or 593
dismantling or change of a watercraft or outboard motor in such 594
respect that it is not the watercraft or outboard motor described 595
in the certificate of title; 596

(E) Violate ~~sections 1548.01 to 1548.21 of the Revised Code,~~ 597
any provision of this chapter for which no penalty is otherwise 598
provided, or any lawful rules ~~or regulations promulgated~~ adopted 599
pursuant to ~~such sections~~ this chapter; 600

(F) Operate in this state a watercraft or outboard motor 601
knowing that the certificate of title to or ownership of the 602
watercraft or outboard motor as otherwise reflected in the 603
automated title processing system has been canceled. 604

Sec. 1548.19. No person shall do any of the following: 605

(A) Procure or attempt to procure a certificate of title to a 606
watercraft or outboard motor, or pass or attempt to pass a 607
certificate of title or any assignment ~~thereof~~ of a certificate of 608
title to a watercraft or outboard motor, or in any other manner 609

gain or attempt to gain ownership of a watercraft or outboard 610
motor, knowing or having reason to believe that ~~such the~~ 611
watercraft or outboard motor has been stolen; 612

(B) Sell or offer for sale in this state a watercraft or 613
outboard motor on which the manufacturer's or assigned serial 614
number has been destroyed, removed, covered, altered, or defaced 615
with knowledge of ~~such the~~ destruction, removal, covering, 616
alteration, or defacement of ~~such the~~ manufacturer's or assigned 617
serial number; 618

(C) Sell or transfer a watercraft or outboard motor without 619
delivering to the purchaser or transferee ~~thereof of it~~ a 620
certificate of title, or a manufacturer's or importer's 621
certificate ~~thereto to it~~, assigned to ~~such the~~ purchaser as 622
provided for in ~~such sections~~ this chapter, except as otherwise 623
provided in this chapter. 624

Sec. 1548.20. (A) Chapter 1309. of the Revised Code does not 625
permit or require the deposit, filing, or other ~~records~~ record of 626
a security interest covering a watercraft or outboard motor for 627
which a certificate of title is required. Any security agreement 628
covering a security interest in a watercraft or outboard motor, if 629
it is accompanied by delivery of a manufacturer's or importer's 630
certificate and followed by actual and continued possession of 631
that certificate by the holder of the instrument, or, in the case 632
of a certificate of title, if a notation of the ~~instrument~~ 633
security agreement has been made by ~~the a~~ clerk of ~~the a~~ court of 634
common pleas on the face of the certificate of title or the clerk 635
has entered a notation of the agreement into the automated title 636
processing system and a physical certificate of title for the 637
watercraft or outboard motor has not been issued, shall be valid 638
as against the creditors of the debtor, whether armed with process 639
or not, and against subsequent purchasers, secured parties, and 640
other lienholders or claimants. All security interests, liens, 641

mortgages, and encumbrances ~~noted upon~~ entered into the automated 642
title processing system in relation to a particular certificate of 643
title, regardless of whether a physical certificate of title shall 644
is issued, take priority according to the order of time in which 645
they are ~~noted thereon~~ entered into the automated title processing 646
system by the clerk. Exposure for sale of any watercraft or 647
outboard motor by its owner, with the knowledge or with the 648
knowledge and consent of the holder of any security interest, 649
lien, mortgage, or encumbrance ~~thereon~~ on the watercraft or 650
outboard motor, shall not render the security interest lien, 651
mortgage, or encumbrance ineffective as against the creditors of 652
the owner or against holders of subsequent security interests, 653
liens, mortgages, or encumbrances upon the watercraft or outboard 654
motor. 655

(B) If ~~the~~ a secured party presents evidence of the security 657
agreement interest to ~~the~~ a clerk of ~~the~~ a court of common pleas 658
~~of the county in which the certificate of title was issued~~ 659
together with the certificate of title, if a physical certificate 660
of title for the watercraft or outboard motor exists, and the fee 661
prescribed by section 1548.10 of the Revised Code, the clerk, 662
unless the secured party specifically requests the clerk not to 663
issue a physical certificate of title, shall issue a new original 664
certificate of title from the automated title processing records. 665
The new certificate shall indicate the ~~lien or~~ security interest 666
and the date of ~~that encumbrance~~ the security interest. The clerk 667
also shall note the ~~lien or~~ security interest and ~~the~~ its date 668
~~thereof~~ in ~~his~~ the clerk's files and enter that information into 669
the automated title processing system, and on that day shall 670
notify the chief of the division of watercraft. The clerk shall 671
indicate by appropriate notation on the security agreement itself 672
the fact that the ~~lien or~~ security interest has been noted on the 673
certificate of title. 674

~~When the lien or~~ (C) If a security interest is fully 675
discharged as a result of its holder's receipt of good funds in 676
the correct amount and if the holder holds a physical certificate 677
of title, the holder thereof shall note the discharge of the 678
security interest over his the holder's signature on the face of 679
the certificate of title, or, if there is not sufficient space for 680
the notation on the face of ~~the~~ certificate of title, he the 681
holder shall note the discharge over the holder's signature on a 682
form prescribed by the chief. ~~Prior~~ Except as otherwise provided 683
in this section, prior to delivering the certificate of title to 684
the owner, the holder or ~~his~~ the holder's agent shall present it 685
convey the certificate of title or a separate sworn statement of 686
the discharge of the security interest and any additional 687
information the chief requires to ~~the a clerk for the purpose of~~ 688
~~having.~~ The conveyance shall occur not more than seven business 689
days after the date good funds in the correct amount to fully 690
discharge the security interest have been credited to an account 691
of the holder, provided the holder has been provided accurate 692
information concerning the watercraft or outboard motor. 693
Conveyance of the certificate of title or separate sworn statement 694
of the discharge within the required seven business days may be 695
indicated by postmark or receipt by a clerk within that period. If 696
the discharge of the security interest appears to be genuine, the 697
clerk shall note the discharge of the ~~lien or~~ security interest on 698
the face of the certificate of title, if it was so conveyed, and 699
note it in the automated title processing system and upon the 700
records of the clerk. ~~If the discharge appears to be genuine, the~~ 701
~~clerk shall note it on the certificate of title, and he also shall~~ 702
~~note the discharge on his records and notify the chief, who shall~~ 703
~~note the discharge.~~ 704

(D)(1) In all cases, a secured party may choose to present a 705
clerk with evidence of a security interest via electronic means, 706

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

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(2) In the case of a security interest that is being satisfied by a watercraft dealer to whom a certificate of title is being transferred, the cancellation of the security interest shall occur during the course of the transfer. The dealer shall submit a discharge request to the secured party. A discharge request shall include good funds in the correct amount to fully discharge the security interest and accurate information concerning the watercraft or outboard motor.

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(3)(a) Upon receiving a discharge request that complies with division (D)(2) of this section, except as otherwise provided in this division, a secured party shall convey the certificate of title, with the discharge of the security interest noted on its face, to the dealer within seven business days after the date good funds in the correct amount to fully discharge the security interest have been credited to an account of the secured party.

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If a secured party is unable to convey to the dealer a certificate of title within the required seven business days, the secured party instead shall convey to the dealer an affidavit stating that the security interest has been discharged, together with payment for a duplicate certificate of title, within that period.

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(b) Conveyance of a certificate of title, or affidavit and required payment, from a secured party to a dealer under the circumstances described in division (D)(3)(a) of this section within the required seven business days may be indicated by a postmark within that period.

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(4) A secured party is liable to a dealer for a late fee of ten dollars per day for each certificate of title, or affidavit and required payment, conveyed to the dealer more than seven business days but less than twenty-one days after the date specified in division (D)(3)(a) of this section and, from then on, twenty-five dollars per day until the certificate of title, or affidavit and required payment, are conveyed to the dealer.

(E) If a physical certificate of title has not been issued for a watercraft or outboard motor and all the security interests relating to that watercraft or outboard motor have been discharged, the owner of the watercraft or outboard motor may obtain a physical certificate of title from the clerk of any court of common pleas upon payment of the fee specified in section 1548.10 of the Revised Code.

(F) If a clerk of a court of common pleas, other than the clerk of the court of common pleas of the county in which the owner of a watercraft or outboard motor resides, enters a notation of the existence of, or the cancellation of, a security interest relating to the watercraft or outboard motor, the clerk shall transmit the data relating to the notation to the automated title processing system.

(G) The electronic transmission of security interest and other information under this section shall comply with rules adopted by the registrar of motor vehicles under section 4505.13 of the Revised Code.

(H) As used in this section:

(1) "Accurate information" means the serial number of the watercraft or outboard motor, if any; the make and model of the watercraft or outboard motor; and the name and address of the owner of the watercraft or outboard motor as they appear on the certificate of title that is to be conveyed.

(2) "Good funds" has the same meaning as in section 4505.13 769
of the Revised Code. 770

(3) "Watercraft dealer" has the same meaning as in section 771
1547.01 of the Revised Code. 772

Sec. 4501.01. As used in this chapter and Chapters 4503., 773
4505., 4507., 4509., 4511., 4513., 4515., and 4517. of the Revised 774
Code, and in the penal laws, except as otherwise provided: 775
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(A) "Vehicles" means everything on wheels or runners, 777
including motorized bicycles, but does not mean vehicles that are 778
operated exclusively on rails or tracks or from overhead electric 779
trolley wires and vehicles that belong to any police department, 780
municipal fire department, or volunteer fire department, or that 781
are used by such a department in the discharge of its functions. 782

(B) "Motor vehicle" means any vehicle, including mobile homes 783
and recreational vehicles, that is propelled or drawn by power 784
other than muscular power or power collected from overhead 785
electric trolley wires. "Motor vehicle" does not include motorized 786
bicycles, road rollers, traction engines, power shovels, power 787
cranes, and other equipment used in construction work and not 788
designed for or employed in general highway transportation, 789
well-drilling machinery, ditch-digging machinery, farm machinery, 790
trailers that are used to transport agricultural produce or 791
agricultural production materials between a local place of storage 792
or supply and the farm when drawn or towed on a public road or 793
highway at a speed of twenty-five miles per hour or less, 794
threshing machinery, hay-baling machinery, corn sheller, 795
hammermill and agricultural tractors, machinery used in the 796
production of horticultural, agricultural, and vegetable products, 797
and trailers that are designed and used exclusively to transport a 798
boat between a place of storage and a marina, or in and around a 799

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.

(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.

(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.

(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.

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

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(G) "Historical motor vehicle" means any motor vehicle that 832
is over twenty-five years old and is owned solely as a collector's 833
item and for participation in club activities, exhibitions, tours, 834
parades, and similar uses, but that in no event is used for 835
general transportation. 836

(H) "Noncommercial motor vehicle" means any motor vehicle, 837
including a farm truck as defined in section 4503.04 of the 838
Revised Code, that is designed by the manufacturer to carry a load 839
of no more than one ton and is used exclusively for purposes other 840
than engaging in business for profit. 841

(I) "Bus" means any motor vehicle that has motor power and is 842
designed and used for carrying more than nine passengers, except 843
any motor vehicle that is designed and used for carrying not more 844
than fifteen passengers in a ridesharing arrangement. 845

(J) "Commercial car" or "truck" means any motor vehicle that 846
has motor power and is designed and used for carrying merchandise 847
or freight, or that is used as a commercial tractor. 848

(K) "Bicycle" means every device, other than a tricycle that 849
is designed solely for use as a play vehicle by a child, that is 850
propelled solely by human power upon which any person may ride, 851
and that has either two tandem wheels, or one wheel in front and 852
two wheels in the rear, any of which is more than fourteen inches 853
in diameter. 854

(L) "Motorized bicycle" means any vehicle that either has two 855
tandem wheels or one wheel in the front and two wheels in the 856
rear, that is capable of being pedaled, and that is equipped with 857
a helper motor of not more than fifty cubic centimeters piston 858
displacement that produces no more than one brake horsepower and 859
is capable of propelling the vehicle at a speed of no greater than 860
twenty miles per hour on a level surface. 861

(M) "Trailer" means any vehicle without motive power that is 862

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

(P) "Semitrailer" means any vehicle of the trailer type that

does not have motive power and is so designed or used with another
and separate motor vehicle that in operation a part of its own
weight or that of its load, or both, rests upon and is carried by
the other vehicle furnishing the motive power for propelling
itself and the vehicle referred to in this division, and includes,
for the purpose only of registration and taxation under those
chapters, any vehicle of the dolly type, such as a trailer dolly,
that is designed or used for the conversion of a semitrailer into
a trailer.

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

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

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

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

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

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

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

(a) "Travel trailer" means a nonself-propelled recreational
vehicle that does not exceed an overall length of thirty-five
feet, exclusive of bumper and tongue or coupling, and contains
less than three hundred twenty square feet of space when erected
on site. "Travel trailer" includes a tent-type fold-out camping
trailer as defined in section 4517.01 of the Revised Code.

(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 925
food, and for sleeping. 926

(c) "Truck camper" means a nonself-propelled recreational 927
vehicle that does not have wheels for road use and is designed to 928
be placed upon and attached to a motor vehicle. "Truck camper" 929
does not include truck covers that consist of walls and a roof, 930
but do not have floors and facilities enabling them to be used as 931
a dwelling. 932

(d) "Fifth wheel trailer" means a vehicle that is of such 933
size and weight as to be movable without a special highway permit, 934
that has a gross trailer area of four hundred square feet or less, 935
that is constructed with a raised forward section that allows a 936
bi-level floor plan, and that is designed to be towed by a vehicle 937
equipped with a fifth-wheel hitch ordinarily installed in the bed 938
of a truck. 939

(e) "Park trailer" means a vehicle that is commonly known as 940
a park model recreational vehicle, meets the American national 941
standard institute standard A119.5 (1988) for park trailers, is 942
built on a single chassis, has a gross trailer area of four 943
hundred square feet or less when set up, is designed for seasonal 944
or temporary living quarters, and may be connected to utilities 945
necessary for the operation of installed features and appliances. 946

(R) "Pneumatic tires" means tires of rubber and fabric or 947
tires of similar material, that are inflated with air. 948

(S) "Solid tires" means tires of rubber or similar elastic 949
material that are not dependent upon confined air for support of 950
the load. 951

(T) "Solid tire vehicle" means any vehicle that is equipped 952
with two or more solid tires. 953

(U) "Farm machinery" means all machines and tools that are 954
used in the production, harvesting, and care of farm products, and 955

includes trailers that are used to transport agricultural produce 956
or agricultural production materials between a local place of 957
storage or supply and the farm when drawn or towed on a public 958
road or highway at a speed of twenty-five miles per hour or less. 959

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(V) "Owner" includes any person, or firm, ~~or corporation~~ 961
other than a manufacturer or dealer, that has title to a motor 962
vehicle, except that, in sections 4505.01 to 4505.19 of the 963
Revised Code, "owner" includes in addition manufacturers and 964
dealers. 965

(W) "Manufacturer" and "dealer" include all persons, and 966
~~firms, and corporations~~ that are regularly engaged in the business 967
of manufacturing, selling, displaying, offering for sale, or 968
dealing in motor vehicles, at an established place of business 969
that is used exclusively for the purpose of manufacturing, 970
selling, displaying, offering for sale, or dealing in motor 971
vehicles. A place of business that is used for manufacturing, 972
selling, displaying, offering for sale, or dealing in motor 973
vehicles shall be deemed to be used exclusively for those purposes 974
even though snowmobiles or all-purpose vehicles are sold or 975
displayed for sale thereat, even though farm machinery is sold or 976
displayed for sale thereat, or even though repair, accessory, 977
gasoline and oil, storage, parts, service, or paint departments 978
are maintained thereat, or, in any county having a population of 979
less than seventy-five thousand ~~persons~~ at the last federal 980
census, even though a department in a place of business is used to 981
dismantle, salvage, or rebuild motor vehicles by means of used 982
parts, if such departments are operated for the purpose of 983
furthering and assisting in the business of manufacturing, 984
selling, displaying, offering for sale, or dealing in motor 985
vehicles. Places of business or departments in a place of business 986
used to dismantle, salvage, or rebuild motor vehicles by means of 987

using used parts are not considered as being maintained for the 988
purpose of assisting or furthering the manufacturing, selling, 989
displaying, and offering for sale or dealing in motor vehicles. 990

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(X) "Operator" includes any person who drives or operates a 992
motor vehicle upon the public highways. 993

(Y) "Chauffeur" means any operator who operates a motor 994
vehicle, other than a taxicab, as an employee for hire; or any 995
operator whether or not the owner of a motor vehicle, other than a 996
taxicab, who operates such vehicle for transporting, for gain, 997
compensation, or profit, either persons or property owned by 998
another. Any operator of a motor vehicle who is voluntarily 999
involved in a ridesharing arrangement is not considered an 1000
employee for hire or operating such vehicle for gain, 1001
compensation, or profit. 1002

(Z) "State" includes the territories and federal districts of 1003
the United States, and the provinces of Canada. 1004

(AA) "Public roads and highways" for vehicles includes all 1005
public thoroughfares, bridges, and culverts. 1006

(BB) "Manufacturer's number" means the manufacturer's 1007
original serial number that is affixed to or imprinted upon the 1008
chassis or other part of the motor vehicle. 1009

(CC) "Motor number" means the manufacturer's original number 1010
that is affixed to or imprinted upon the engine or motor of the 1011
vehicle. 1012

(DD) "Distributor" means any person who is authorized by a 1013
motor vehicle manufacturer to distribute new motor vehicles to 1014
licensed motor vehicle dealers at an established place of business 1015
that is used exclusively for the purpose of distributing new motor 1016
vehicles to licensed motor vehicle dealers, except when the 1017
distributor also is a new motor vehicle dealer, in which case the 1018

distributor may distribute at the location of the distributor's 1019
licensed dealership. 1020

(EE) "Ridesharing arrangement" means the transportation of 1021
persons in a motor vehicle where the transportation is incidental 1022
to another purpose of a volunteer driver and includes ridesharing 1023
arrangements known as carpools, vanpools, and buspools. 1024

(FF) "Apportionable vehicle" means any vehicle that is used 1025
or intended for use in two or more international registration plan 1026
member jurisdictions that allocate or proportionally register 1027
vehicles, that is used for the transportation of persons for hire 1028
or designed, used, or maintained primarily for the transportation 1029
of property, and that meets any of the following qualifications: 1030
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(1) Is a power unit having a gross vehicle weight in excess 1032
of twenty-six thousand pounds; 1033

(2) Is a power unit having three or more axles, regardless of 1034
the gross vehicle weight; 1035

(3) Is a combination vehicle with a gross vehicle weight in 1036
excess of twenty-six thousand pounds. 1037

"Apportionable vehicle" does not include recreational 1038
vehicles, vehicles displaying restricted plates, city pick-up and 1039
delivery vehicles, buses used for the transportation of chartered 1040
parties, or vehicles owned and operated by the United States, this 1041
state, or any political subdivisions thereof. 1042

(GG) "Chartered party" means a group of persons who contract 1043
as a group to acquire the exclusive use of a passenger-carrying 1044
motor vehicle at a fixed charge for the vehicle in accordance with 1045
the carrier's tariff, lawfully on file with the United States 1046
department of transportation, for the purpose of group travel to a 1047
specified destination or for a particular itinerary, either agreed 1048
upon in advance or modified by the chartered group after having 1049

left the place of origin.

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

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

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

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

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(LL) "Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed

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rate per hour or trip. "Chauffeured limousine" does not include
any vehicle that is used exclusively in the business of funeral
directing.

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

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(NN) "Acquired situs," with respect to a manufactured home or
a mobile home, means to become located in this state by the
placement of the home on real property, but does not include the
placement of a manufactured home or a mobile home in the inventory
of a new motor vehicle dealer or the inventory of a manufacturer,
remanufacturer, or distributor of manufactured or mobile homes.

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(OO) "Electronic" includes electrical, digital, magnetic,
optical, electromagnetic, or any other form of technology that
entails capabilities similar to these technologies.

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

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

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

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(SS) "Electronic motor vehicle dealer" means a motor vehicle
dealer licensed under Chapter 4517. of the Revised Code whom the
registrar of motor vehicles determines meets the criteria
designated in section 4503.035 of the Revised Code for electronic
motor vehicle dealers and designates as an electronic motor
vehicle dealer under that section.

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Sec. 4503.03. (A)(1)(a) The registrar of motor vehicles may 1111
designate the county auditor in each county a deputy registrar. If 1112
the population of a county is forty thousand or less according to 1113
the last federal census and if the county auditor is designated by 1114
the registrar as a deputy registrar, no other person need be 1115
designated in the county to act as a deputy registrar. ~~In~~ 1116

(b) For three years after the effective date of this 1117
amendment, the registrar may designate a clerk of a court of 1118
common pleas as a deputy registrar if the population of the county 1119
is forty thousand or less according to the last federal census. 1120
All fees collected and retained by a clerk for conducting deputy 1121
registrar services shall be paid into the county treasury to the 1122
credit of the certificate of title administration fund created 1123
under section 325.33 of the Revised Code. 1124

(c) In all other instances, the registrar shall contract with 1125
one or more other persons in each county to act as deputy 1126
registrars. ~~Deputy~~ 1127

(2) Deputy registrars shall accept applications for the 1128
annual license tax for any vehicle not taxed under section 4503.63 1129
of the Revised Code and shall assign distinctive numbers in the 1130
same manner as the registrar. Such deputies shall be located in 1131
such locations in the county as the registrar sees fit. There 1132
shall be at least one deputy registrar in each county. 1133

Deputy registrar contracts are subject to the provisions of 1134
division (B) of section 125.081 of the Revised Code. 1135

(B) The registrar shall not contract with any person to act 1136
as a deputy registrar if the person or, where applicable, ~~his~~ the 1137
person's spouse or a member of ~~his~~ the person's immediate family 1138
has made, within the current calendar year or any one of the 1139
previous three calendar years, one or more contributions totaling 1140
in excess of one hundred dollars to any person or entity included 1141

in division (A)(2) of section ~~102.021~~ 4503.033 of the Revised 1142
Code. As used in this division, "immediate family" has the same 1143
meaning as in division (D) of section 102.01 of the Revised Code, 1144
and "entity" includes any political party and any "continuing 1145
association" as defined in division (B)(4) of section 3517.01 of 1146
the Revised Code or "political action committee" as defined in 1147
division (B)(8) of that section that is primarily associated with 1148
that political party. For purposes of this division, contributions 1149
to any continuing association or any political action committee 1150
that is primarily associated with a political party shall be 1151
aggregated with contributions to that political party. 1152

The contribution limitations contained in this division do 1154
not apply to any county auditor or clerk of a court of common 1155
pleas. 1156

The registrar shall not contract with either of the following 1157
to act as a deputy registrar: 1158

(1) Any elected public official other than a county auditor 1159
or, as authorized by division (A)(1)(b) of this section, a clerk 1160
of a court of common pleas, acting in ~~his~~ an official capacity; 1161

(2) Any person holding a current, valid contract to conduct 1162
motor vehicle inspections under section 3704.14 of the Revised 1163
Code. 1164

(C) Deputy registrars are independent contractors and neither 1165
they nor their employees are employees of this state, except that 1166
nothing in this section shall affect the status of county auditors 1167
or clerks of courts of common pleas as public officials, nor the 1168
status of their employees as employees of any of the counties of 1169
this state, which are political subdivisions of this state. Each 1170
deputy registrar shall be responsible for the payment of all 1171
unemployment compensation premiums, all workers' compensation 1172
premiums, social security contributions, and any and all taxes for 1173

which ~~he~~ the deputy registrar is legally responsible. Each deputy 1174
registrar shall comply with all applicable federal, state, and 1175
local laws requiring the withholding of income taxes or other 1176
taxes from the compensation of ~~his~~ the deputy registrar's 1177
employees. Each deputy registrar shall maintain during the entire 1178
term of ~~his~~ the deputy registrar's contract a policy of business 1179
liability insurance satisfactory to the registrar and shall hold 1180
the department of public safety, the director of public safety, 1181
the bureau of motor vehicles, and the registrar harmless upon any 1182
and all claims for damages arising out of the operation of the 1183
deputy registrar agency. 1184

(D)(1) With the approval of the director, the registrar shall 1186
adopt rules governing the terms of the contract between the 1187
registrar and each deputy registrar and specifications for the 1188
services to be performed. The rules shall include specifications 1189
relating to the amount of bond to be given as provided in this 1190
section; the size and location of the deputy's office; and the 1191
leasing of equipment necessary to conduct the vision screenings 1192
required under section 4507.12 of the Revised Code, and training 1193
in the use of the equipment. The specifications shall permit and 1194
encourage every deputy registrar to inform the public of the 1195
location of ~~his~~ the deputy registrar's office and hours of 1196
operation by means of public service announcements and allow any 1197
deputy registrar to advertise in regard to the operation of the 1198
deputy registrar's office. The rules also shall include 1199
specifications for the hours the deputy's office is to be open to 1200
the public and shall require as a minimum that one deputy's office 1201
in each county be open to the public for at least four hours each 1202
weekend, provided that if only one deputy's office is located 1203
within the boundary of the county seat, that office is the office 1204
that shall be open for the four-hour period each weekend, and that 1205
every deputy's office in each county shall be open to the public 1206

until six-thirty p.m. on at least one weeknight each week. The 1207
rules also shall include specifications providing that every 1208
deputy in each county, upon request, provide any person with 1209
information about the location and office hours of all deputy 1210
registrars in the county and that every deputy registrar 1211
prominently display within ~~his~~ the deputy's office, the toll-free 1212
telephone number of the bureau. The rules shall not prohibit the 1213
award of a deputy registrar contract to a nonprofit corporation 1214
formed under the laws of this state. The rules shall prohibit any 1215
deputy registrar from operating more than one such office at any 1216
time, except that the rules may permit a nonprofit corporation 1217
formed for the purposes of providing automobile-related services 1218
to its members or the public and that provides such services from 1219
more than one location in this state to operate a deputy registrar 1220
office at any such location, provided that the nonprofit 1221
corporation operates no more than one deputy registrar office in 1222
any one county. The rules may include such other specifications as 1223
the registrar and director consider necessary to provide a high 1224
level of service. 1225

(2) With the prior approval of the registrar, each deputy 1226
registrar may conduct at the location of the deputy registrar's 1227
office any business that is consistent with the functions of a 1228
deputy registrar and that is not specifically mandated or 1229
authorized by this or another chapter of the Revised Code or by 1230
implementing rules of the registrar. 1231

(3) As used in this section and in section 4507.01 of the 1232
Revised Code, "nonprofit corporation" has the same meaning as in 1233
section 1702.01 of the Revised Code. 1234

(E) Unless otherwise terminated and except for interim 1235
contracts of less than one year, contracts with deputy registrars 1236
shall be for a term of at least two years, but no more than three 1237
years, and all contracts effective on or after July 1, 1996, shall 1238

be for a term of more than two years, but not more than three 1239
years. All contracts with deputy registrars shall expire on the 1240
thirtieth day of June in the year of their expiration. The auditor 1241
of state may examine the accounts, reports, systems, and other 1242
data of each deputy registrar at least every two years. The 1243
registrar, with the approval of the director, shall immediately 1244
remove a deputy who violates any provision of the Revised Code 1245
related to ~~his~~ the duties as a deputy, any rule adopted by the 1246
registrar, or a term of ~~his~~ the deputy's contract with the 1247
registrar. The registrar also may remove a deputy who, in the 1248
opinion of the registrar, has engaged in any conduct that is 1249
either unbecoming to one representing this state or is 1250
inconsistent with the efficient operation of the deputy's office. 1251
Upon removal of a deputy registrar for contract violation, the 1252
auditor of state shall examine the accounts, records, systems, and 1253
other data of the deputy registrar so removed. 1254

If the registrar, with the approval of the director, 1255
determines that there is good cause to believe that a deputy 1256
registrar or a person proposing for a deputy registrar contract 1257
has engaged in any conduct that would require the denial or 1258
termination of the deputy registrar contract, the registrar may 1259
require the production of ~~such~~ books, records, and papers as ~~he~~ 1260
the registrar determines are necessary, and may take the 1261
depositions of witnesses residing within or outside the state in 1262
the same manner as is prescribed by law for the taking of 1263
depositions in civil actions in the court of common pleas, and for 1264
that purpose the registrar may issue a subpoena for any witness or 1265
a subpoena duces tecum to compel the production of any books, 1266
records, or papers, directed to the sheriff of the county where 1267
the witness resides or is found. Such a subpoena shall be served 1268
and returned in the same manner as a subpoena in a criminal case 1269
is served and returned. The fees and mileage of the sheriff and 1270
witnesses shall be the same as that allowed in the court of common 1271

pleas in criminal cases and shall be paid from the fund in the 1272
state treasury for the use of the agency in the same manner as 1273
other expenses of the agency are paid. 1274

In any case of disobedience or neglect of any subpoena served 1275
on any person or the refusal of any witness to testify to any 1276
matter regarding which ~~he~~ the witness lawfully may be 1277
interrogated, the court of common pleas of any county where the 1278
disobedience, neglect, or refusal occurs or any judge ~~thereof~~ of 1279
that court, on application by the registrar, shall compel 1280
obedience by attachment proceedings for contempt, as in the case 1281
of disobedience of the requirements of a subpoena issued from ~~such~~ 1282
that court, or a refusal to testify ~~therein~~ in that court. 1283

Nothing in this division shall be construed to require a 1284
hearing of any nature prior to the termination of any deputy 1285
registrar contract by the registrar, with the approval of the 1286
director, for cause. 1287

(F) Except as provided in section 2743.03 of the Revised 1288
Code, no court, other than the court of common pleas of Franklin 1289
county, has jurisdiction of any action against the department of 1290
public safety, the director, the bureau, or the registrar to 1291
restrain the exercise of any power or authority ~~nor, or~~ to 1292
entertain any action for declaratory judgment, in the selection 1293
and appointment of, or contracting with, deputy registrars. 1294
Neither the department, the director, the bureau, nor the 1295
registrar is liable in any action at law for damages sustained by 1296
any person because of any acts of the department, the director, 1297
the bureau, or the registrar, ~~nor or of~~ any employee of the 1298
department or bureau, in the performance of ~~his~~ official duties in 1299
the selection and appointment of, and contracting with, deputy 1300
registrars. 1301

(G) The registrar shall assign to each deputy registrar a 1302
series of numbers sufficient to supply the demand at all times in 1303

the area the deputy registrar serves, and the registrar shall keep
a record in ~~his~~ the registrar's office of the numbers within the
series assigned. Each deputy shall be required to give bond in the
amount of at least twenty-five thousand dollars, or in such higher
amount as the registrar determines necessary, based on a uniform
schedule of bond amounts established by the registrar and
determined by the volume of registrations handled by the deputy.
The form of the bond shall be prescribed by the registrar. The
bonds required of deputy registrars, in the discretion of the
registrar, may be individual or schedule bonds or may be included
in any blanket bond coverage carried by the department.

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(H) Each deputy registrar shall keep a file of each
application received by ~~him~~ the deputy and shall register that
motor vehicle with the name and address of ~~the~~ its owner ~~thereof~~.

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(I) Upon request, a deputy registrar shall make the physical
inspection of a motor vehicle and issue the physical inspection
certificate required in section 4505.061 of the Revised Code.

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(J) Each deputy registrar shall file a report semi-annually
with the registrar of motor vehicles listing the number of
applicants for licenses ~~he~~ the deputy has served, the number of
voter registration applications ~~he~~ the deputy has completed and
transmitted to the board of elections, and the number of voter
registration applications declined.

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Sec. 4503.035. The registrar of motor vehicles shall
designate as an electronic motor vehicle dealer a motor vehicle
dealer who meets all of the following criteria:

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

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

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(C) The dealer has the capability, via electronic means, to 1334
send motor vehicle title and registration information, as 1335
specified by the registrar, to the registrar and clerks of the 1336
courts of common pleas. 1337

(D) The dealer meets other criteria for electronic motor 1338
vehicle dealers that the registrar may establish by rule adopted 1339
under Chapter 119. of the Revised Code. 1340

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 1341
motorcycle, and all-purpose vehicle required to be registered 1342
under section 4519.02 of the Revised Code shall file an 1343
application for registration under section 4519.03 of the Revised 1344
Code. The owner of a motor vehicle, other than a snowmobile, 1345
off-highway motorcycle, or all-purpose vehicle, that is not 1346
designed and constructed by the manufacturer for operation on a 1347
street or highway may not register it under this chapter except 1348
upon certification of inspection pursuant to section 4513.02 of 1349
the Revised Code by the sheriff, or the chief of police of the 1350
municipal corporation or township police, with jurisdiction over 1351
the political subdivision in which the owner of the motor vehicle 1352
resides. Except as provided in section 4503.103 of the Revised 1353
Code, every owner of every other motor vehicle not previously 1354
described in this section and every person mentioned as owner in 1355
the last certificate of title of a motor vehicle that is operated 1356
or driven upon the public roads or highways shall cause to be 1357
filed each year, by mail or otherwise, in the office of the 1358
registrar of motor vehicles or a deputy registrar, a written or 1359
electronic application or a preprinted registration renewal notice 1360
issued under section 4503.102 of the Revised Code, the form of 1361
which shall be prescribed by the registrar, for registration for 1362
the following registration year, which shall begin on the first 1363
day of January of every calendar year and end on the thirty-first 1364
day of December in the same year. Applications for registration 1365

and registration renewal notices shall be filed at the times 1366
established by the registrar pursuant to section 4503.101 of the 1367
Revised Code. A motor vehicle owner also may elect to apply for or 1368
renew a motor vehicle registration by electronic means using 1369
electronic signature in accordance with rules adopted by the 1370
registrar. Except as provided in division (J) of this section, 1371
applications for registration shall be made on blanks furnished by 1372
the registrar for that purpose, containing the following 1373
information: 1374

(1) A brief description of the motor vehicle to be 1375
registered, including the name of the manufacturer, the factory 1376
number of the vehicle, the year's model, and, in the case of 1377
commercial cars, the gross weight of the vehicle fully equipped 1378
computed in the manner prescribed in section 4503.08 of the 1379
Revised Code; 1380

(2) The name and residence address of the owner, and the 1381
township and municipal corporation in which the owner resides; 1382

(3) The district of registration, which shall be determined 1383
as follows: 1384

(a) In case the motor vehicle to be registered is used for 1385
hire or principally in connection with any established business or 1386
branch business, conducted at a particular place, the district of 1387
registration is the municipal corporation in which that place is 1388
located or, if not located in any municipal corporation, the 1389
county and township in which that place is located. 1390

(b) In case the vehicle is not so used, the district of 1391
registration is the municipal corporation or county in which the 1392
owner resides at the time of making the application. 1393

(4) Whether the motor vehicle is a new or used motor vehicle; 1394
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(5) The date of purchase of the motor vehicle; 1396

(6) Whether the fees required to be paid for the registration 1397
or transfer of the motor vehicle, during the preceding 1398
registration year and during the preceding period of the current 1399
registration year, have been paid. Each application for 1400
registration shall be signed by the owner, either manually or by 1401
electronic signature, or pursuant to obtaining a limited power of 1402
attorney authorized by the registrar for registration, or other 1403
document authorizing such signature. If the owner elects to apply 1404
for or renew the motor vehicle registration with the registrar by 1405
electronic means, the owner's manual signature is not required. 1406

(7) The owner's social security number, if assigned, or, 1407
where a motor vehicle to be registered is used for hire or 1408
principally in connection with any established business, the 1409
owner's federal taxpayer identification number. 1410

(B) Each time ~~the~~ an applicant first registers a motor 1411
vehicle in the applicant's name, the applicant shall present for 1412
inspection a physical certificate of title or ~~a~~ memorandum 1413
certificate showing title to the motor vehicle to be registered in 1414
the applicant if a physical certificate of title or memorandum 1415
certificate has been issued by a clerk of a court of common pleas. 1416
If, under sections 4505.021, 4505.06, and 4505.08 of the Revised 1417
Code, a clerk instead has issued an electronic certificate of 1418
title for the applicant's motor vehicle, that certificate may be 1419
presented for inspection at the time of first registration in a 1420
manner prescribed by rules adopted by the registrar. When a motor 1421
vehicle inspection and maintenance program is in effect under 1422
section 3704.14 of the Revised Code and rules adopted under it, 1423
each application for registration for a vehicle required to be 1424
inspected under that section and those rules shall be accompanied 1425
by an inspection certificate for the motor vehicle issued in 1426
accordance with that section. The application shall be refused if 1427
any of the following applies: 1428

- (1) The application is not in proper form. 1429
- (2) The application is prohibited from being accepted by 1430
division (D) of section 2935.27, division (A) of section 2937.221, 1431
division (A) of section 4503.13, division (B) of section 4507.168, 1432
or division (B)(1) of section 4521.10 of the Revised Code. 1433
- (3) A certificate of title or memorandum certificate of title 1434
does not accompany the application or, in the case of an 1435
electronic certificate of title, is not presented in a manner 1436
prescribed by the registrar's rules. 1437
- (4) All registration and transfer fees for the motor vehicle, 1438
for the preceding year or the preceding period of the current 1439
registration year, have not been paid. 1440
- (5) The owner or lessee does not have an inspection 1441
certificate for the motor vehicle as provided in section 3704.14 1442
of the Revised Code, and rules adopted under it, if that section 1443
is applicable. 1444
- This section does not require the payment of license or 1445
registration taxes on a motor vehicle for any preceding year, or 1446
for any preceding period of a year, if the motor vehicle was not 1447
taxable for that preceding year or period under sections 4503.02, 1448
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 1449
Revised Code. When a certificate of registration is issued upon 1450
the first registration of a motor vehicle by or on behalf of the 1451
owner, the official issuing the certificate shall indicate the 1452
issuance with a stamp on the certificate of title or memorandum 1453
certificate or, in the case of an electronic certificate of title, 1454
an electronic stamp or other notation as specified in rules 1455
adopted by the registrar, and with a stamp on the inspection 1456
certificate for the motor vehicle, if any. The official also shall 1457
indicate, by a stamp or by ~~such~~ other means ~~as~~ the registrar 1458
prescribes, on the registration certificate issued upon the first 1459

registration of a motor vehicle by or on behalf of the owner the 1460
odometer reading of the motor vehicle as shown in the odometer 1461
statement included in or attached to the certificate of title. 1462
Upon each subsequent registration of the motor vehicle by or on 1463
behalf of the same owner, the official also shall so indicate the 1464
odometer reading of the motor vehicle as shown on the immediately 1465
preceding certificate of registration. 1466

The registrar shall include in the permanent registration 1467
record of any vehicle required to be inspected under section 1468
3704.14 of the Revised Code the inspection certificate number from 1469
the inspection certificate that is presented at the time of 1470
registration of the vehicle as required under this division. 1471

(C) In addition, a charge of twenty-five cents shall be made 1472
for each reflectorized safety license plate issued, and a single 1473
charge of twenty-five cents shall be made for each county 1474
identification sticker or each set of county identification 1475
stickers issued, as the case may be, to cover the cost of 1476
producing the license plates and stickers, including material, 1477
manufacturing, and administrative costs. Those fees shall be in 1478
addition to the license tax. If the total cost of producing the 1479
plates is less than twenty-five cents per plate, or if the total 1480
cost of producing the stickers is less than twenty-five cents per 1481
sticker or per set issued, any excess moneys accruing from the 1482
fees shall be distributed in the same manner as provided by 1483
section 4501.04 of the Revised Code for the distribution of 1484
license tax moneys. If the total cost of producing the plates 1485
exceeds twenty-five cents per plate, or if the total cost of 1486
producing the stickers exceeds twenty-five cents per sticker or 1487
per set issued, the difference shall be paid from the license tax 1488
moneys collected pursuant to section 4503.02 of the Revised Code. 1489

(D) Each deputy registrar shall be allowed a fee of two 1490
dollars and seventy-five cents commencing on July 1, 2001, three 1491

dollars and twenty-five cents commencing on January 1, 2003, and 1492
three dollars and fifty cents commencing on January 1, 2004, for 1493
each application for registration and registration renewal notice 1494
the deputy registrar receives, which shall be for the purpose of 1495
compensating the deputy registrar for the deputy registrar's 1496
services, and such office and rental expenses, as may be necessary 1497
for the proper discharge of the deputy registrar's duties in the 1498
receiving of applications and renewal notices and the issuing of 1499
~~licenses~~ registrations. 1500

(E) Upon the certification of the registrar, the county 1501
sheriff or local police officials shall recover license plates 1502
erroneously or fraudulently issued. 1503

(F) Each deputy registrar, upon receipt of any application 1504
for registration or registration renewal notice, together with the 1505
license fee and any local motor vehicle license tax levied 1506
pursuant to Chapter 4504. of the Revised Code, shall transmit that 1507
fee and tax, if any, in the manner provided in this section, 1508
together with the original and duplicate copy of the application, 1509
to the registrar. The registrar, subject to the approval of the 1510
director of public safety, may deposit the funds collected by 1511
those deputies in a local bank or depository to the credit of the 1512
"state of Ohio, bureau of motor vehicles." Where a local bank or 1513
depository has been designated by the registrar, each deputy 1514
registrar shall deposit all moneys collected by the deputy 1515
registrar into that bank or depository not more than one business 1516
day after their collection and shall make reports to the registrar 1517
of the amounts so deposited, together with any other information, 1518
some of which may be prescribed by the treasurer of state, as the 1519
registrar may require and as prescribed by the registrar by rule. 1520
The registrar, within three days after receipt of notification of 1521
the deposit of funds by a deputy registrar in a local bank or 1522
depository, shall draw on that account in favor of the treasurer 1523

of state. The registrar, subject to the approval of the director
and the treasurer of state, may make reasonable rules necessary
for the prompt transmittal of fees and for safeguarding the
interests of the state and of counties, townships, municipal
corporations, and transportation improvement districts levying
local motor vehicle license taxes. The registrar may pay service
charges usually collected by banks and depositories for such
service. If deputy registrars are located in communities where
banking facilities are not available, they shall transmit the fees
forthwith, by money order or otherwise, as the registrar, by rule
approved by the director and the treasurer of state, may
prescribe. The registrar may pay the usual and customary fees for
such service.

(G) This section does not prevent any person from making an
application for a motor vehicle license directly to the registrar
by mail, by electronic means, or in person at any of the
registrar's offices, upon payment of a service fee of two dollars
and seventy-five cents commencing on July 1, 2001, three dollars
and twenty-five cents commencing on January 1, 2003, and three
dollars and fifty cents commencing on January 1, 2004, for each
application.

(H) No person shall make a false statement as to the district
of registration in an application required by division (A) of this
section. Violation of this division is falsification under section
2921.13 of the Revised Code and punishable as specified in that
section.

(I)(1) Where applicable, the requirements of division (B) of
this section relating to the presentation of an inspection
certificate issued under section 3704.14 of the Revised Code and
rules adopted under it for a motor vehicle, the refusal of a
license for failure to present an inspection certificate, and the
stamping of the inspection certificate by the official issuing the

certificate of registration apply to the registration of and 1556
issuance of license plates for a motor vehicle under sections 1557
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 1558
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 1559
4503.47, and 4503.51 of the Revised Code. 1560

(2)(a) The registrar shall adopt rules ensuring that each 1561
owner registering a motor vehicle in a county where a motor 1562
vehicle inspection and maintenance program is in effect under 1563
section 3704.14 of the Revised Code and rules adopted under it 1564
receives information about the requirements established in that 1565
section and those rules and about the need in those counties to 1566
present an inspection certificate with an application for 1567
registration or preregistration. 1568

(b) Upon request, the registrar shall provide the director of 1569
environmental protection, or any person that has been awarded a 1570
contract under division (D) of section 3704.14 of the Revised 1571
Code, an on-line computer data link to registration information 1572
for all passenger cars, noncommercial motor vehicles, and 1573
commercial cars that are subject to that section. The registrar 1574
also shall provide to the director of environmental protection a 1575
magnetic data tape containing registration information regarding 1576
passenger cars, noncommercial motor vehicles, and commercial cars 1577
for which a multi-year registration is in effect under section 1578
4503.103 of the Revised Code or rules adopted under it, including, 1579
without limitation, the date of issuance of the multi-year 1580
registration, the registration deadline established under rules 1581
adopted under section 4503.101 of the Revised Code that was 1582
applicable in the year in which the multi-year registration was 1583
issued, and the registration deadline for renewal of the 1584
multi-year registration. 1585

(J) Application for registration under the international 1586
registration plan, as set forth in sections 4503.60 to 4503.66 of 1587

the Revised Code, shall be made to the registrar on forms 1588
furnished by the registrar. In accordance with international 1589
registration plan guidelines and pursuant to rules adopted by the 1590
registrar, the forms shall include the following: 1591

(1) A uniform mileage schedule; 1592

(2) The gross vehicle weight of the vehicle or combined gross 1593
vehicle weight of the combination vehicle as declared by the 1594
registrant; 1595

(3) Any other information the registrar requires by rule. 1596

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon 1597
application and proof of purchase of the vehicle, may be issued a 1598
temporary license placard or windshield sticker for the motor 1599
vehicle. 1600

The purchaser of a vehicle applying for a temporary license 1601
placard or windshield sticker under this section shall execute an 1602
affidavit stating that the purchaser has not been issued 1603
previously during the current registration year a license plate 1604
that could legally be transferred to ~~such~~ the vehicle. 1605

Placards or windshield stickers shall be issued only for the 1606
applicant's use of the vehicle to enable the applicant to legally 1607
operate the motor vehicle while proper title, license plates, and 1608
a certificate of registration are being obtained, and shall be 1609
displayed on no other motor vehicle. 1610

Placards or windshield stickers issued under this section are 1611
valid for a period of thirty days from date of issuance and are 1612
not transferable or renewable. 1613

The fee for ~~such~~ the placards or windshield stickers is two 1614
dollars plus a deputy registrar service fee of two dollars and 1615
seventy-five cents commencing on July 1, 2001, three dollars and 1616
twenty-five cents commencing on January 1, 2003, and three dollars 1617

and fifty cents commencing on January 1, 2004, for each ~~such~~ 1618
placard issued by a deputy registrar. 1619

(B) The registrar of motor vehicles may issue to a motorized 1620
bicycle dealer or a licensed motor vehicle dealer temporary 1621
license placards to be issued to purchasers for use on vehicles 1622
sold by the ~~licensed~~ dealer, in accordance with rules prescribed 1623
by the registrar. The dealer shall notify the registrar, within 1624
forty-eight hours ~~of proof,~~ of the issuance on of a form 1625
prescribed placard by the registrar electronic means via computer 1626
equipment purchased and maintained by the dealer or in any other 1627
manner prescribed by the registrar. 1628

The fee for each ~~such~~ placard issued by the registrar to a 1629
licensed motor vehicle dealer is two dollars plus a fee of two 1630
dollars and seventy-five cents commencing on July 1, 2001, three 1631
dollars and twenty-five cents commencing on January 1, 2003, and 1632
three dollars and fifty cents commencing on January 1, 2004. 1633

(C) The registrar of motor vehicles, at the registrar's 1634
discretion, may issue a temporary license placard. Such a placard 1635
may be issued in the case of extreme hardship encountered by a 1636
citizen from this state or another state who has attempted to 1637
comply with all registration laws, but for extreme circumstances 1638
is unable to properly register the citizen's vehicle. 1639

(D) The registrar shall adopt rules, in accordance with 1640
division (B) of section 111.15 of the Revised Code, to specify the 1641
procedures for reporting the information from applications for 1642
temporary license placards and windshield stickers and for 1643
providing the information from these applications to law 1644
enforcement agencies. 1645

(E) Temporary license placards issued under this section 1646
shall bear a distinctive combination of seven letters, numerals, 1647
or letters and numerals, and shall incorporate a security feature 1648
that, to the greatest degree possible, prevents tampering with any 1649

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,
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.

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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

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buyer or transferee; nor shall any person, except as provided in 1680
section 4505.032 or 4505.11 of the Revised Code, buy or otherwise 1681
acquire a motor vehicle without obtaining a certificate of title 1682
for it in the person's name in accordance with this chapter. 1683

Sec. 4505.032. (A)(1) If a person who is not an electronic 1685
motor vehicle dealer owns a motor vehicle for which a physical 1686
certificate of title has not been issued by a clerk of a court of 1687
common pleas and the person sells the motor vehicle to an 1688
electronic motor vehicle dealer, the person is not required to 1689
obtain a physical certificate of title to the motor vehicle in 1690
order to transfer ownership to the dealer. The person shall 1691
present the dealer, in a manner approved by the registrar of motor 1692
vehicles, with sufficient proof of the person's identity and 1693
complete and sign a form prescribed by the registrar attesting to 1694
the person's identity and assigning the motor vehicle to the 1695
dealer. The electronic motor vehicle dealer then shall inform a 1696
clerk of a court of common pleas via electronic means of the sale 1697
of the motor vehicle and assignment of ownership of the vehicle to 1698
the dealer. The clerk shall enter the information relating to the 1699
assignment, including, but not limited to, the odometer disclosure 1700
statement required by section 4505.06 of the Revised Code, into 1701
the automated title processing system, and ownership of the 1702
vehicle passes to the dealer when the clerk enters this 1703
information into the system. The dealer is not required to obtain 1704
a certificate of title to the vehicle in the dealer's name. 1705

(2) A clerk shall charge and collect from a dealer a fee of 1707
five dollars for each motor vehicle assigned to the dealer under 1708
division (A)(1) of this section. The fee shall be distributed in 1709
accordance with section 4505.09 of the Revised Code. 1710

(B) 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 a person who is not an electronic motor vehicle dealer, the person shall obtain a physical certificate of title to the motor vehicle in order to transfer ownership of the vehicle to the person who is not an electronic motor vehicle dealer.

Sec. 4505.04. (A) No person acquiring a motor vehicle from its owner, whether the owner is a manufacturer, importer, dealer, or any other person, shall acquire any right, title, claim, or interest in or to the motor vehicle until there is issued to the person a certificate of title to the motor vehicle, or there is delivered to the person a manufacturer's or importer's certificate for it, or a certificate of title to it is assigned as authorized by section 4505.032 of the Revised Code; and no waiver or estoppel operates in favor of such person against a person having possession of the certificate of title to, or manufacturer's or importer's certificate for, the motor vehicle, for a valuable consideration.

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

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

(2) By admission in the pleadings or stipulation of the

parties; 1742

(3) In an action by a secured party to enforce a security 1743
interest perfected under ~~sections 1309.01 to 1309.50~~ Chapter 1309. 1744
of the Revised Code in accordance with division (A) of section 1745
4505.13 of the Revised Code, by an instrument showing a valid 1746
security interest. 1747

(C)(1) As used in division (C) of this section: 1748

(a) "Harm" means damage or other loss. 1749

(b) "Lease agreement" includes a sublease agreement as 1750
defined in division (C)(1)(d) of this section. 1751

(c) "Lessee" includes a sublessee under a sublease agreement, 1752
but only if the sublessee is a motor vehicle leasing dealer 1753
licensed under Chapter 4517. of the Revised Code. 1754

(d) "Sublease agreement" means a lease of a motor vehicle 1755
between a motor vehicle leasing dealer licensed under Chapter 1756
4517. of the Revised Code and a second such duly licensed motor 1757
vehicle leasing dealer. 1758

(e) "Tort action" means a civil action for damages for harm 1759
to a motor vehicle, other than a civil action for damages for a 1760
breach of contract or another agreement between persons. 1761

(2) Notwithstanding divisions (A) and (B) of this section, if 1762
a motor vehicle that is the subject of a lease agreement sustains 1763
harm during the term of that agreement and if all of the following 1764
conditions are satisfied, the lessee may commence a tort action in 1765
the lessee's own name to recover damages for the harm from the 1766
person allegedly responsible for it: 1767

(a) The lessee shall file with and attach to the complaint in 1768
the tort action a copy of the lease agreement pursuant to which 1769
the lessee is responsible for damage to the motor vehicle, for 1770
purposes of establishing the ownership of the motor vehicle and 1771

the interest of the lessee in it~~7~~. 1772

(b) The harm to the motor vehicle shall be such that, under 1773
the lease agreement, the lessee bringing the action is legally 1774
responsible for the repair of the harm~~7~~. 1775

(c) The lessee shall cause a copy of the complaint in the 1776
tort action to be served upon the owner of the motor vehicle and 1777
upon any other lessee of the vehicle in accordance with the Rules 1778
of Civil Procedure. 1779

Sec. 4505.06. (A)~~(1)~~ Application for a certificate of title 1780
shall be made in a form prescribed by the registrar of motor 1781
vehicles~~7~~ and shall be sworn to before a notary public or other 1782
officer empowered to administer oaths. The application shall be 1783
filed with the clerk of ~~the~~ any court of common pleas ~~of the~~ 1784
~~county in which the applicant resides if the applicant is a~~ 1785
~~resident of this state or, if not a resident, in the county in~~ 1786
~~which the transaction is consummated.~~ An application for a 1787
certificate of title may be filed electronically by any electronic 1788
~~image transmission means approved by the registrar~~ in any county 1789
~~in which~~ with the clerk of the court of common pleas ~~permits an~~ 1790
~~application to be filed electronically.~~ The signature of an 1791
~~officer empowered to administer oaths that appears on an~~ 1792
~~application for a certificate of title, or on any other document~~ 1793
~~required to be filed by this chapter that has been filed~~ 1794
~~electronically, is not a facsimile signature as defined in section~~ 1795
~~9.10 of the Revised Code~~ of that county. Any payments required by 1796
this chapter shall be considered as accompanying any 1797
electronically transmitted application when payment actually is 1798
received by the clerk. Payment of any fee or taxes may be made by 1799
electronic transfer of funds. 1800

(2) The application for a certificate of title shall be 1801
accompanied by the fee prescribed in section 4505.09 of the 1802

Revised Code ~~and if~~. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to the transaction to the automated title processing system.

(3) If a certificate of title previously has been issued for the a motor vehicle in this state, it the application for a certificate of title also shall be accompanied by that certificate of title duly assigned, unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the motor vehicle in this state, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate or by a certificate of title of another state from which the motor vehicle was brought into this state. If the application refers to a motor vehicle last previously registered in another state, the application also shall be accompanied by the physical inspection certificate required by section 4505.061 of the Revised Code. If the application is made by two persons regarding a motor vehicle in which they wish to establish joint ownership with right of survivorship, they may do so as provided in section 2106.17 of the Revised Code. The clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued, except that, if an application for a certificate of title is filed electronically by an electronic motor vehicle dealer on behalf of the purchaser of a motor vehicle, the clerk shall retain the completed electronic record to which the dealer converted the certificate of title application and other required documents. The electronic motor vehicle dealer shall forward the actual application and all other documents relating to the sale of the motor vehicle to any clerk within thirty days after the certificate of title is issued. The

registrar, after consultation with the attorney general, shall 1836
adopt rules that govern the location at which, and the manner in 1837
which, are stored the actual application and all other documents 1838
relating to the sale of a motor vehicle when an electronic motor 1839
vehicle dealer files the application for a certificate of title 1840
electronically on behalf of the purchaser. The 1841

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The clerk shall use reasonable diligence in ascertaining 1843
whether or not the facts in the application for a certificate of 1844
title are true by checking the application and documents 1845
accompanying it or the electronic record to which a dealer 1846
converted the application and accompanying documents with the 1847
records of motor vehicles in the clerk's office; ~~if. If the clerk~~ 1848
is satisfied that the applicant is the owner of the motor vehicle 1849
and that the application is in the proper form, the clerk, within 1850
five business days after the application is filed, shall issue a 1851
physical certificate of title over the clerk's signature and 1852
sealed with the clerk's seal unless the applicant specifically 1853
requests the clerk not to issue a physical certificate of title 1854
and instead to issue an electronic certificate of title. For 1855
purposes of the transfer of a certificate of title, if the clerk 1856
is satisfied that the secured party has duly discharged a lien 1857
notation, but has not canceled the lien notation with ~~the~~ a clerk 1858
~~of the county of origin~~, the clerk may cancel the lien notation on 1859
the automated title processing system and notify the clerk of the 1860
county of origin. 1861

(4) In the case of the sale of a motor vehicle to a general 1862
buyer or user by a dealer, by a motor vehicle leasing dealer 1863
selling the motor vehicle to the lessee or, in a case in which the 1864
leasing dealer subleased the motor vehicle, the sublessee, at the 1865
end of the lease agreement or sublease agreement, or by a 1866
manufactured home broker, the certificate of title shall be 1867

obtained in the name of the buyer by the dealer, leasing dealer, 1868
or ~~the~~ manufactured home broker, as the case may be, upon 1869
application signed by the buyer. The certificate of title shall be 1870
issued, or the process of entering the certificate of title 1871
application information into the automated title processing system 1872
if a physical certificate of title is not to be issued shall be 1873
completed, within five business days after the application for 1874
title is filed with the clerk. If the buyer of the motor vehicle 1875
previously leased the motor vehicle and is buying the motor 1876
vehicle at the end of the lease pursuant to that lease, the 1877
certificate of title shall be obtained in the name of the buyer by 1878
the motor vehicle leasing dealer who previously leased the motor 1879
vehicle to the buyer or by the motor vehicle leasing dealer who 1880
subleased the motor vehicle to the buyer under a sublease 1881
agreement. 1882

In all other cases, except as provided in section 4505.032 1883
and division (D)(2) of section 4505.11 of the Revised Code, such 1884
certificates shall be obtained by the buyer. ~~In~~ 1885

(5)(a)(i) If the certificate of title is being obtained in 1886
the name of the buyer by a motor vehicle dealer or motor vehicle 1887
leasing dealer and there is a security interest to be noted on the 1888
certificate of title, the dealer or leasing dealer shall submit 1889
the application for the certificate of title and payment of the 1890
applicable tax to a clerk within seven business days after the 1891
later of the delivery of the motor vehicle to the buyer or the 1892
date the dealer or leasing dealer obtains the manufacturer's or 1893
importer's certificate, or certificate of title issued in the name 1894
of the dealer or leasing dealer, for the motor vehicle. Submission 1895
of the application for the certificate of title and payment of the 1896
applicable tax within the required seven business days may be 1897
indicated by postmark or receipt by a clerk within that period. 1898

(ii) Upon receipt of the certificate of title with the 1899

security interest noted on its face, the dealer or leasing dealer 1900
shall forward the certificate of title to the secured party at the 1901
location noted in the financing documents or otherwise specified 1902
by the secured party. 1903

(iii) A motor vehicle dealer or motor vehicle leasing dealer 1904
is liable to a secured party for a late fee of ten dollars per day 1905
for each certificate of title application and payment of the 1906
applicable tax that is submitted to a clerk more than seven 1907
business days but less than twenty-one days after the later of the 1908
delivery of the motor vehicle to the buyer or the date the dealer 1909
or leasing dealer obtains the manufacturer's or importer's 1910
certificate, or certificate of title issued in the name of the 1911
dealer or leasing dealer, for the motor vehicle and, from then on, 1912
twenty-five dollars per day until the application and applicable 1913
tax are submitted to a clerk. 1914

(b) In all cases of transfer of a motor vehicle, the 1915
application for certificate of title shall be filed within thirty 1916
days after the assignment or delivery of the motor vehicle. If an 1917
application for a certificate of title is not filed within ~~that~~ 1918
the period specified in division (A)(5)(b) of this section, the 1919
clerk shall collect a fee of five dollars for the issuance of the 1920
certificate, except that no such fee shall be required from a 1921
motor vehicle salvage dealer, as defined in division (A) of 1922
section 4738.01 of the Revised Code, who immediately surrenders 1923
the certificate of title for cancellation. The fee shall be in 1924
addition to all other fees established by this chapter, and shall 1925
be retained by the clerk. The registrar shall provide, on the 1926
certificate of title form prescribed by section 4505.07 of the 1927
Revised Code, language necessary to give evidence of the date on 1928
which the assignment or delivery of the motor vehicle was made. 1929

(6) As used in this division (A) of this section, "lease 1931

agreement," "lessee," and "sublease agreement" have the same 1932
meanings as in section 4505.04 of the Revised Code. 1933

(B) The clerk, except as provided in this section, shall 1934
refuse to accept for filing any application for a certificate of 1935
title and shall refuse to issue a certificate of title unless the 1936
dealer or manufactured home broker or the applicant, in cases in 1937
which the certificate shall be obtained by the buyer, submits with 1938
the application payment of the tax levied by or pursuant to 1939
Chapters 5739. and 5741. of the Revised Code based on the 1940
purchaser's county of residence. Upon payment of the tax in 1941
accordance with division (E) of this section, the clerk shall 1942
issue a receipt prescribed by the registrar and agreed upon by the 1943
tax commissioner showing payment of the tax or a receipt issued by 1944
the commissioner showing the payment of the tax. When submitting 1945
payment of the tax to the clerk, a dealer shall retain any 1946
discount to which the dealer is entitled under section 5739.12 of 1947
the Revised Code. 1948

For receiving and disbursing such taxes paid to the clerk by 1949
a resident of the clerk's county, the clerk may retain a poundage 1950
fee of one and one one-hundredth per cent, which shall be paid 1951
into the certificate of title administration fund created by 1952
section 325.33 of the Revised Code. The clerk shall not retain a 1953
poundage fee from payments of taxes by persons who do not reside 1954
in the clerk's county. 1955

A clerk, however, may retain from the taxes paid to the clerk 1956
an amount equal to the poundage fees associated with certificates 1957
of title issued by other clerks of courts of common pleas to 1958
applicants who reside in the first clerk's county. The registrar, 1959
in consultation with the tax commissioner and the clerks of the 1960
courts of common pleas, shall develop a report from the automated 1961
title processing system that informs each clerk of the amount of 1962
the poundage fees that the clerk is permitted to retain from those 1963

taxes because of certificates of title issued by the clerks of 1964
other counties to applicants who reside in the first clerk's 1965
county. 1966

In the case of casual sales of motor vehicles, as defined in 1967
section 4517.01 of the Revised Code, the price for the purpose of 1968
determining the tax shall be the purchase price on the assigned 1969
certificate of title executed by the seller and filed with the 1970
clerk by the buyer on a form to be prescribed by the registrar, 1971
which shall be prima-facie evidence of the amount for the 1972
determination of the tax. 1973

(C)(1) If the transferor indicates on the certificate of 1974
title that the odometer reflects mileage in excess of the designed 1975
mechanical limit of the odometer, the clerk shall enter the phrase 1976
"exceeds mechanical limits" following the mileage designation. If 1977
the transferor indicates on the certificate of title that the 1978
odometer reading is not the actual mileage, the clerk shall enter 1979
the phrase "nonactual: warning - odometer discrepancy" following 1980
the mileage designation. The clerk shall use reasonable care in 1981
transferring the information supplied by the transferor, but is 1982
not liable for any errors or omissions of the clerk or those of 1983
the clerk's deputies in the performance of the clerk's duties 1984
created by this chapter. 1985

The registrar shall prescribe an affidavit in which the 1986
transferor shall swear to the true selling price and, except as 1987
provided in this division, the true odometer reading of the motor 1988
vehicle. The registrar may prescribe an affidavit in which the 1989
seller and buyer provide information pertaining to the odometer 1990
reading of the motor vehicle in addition to that required by this 1991
section, as such information may be required by the United States 1992
secretary of transportation by rule prescribed under authority of 1993
subchapter IV of the "Motor Vehicle Information and Cost Savings 1994
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 1995

(2) Division (C)(1) of this section does not require the giving of information concerning the odometer and odometer reading of a motor vehicle when ownership of a motor vehicle is being transferred as a result of a bequest, under the laws of intestate succession, to a surviving spouse pursuant to section 2106.17, 2106.18, or 4505.10 of the Revised Code, or in connection with the creation of a security interest.

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

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

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

other counties to applicants who reside in the first clerk's 2028
county. 2029

When the vendor is not regularly engaged in the business of 2030
selling motor vehicles, the vendor shall not be required to 2031
purchase a vendor's license or make reports concerning such those 2032
sales. 2033

(E) The clerk shall accept any payment of a tax in cash, or 2034
by cashier's check, certified check, draft, ~~or~~ money order, or 2035
teller check issued by any insured financial institution payable 2036
to the clerk and submitted with an application for a certificate 2037
of title under division (B) or (D) of this section. The clerk also 2038
may accept payment of the tax by corporate, business, or personal 2039
check, credit card, electronic transfer or wire transfer, debit 2040
card, or any other accepted form of payment made payable to the 2041
clerk. The clerk may require bonds, guarantees, or letters of 2042
credit to ensure the collection of corporate, business, or 2043
personal checks. Any service fee charged by a third party to a 2044
clerk for the use of any form of payment may be paid by the clerk 2045
from the certificate of title administration fund created in 2046
section 325.33 of the Revised Code, or may be assessed by the 2047
clerk upon the applicant as an additional fee. Upon collection, 2048
the additional fees shall be paid by the clerk into that 2049
certificate of title administration fund. 2050

The clerk shall make a good faith effort to collect any 2051
payment of taxes due but not made because the payment was returned 2052
or dishonored, but the clerk is not personally liable for the 2053
payment of uncollected taxes or uncollected fees. The clerk shall 2054
notify the tax commissioner of any such payment of taxes that is 2055
due but not made and shall furnish such information to the 2056
commissioner as the commissioner requires. The clerk shall deduct 2057
the amount of taxes due but not paid from the clerk's periodic 2058
remittance of tax payments, in accordance with procedures agreed 2059

upon by the tax commissioner. The commissioner may collect taxes 2060
due by assessment in the manner provided in section 5739.13 of the 2061
Revised Code. 2062

Any person who presents payment that is returned or 2063
dishonored for any reason is liable to the clerk for payment of a 2064
penalty over and above the amount of the taxes due. The clerk 2065
shall determine the amount of the penalty, which shall be no 2066
greater than that amount necessary to compensate the clerk for 2067
banking charges, legal fees, or other expenses incurred by the 2068
clerk in collecting the returned or dishonored payment. The 2069
remedies and procedures provided in this section are in addition 2070
to any other available civil or criminal remedies. Subsequently 2071
collected penalties, poundage fees, and title fees, less any title 2072
fee due the state, from returned or dishonored payments collected 2073
by the clerk shall be paid into the certificate of title 2074
administration fund. Subsequently collected taxes, less poundage 2075
fees, shall be sent by the clerk to the treasurer of state at the 2076
next scheduled periodic remittance of tax payments, with ~~such~~ 2077
information as the commissioner may require. The clerk may abate 2078
all or any part of any penalty assessed under this division. 2079

(F) In the following cases, the clerk shall accept for filing 2081
~~such~~ an application and shall issue a certificate of title without 2082
requiring payment or evidence of payment of the tax: 2083

(1) When the purchaser is this state or any of its political 2084
subdivisions, a church, or an organization whose purchases are 2085
exempted by section 5739.02 of the Revised Code; 2086

(2) When the transaction in this state is not a retail sale 2087
as defined by section 5739.01 of the Revised Code; 2088

(3) When the purchase is outside this state or in interstate 2089
commerce and the purpose of the purchaser is not to use, store, or 2090

consume within the meaning of section 5741.01 of the Revised Code;	2091
	2092
(4) When the purchaser is the federal government;	2093
(5) When the motor vehicle was purchased outside this state	2094
for use outside this state;	2095
(6) When the motor vehicle is purchased by a nonresident of	2096
this state for immediate removal from this state, and will be	2097
permanently titled and registered in another state, as provided by	2098
division (B)(23) of section 5739.02 of the Revised Code, and upon	2099
presentation of a copy of the affidavit provided by that section,	2100
and a copy of the exemption certificate provided by section	2101
5739.03 of the Revised Code.	2102
The clerk shall forward all payments of taxes, less poundage	2103
fee fees , to the treasurer of state in a manner to be prescribed	2104
by the tax commissioner and shall furnish such information to the	2105
commissioner as the commissioner requires.	2106
(G) An application, as prescribed by the registrar and agreed	2107
to by the tax commissioner, shall be filled out and sworn to by	2108
the buyer of a motor vehicle in a casual sale. The application	2109
shall contain the following notice in bold lettering: "WARNING TO	2110
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by	2111
law to state the true selling price. A false statement is in	2112
violation of section 2921.13 of the Revised Code and is punishable	2113
by six months' imprisonment or a fine of up to one thousand	2114
dollars, or both. All transfers are audited by the department of	2115
taxation. The seller and buyer must provide any information	2116
requested by the department of taxation. The buyer may be assessed	2117
any additional tax found to be due."	2118
(H) For sales of manufactured homes or mobile homes occurring	2119
on or after January 1, 2000, the clerk shall accept for filing,	2120
pursuant to Chapter 5739. of the Revised Code, an application for	2121

a certificate of title for a manufactured home or mobile home 2122
without requiring payment of any tax pursuant to section 5739.02, 2123
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 2124
issued by the tax commissioner showing payment of the tax. For 2125
sales of manufactured homes or mobile homes occurring on or after 2126
January 1, 2000, the applicant shall pay to the clerk an 2127
additional fee of five dollars for each certificate of title 2128
issued by the clerk for a manufactured or mobile home pursuant to 2129
division (H) of section 4505.11 of the Revised Code and for each 2130
certificate of title issued upon transfer of ownership of the 2131
home. The clerk shall credit the fee to the county certificate of 2132
title administration fund, and the fee shall be used to pay the 2133
expenses of archiving such certificates pursuant to division (A) 2134
of section 4505.08 and division (H)(3) of section 4505.11 of the 2135
Revised Code. The tax commissioner shall administer any tax on a 2136
manufactured or mobile home pursuant to Chapters 5739. and 5741. 2137
of the Revised Code. 2138

(I) Every clerk shall have the capability to transact by 2139
electronic means all procedures and transactions relating to the 2140
issuance of motor vehicle certificates of title that are described 2141
in the Revised Code as being accomplished by electronic means. 2142

Sec. 4505.062. Notwithstanding any general requirement in 2144
this chapter to the effect that an application for a certificate 2145
of title to a motor vehicle shall be "sworn to" or shall be "sworn 2146
to before a notary public or other officer empowered to administer 2147
oaths," that requirement shall apply only in the case of a 2148
transfer of a motor vehicle between parties in the course of a 2149
casual sale, as defined in section 4517.01 of the Revised Code. 2150

Sec. 4505.08. (A) The When the clerk of the a court of common 2151
pleas issues a physical certificate of title, the clerk shall 2152

issue ~~certificates~~ the certificate of title in duplicate. One copy 2153
shall be retained and filed by the clerk in the clerk's office. 2154
The clerk shall sign and affix the clerk's seal to the original 2155
certificate of title and, if there are no liens on the motor 2156
vehicle, shall deliver the certificate to the applicant or the 2157
selling dealer. If there are one or more liens on the motor 2158
vehicle, the certificate of title shall be delivered to the holder 2159
of the first lien or the selling dealer, who shall deliver the 2160
certificate of title to the holder of the first lien. 2161

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The registrar of motor vehicles shall prescribe a uniform 2163
method of numbering certificates of title, and such numbering 2164
shall be in such manner that the county of issuance is indicated. 2165
The clerk shall assign numbers to certificates of title in the 2166
manner prescribed by the registrar. The clerk shall file all 2167
certificates of title according to ~~regulations~~ rules to be 2168
prescribed by the registrar, and the clerk shall maintain in the 2169
clerk's office indexes for the certificates of title. 2170

The clerk need not retain on file any current certificates of 2171
title, current duplicate certificates of title, current memorandum 2172
certificates of title, or current salvage certificates of title, 2173
or supporting evidence ~~thereof of them, including the electronic~~ 2174
record described in division (A) of section 4505.06 of the Revised 2175
Code, covering any motor vehicle or manufactured or mobile home 2176
for a period longer than seven years after the date of its filing; 2177
thereafter, the same documents and supporting evidence may be 2178
destroyed. The clerk need not retain on file any inactive records, 2179
including certificates of title, duplicate certificates of title, 2180
or memorandum certificates of title, or supporting evidence 2181
~~thereof of them, including the electronic record described in~~ 2182
division (A) of section 4505.06 of the Revised Code, covering any 2183
motor vehicle or manufactured or mobile home for a period longer 2184

than five years after the date of its filing; thereafter, the ~~same~~ 2185
~~documents and supporting evidence~~ may be destroyed. ~~The clerk~~ 2186
~~shall retain the active index and all active records in the data~~ 2187
~~base of the computer in the clerk's office, and shall retain in~~ 2188
~~the data base a record and index of all inactive titles for ten~~ 2189
~~years, and a record and index of all inactive titles for~~ 2190
~~manufactured and mobile homes for thirty years. If the clerk~~ 2191
~~provides a written copy of any information contained in the data~~ 2192
~~base, the copy shall be considered the original for purposes of~~ 2193
~~the clerk certifying the record of such information for use in any~~ 2194
~~legal proceeding.~~ 2195
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(B)(1) If the clerk issues a certificate of title for a motor 2197
vehicle that was last previously registered in another state, the 2198
clerk shall record verbatim, where practicable, in the space on 2199
the title described in division (B)(19) of section 4505.07 of the 2200
Revised Code, the words that appear as a notation to the vehicle 2201
on the title issued by the previous state. These notations may 2202
include, but are not limited to, words to the effect that the 2203
vehicle was considered or was categorized by the state in which it 2204
was last previously registered to be a law enforcement vehicle, or 2205
a taxicab, or was once in a flood. 2206

(2) If the clerk, while issuing a certificate of title for a 2207
motor vehicle that was last previously registered in another 2208
state, receives information from the automated title processing 2209
system indicating that a title to the vehicle previously was 2210
issued by this state and that the previous title contained 2211
notations that appeared in the space described in division (B)(19) 2212
or (20) of section 4505.07 of the Revised Code, the clerk shall 2213
enter the notations that appeared on the previous certificate of 2214
title issued by this state on the new certificate of title in the 2215
space described in division (B)(19) or (20) of section 4505.07 of 2216

the Revised Code, irrespective of whether the notations appear on 2217
the certificate of title issued by the state in which the vehicle 2218
was last previously registered. 2219

(3) If the clerk, while issuing a certificate of title for a 2220
motor vehicle that was last previously registered in another 2221
state, receives information from the automated title processing 2222
system indicating that the vehicle was previously issued a title 2223
by this state and that the previous title bore the notation 2224
"REBUILT SALVAGE" as required by division (E) of section 4505.11 2225
of the Revised Code, or the previous title to the vehicle issued 2226
by this state was a salvage certificate of title, the clerk shall 2227
cause the certificate of title the clerk issues to bear the 2228
notation "REBUILT SALVAGE" in the location prescribed by the 2229
registrar pursuant to that division. 2230

(C) When the clerk issues a certificate of title for a motor 2231
vehicle that was last previously registered in this state and was 2232
a law enforcement vehicle, or a taxicab, or was once in a flood, 2233
the clerk shall record that information in the space on the title 2234
described in division (B)(20) of section 4505.07 of the Revised 2235
Code. The registrar, by rule, may prescribe any additional uses of 2236
or happenings to a motor vehicle that the registrar has reason to 2237
believe should be noted on the certificate of title as provided in 2238
this division. 2239

(D) The clerk shall use reasonable care in recording or 2240
entering onto titles the clerk issues any notation and information 2241
the clerk is required by divisions (B) and (C) of this section to 2242
record or enter and in causing the titles the clerk issues to bear 2243
any notation required by those divisions, but the clerk is not 2244
liable for any of the clerk's errors or omissions or those of the 2245
clerk's deputies, or the automated title processing system, in the 2246
performance of the duties imposed on the clerk by this section. 2247

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

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

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(G) An electronic motor vehicle dealer who applies for a certificate of title on behalf of a customer who purchases a motor vehicle from the dealer may print a non-negotiable evidence of ownership for the customer if the customer so 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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(H) If an electronic certificate of title previously has been issued for a motor vehicle, the owner of the motor vehicle may apply at any time to a clerk of a court of common pleas for a non-negotiable evidence of ownership for the motor vehicle.

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

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shall be retained by the clerk. 2280

In addition to those fees, the clerk shall charge a fee of 2281
five dollars for each certificate of title, duplicate certificate 2282
of title, memorandum certificate of title, authorization to print 2283
a non-negotiable evidence of ownership described in division (G) 2284
of section 4505.08 of the Revised Code, non-negotiable evidence of 2285
ownership printed by the clerk under division (H) of that section, 2286
and notation of any lien on a certificate of title. The clerk 2287
shall retain two dollars and twenty-five cents of the fee charged 2288
for each certificate of title, four dollars and seventy-five cents 2289
of the fee charged for each duplicate certificate of title, all of 2290
the fees charged for each memorandum certificate, authorization to 2291
print a non-negotiable evidence of ownership, or non-negotiable 2292
evidence of ownership printed by the clerk, and four dollars and 2293
twenty-five cents of the fee charged for each notation of a lien. 2294

The remaining two dollars and seventy-five cents charged for 2295
the certificate of title, the remaining twenty-five cents charged 2296
for the duplicate certificate of title, and the remaining 2297
seventy-five cents charged for the notation of any lien on a 2298
certificate of title shall be paid to the registrar of motor 2299
vehicles by monthly returns, which shall be forwarded to the 2300
registrar not later than the fifth day of the month next 2301
succeeding that in which the certificate is issued or that in 2302
which the registrar is notified of a lien or cancellation ~~thereof~~ 2303
of a lien. 2304
2305

(B)(1) The registrar shall pay twenty-five cents of the 2306
amount received for each certificate of title and all of the 2307
amounts received for each notation of any lien and each duplicate 2308
certificate of title into the state bureau of motor vehicles fund 2309
established in section 4501.25 of the Revised Code. 2310

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

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

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

(c) Twenty-five cents shall be paid into the state treasury to the credit of the motor vehicle sales audit fund, which is hereby created. The moneys in the fund shall be used by the tax commissioner together with other funds available to the commissioner to conduct a continuing investigation of sales and use tax returns filed for motor vehicles in order to determine if sales and use tax liability has been satisfied. The commissioner shall refer cases of apparent violations of section 2921.13 of the Revised Code made in connection with the titling or sale of a motor vehicle and cases of any other apparent violations of the sales or use tax law to the appropriate county prosecutor whenever the commissioner considers it advisable.

(3) Two dollars of the amount received by the registrar for 2343
each certificate of title shall be paid into the state treasury to 2344
the credit of the automated title processing fund, which is hereby 2345
created and which shall consist of moneys collected under division 2346
(B)(3) of this section and under sections 1548.10 and 4519.59 of 2347
the Revised Code. All investment earnings of the fund shall be 2348
credited to the fund. The moneys in the fund shall be used as 2349
follows: 2350

(a) Except for moneys collected under section 1548.10 of the 2351
Revised Code and as provided in division (B)(3)(c) of this 2352
section, moneys collected under division (B)(3) of this section 2353
shall be used to implement and maintain an automated title 2354
processing system for the issuance of motor vehicle, off-highway 2355
motorcycle, and all-purpose vehicle certificates of title in the 2356
offices of the clerks of the courts of common pleas. 2357

(b) Moneys collected under section 1548.10 of the Revised 2358
Code shall be used to issue marine certificates of title in the 2359
offices of the clerks of the courts of common pleas as provided in 2360
Chapter 1548. of the Revised Code. 2361

(c) Moneys collected under division (B)(3) of this section 2362
shall be used in accordance with section 4505.25 of the Revised 2363
Code to implement Sub. S.B. 59 of the 124th general assembly. 2364

(C)(1) The automated title processing board is hereby created 2366
consisting of the registrar or the registrar's representative, a 2367
person selected by the registrar, the president of the Ohio clerks 2368
of court association or the president's representative, and two 2369
clerks of courts of common pleas appointed by the governor. The 2370
director of budget and management or the director's designee, the 2371
chief of the division of watercraft in the department of natural 2372
resources or the chief's designee, and the tax commissioner or the 2373
commissioner's designee shall be nonvoting members of the board. 2374

	2375
(2) The automated title processing board shall determine each	2376
of the following:	2377
(a) The automated title processing equipment and certificates	2378
of title requirements for each county;	2379
(b) The payment of expenses that may be incurred by the	2380
counties in implementing an automated title processing system;	2381
(c) The repayment to the counties for existing title	2382
processing equipment.	2383
(3) The registrar shall purchase, lease, or otherwise acquire	2384
any automated title processing equipment and certificates of title	2385
that the board determines are necessary from moneys in the	2386
automated title processing fund established by division (B)(3) of	2387
this section. Each county issuing more than one hundred thousand	2388
certificates of title annually, with the approval of the registrar	2389
and in accordance with the registrar's requirements, may purchase	2390
and maintain an automated title processing system for the issuance	2391
of motor vehicle titles, certificates of title for off-highway	2392
motorcycles and all-purpose vehicles, and certificates of title	2393
for watercraft and outboard motors with the cost of the system	2394
paid for from the automated processing title fund.	2395
	2396
(D) All counties shall conform to the requirements of the	2397
registrar regarding the operation of their automated title	2398
processing system for motor vehicle titles, certificates of title	2399
for off-highway motorcycles and all-purpose vehicles, and	2400
certificates of title for watercraft and outboard motors.	2401
Sec. 4505.10. (A) In the event of the transfer of ownership	2402
of a motor vehicle by operation of law, as upon inheritance,	2403
devise or bequest, order in bankruptcy, insolvency, replevin, or	2404

execution sale, a motor vehicle is sold to satisfy storage or 2405
repair charges, or repossession is had upon default in performance 2406
of the terms of a security agreement as provided in Chapter 1309. 2407
of the Revised Code and the secured party has complied with the 2408
repossession requirements of section 1309.46 of the Revised Code 2409
and all of the requirements of section 1309.47 of the Revised 2410
Code, including the notice requirements, ~~the~~ a clerk of ~~the~~ a 2411
court of common pleas ~~of the county in which the last certificate~~ 2412
~~of title to the motor vehicle was issued~~, upon the surrender of 2413
the prior certificate of title or the manufacturer's or importer's 2414
certificate, or, when that is not possible, upon presentation of 2415
satisfactory proof to the clerk of ownership and rights of 2416
possession to the motor vehicle, and upon payment of the fee 2417
prescribed in section 4505.09 of the Revised Code and presentation 2418
of an application for certificate of title, may issue to the 2419
applicant a certificate of title to the motor vehicle. Only an 2420
affidavit by the person or agent of the person to whom possession 2421
of the motor vehicle has passed, setting forth the facts entitling 2422
the person to the possession and ownership, together with a copy 2423
of the journal entry, court order, or instrument upon which the 2424
claim of possession and ownership is founded, is satisfactory 2425
proof of ownership and right of possession. If the applicant 2426
cannot produce that proof of ownership, the applicant may apply 2427
directly to the registrar of motor vehicles and submit the 2428
evidence the applicant has, and the registrar, if the registrar 2429
finds the evidence sufficient, then may authorize ~~the~~ a clerk to 2430
issue a certificate of title. If, from the records in the office 2431
of the clerk involved, there appears to be any lien on the motor 2432
vehicle, the certificate of title shall contain a statement of the 2433
lien unless the application is accompanied by proper evidence of 2434
its extinction. 2435

(B) ~~The~~ A clerk shall transfer a decedent's interest in one 2436
or two automobiles to the surviving spouse of the decedent, as 2437

provided in section 2106.18 of the Revised Code, upon receipt of 2438
the title or titles. An affidavit executed by the surviving spouse 2439
shall be submitted to the clerk with the title or titles. The 2440
affidavit shall give the date of death of the decedent, shall 2441
state that each automobile for which the decedent's interest is to 2442
be so transferred is not disposed of by testamentary disposition, 2443
and shall provide an approximate value for each automobile 2444
selected to be transferred by the surviving spouse. The affidavit 2445
shall also contain a description for each automobile for which the 2446
decedent's interest is to be so transferred. The transfer does not 2447
affect any liens upon any automobile for which the decedent's 2448
interest is so transferred. 2449

(C) Upon the death of one of the persons who have established 2450
joint ownership with right of survivorship under section 2106.17 2451
of the Revised Code in a motor vehicle, and upon presentation to 2452
~~the~~ a clerk of the title and the certificate of death of the 2453
decedent, the clerk shall transfer title to the motor vehicle to 2454
the survivor. The transfer does not affect any liens upon any 2455
motor vehicle so transferred. 2456

Sec. 4505.102. (A) If a pawnbroker licensed under Chapter 2457
4727. of the Revised Code makes a loan that is secured by a motor 2458
vehicle, watercraft, or outboard motor and has taken possession of 2459
the motor vehicle, watercraft, or outboard motor and the 2460
certificate of title to the motor vehicle, watercraft, or outboard 2461
motor, and the owner of the motor vehicle, watercraft, or outboard 2462
motor fails to redeem or pay interest on the loan for which the 2463
motor vehicle, watercraft, or outboard motor was pledged within 2464
two months from the date of the loan or the date on which the last 2465
interest payment is due, and the pawnbroker notifies the owner by 2466
mail, with proof of mailing, as required by division (A) of 2467
section 4727.11 of the Revised Code, of the possible forfeiture of 2468
the motor vehicle, watercraft, or outboard motor, and the owner 2469

fails to redeem the motor vehicle, watercraft, or outboard motor 2470
within the thirty-day period required by that division to be 2471
specified in the notice, the pawnbroker shall proceed to obtain a 2472
certificate of title to the motor vehicle, watercraft, or outboard 2473
motor in the pawnbroker's name in the manner provided in this 2474
section. 2475

(B) The pawnbroker shall execute an affidavit stating all of 2476
the following: 2477

(1) That the pawnbroker is a pawnbroker licensed under 2478
Chapter 4727. of the Revised Code; 2479

(2) That the pawnbroker has made a loan to the owner of a 2480
motor vehicle, watercraft, or outboard motor, and the security for 2481
the loan is the motor vehicle, watercraft, or outboard motor; 2482
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(3) That both the motor vehicle, watercraft, or outboard 2484
motor and the certificate of title to the motor vehicle, 2485
watercraft, or outboard motor are in the possession of the 2486
pawnbroker; 2487

(4) That the owner of the motor vehicle, watercraft, or 2488
outboard motor has failed to redeem the pledged motor vehicle, 2489
watercraft, or outboard motor or pay interest on the loan for 2490
which the motor vehicle, watercraft, or outboard motor was pledged 2491
within two months from the date of the loan or the date on which 2492
the last interest payment was due; 2493

(5) That the pawnbroker has notified the owner of the motor 2494
vehicle, watercraft, or outboard motor by mail, with proof of 2495
mailing, as required by division (A) of section 4727.11 of the 2496
Revised Code, and the owner has failed to redeem the motor 2497
vehicle, watercraft, or outboard motor within the thirty-day 2498
period required by that division to be specified in the notice. 2499

Upon presentation by the pawnbroker of a copy of the 2500
affidavit, a copy of the pawn form, a copy of the proof of 2501
mailing, and the certificate of title to the motor vehicle, 2502
watercraft, or outboard motor, ~~the a~~ clerk of ~~the a~~ court of 2503
common pleas ~~of the county in which the last certificate of title~~ 2504
~~to the motor vehicle, watercraft, or outboard motor was issued~~ 2505
shall issue, if the record shows no lien or encumbrances exist, a 2506
certificate of title, free and clear of all liens and 2507
encumbrances, to the pawnbroker. 2508

(C) No person shall execute or present the affidavit required 2509
by this section, knowing any entry on the affidavit to be false. 2510
2511

Sec. 4505.11. (A) Each owner of a motor vehicle and each 2512
person mentioned as owner in the last certificate of title, when 2513
the motor vehicle is dismantled, destroyed, or changed in such 2514
manner that it loses its character as a motor vehicle, or changed 2515
in such manner that it is not the motor vehicle described in the 2516
certificate of title, shall surrender the certificate of title to 2517
that motor vehicle to ~~the a~~ clerk of ~~the a~~ court of common pleas 2518
~~who issued it, and thereupon~~ the clerk, with the consent of any 2519
holders of any liens noted ~~thereon~~ on the certificate of title, 2520
then shall enter a cancellation upon the clerk's records and shall 2521
notify the registrar of motor vehicles of the cancellation. 2522

Upon the cancellation of a certificate of title in the manner 2523
prescribed by this section, ~~the~~ any clerk and the registrar of 2524
motor vehicles may cancel and destroy all certificates and all 2525
memorandum certificates in that chain of title. 2526

(B) ~~Where~~ If an Ohio certificate of title or salvage 2528
certificate of title to a motor vehicle is assigned to a salvage 2529
dealer, the dealer is not required to obtain an Ohio certificate 2530

of title or a salvage certificate of title to the motor vehicle in 2531
the dealer's own name if the dealer dismantles or destroys the 2532
motor vehicle, indicates the number of the dealer's motor vehicle 2533
salvage dealer's license ~~thereon~~ on it, marks "FOR DESTRUCTION" 2534
across the face of the certificate of title or salvage certificate 2535
of title, and surrenders the certificate of title or salvage 2536
certificate of title to ~~the~~ a clerk of ~~the~~ a court of common pleas 2537
as provided in division (A) of this section. If the salvage dealer 2538
retains the motor vehicle for resale, the dealer shall make 2539
application for a salvage certificate of title to the motor 2540
vehicle in the dealer's own name as provided in division (C)(1) of 2541
this section. 2542

(C)(1) When an insurance company declares it economically 2543
impractical to repair such a motor vehicle and has paid an agreed 2544
price for the purchase of the motor vehicle to any insured or 2545
claimant owner, the insurance company shall receive the 2546
certificate of title and the motor vehicle and proceed as follows. 2547
Within thirty days, the insurance company shall deliver the 2548
certificate of title to ~~the~~ a clerk of ~~the~~ a court of common pleas 2549
and shall make application for a salvage certificate of title. The 2550
clerk shall issue the salvage certificate of title on a form, 2551
prescribed by the registrar, that shall be easily distinguishable 2552
from the original certificate of title and shall bear the same 2553
number and information as the original certificate of title. 2554
Except as provided in division (C)(2) of this section, the salvage 2555
certificate of title shall be assigned by the insurance company to 2556
a salvage dealer or any other person for use as evidence of 2557
ownership upon the sale or other disposition of the motor vehicle, 2558
and the salvage certificate of title shall be transferrable to any 2559
other person. The clerk shall charge a fee of four dollars for the 2560
cost of processing each salvage certificate of title. 2561

(2) If an insurance company considers a motor vehicle as 2563
described in division (C)(1) of this section to be impossible to 2564
restore for highway operation, the insurance company may assign 2565
the certificate of title to the motor vehicle to a salvage dealer 2566
or scrap metal processing facility and send the assigned 2567
certificate of title to the clerk of the court of common pleas of 2568
the county in which the salvage dealer or scrap metal processing 2569
facility is located. The insurance company shall mark the face of 2570
the certificate of title "FOR DESTRUCTION" and shall deliver a 2571
photocopy of the certificate of title to the salvage dealer or 2572
scrap metal processing facility for its records. 2573

(3) If an insurance company declares it economically 2574
impractical to repair a motor vehicle, agrees to pay to the 2575
insured or claimant owner an amount in settlement of a claim 2576
against a policy of motor vehicle insurance covering the motor 2577
vehicle, and agrees to permit the insured or claimant owner to 2578
retain possession of the motor vehicle, the insurance company 2579
shall not pay the insured or claimant owner any amount in 2580
settlement of the insurance claim until the owner obtains a 2581
salvage certificate of title to the vehicle and furnishes a copy 2582
of the salvage certificate of title to the insurance company. 2583

(D) When a self-insured organization, rental or leasing 2584
company, or secured creditor becomes the owner of a motor vehicle 2585
that is burned, damaged, or dismantled and is determined to be 2586
economically impractical to repair, the self-insured organization, 2587
rental or leasing company, or secured creditor shall do one of the 2588
following: 2589

(1) Mark the face of the certificate of title to the motor 2590
vehicle "FOR DESTRUCTION" and surrender the certificate of title 2591
to ~~the~~ a clerk of ~~the~~ a court of common pleas for cancellation as 2592
described in division (A) of this section. The self-insured 2593
organization, rental or leasing company, or secured creditor 2594

thereupon ~~then~~ shall deliver the motor vehicle, together with a 2595
photocopy of the certificate of title, to a salvage dealer or 2596
scrap metal processing facility and shall cause the motor vehicle 2597
to be dismantled, flattened, crushed, or destroyed. 2598

(2) Obtain a salvage certificate of title to the motor 2599
vehicle in the name of the self-insured organization, rental or 2600
leasing company, or secured creditor, as provided in division 2601
(C)(1) of this section, and then sell or otherwise dispose of the 2602
motor vehicle. If the motor vehicle is sold, the self-insured 2603
organization, rental or leasing company, or secured creditor shall 2604
obtain a salvage certificate of title to the motor vehicle in the 2605
name of the purchaser from ~~the~~ a clerk of ~~the~~ a court of common 2606
pleas ~~of the county in which the purchaser resides.~~ 2607

(E) If a motor vehicle titled with a salvage certificate of 2608
title is restored for operation upon the highways, application 2609
shall be made to ~~the~~ a clerk of ~~the~~ a court of common pleas for a 2610
certificate of title. Upon inspection by the state highway patrol, 2611
which shall include establishing proof of ownership and an 2612
inspection of the motor number and vehicle identification number 2613
of the motor vehicle and of documentation or receipts for the 2614
materials used in restoration by the owner of the motor vehicle 2615
being inspected, which documentation or receipts shall be 2616
presented at the time of inspection, the clerk, upon surrender of 2617
the salvage certificate of title, shall issue a certificate of 2618
title for a fee prescribed by the registrar. The certificate of 2619
title shall be in the same form as the original certificate of 2620
title, shall bear the same number as the salvage certificate of 2621
title and the original certificate of title, and shall bear the 2622
words "REBUILT SALVAGE" in black boldface letters on its face. 2623
Every subsequent certificate of title, memorandum certificate of 2624
title, or duplicate certificate of title issued for the motor 2625
vehicle also shall bear the words "REBUILT SALVAGE" in black 2626

boldface letters on its face. The exact location on the face of 2627
the certificate of title of the words "REBUILT SALVAGE" shall be 2628
determined by the registrar, who shall develop an automated 2629
procedure within the automated title processing system to comply 2630
with this division. The clerk shall use reasonable care in 2631
performing the duties imposed on the clerk by this division in 2632
issuing a certificate of title pursuant to this division, but the 2633
clerk is not liable for any of the clerk's errors or omissions or 2634
those of the clerk's deputies, or the automated title processing 2635
system in the performance of those duties. A fee of ~~forty dollars~~ 2636
~~in fiscal year 1998 and fifty dollars in fiscal year 1999 and~~ 2637
~~thereafter~~ shall be assessed by the state highway patrol for each 2638
inspection made pursuant to this division and shall be deposited 2639
into the state highway safety fund established by section 4501.06 2640
of the Revised Code. 2641

(F) No person shall operate upon the highways in this state a 2642
motor vehicle, title to which is evidenced by a salvage 2643
certificate of title, except to deliver the motor vehicle pursuant 2644
to an appointment for an inspection under this section. 2645

(G) No motor vehicle the certificate of title to which has 2646
been marked "FOR DESTRUCTION" and surrendered to ~~the~~ a clerk of 2647
~~the~~ a court of common pleas shall be used for anything except 2648
parts and scrap metal. 2649

(H)(1) Except as otherwise provided in this division, an 2650
owner of a manufactured or mobile home that will be taxed as real 2651
property pursuant to division (B) of section 4503.06 of the 2652
Revised Code shall surrender the certificate of title to the 2653
auditor of the county containing the taxing district in which the 2654
home is located. An owner whose home qualifies for real property 2655
taxation under divisions (B)(1)(a) and (b) of section 4503.06 of 2656
the Revised Code shall surrender the certificate within fifteen 2657
days after the home meets the conditions specified in those 2658

divisions. The auditor shall deliver the certificate of title to the clerk of the court of common pleas who issued it.

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

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

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

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

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

(a) An endorsement of the county treasurer that all real 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~~ The clerk ~~then~~ 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 2721
cancellation. 2722

The holder of a certificate of title for a motor vehicle upon 2723
which is noted an existing lien, encumbrance, or mortgage at any 2724
time may make application to ~~the a clerk who issued the~~ 2725
~~certificate of title~~ for a memorandum certificate, which 2726
application shall be made in the form prescribed by the registrar 2727
of motor vehicles and signed and sworn to by the applicant. Upon 2728
receipt of the application, if it appears to be complete and in 2729
order, together with the fee prescribed by section 4505.09 of the 2730
Revised Code, the clerk shall issue to the applicant a memorandum 2731
certificate for the motor vehicle. ~~In the event~~ If the memorandum 2732
certificate is lost or destroyed, the holder ~~thereof~~ of it may 2733
obtain another memorandum certificate upon the filing of an 2734
application with ~~the a clerk on a form and~~ prescribed by the 2735
registrar, accompanied by the fee prescribed in section 4505.09 of 2736
the Revised Code. The memorandum certificate shall be effective 2737
only for the purpose of obtaining a certificate of registration, 2738
is not assignable, and constitutes no evidence of title or of 2739
right to transfer or encumber the motor vehicle described ~~therein~~ 2740
in it. 2741

Sec. 4505.13. (A)(1) ~~Sections 1309.01 to 1309.50 Chapter~~ 2742
1309. and section 1701.66 of the Revised Code do not permit or 2743
require the deposit, filing, or other record of a security 2744
interest covering a motor vehicle, except as provided in division 2745
(A)(2) of this section. 2746

(2) ~~Sections 1309.01 to 1309.50 Chapter 1309.~~ of the Revised 2747
Code ~~apply~~ applies to a security interest in a motor vehicle held 2748
as inventory, ~~as defined in division (D) of section 1309.07 of the~~ 2749
~~Revised Code,~~ for sale by a dealer, ~~as defined in division (J) of~~ 2750
~~section 4517.01 of the Revised Code.~~ The security interest has 2751

priority over creditors of the dealer as provided in ~~sections~~ 2752
~~1309.01 to 1309.50~~ Chapter 1309. of the Revised Code without 2753
notation of the security interest on a certificate of title, 2754
without entry of a notation of the security interest into the 2755
automated title processing system if a physical certificate of 2756
title for the motor vehicle has not been issued, or without the 2757
retention of a manufacturer's or importer's certificate. 2758

(B) Subject to division (A) of this section, any security 2759
agreement covering a security interest in a motor vehicle, if a 2760
notation of the agreement has been made by ~~the~~ a clerk of ~~the~~ a 2761
court of common pleas on the face of the certificate of title or 2762
the clerk has entered a notation of the agreement into the 2763
automated title processing system and a physical certificate of 2764
title for the motor vehicle has not been issued, is valid as 2765
against the creditors of the debtor, whether armed with process or 2766
not, and against subsequent purchasers, secured parties, and other 2767
lienholders or claimants. All security interests, liens, 2768
mortgages, and encumbrances ~~noted upon~~ entered into the automated 2769
title processing system in relation to a particular certificate of 2770
title, regardless of whether a physical certificate of title is 2771
issued, take priority according to the order of time in which they 2772
are ~~noted on~~ entered into the ~~certificate~~ automated title 2773
processing system by the clerk. Exposure for sale of any motor 2774
vehicle by its owner, with the knowledge or with the knowledge and 2775
consent of the holder of any security interest, lien, mortgage, or 2776
encumbrance on it, does not render that security interest, lien, 2777
mortgage, or encumbrance ineffective as against the creditors of 2778
that owner, or against holders of subsequent security interests, 2779
liens, mortgages, or encumbrances upon that motor vehicle. 2780

The secured party, upon presentation of ~~the~~ evidence of a 2782
security ~~agreement~~ interest to ~~the~~ a clerk of ~~the county in which~~ 2783

~~the certificate of title was issued a court of common pleas,~~ 2784
together with the certificate of title if a physical certificate 2785
of title for the motor vehicle exists, and the fee prescribed by 2786
section 4505.09 of the Revised Code, may have a notation of the 2787
security interest made. ~~The~~ Unless the secured party specifically 2788
requests the clerk not to issue a physical certificate of title 2789
and instead to issue an electronic certificate of title, the clerk 2790
shall issue, over the clerk's signature and seal of office, a new 2791
original certificate of title from the automated title processing 2792
records that indicates the security interest and the date of the 2793
security interest. 2794

~~When the~~ If a security interest is fully discharged as a 2795
result of its holder's receipt of good funds in the correct amount 2796
and if the holder holds a physical certificate of title, the 2797
holder ~~of it~~ shall note ~~its~~ the discharge of the security interest 2798
on the face of the certificate of title over the holder's 2799
signature, or over the holder's signature on a form prescribed by 2800
the registrar of motor vehicles when there is no space for the 2801
discharge on the face of the certificate of title. ~~Prior~~ Except as 2802
otherwise provided in this section, prior to delivering the 2803
certificate of title to the owner, the holder or the holder's 2804
agent shall ~~present it~~ convey the certificate of title or a 2805
separate sworn statement of the discharge of the security interest 2806
to the a clerk for the purpose of having the clerk. The conveyance 2807
shall occur not more than seven business days after the date good 2808
funds in the correct amount to fully discharge the security 2809
interest have been credited to an account of the holder, provided 2810
the holder has been provided accurate information concerning the 2811
motor vehicle. Conveyance of the certificate of title or separate 2812
sworn statement of the discharge within the required seven 2813
business days may be indicated by postmark or receipt by a clerk 2814
within that period. If the discharge of the security interest 2815
appears to be genuine, the clerk shall note the cancellation of 2816

the security interest on the face of the certificate of title, if 2817
it was so conveyed, and note it in the automated title processing 2818
system and upon the records of the clerk. ~~The clerk, if that~~ 2819
~~cancellation appears to be genuine, shall note the cancellation on~~ 2820
~~the certificate of title and also on the clerk's records.~~ 2821

2822

(C)(1) In all cases, a secured party may choose to present a 2823
clerk with evidence of a security interest via electronic means, 2824
and the clerk shall enter the security interest into the automated 2825
title processing system. A secured party also may choose to notify 2826
a clerk of the discharge of its security interest via electronic 2827
means, and the clerk shall enter the cancellation into the 2828
automated title processing system. 2829

(2) In the case of a security interest that is being 2830
satisfied by a dealer to whom a certificate of title is being 2831
transferred, the cancellation of the security interest shall occur 2832
during the course of the transfer. The dealer shall submit a 2833
discharge request to the secured party. A discharge request shall 2834
include good funds in the correct amount to fully discharge the 2835
security interest and accurate information concerning the motor 2836
vehicle. 2837

(3)(a) Upon receiving a discharge request that complies with 2838
division (C)(2) of this section, except as otherwise provided in 2839
this division, a secured party shall convey the certificate of 2840
title, with the discharge of the security interest noted on its 2841
face, to the dealer within seven business days after the date good 2842
funds in the correct amount to fully discharge the security 2843
interest have been credit to an account of the secured party. 2844

If a secured party is unable to convey to the dealer a 2845
certificate of title within the required seven business days, the 2846
secured party instead shall convey to the dealer an affidavit 2847
stating that the security interest has been discharged, together 2848

with payment for a duplicate certificate of title, within that 2849
period. 2850

(b) Conveyance of a certificate of title, or affidavit and 2851
required payment, from a secured party to a dealer under the 2852
circumstances described in division (C)(3)(a) of this section 2853
within the required seven business days may be indicated by a 2854
postmark within that period. 2855

(4) A secured party is liable to a dealer for a late fee of 2856
ten dollars per day for each certificate of title, or affidavit 2857
and required payment, conveyed to the dealer more than seven 2858
business days but less than twenty-one days after the date 2859
specified in division (C)(3)(a) of this section and, from then on, 2860
twenty-five dollars per day until the certificate of title, or 2861
affidavit and required payment, are conveyed to the dealer. 2862

(D) Notwithstanding any provision of ~~sections 1310.01 to~~ 2863
~~1310.78~~ Chapter 1310. of the Revised Code or of any other law, the 2864
lease of a motor vehicle or trailer does not constitute a 2865
conditional sale or create a security interest merely because the 2866
lease agreement permits or requires the lessor, at the end of the 2867
lease term, to adjust the rental price to either a higher or a 2868
lower amount by reference to the amount the lessor realizes upon 2869
the sale or other disposition of the motor vehicle or trailer. 2870

(E) If a physical certificate of title has not been issued 2871
for a motor vehicle and all the security interests relating to 2872
that motor vehicle have been discharged, the owner of the motor 2873
vehicle may obtain a physical certificate of title from the clerk 2874
of any court of common pleas upon payment of the fee specified in 2875
section 4509.09 of the Revised Code. 2876

(F) If a clerk of a court of common pleas, other than the 2877
clerk of the court of common pleas of the county in which the 2878
owner of a motor vehicle resides, enters a notation of the 2879

existence of, or the cancellation of, a security interest relating 2880
to the motor vehicle, the clerk shall transmit the data relating 2881
to the notation to the automated title processing system. 2882
2883

(G) The registrar of motor vehicles, in accordance with 2884
Chapter 119. of the Revised Code, shall adopt rules governing the 2885
electronic transmission of security interest and other information 2886
under this section. In adopting the rules, the registrar shall 2887
confer with the clerks of the courts of common pleas. 2888

(H) As used in this section: 2889

(1) "Accurate information" means the make and model of the 2890
motor vehicle, its vehicle identification number, and the name and 2891
address of its owner as they appear on the certificate of title 2892
that is to be conveyed. 2893

(2) "Dealer" has the same meaning as in section 4517.01 of 2894
the Revised Code. 2895

(3) "Good funds" includes cash, or a wire transfer, cashier's 2896
check, certified check, draft, money order, or teller's check 2897
issued by an insured financial institution, or a dealer's check 2898
for which the secured party has received funds that are available 2899
for withdrawal pursuant to "Availability of Funds and Collection 2900
of Checks (Regulation CC)," 12 C.F.R. 229. 2901

(4) "Inventory" has the same meaning as in section 1309.07 of 2902
the Revised Code. 2903

Sec. 4505.141. The registrar of motor vehicles shall enable 2904
the public to access motor vehicle title information via 2905
electronic means. No fee shall be charged for this access. The 2906
title information that must be so accessible is only the title 2907
information that is in an electronic format at the time a person 2908
requests this access. 2909

The registrar, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing this access. In adopting the rules, the registrar shall confer with the clerks of the courts of common pleas. 2910
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Access by the public to motor vehicle title information under this section shall comply with all restrictions contained in the Revised Code and federal law that govern the disclosure of that information. 2914
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2916
2917

Sec. 4505.18. (A) No person shall do any of the following: 2918

~~(A)(1)~~ Operate in this state a motor vehicle for which a certificate of title is required without having such that certificate in accordance with sections 4505.01 to 4505.21 of the Revised Code, this chapter or upon which the, if a physical certificate of title has not been canceled issued for a motor vehicle, operate the motor vehicle in this state knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas; 2919
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~~(B)(2)~~ Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate or, a certificate of title therefor, or an assignment of a certificate of title for it as provided in sections 4505.01 to 4505.21 of the Revised Code this chapter; 2928
2929
2930
2931
2932
2933

~~(C)(3)~~ Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the registrar of motor vehicles and notice thereof of the cancellation as prescribed in sections 4505.01 to 4505.21 of the Revised Code this chapter; 2934
2935
2936
2937
2938

~~(D)(4)~~ Fail to surrender the certificate of title to the a 2939

clerk of the a court of common pleas as provided in sections 2940
~~4505.01 to 4505.21 of the Revised Code, this chapter~~ in case of 2941
the destruction or dismantling or change of a motor vehicle in 2942
such respect that it is not the motor vehicle described in the 2943
certificate of title; 2944

~~(E)(5)~~ Violate any rules ~~promulgated~~ adopted pursuant to 2945
~~sections 4505.01 to 4505.21 of the Revised Code. this chapter;~~ 2946

~~(F)(6)~~ Except as otherwise provided in this chapter and 2947
Chapter 4517. of the Revised Code, sell at wholesale a motor 2948
vehicle the ownership of which is not evidenced by an Ohio 2949
certificate of title, or the current certificate of title issued 2950
for the motor vehicle, or the manufacturer's certificate of 2951
origin, and all title assignments that evidence the seller's 2952
ownership of the motor vehicle, and an odometer disclosure 2953
statement that complies with section 4505.06 of the Revised Code 2954
and subchapter IV of the "Motor Vehicle Information and Cost 2955
Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981; 2956

(7) Operate in this state a motor vehicle knowing that the 2957
certificate of title to the vehicle or ownership of the vehicle as 2958
otherwise reflected in the automated title processing system has 2959
been canceled. 2960

(B) This section does not apply to persons engaged in the 2961
business of warehousing or transporting motor vehicles for the 2962
purpose of salvage disposition. 2963

Sec. 4505.181. (A) Notwithstanding divisions ~~(B)~~, ~~(E)~~ (A)(2), 2964
(5), and ~~(F)~~ (6) of section 4505.18 of the Revised Code, a motor 2965
vehicle dealer or person acting on behalf of a motor vehicle 2966
dealer may display, offer for sale, or sell a used motor vehicle 2967
without having first obtained a certificate of title for the 2968
vehicle in the name of the dealer as required by this chapter if 2969
the dealer or person acting on behalf of the dealer complies with 2970

divisions (A)(1)(a) and ~~(A)~~(2) of this section, or divisions 2971
(A)(1)(b) and ~~(A)~~(2) of this section, as follows: 2972
2973

(1)(a) If the dealer has been licensed as a motor vehicle 2974
dealer for less than the three-year period prior to the date on 2975
which the dealer or person acting on behalf of the dealer 2976
displays, offers for sale, or sells the used motor vehicle for 2977
which the dealer has not obtained a certificate of title in the 2978
name of the dealer, or if the attorney general has paid a retail 2979
purchaser of the dealer under division (C) of this section within 2980
three years prior to such date, the dealer posts with the attorney 2981
general's office in favor of this state a bond of a surety company 2982
authorized to do business in this state, in an amount of not less 2983
than twenty-five thousand dollars, to be used solely for the 2984
purpose of compensating retail purchasers of motor vehicles who 2985
suffer damages due to failure of the dealer or person acting on 2986
behalf of the dealer to comply with this section. The dealer's 2987
surety shall notify the registrar and attorney general when a bond 2988
is canceled. Such notification of cancellation shall include the 2989
effective date of and reason for cancellation. 2990

(b) If the dealer has been licensed as a motor vehicle dealer 2992
for longer than the three-year period prior to the date on which 2993
the dealer or person acting on behalf of the dealer displays, 2994
offers for sale, or sells the used motor vehicle for which the 2995
dealer has not obtained a certificate of title in the name of the 2996
dealer and the attorney general has not paid a retail purchaser of 2997
the dealer under division (C) of this section within three years 2998
prior to such date, the dealer pays one hundred fifty dollars to 2999
the attorney general for deposit into the title defect recision 3000
fund created by section 1345.52 of the Revised Code. 3001

3002

(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 title in the dealer's name is issued for each such motor vehicle by the clerk of the court of common pleas. Such documents shall be available for inspection by the bureau of motor vehicles during normal business hours.

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

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

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

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

If any of the circumstances described in divisions (B)(1) to

(3) of this section applies, a retail purchaser or the retail purchaser's representative shall notify the dealer and afford the dealer the opportunity to comply with the dealer's obligation to refund the full purchase price of the motor vehicle. Nothing in this division shall be construed as prohibiting the dealer and the retail purchaser or their representatives from negotiating a compromise resolution that is satisfactory to both parties.

(C) If a retail purchaser notifies a dealer of one or more of 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. 3066

(F) The remedy provided in this section to retail purchasers 3067
is in addition to any remedies otherwise available to the retail 3068
purchaser for the same conduct of the dealer or person acting on 3069
behalf of the dealer under federal law or the laws of this state 3070
or a political subdivision of this state. 3071

(G) All motor vehicle dealers licensed under Chapter 4517. of 3072
the Revised Code shall pay to the attorney general for deposit 3073
into the title defect recision fund the amount described in 3074
division (A)(1)(b) of this section beginning with the calendar 3075
year during which this section becomes effective and each year 3076
subsequent to that year until the balance in the fund is not less 3077
than three hundred thousand dollars. All such dealers also shall 3078
pay to the attorney general for deposit into the fund that amount 3079
during any year and subsequent years during which the balance in 3080
the fund is less than three hundred thousand dollars until the 3081
balance in the fund reaches three hundred thousand dollars. 3082

If a motor vehicle dealer fails to comply with this division, 3084
the attorney general may bring a civil action in a court of 3085
competent jurisdiction to collect the amount the dealer failed to 3086
pay to the attorney general for deposit into the fund. 3087

Sec. 4505.19. No person shall do any of the following: 3088

(A) Procure or attempt to procure a certificate of title or a 3089
salvage certificate of title to a motor vehicle, or pass or 3090
attempt to pass a certificate of title, a salvage certificate of 3091
title, or any assignment ~~thereof~~ of a certificate of title or 3092
salvage certificate of title to a motor vehicle, or in any other 3093
manner gain or attempt to gain ownership to a motor vehicle, 3094
knowing or having reason to believe that ~~such~~ the motor vehicle or 3095
any part of the motor vehicle has been acquired through commission 3096

of a theft offense as defined in section 2913.01 of the Revised Code; 3097
3098

(B) Purport to sell or transfer a motor vehicle without 3099
delivering to the purchaser or transferee ~~thereof~~ of it a 3100
certificate of title, a salvage certificate of title, or a 3101
manufacturer's or importer's certificate ~~thereto~~ to it, assigned 3102
to ~~such~~ the purchaser as provided for in this chapter, except as 3103
otherwise provided in this chapter; 3104

(C) With intent to defraud, possess, sell, offer to sell, 3105
counterfeit, or supply a blank, forged, fictitious, counterfeit, 3106
stolen, or fraudulently or unlawfully obtained certificate of 3107
title, registration, bill of sale, or other instruments of 3108
ownership of a motor vehicle, or conspire to do any of the 3109
foregoing; 3110

(D) Knowingly obtain goods, services, credit, or money by 3111
means of an invalid, fictitious, forged, counterfeit, stolen, or 3112
unlawfully obtained original or duplicate certificate of title, 3113
registration, bill of sale, or other instrument of ownership of a 3114
motor vehicle; 3115

(E) Knowingly obtain goods, services, credit, or money by 3116
means of a certificate of title to a motor vehicle, which is 3117
required to be surrendered to the registrar of motor vehicles or 3118
the clerk of the court of common pleas as provided in this 3119
chapter. 3120

Sec. 4505.20. (A) Notwithstanding division ~~(B)~~ (A)(2) of 3121
section 4505.18 of the Revised Code or any other provision of 3122
~~Chapter 4505.~~ this chapter or Chapter 4517. of the Revised Code, a 3123
secured party may designate any dealer to display, display for 3124
sale, or sell a manufactured or mobile home if the home has come 3125
into the possession of that secured party by a default in the 3126
terms of a security instrument and the certificate of title 3127

remains in the name and possession of the secured party. 3128

(B) Notwithstanding division ~~(B)~~(A)(2) of section 4505.18 of 3129
the Revised Code or any other provision of ~~Chapter 4505.~~ this 3130
chapter or Chapter 4517. of the Revised Code, the owner of a 3131
recreational vehicle or a secured party of a recreational vehicle 3132
who has come into possession of the vehicle by a default in the 3133
terms of a security instrument, may designate any dealer to 3134
display, display for sale, or sell the vehicle while the 3135
certificate of title remains in the possession of the owner or 3136
secured party. No dealer may display or offer for sale more than 3137
five recreational vehicles at any time under this division. No 3138
dealer may display or offer for sale a recreational vehicle under 3139
this division unless the dealer maintains insurance or the bond of 3140
a surety company authorized to transact business within this state 3141
in an amount sufficient to satisfy the fair market value of the 3142
vehicle. 3143

(C) The registrar of motor vehicles may adopt rules in 3144
accordance with Chapter 119. of the Revised Code prescribing the 3145
maximum number of manufactured or mobile homes that have come into 3146
the possession of a secured party by a default in the terms of a 3147
security instrument that any dealer may display or offer for sale 3148
at any time. The registrar may adopt other reasonable rules 3149
regarding the resale of such manufactured homes, mobile homes, and 3150
recreational vehicles that the registrar considers necessary. 3151

(D) The secured party or owner shall provide the dealer with 3153
written authorization to display, display for sale, or sell the 3154
manufactured home, mobile home, or recreational vehicle. The 3155
dealer shall show and explain the written authorization to any 3156
prospective purchaser. The written authorization shall contain the 3157
vehicle identification number, make, model, year of manufacture, 3158
and physical description of the manufactured home, mobile home, or 3159

recreational vehicle that is provided to the dealer. 3160
3161

(E) As used in this section, "dealer" means a new motor 3162
vehicle dealer that is licensed under Chapter 4517. of the Revised 3163
Code. 3164

Sec. 4505.25. The registrar of motor vehicles may use money 3165
from the automated title processing fund created in section 3166
4505.09 of the Revised Code, in accordance with appropriations 3167
made by the general assembly, to pay expenses related to 3168
implementing Sub. S.B. 59 of the 124th general assembly. 3169
3170

Sec. 4519.01. As used in this chapter: 3171

(A) "Snowmobile" means any self-propelled vehicle designed 3172
primarily for use on snow or ice, and steered by skis, runners, or 3173
caterpillar treads. 3174

(B) "All-purpose vehicle" means any self-propelled vehicle 3175
designed primarily for cross-country travel on land and water, or 3176
on more than one type of terrain, and steered by wheels or 3177
caterpillar treads, or any combination thereof, including vehicles 3178
that operate on a cushion of air, vehicles commonly known as 3179
all-terrain vehicles, all-season vehicles, mini-bikes, and trail 3180
bikes, but excluding any self-propelled vehicle not principally 3181
used for purposes of personal transportation, any vehicle 3182
principally used in playing golf, any motor vehicle or aircraft 3183
required to be registered under Chapter 4503. or 4561. of the 3184
Revised Code, and any vehicle excepted from definition as a motor 3185
vehicle by division (B) of section 4501.01 of the Revised Code. 3186
3187

(C) "Owner" means any person, or firm, ~~or corporation,~~ other 3188
than a lienholder or dealer, having title to a snowmobile, 3189

off-highway motorcycle, or all-purpose vehicle, or other right to 3190
the possession thereof. 3191

(D) "Operator" means any person who operates or is in actual 3192
physical control of a snowmobile, off-highway motorcycle, or 3193
all-purpose vehicle. 3194

(E) "Dealer" means any person, or firm, ~~or corporation~~ 3195
engaged in the business of manufacturing or selling snowmobiles, 3196
off-highway motorcycles, or all-purpose vehicles at wholesale or 3197
retail, or who rents, leases, or otherwise furnishes snowmobiles, 3198
off-highway motorcycles, or all-purpose vehicles for hire. 3199

(F) "Street or highway" has the same meaning as ~~given that~~ 3200
~~term~~ in section 4511.01 of the Revised Code. 3201

(G) "Limited access highway" and "freeway" have the same 3202
~~meaning~~ meanings as ~~given those terms~~ in section 5511.02 of the 3203
Revised Code. 3204

(H) "Interstate highway" means any part of the interstate 3205
system of highways as defined in subsection (e), 90 Stat. 431 3206
(1976), 23 U.S.C.A. 103, ~~and amendments thereof~~ as amended. 3207

(I) "Off-highway motorcycle" means every motorcycle, as 3208
defined in section 4511.01 of the Revised Code, that is designed 3209
to be operated primarily on lands other than a street or highway. 3210

(J) "Electronic" and "electronic record" have the same 3211
meanings as in section 4501.01 of the Revised Code. 3212

(K) "Electronic dealer" means a dealer whom the registrar of 3213
motor vehicles designates under section 4519.511 of the Revised 3214
Code. 3215

Sec. 4519.03. (A) The owner of every snowmobile, off-highway 3216
motorcycle, and all-purpose vehicle required to be registered 3217
under section 4519.02 of the Revised Code shall file an 3218
application for registration with the registrar of motor vehicles 3219

or a deputy registrar, on blanks furnished by the registrar for 3220
that purpose and containing all of the following information: 3221

(1) A brief description of the snowmobile, off-highway 3222
motorcycle, or all-purpose vehicle, including the name of the 3223
manufacturer, the factory or model number, and the vehicle 3224
identification number; 3225

(2) The name, residence, and business address of the owner; 3226

(3) A statement that the snowmobile, off-highway motorcycle, 3227
or all-purpose vehicle is equipped as required by section 4519.20 3228
of the Revised Code, and any rule adopted ~~thereunder~~ under that 3229
section. The statement shall include a check list of the required 3230
equipment items in ~~such~~ the form ~~as~~ the registrar shall prescribe. 3231

The application shall be signed by the owner of the 3232
snowmobile, off-highway motorcycle, or all-purpose vehicle and 3233
shall be accompanied by a fee as provided in division (C) of 3234
section 4519.04 of the Revised Code. 3235

If the application is not in proper form, or if the vehicle 3236
for which registration is sought does not appear to be equipped as 3237
required by section 4519.20 of the Revised Code or any rule 3238
adopted ~~thereunder~~ under that section, the registration shall be 3239
refused, and no registration sticker shall be issued. 3240

(B) On and after July 1, 1999, no certificate of registration 3241
or renewal of ~~such~~ a certificate of registration shall be issued 3242
for an off-highway motorcycle or all-purpose vehicle required to 3243
be registered under section 4519.02 of the Revised Code, and no 3244
certificate of registration issued under this chapter for an 3245
off-highway motorcycle or all-purpose vehicle that is sold or 3246
otherwise transferred shall be transferred to the new owner of the 3247
off-highway motorcycle or all-purpose vehicle as permitted by 3248
division (B) of section 4519.05 of the Revised Code, unless a 3249
certificate of title has been issued under this chapter for the 3250

motorcycle or vehicle, and the owner or new owner, as the case may 3251
be, presents ~~the~~ a physical certificate of title or a memorandum 3252
certificate of title for inspection at the time the owner or new 3253
owner first submits a registration application, registration 3254
renewal application, or registration transfer application for the 3255
motorcycle or vehicle on or after July 1, 1999, if a physical 3256
certificate of title or memorandum certificate has been issued by 3257
a clerk of a court of common pleas. If, under sections 4519.512 3258
and 4519.58 of the Revised Code, a clerk instead has issued an 3259
electronic certificate of title for the applicant's off-highway 3260
motorcycle or all-purpose vehicle, that certificate may be 3261
presented for inspection at the time of first registration in a 3262
manner prescribed by rules adopted by the registrar. 3263

(C) When the owner of an off-highway motorcycle or 3264
all-purpose vehicle first registers it in the owner's name, and a 3265
certificate of title has been issued for the motorcycle or 3266
vehicle, the owner shall present for inspection a physical 3267
certificate of title or memorandum certificate of title showing 3268
title to the off-highway motorcycle or all-purpose vehicle in the 3269
name of the owner if a physical certificate of title or memorandum 3270
certificate has been issued by a clerk of a court of common pleas. 3271
If, under sections 4519.512 and 4519.58 of the Revised Code, a 3272
clerk instead has issued an electronic certificate of title for 3273
the applicant's off-highway motorcycle or all-purpose vehicle, 3274
that certificate may be presented for inspection at the time of 3275
first registration in a manner prescribed by rules adopted by the 3276
registrar. If, when the owner of such a an off-highway motorcycle 3277
or all-purpose vehicle first makes application to register it in 3278
the owner's name, the application is not in proper form or if the 3279
certificate of title or memorandum certificate of title does not 3280
accompany the registration or, in the case of an electronic 3281
certificate of title, is not presented in a manner prescribed by 3282
the registrar, the registration shall be refused, and neither a 3283

certificate of registration nor a registration sticker shall be 3284
issued. When a certificate of registration and registration 3285
sticker are issued upon the first registration of an off-highway 3286
motorcycle or all-purpose vehicle by or on behalf of the owner, 3287
the official issuing them shall indicate the issuance with a stamp 3288
on the certificate of title or memorandum certificate of title or, 3289
in the case of an electronic certificate of title, an electronic 3290
stamp or other notation as specified in rules adopted by the 3291
registrar. 3292

(D) Each deputy registrar shall be allowed a fee of two 3293
dollars and seventy-five cents commencing on July 1, 2001, three 3294
dollars and twenty-five cents commencing on January 1, 2003, and 3295
three dollars and fifty cents commencing on January 1, 2004, for 3296
each application or renewal application received by the deputy 3297
registrar, which shall be for the purpose of compensating the 3298
deputy registrar for services, and office and rental expense, as 3299
may be necessary for the proper discharge of the deputy 3300
registrar's duties in the receiving of applications and the 3301
issuing of certificates of registration. 3302

Each deputy registrar, upon receipt of any application for 3303
registration, together with the registration fee, shall transmit 3304
the fee, together with the original and duplicate copy of the 3305
application, to the registrar in such the manner and at such the 3306
times ~~as~~ the registrar, subject to the approval of the director of 3307
public safety and the treasurer of state, shall prescribe by rule. 3308

Sec. 4519.51. The registrar of motor vehicles shall adopt 3309
~~such~~ rules ~~as~~ the registrar considers necessary to ensure uniform 3310
and orderly operation of sections 4519.51 to 4519.70 of the 3311
Revised Code, and the clerks of the courts of common pleas shall 3312
conform ~~thereto~~ to those rules. The registrar shall receive and 3313
file in the registrar's office all information forwarded to the 3314
registrar by the clerks under those sections, and the clerks shall 3315

maintain in their offices indexes for the certificates of title. 3316
3317

The registrar shall check with the registrar's records all 3318
certificates of title received in the registrar's office from the 3319
clerks. If 3320

If it appears that a any certificate of title has been issued 3321
improperly, the registrar shall cancel the certificate. Upon the 3322
cancellation of any certificate of title, the registrar shall 3323
notify the clerk who issued it, and the clerk shall enter the 3324
cancellation in the clerk's records. The registrar also shall 3325
notify the person to whom the certificate of title was issued, as 3326
well as any lienholders appearing ~~thereon~~ on it, of the 3327
cancellation and, if it is a physical certificate of title, shall 3328
demand surrender of the certificate of title, but the cancellation 3329
shall not affect the validity of any lien noted ~~thereon~~ on it. The 3330
holder of ~~the~~ a physical certificate of title shall return it 3331
immediately to the registrar. The 3332

The clerks shall keep on hand a sufficient supply of blank 3333
forms, which, except for the certificate of title and memorandum 3334
certificate forms, shall be furnished and distributed without 3335
charge to registered manufacturers or dealers, or other persons 3336
residing within the county. 3337

Sec. 4519.511. The registrar of motor vehicles shall 3338
designate as an electronic dealer a dealer who meets both of the 3339
following criteria: 3340

(A) The dealer has the capability, via electronic means, to 3341
send title and registration information relating to off-highway 3342
motorcycles and all-purpose vehicles, as specified by the 3343
registrar, to the registrar and the clerks of the courts of common 3344
pleas. 3345

(B) The dealer meets other criteria for electronic dealers 3346
that the registrar may establish by rule adopted under Chapter 3347
119. of the Revised Code. 3348

Sec. 4519.512. The owner of an off-highway motorcycle or 3349
all-purpose vehicle shall apply for a certificate of title for the 3350
motorcycle or vehicle when required by this chapter, but, except 3351
as otherwise specifically required in this chapter, the owner may 3352
elect whether or not to have the clerk of the court of common 3353
pleas to whom the certificate of title application is submitted 3354
issue a physical certificate of title for the motorcycle or 3355
vehicle, as provided in section 4519.58 of the Revised Code. 3356
3357

Except as otherwise specifically provided in this chapter, 3358
any provision of this chapter relating to the cancellation, 3359
issuance, or surrender of a certificate of title, including, but 3360
not limited to, provisions that contain a phrase such as "when a 3361
certificate of title is issued," "the clerk shall issue a 3362
certificate of title," or "the person shall obtain a certificate 3363
of title to the off-highway motorcycle or all-purpose vehicle," or 3364
another phrase of similar import, shall include those 3365
circumstances when a clerk enters certificate of title information 3366
into the automated title processing system, but does not take any 3367
further action relating to a physical certificate of title for the 3368
motorcycle or vehicle. 3369

Sec. 4519.52. (A) Except as provided in section sections 3370
4519.521 and 4519.54 of the Revised Code, ~~on and after the~~ 3371
effective date of this section, no dealer engaged in the business 3372
of selling new or used off-highway motorcycles or all-purpose 3373
vehicles shall sell or otherwise transfer a new or used 3374
off-highway motorcycle or all-purpose vehicle without obtaining a 3375
certificate of title to the new or used motorcycle or vehicle, in 3376

accordance with this chapter, and delivering the certificate of 3377
title or memorandum certificate of title to the purchaser or 3378
transferee. 3379

(B)(1) A person who is not a dealer engaged in the business 3380
of selling new or used off-highway motorcycles or all-purpose 3381
vehicles and who, ~~on and after the effective date of this section,~~ 3382
owns an off-highway motorcycle or all-purpose vehicle, may choose 3383
to obtain a certificate of title to the motorcycle or vehicle. The 3384
person shall comply with this chapter in order to obtain the 3385
certificate of title. 3386

(2) If a person who is not a dealer engaged in the business 3387
of selling new or used off-highway motorcycles or all-purpose 3388
vehicles and who owns an off-highway motorcycle or all-purpose 3389
vehicle obtains a certificate of title to the motorcycle or 3390
vehicle, that person, except as otherwise provided in section 3391
4519.521 of the Revised Code, shall not sell or otherwise transfer 3392
the motorcycle or vehicle without delivering to the purchaser or 3393
transferee a certificate of title with ~~such an~~ assignment ~~thereon~~ 3394
on it as is necessary to show title in the purchaser or 3395
transferee, and no person shall subsequently purchase or otherwise 3396
acquire the motorcycle or vehicle without obtaining a certificate 3397
of title to the motorcycle or vehicle in the person's own name. 3398
3399

Sec. 4519.521. (A)(1) If a person who is not an electronic 3400
dealer owns an off-highway motorcycle or all-purpose vehicle for 3401
which a physical certificate of title has not been issued by a 3402
clerk of a court of common pleas and the person sells the 3403
motorcycle or vehicle to an electronic dealer, the person is not 3404
required to obtain a physical certificate of title to the 3405
motorcycle or vehicle in order to transfer ownership to the 3406
dealer. The person shall present the dealer, in a manner approved 3407

by the registrar of motor vehicles, with sufficient proof of the 3408
person's identity and complete and sign a form prescribed by the 3409
registrar attesting to the person's identity and assigning the 3410
motorcycle or vehicle to the dealer. The electronic dealer then 3411
shall inform a clerk of a court of common pleas via electronic 3412
means of the sale of the motorcycle or vehicle and assignment of 3413
ownership of the motorcycle or vehicle to the dealer. The clerk 3414
shall enter the information relating to the assignment into the 3415
automated title processing system, and ownership of the motorcycle 3416
or vehicle passes to the dealer when the clerk enters this 3417
information into the system. The dealer is not required to obtain 3418
a certificate of title to the motorcycle or vehicle in the 3419
dealer's name. 3420

(2) A clerk shall charge and collect from a dealer a fee of 3421
five dollars for each motorcycle or vehicle assigned to the dealer 3422
under division (A)(1) of this section. The fee shall be 3423
distributed in accordance with section 4519.59 of the Revised 3424
Code. 3425

(B) If a person who is not an electronic dealer owns an 3426
off-highway motorcycle or all-purpose vehicle for which a physical 3427
certificate of title has not been issued by a clerk of a court of 3428
common pleas and the person sells the motorcycle or vehicle to a 3429
person who is not an electronic dealer, the person shall obtain a 3430
physical certificate of title to the motorcycle or vehicle in 3431
order to transfer ownership of the vehicle to the person who is 3432
not an electronic dealer. 3433

Sec. 4519.53. No person who acquires an off-highway 3434
motorcycle or all-purpose vehicle from the owner ~~thereof~~ of it, if 3435
whether the owner is a manufacturer, importer, ~~or~~ dealer, or any 3436
other person, acquires any right, title, claim, or interest in or 3437
to the off-highway motorcycle or all-purpose vehicle until the 3438

person has been issued a certificate of title to the off-highway motorcycle or all-purpose vehicle, or there is delivered to the person a manufacturer's or importer's certificate for it, or a certificate of title to it is assigned as authorized by section 4519.521 of the Revised Code. No waiver or estoppel operates in favor of ~~such~~ that person against a person having possession of ~~such~~ the certificate of title to, or manufacturer's or importer's certificate for, the off-highway motorcycle or all-purpose vehicle, for a valuable consideration.

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

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

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

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

county. 3470

If an application for a certificate of title is filed 3471
electronically by an electronic dealer on behalf of the purchaser 3472
of an off-highway motorcycle or all-purpose vehicle, the clerk 3473
shall retain the completed electronic record to which the dealer 3474
converted the certificate of title application and other required 3475
documents. The electronic dealer shall forward the actual 3476
application and all other documents relating to the sale of the 3477
off-highway motorcycle or all-purpose vehicle to any clerk within 3478
thirty days after the certificate of title is issued. The 3479
registrar, after consultation with the attorney general, shall 3480
adopt rules that govern the location at which, and the manner in 3481
which, are stored the actual application and all other documents 3482
relating to the sale of an off-highway motorcycle or all-purpose 3483
vehicle when an electronic dealer files the application for a 3484
certificate of title electronically on behalf of the purchaser. 3485

The application shall be accompanied by the fee prescribed in 3486
section 4519.59 of the Revised Code and, if, The fee shall be 3487
retained by the clerk who issues the certificate of title and 3488
shall be distributed in accordance with that section. If a clerk 3489
of a court of common pleas, other than the clerk of the court of 3490
common pleas of an applicant's county of residence, issues a 3491
certificate of title to the applicant, the clerk shall transmit 3492
data related to the transaction to the automated title processing 3493
system. 3494

If a certificate of title previously has been issued for the 3495
an off-highway motorcycle or all-purpose vehicle, the application 3496
also shall be accompanied by the certificate of title duly 3497
assigned, unless otherwise provided in this chapter. If a 3498
certificate of title previously has not been issued for the 3499
off-highway motorcycle or all-purpose vehicle, the application, 3500
unless otherwise provided in this chapter, shall be accompanied by 3501

a manufacturer's or importer's certificate; by a sworn statement 3502
of ownership; or by a certificate of title, bill of sale, or other 3503
evidence of ownership required by law of another state from which 3504
the off-highway motorcycle or all-purpose vehicle was brought into 3505
this state. The registrar, in accordance with Chapter 119. of the 3506
Revised Code, shall prescribe the types of additional 3507
documentation sufficient to establish proof of ownership, 3508
including, but not limited to, receipts from the purchase of parts 3509
or components, photographs, and affidavits of other persons. For 3510
3511

For purposes of the transfer of a certificate of title, if 3512
the clerk is satisfied that a secured party has duly discharged a 3513
lien notation, but has not canceled the lien notation with ~~the a~~ 3514
~~clerk of the county of origin~~, the clerk may cancel the lien 3515
notation ~~of~~ on the automated title processing system and notify 3516
the clerk of the county of origin. 3517

In the case of the sale of an off-highway motorcycle or 3518
all-purpose vehicle by a dealer to a general purchaser or user, 3519
the certificate of title shall be obtained in the name of the 3520
purchaser by the dealer upon application signed by the purchaser. 3521
In all other cases, the certificate shall be obtained by the 3522
purchaser. In all cases of transfer of an off-highway motorcycle 3523
or all-purpose vehicle, the application for certificate of title 3524
shall be filed within thirty days after the later of the date of 3525
purchase or assignment of ownership of the off-highway motorcycle 3526
or all-purpose vehicle. If the application for certificate of 3527
title is not filed within thirty days after the later of the date 3528
of purchase or assignment of ownership of the off-highway 3529
motorcycle or all-purpose vehicle, the clerk shall charge a late 3530
filing fee of five dollars in addition to the fee prescribed by 3531
section 4519.59 of the Revised Code. The clerk shall retain the 3532
entire amount of each late filing fee. 3533

Except in the case of an off-highway motorcycle or 3534
all-purpose vehicle purchased prior to ~~the effective date of this~~ 3535
~~section July 1, 1999~~, the clerk shall refuse to accept an 3536
application for certificate of title unless the applicant either 3537
tenders with the application payment of all taxes levied by or 3538
pursuant to Chapter 5739. or 5741. of the Revised Code based on 3539
the purchaser's county of residence, or submits either of the 3540
following: 3541

(A) A receipt issued by the tax commissioner or a clerk of 3542
courts showing payment of the tax; 3543

(B) An exemption certificate, in any form prescribed by the 3544
tax commissioner, that specifies why the purchase is not subject 3545
to the tax imposed by Chapter 5739. or 5741. of the Revised Code. 3546

Payment of the tax shall be made in accordance with division 3547
(E) of section 4505.06 of the Revised Code and any rules issued by 3548
the tax commissioner. When a dealer submits payment of the tax to 3549
the clerk, the dealer shall retain any discount to which the 3550
dealer is entitled under section 5739.12 of the Revised Code. The 3551
clerk shall issue a receipt in the form prescribed by the tax 3552
commissioner to any applicant who tenders payment of the tax with 3553
the application for a certificate of title. If the application for 3554
a certificate of title is for an off-highway motorcycle or 3555
all-purpose vehicle purchased prior to ~~the effective date of this~~ 3556
~~section July 1, 1999~~, the clerk shall accept the application 3557
without payment of the taxes levied by or pursuant to Chapter 3558
5739. or 5741. of the Revised Code or presentation of either of 3559
the items listed in division (A) or (B) of this section. 3560

For receiving and disbursing such taxes paid to the clerk by 3562
a resident of the clerk's county, the clerk may retain a poundage 3563
fee of one and one-hundredth per cent of the taxes collected, 3564
which shall be paid into the certificate of title administration 3565

fund created by section 325.33 of the Revised Code. ~~In~~ The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county. 3566
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A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The registrar, in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated title processing system that informs each clerk of the amount of the poundage fees that the clerk is permitted to retain from those taxes because of certificates of title issued by the clerks of other counties to applicants who reside in the first clerk's county. 3569
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In the case of casual sales of off-highway motorcycles or all-purpose vehicles that are subject to the tax imposed by Chapter 5739. or 5741. of the Revised Code, the purchase price for the purpose of determining the tax shall be the purchase price on an affidavit executed and filed with the clerk by the seller on a form to be prescribed by the registrar, which shall be prima-facie evidence of the price for the determination of the tax. ~~In~~ 3580
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In addition to the information required by section 4519.57 of the Revised Code, each certificate of title shall contain in bold lettering the following notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed 3588
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any additional tax found to be due." 3598

The clerk shall forward all payments of taxes, less poundage 3599
fees, to the treasurer of state in a manner to be prescribed by 3600
the tax commissioner and shall furnish ~~such~~ information to the 3601
commissioner as the commissioner may require. 3602

Every clerk shall have the capability to transact by 3603
electronic means all procedures and transactions relating to the 3604
issuance of certificates of title for off-highway motorcycles and 3605
all-purpose vehicles that are described in the Revised Code as 3606
being accomplished by electronic means. 3607

Sec. 4519.551. Notwithstanding any general requirement in 3608
this chapter to the effect that an application for a certificate 3609
of title to an off-highway motorcycle or all-purpose vehicle shall 3610
be "sworn to" or shall be "sworn to before a notary public or 3611
other officer empowered to administer oaths," that requirement 3612
shall apply only in the case of a transfer of an off-highway 3613
motorcycle or all-purpose vehicle between parties in the course of 3614
a sale by a person other than a registered dealer to a person who 3615
purchases the off-highway motorcycle or all-purpose vehicle for 3616
use as a consumer. 3617

Sec. 4519.57. The ~~When the~~ clerk of the ~~a~~ court of common 3619
pleas ~~issues a physical certificate of title for an off-highway 3620~~
motorcycle or all-purpose vehicle, the clerk shall issue 3621
~~certificates of title for off-highway motorcycles and all-purpose 3622~~
vehicles ~~it~~ over the clerk's official seal. The front side of each 3623
physical certificate of title shall contain the information 3624
required in the application ~~therefor~~ for it as prescribed by 3625
section 4519.56 of the Revised Code, spaces for the dates of 3626
notation and cancellation of two liens, mortgages, or 3627
encumbrances, and any other pertinent information as may be 3628
required by the registrar of motor vehicles, but shall contain 3629

neither the social security number nor taxpayer identification 3630
number of the applicant. The reverse side of each physical 3631
certificate of title shall contain all of the information 3632
specified in division (F) of section 4505.07 of the Revised Code. 3633
An assignment of certificate of title before a notary public or 3634
other officer empowered to administer oaths shall appear on the 3635
reverse side of each physical certificate of title in the form to 3636
be prescribed by the registrar ~~of motor vehicles~~. The assignment 3637
form shall include a warranty that the signer is the owner of the 3638
off-highway motorcycle or all-purpose vehicle and that there are 3639
no mortgages, liens, or encumbrances on the off-highway motorcycle 3640
or all-purpose vehicle except as are noted on the face of the 3641
certificate of title. 3642

~~Certificates~~ Physical certificates of title also shall bear a 3643
statement that liens applicable to the off-highway motorcycle or 3644
all-purpose vehicle other than the two for which there are spaces 3645
on the ~~titles~~ certificates may exist and, if so, are entered into 3646
the automated title processing system ~~for motor vehicle titles~~. 3647

Sec. 4519.58. ~~The~~ (A) When the clerk of ~~the~~ a court of common 3649
pleas issues a physical certificate of title, the clerk shall 3650
issue ~~certificates~~ the certificate of title in duplicate. One copy 3651
shall be retained and filed by the clerk in the clerk's office, 3652
and the information contained in it shall be transmitted to the 3653
registrar of motor vehicles on the day it is issued. The clerk 3654
shall sign and affix the clerk's seal to the original certificate 3655
of title and, if there are no liens on the off-highway motorcycle 3656
or all-purpose vehicle, shall deliver the certificate to the 3657
applicant or the selling dealer. Except as otherwise provided in 3658
this section, if there are one or more liens on the off-highway 3659
motorcycle or all-purpose vehicle, the certificate of title shall 3660

be delivered to the holder of the first lien. If the certificate 3661
of title is obtained by a dealer on behalf of the applicant and 3662
there are one or more liens on the off-highway motorcycle or 3663
all-purpose vehicle, the clerk shall issue a certificate of title 3664
and may issue a memorandum certificate of title. The certificate 3665
of title and memorandum certificate of title, if issued, shall be 3666
delivered to the holder of the first lien or the selling dealer, 3667
who shall deliver the certificate of title to the holder of the 3668
first lien and the memorandum certificate of title to the 3669
applicant. The selling dealer also may make arrangements with the 3670
clerk to have the clerk deliver the memorandum certificate of 3671
title to the applicant. 3672

(B) The registrar shall prescribe a uniform method of 3674
numbering certificates of title. The numbering shall be in such 3675
manner that the county of issuance is indicated. Numbers shall be 3676
assigned to certificates of title in the manner prescribed by the 3677
registrar. The clerk shall file all certificates of title 3678
according to the rules to be prescribed by the registrar, and the 3679
clerk shall maintain in the clerk's office indexes for the 3680
certificates of title. 3681

The clerk need not retain on file any current certificates of 3682
title, current duplicate certificates of title, current memorandum 3683
certificates of title, or current salvage certificates of title, 3684
or supporting evidence ~~thereof~~ of them, including the electronic 3685
record described in section 4519.55 of the Revised Code, covering 3686
any off-highway motorcycle or all-purpose vehicle for a period 3687
longer than seven years after the date of their filing; 3688
thereafter, ~~the same~~ documents and supporting evidence may be 3689
destroyed. The clerk need not retain on file any inactive records, 3690
including certificates of title, duplicate certificates of title, 3691
or memorandum certificates of title, or supporting evidence 3692

~~thereof of them, including the electronic record described in section 4519.55 of the Revised Code, covering any off-highway motorcycle or all-purpose vehicle for a period longer than five years after the date of their filing; thereafter, the same documents and supporting evidence may be destroyed. The clerk shall retain the active index and all active records in the data base of the computer in the clerk's office, and shall retain in the data base a record and index of all inactive titles for ten years. If the clerk provides a written copy of any information contained in the data base, the copy shall be considered the original for purposes of the clerk certifying the record of the information for use in any legal proceeding.~~

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

(D) An electronic dealer who applies for a certificate of title on behalf of a customer who purchases an off-highway motorcycle or all-purpose vehicle from the dealer may print a non-negotiable evidence of ownership for the customer if the customer so 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 3725
create an agency relationship of any kind between the dealer and 3726
the clerk. 3727

(E) If an electronic certificate of title previously has been 3728
issued for an off-highway motorcycle or all-purpose vehicle, the 3729
owner of the off-highway motorcycle or all-purpose vehicle may 3730
apply at any time to a clerk of a court of common pleas for a 3731
non-negotiable evidence of ownership for the off-highway 3732
motorcycle or all-purpose vehicle. 3733

3734

Sec. 4519.59. (A) The clerk of ~~the~~ a court of common pleas 3735
shall charge a fee of five dollars for each certificate of title, 3736
duplicate certificate of title, memorandum certificate of title, 3737
authorization to print a non-negotiable evidence of ownership 3738
described in division (D) of section 4519.58 of the Revised Code, 3739
non-negotiable evidence of ownership printed by the clerk under 3740
division (E) of that section, and notation of any lien on a 3741
certificate of title. The clerk shall retain two dollars and 3742
twenty-five cents of the fee charged for each certificate of 3743
title, four dollars and seventy-five cents of the fee charged for 3744
each duplicate certificate of title, all of the fees charged for 3745
each memorandum certificate, authorization to print a 3746
non-negotiable evidence of ownership, or non-negotiable evidence 3747
of ownership printed by the clerk, and four dollars and 3748
twenty-five cents of the fee charged for each notation of a lien. 3749

The remaining two dollars and seventy-five cents charged for 3750
the certificate of title, the remaining twenty-five cents charged 3751
for the duplicate certificate of title, and the remaining 3752
seventy-five cents charged for the notation of any lien on a 3753
certificate of title shall be paid to the registrar of motor 3754
vehicles by monthly returns, which shall be forwarded to the 3755

registrar not later than the fifth day of the month next 3756
succeeding that in which the certificate is forwarded or that in 3757
which the registrar is notified of a lien or cancellation ~~thereof~~ 3758
of a lien. 3759

(B)(1) The registrar shall pay twenty-five cents of the 3760
amount received for each certificate of title and all of the 3761
amounts received for each notation of any lien and each duplicate 3762
certificate of title into the state bureau of motor vehicles fund 3763
established in section 4501.25 of the Revised Code. 3764

(2) Fifty cents of the amount received for each certificate 3765
of title shall be paid by the registrar as follows: 3766

(a) Four cents shall be paid into the state treasury to the 3767
credit of the motor vehicle dealers board fund created in section 3768
4505.09 of the Revised Code, for use as described in division 3769
(B)(2)(a) of that section. 3770

(b) Twenty-one cents shall be paid into the general revenue 3771
fund. 3772

(c) Twenty-five cents shall be paid into the state treasury 3773
to the credit of the motor vehicle sales audit fund created in 3774
section 4505.09 of the Revised Code, for use as described in 3775
division (B)(2)(c) of that section. 3776

(3) Two dollars of the amount received by the registrar for 3777
each certificate of title shall be paid into the state treasury to 3778
the credit of the automated title processing fund created in 3779
section 4505.09 of the Revised Code, for use as described in 3780
~~division~~ divisions (B)(3)(a) and (c) of that section. 3781

Sec. 4519.60. In the event of the transfer of ownership of an 3782
off-highway motorcycle or all-purpose vehicle by operation of law, 3783
as upon inheritance, devise ~~or~~, bequest, order in bankruptcy, 3784
insolvency, replevin, or execution of sale, or when repossession 3785

is had upon default in performance of the terms of a security 3786
agreement as provided in Chapter 1309. of the Revised Code, ~~the a~~ 3787
clerk of ~~the a~~ court of common pleas ~~of the county in which the~~ 3788
~~last certificate of title to the off-highway motorcycle or~~ 3789
~~all-purpose vehicle was issued~~, upon the surrender of the prior 3790
certificate of title or the manufacturer's or importer's 3791
certificate, or, when that is not possible, upon presentation to 3792
the clerk of satisfactory proof of ownership and rights of 3793
possession to ~~such~~ the off-highway motorcycle or all-purpose 3794
vehicle, and upon payment of the fee prescribed in section 4519.59 3795
of the Revised Code⁷ and presentation of an application for 3796
certificate of title, may issue to the applicant a certificate of 3797
title to the off-highway motorcycle or all-purpose vehicle. Only 3798
an affidavit by the person or agent of the person to whom 3799
possession of the off-highway motorcycle or all-purpose vehicle 3800
has passed, setting forth the facts entitling the person to ~~such~~ 3801
the possession and ownership, together with a copy of the journal 3802
entry, court order, or instrument upon which the claim of 3803
possession and ownership is founded, is satisfactory proof of 3804
ownership and right of possession. If the applicant cannot produce 3805
~~such that~~ that proof of ownership, the applicant may apply directly to 3806
the registrar of motor vehicles and submit the evidence the 3807
applicant has, and the registrar, upon finding the evidence 3808
sufficient, may authorize the clerk to issue a certificate of 3809
title. If, from the records in the office of the clerk, there 3810
appears to be any lien on the off-highway motorcycle or 3811
all-purpose vehicle, the certificate of title shall contain a 3812
statement of the lien unless the application is accompanied by 3813
proper evidence of its extinction. 3814

3815
Sec. 4519.61. (A) Each owner of an off-highway motorcycle or 3816
all-purpose vehicle and each person mentioned as owner in the last 3817

certificate of title, when the off-highway motorcycle or 3818
all-purpose vehicle is dismantled, destroyed, or changed in such 3819
manner that it loses its character as an off-highway motorcycle or 3820
all-purpose vehicle, or changed in such manner that it is not the 3821
off-highway motorcycle or all-purpose vehicle described in the 3822
certificate of title, shall surrender the certificate of title to 3823
~~the~~ a clerk of ~~the~~ a court of common pleas ~~who issued it~~, and 3824
~~thereupon~~ the clerk, with the consent of the holders of any liens 3825
~~noted thereon~~, on the certificate of title, then shall enter a 3826
cancellation upon the clerk's records and shall notify the 3827
registrar of motor vehicles of the cancellation. 3828

Upon the cancellation of a certificate of title in the manner 3829
prescribed by this section, ~~the~~ any clerk and the registrar may 3830
cancel and destroy all certificates and all memorandum 3831
certificates in that chain of title. 3832

(B) ~~Where~~ If an Ohio certificate of title or salvage 3833
certificate of title to an off-highway motorcycle or all-purpose 3834
vehicle is assigned to a salvage dealer, the dealer shall not be 3835
required to obtain an Ohio certificate of title or a salvage 3836
certificate of title to the off-highway motorcycle or all-purpose 3837
vehicle in the dealer's own name if the dealer dismantles or 3838
destroys the off-highway motorcycle or all-purpose vehicle, 3839
completes the assignment on the certificate of title or salvage 3840
certificate of title, indicates the number of the dealer's motor 3841
vehicle salvage dealer's license ~~thereon~~ on it, marks "FOR 3842
DESTRUCTION" across the face of the certificate of title or 3843
salvage certificate of title, and surrenders the certificate of 3844
title or salvage certificate of title to ~~the~~ a clerk of ~~the~~ a 3845
court of common pleas as provided in division (A) of this section. 3846
If the salvage dealer retains the off-highway motorcycle or 3847
all-purpose vehicle for resale, the salvage dealer shall make 3848
application for a salvage certificate of title to the off-highway 3849

motorcycle or all-purpose vehicle in the salvage dealer's own name 3850
as provided in division (C)(1) of this section. 3851

3852
(C)(1) When an insurance company declares it economically 3853
impractical to repair the off-highway motorcycle or all-purpose 3854
vehicle and has paid an agreed price for the purchase of the 3855
off-highway motorcycle or all-purpose vehicle to any insured or 3856
claimant owner, the insurance company shall receive the 3857
certificate of title and off-highway motorcycle or all-purpose 3858
vehicle and proceed as follows. Within thirty days, the insurance 3859
company shall deliver the certificate of title to ~~the~~ a clerk of 3860
~~the~~ a court of common pleas and shall make application for a 3861
salvage certificate of title. The clerk shall issue the salvage 3862
certificate of title on a form, prescribed by the registrar, that 3863
shall be easily distinguishable from the original certificate of 3864
title and shall bear the same number and information as the 3865
original certificate of title. Except as provided in division 3866
(C)(2) of this section, the salvage certificate of title shall be 3867
assigned by the insurance company to a salvage dealer or any other 3868
person for use as evidence of ownership upon the sale or other 3869
disposition of the off-highway motorcycle or all-purpose vehicle, 3870
and the salvage certificate of title shall be transferable to any 3871
other person. The clerk of the court of common pleas shall charge 3872
a fee of four dollars for the cost of processing each salvage 3873
certificate of title. 3874

(2) If an insurance company considers an off-highway 3875
motorcycle or all-purpose vehicle as described in division (C)(1) 3876
of this section to be impossible to restore to normal operation, 3877
the insurance company may assign the certificate of title to the 3878
off-highway motorcycle or all-purpose vehicle to a salvage dealer 3879
or scrap metal processing facility and send the assigned 3880
certificate of title to the clerk of the court of common pleas of 3881

the county in which the salvage dealer or scrap metal processing 3882
facility is located. The insurance company shall mark the face of 3883
the certificate of title "FOR DESTRUCTION" and shall deliver a 3884
photocopy of the certificate of title to the salvage dealer or 3885
scrap metal processing facility for its records. 3886

(3) If an insurance company declares it economically 3887
impractical to repair an off-highway motorcycle ~~of~~ or all-purpose 3888
vehicle, agrees to pay to the insured or claimant owner an amount 3889
in settlement of a claim against a policy of motor vehicle 3890
insurance covering the off-highway motorcycle or all-purpose 3891
vehicle, and agrees to permit the insured or claimant owner to 3892
retain possession of the off-highway motorcycle or all-purpose 3893
vehicle, the insurance company shall not pay the insured or 3894
claimant owner any amount in settlement of the insurance claim 3895
until the owner obtains a salvage certificate of title to the 3896
vehicle and furnishes a copy of the salvage certificate of title 3897
to the insurance company. 3898

(D) When a self-insured organization, rental or leasing 3899
company, or secured creditor becomes the owner of an off-highway 3900
motorcycle or all-purpose vehicle that is burned, damaged, or 3901
dismantled and is determined to be economically impractical to 3902
repair, the self-insured organization, rental or leasing company, 3903
or secured creditor shall do one of the following: 3904

(1) Mark the face of the certificate of title to the 3905
off-highway motorcycle or all-purpose vehicle "FOR DESTRUCTION" 3906
and surrender the certificate of title to ~~the~~ a clerk of ~~the~~ a 3907
court of common pleas for cancellation as described in division 3908
(A) of this section. The self-insured organization, rental or 3909
leasing company, or secured creditor ~~thereupon~~ then shall deliver 3910
the off-highway motorcycle or all-purpose vehicle, together with a 3911
photocopy of the certificate of title, to a salvage dealer or 3912
scrap metal processing facility and shall cause the off-highway 3913

motorcycle or all-purpose vehicle to be dismantled, flattened, 3914
crushed, or destroyed. 3915

(2) Obtain a salvage certificate of title to the off-highway 3916
motorcycle or all-purpose vehicle in the name of the self-insured 3917
organization, rental or leasing company, or secured creditor, as 3918
provided in division (C)(1) of this section, and then sell or 3919
otherwise dispose of the off-highway motorcycle or all-purpose 3920
vehicle. If the off-highway motorcycle or all-purpose vehicle is 3921
sold, the self-insured organization, rental or leasing company, or 3922
secured creditor shall obtain a salvage certificate of title to 3923
the off-highway motorcycle or all-purpose vehicle in the name of 3924
the purchaser from ~~the~~ a clerk of ~~the~~ a court of common pleas of 3925
~~the county in which the purchaser resides.~~ 3926

(E) If an off-highway motorcycle or all-purpose vehicle 3928
titled with a salvage certificate of title is restored for 3929
operation, application shall be made to ~~the~~ a clerk of ~~the~~ a court 3930
of common pleas for a certificate of title after inspection by the 3931
state highway patrol. The inspection shall include establishing 3932
proof of ownership and an inspection of the motor number and 3933
vehicle identification number of the off-highway motorcycle or 3934
all-purpose vehicle and of documentation or receipts for the 3935
materials used in restoration by the owner of the off-highway 3936
motorcycle or all-purpose vehicle being inspected, which 3937
documentation or receipts shall be presented at the time of 3938
inspection. Upon successful completion of the inspection, the 3939
state highway patrol shall issue to the owner a completed 3940
inspection form. The clerk, upon submission of the completed 3941
inspection form and surrender of the salvage certificate of title, 3942
shall issue a certificate of title for a fee prescribed by the 3943
registrar. The certificate of title shall be in the same form as 3944
the original certificate of title, shall bear the same number as 3945

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 shall develop an automated procedure within the automated title processing system to comply with this division. The clerk shall use reasonable care in performing the duties imposed on the clerk by this division in issuing a certificate of title pursuant to this division, but the clerk is not liable for errors or omissions of the clerk of courts, the clerk's deputies, or the automated title processing system in the performance of such duties. A fee of fifty dollars shall be assessed by the state highway patrol for each inspection made pursuant to this division.

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

Sec. 4519.62. 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 off-highway motorcycle or all-purpose vehicle, or the holder of a lien ~~thereon~~ on it, for a certified copy of the certificate, upon a form prescribed by the registrar of motor vehicles and accompanied by the fee prescribed by section 4519.59 of the Revised Code. The application shall be signed and

sworn to by the person making the application, and the clerk shall 3978
issue a certified copy of the certificate of title to the person 3979
entitled to receive it under this chapter. The certified copy 3980
shall be plainly marked across its face with the word "duplicate," 3981
and any subsequent purchaser of the off-highway motorcycle or 3982
all-purpose vehicle in the chain of title originating through the 3983
certified copy acquires only such rights in the off-highway 3984
motorcycle or all-purpose vehicle as the original holder of the 3985
certified copy had. Any purchaser of the off-highway motorcycle or 3986
all-purpose vehicle, at the time of purchase, may require the 3987
seller of the same to indemnify the purchaser and all subsequent 3988
purchasers of the off-highway motorcycle or all-purpose vehicle 3989
against any loss that the purchaser or subsequent purchasers may 3990
suffer by reason of any claim presented upon the original 3991
certificate. In the event of the recovery of the original 3992
certificate of title by ~~said the~~ owner, the owner shall surrender 3993
~~forthwith the original certificate of title~~ it immediately to the 3994
clerk for cancellation. 3995

3996
The holder of a certificate of title for an off-highway 3997
motorcycle or all-purpose vehicle upon which is noted an existing 3998
lien, encumbrance, or mortgage, may make application at any time 3999
to ~~the a clerk who issued the certificate of title~~ for a 4000
memorandum certificate, which application shall be made in the 4001
form prescribed by the registrar and signed and sworn to by the 4002
applicant. Upon receipt of the application, if it appears to be 4003
correct, together with the fee prescribed by section 4519.59 of 4004
the Revised Code, the clerk shall issue to the applicant a 4005
memorandum certificate for the off-highway motorcycle or 4006
all-purpose vehicle. ~~In the event~~ If the memorandum certificate is 4007
lost or destroyed, the holder ~~thereof of it~~ may obtain a certified 4008
copy of ~~the same~~ it upon the filing of an application with the 4009

clerk on a form prescribed by the registrar and, accompanied by 4010
the fee prescribed in section 4519.59 of the Revised Code. The 4011
memorandum certificate is not assignable and constitutes no 4012
evidence of title or of right to transfer or encumber the 4013
off-highway motorcycle or all-purpose vehicle described therein in 4014
it. 4015

Sec. 4519.631. The registrar of motor vehicles shall enable 4016
the public to access off-highway motorcycle and all-purpose 4017
vehicle title information via electronic means. No fee shall be 4018
charged for this access. The title information that must be so 4019
accessible is only the title information that is in an electronic 4020
format at the time a person requests this access. 4021

The registrar, in accordance with Chapter 119. of the Revised 4022
Code, shall adopt rules governing this access. In adopting the 4023
rules, the registrar shall confer with the clerks of the courts of 4024
common pleas. 4025

Access by the public to off-highway motorcycle and 4026
all-purpose vehicle title information under this section shall 4027
comply with all restrictions contained in the Revised Code and 4028
federal law that govern the disclosure of that information. 4029

Sec. 4519.66. No person shall do any of the following: 4030

(A) Operate in this state an off-highway motorcycle or 4031
all-purpose vehicle without having a certificate of title for the 4032
off-highway motorcycle or all-purpose vehicle, if such a 4033
certificate is required by this chapter to be issued for the 4034
off-highway motorcycle or all-purpose vehicle, or, if a physical 4035
certificate of title has not been issued for it, operate an 4036
off-highway motorcycle or all-purpose vehicle knowing that the 4037
ownership information relating to the motorcycle or vehicle has 4038
not been entered into the automated title processing system by a 4039

clerk of a court of common pleas; 4040

(B) Operate in this state an off-highway motorcycle or 4041
all-purpose vehicle if a certificate of title to the off-highway 4042
motorcycle or all-purpose vehicle has been issued and then has 4043
been canceled; 4044

(C) Fail to surrender any certificate of title upon 4045
cancellation of ~~the same~~ it by the registrar of motor vehicles and 4046
notice ~~thereof~~ of the cancellation as prescribed in this chapter; 4047
4048

(D) Fail to surrender the certificate of title to ~~the~~ a clerk 4049
of ~~the~~ a court of common pleas as provided in this chapter, in 4050
case of the destruction or dismantling of, or change in, the 4051
off-highway motorcycle or all-purpose vehicle described in the 4052
certificate of title; 4053

(E) Violate any provision of sections 4519.51 to 4519.70 of 4054
the Revised Code for which no penalty is otherwise provided or any 4055
lawful rules ~~promulgated~~ adopted pursuant to those sections; 4056
4057

(F) Operate in this state an off-highway motorcycle or 4058
all-purpose vehicle knowing that the certificate of title to or 4059
ownership of the motorcycle or vehicle as otherwise reflected in 4060
the automated title processing system has been canceled. 4061

Sec. 4519.67. No person shall do any of the following: 4062

(A) Procure or attempt to procure a certificate of title to 4063
an off-highway motorcycle or all-purpose vehicle, or pass or 4064
attempt to pass a certificate of title or any assignment ~~thereof~~ 4065
of a certificate of title to an off-highway motorcycle or 4066
all-purpose vehicle, or in any other manner gain or attempt to 4067
gain ownership to an off-highway motorcycle or all-purpose 4068
vehicle, knowing or having reason to believe that the off-highway 4069

motorcycle or all-purpose vehicle has been stolen; 4070

(B) Sell or offer for sale in this state an off-highway 4071
motorcycle or all-purpose vehicle on which the manufacturer's or 4072
assigned vehicle identification number has been destroyed, 4073
removed, covered, altered, or defaced with knowledge of the 4074
destruction, removal, covering, alteration, or defacement of the 4075
manufacturer's or assigned vehicle identification number; 4076

(C) ~~Sell~~ Except as otherwise provided in this chapter, sell 4077
or transfer an off-highway motorcycle or all-purpose vehicle 4078
without delivering to the purchaser or transferee ~~thereof~~ of it a 4079
certificate of title, or a manufacturer's or importer's 4080
certificate ~~thereto~~ to it, assigned to the purchaser as provided 4081
for in this chapter. 4082

Sec. 4519.68. (A)(1) Chapter 1309. of the Revised Code does 4083
not permit or require the deposit, filing, or other record of a 4084
security interest covering an off-highway motorcycle or 4085
all-purpose vehicle, except as provided in division (A)(2) of this 4086
section. 4087

(2) ~~Sections 1309.01 to 1309.50~~ Chapter 1309. of the Revised 4088
Code ~~apply~~ applies to a security interest in an off-highway 4089
motorcycle or all-purpose vehicle held as inventory, as defined in 4090
division (D) of section 1309.07 of the Revised Code, for sale by a 4091
dealer. The security interest has priority over creditors of the 4092
dealer as provided in ~~sections 1309.01 to 1309.50~~ Chapter 1309. of 4093
the Revised Code without notation of the security interest on a 4094
certificate of title, without entry of a notation of the security 4095
interest into the automated title processing system if a physical 4096
certificate of title has not been issued, or without the retention 4097
of a manufacturer's or importer's certificate. 4098

(B) Subject to division (A) of this section, any security 4100

agreement covering a security interest in an off-highway
motorcycle or all-purpose vehicle, if a notation of the agreement
has been made by ~~the~~ a clerk of ~~the~~ a court of common pleas on the
face of the certificate of title or if the clerk has entered a
notation of the agreement into the automated title processing
system if a physical certificate of title has not been issued, is
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 security
interests, liens, mortgages, and encumbrances ~~noted upon~~ entered
into the automated title processing system in relation to a
particular certificate of title, regardless of whether a physical
certificate of title is issued, take priority according to the
order of time in which they are ~~noted thereon~~ entered into the
automated title processing system by the clerk. Exposure for sale
of any off-highway motorcycle or all-purpose vehicle by its owner,
with the knowledge or with the knowledge and consent of the holder
of any security interest, lien, mortgage, or encumbrance ~~thereon~~
on it, does not render the security interest, lien, mortgage, or
encumbrance ineffective as against the creditors of the owner, or
against holders of subsequent security interests, liens,
mortgages, or encumbrances upon the off-highway motorcycle or
all-purpose vehicle.

The secured party, upon presentation of ~~the~~ evidence of a
security ~~agreement~~ interest 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 off-highway motorcycle or all-purpose
vehicle exists, and the fee prescribed by section 4519.59 of the
Revised Code, may have a notation of the security interest made on
the face of the certificate of title, and, if such a notation is
made, another notation of the ~~lien~~ security interest shall be

entered into the automated title processing system ~~for motor~~ 4134
~~vehicle titles. The~~ Unless the secured party specifically requests 4135
the clerk not to issue a physical certificate of title and instead 4136
to issue an electronic certificate of title, the clerk, over the 4137
clerk's signature and seal of office, shall issue a new original 4138
certificate of title from the automated title processing system 4139
that indicates the security interest and the date of the security 4140
interest. 4141

~~When the~~ If a security interest is discharged and the holder 4142
of the security interest holds a physical certificate of title, 4143
the holder ~~thereof~~ of the security interest shall note ~~the~~ its 4144
discharge over the holder's signature on the face of the 4145
certificate of title or over the holder's signature on a form 4146
prescribed by the registrar of motor vehicles when there is no 4147
space for the discharge on the face of the certificate of title. 4148
Prior to delivering the certificate of title to the owner, the 4149
holder or the holder's agent shall present it and any additional 4150
information ~~the~~ a clerk requires to ~~the~~ a clerk to have the clerk 4151
note the cancellation of the security interest on the face of the 4152
certificate of title and upon the records of the clerk. If the 4153
~~cancellation~~ discharge appears to be genuine, the clerk shall note 4154
the cancellation on the certificate of title and also shall note 4155
the cancellation on the clerk's records and notify the registrar, 4156
who shall note the cancellation. If a security interest that is 4157
discharged does not appear on the face of the certificate of 4158
title, but instead was entered into the automated title processing 4159
system ~~for motor vehicles,~~ the clerk shall enter the cancellation 4160
into the automated title processing system and also shall note the 4161
cancellation on a form prescribed by the registrar. 4162

(C) If a physical certificate of title has not been issued 4164
for an off-highway motorcycle or all-purpose vehicle and all the 4165

security interests relating to that motorcycle or vehicle have 4166
been discharged, the owner of the motorcycle or vehicle may obtain 4167
a physical certificate of title from the clerk of any court of 4168
common pleas upon payment of the fee specified in section 4519.59 4169
of the Revised Code. 4170

(D) If a clerk of a court of common pleas, other than the 4171
clerk of the court of common pleas of the county in which the 4172
owner of an off-highway motorcycle or all-purpose vehicle resides, 4173
enters a notation of the existence of, or the cancellation of, a 4174
security interest relating to the off-highway motorcycle or 4175
all-purpose vehicle, the clerk shall transmit the data relating to 4176
the notation to the automated title processing system. 4177

4178

Section 2. That existing sections 325.33, 1548.01, 1548.02, 4179
1548.03, 1548.06, 1548.08, 1548.09, 1548.10, 1548.11, 1548.12, 4180
1548.13, 1548.17, 1548.18, 1548.19, 1548.20, 4501.01, 4503.03, 4181
4503.10, 4503.182, 4505.03, 4505.04, 4505.06, 4505.08, 4505.09, 4182
4505.10, 4505.102, 4505.11, 4505.12, 4505.13, 4505.18, 4505.181, 4183
4505.19, 4505.20, 4519.01, 4519.03, 4519.51, 4519.52, 4519.53, 4184
4519.55, 4519.57, 4519.58, 4519.59, 4519.60, 4519.61, 4519.62, 4185
4519.66, 4519.67, and 4519.68 of the Revised Code are hereby 4186
repealed. 4187

Section 3. (A) The Registrar of Motor Vehicles shall adopt 4188
rules that establish a pilot program to appoint limited authority 4189
deputy registrars. Notwithstanding any contrary provision of 4190
section 4503.03 of the Revised Code, the Registrar may appoint the 4191
clerk of a court of common pleas as a limited authority deputy 4192
registrar under the program. Each limited authority deputy 4193
registrar appointed under the program shall conduct only initial 4194
and transfer motor vehicle registration transactions via 4195
electronic means, and VIN inspections, in a manner approved in the 4196

rules that the Registrar adopts; is entitled to collect and retain 4197
a fee of two dollars and seventy-five cents for each transaction 4198
or physical inspection that the limited authority deputy registrar 4199
conducts on and after the effective date of this section and 4200
before January 1, 2003, a fee of three dollars and twenty-five 4201
cents for each transaction or physical inspection that the limited 4202
authority deputy registrar conducts on and after January 1, 2003, 4203
and before January 1, 2004, and a fee of three dollars and fifty 4204
cents for each transaction or physical inspection that the limited 4205
authority deputy registrar conducts on and after January 1, 2004; 4206
and shall collect all fees and taxes that are required by law and 4207
related to the transactions or inspections in a manner approved by 4208
the Registrar. All fees collected and retained by a clerk of a 4209
court of common pleas for conducting transactions or inspections 4210
as a limited authority deputy registrar shall be paid into the 4211
county treasury to the credit of the certificate of title 4212
administration fund created under section 325.33 of the Revised 4213
Code. 4214

A limited authority deputy registrar appointed under the 4215
program is not subject to the contribution limitations contained 4216
in division (B) of section 4503.03 of the Revised Code or to the 4217
filing requirement contained in division (A) of section 4503.033 4218
of the Revised Code. 4219

(B) The Registrar shall adopt the rules required by division 4220
(A) of this section not later than 30 days after the effective 4221
date of this section. 4222

(C) The Registrar shall make recommendations, not later than 4223
twenty-four months after the effective date of this section, to 4224
the Governor, Speaker of the House of Representatives, and 4225
President of the Senate regarding the success of the pilot program 4226
established under division (A) of this section and the feasibility 4227
of establishing a permanent system of limited authority deputy 4228

registrars. 4229

Section 4. (A) The Legislative Service Commission shall 4230
conduct a study of both of the following: 4231

(1) The effect of this act on customer service in the 4232
issuance of certificates of title; 4233

(2) The fiscal impact of this act, including, but not limited 4234
to, its impact on the collection of state and local permissive 4235
sales and use taxes and on balances in county certificate of title 4236
administration funds. 4237

(B) The Commission, in conducting the study, may seek the 4238
assistance of state agencies, political subdivisions, and 4239
organizations such as the County Commissioners Association of 4240
Ohio, the Ohio Clerk of Courts Association, and the Ohio 4241
Automobile Dealers Association. 4242

(C) The Commission shall complete the study not later than 4243
February 15, 2003. 4244

Section 5. In accordance with a schedule and on a form 4245
adopted by the Registrar of Motor Vehicles, a clerk of a court of 4246
common pleas may certify to the Registrar any net revenue loss 4247
that the clerk incurs during the first three years following the 4248
effective date of this section and that is attributable to the 4249
implementation of this act. The clerk shall certify net revenue 4250
loss based upon a comparison of the revenue the clerk received 4251
during a period of time, as determined by the Registrar, preceding 4252
the effective date of this section, with the revenue the clerk 4253
receives during comparable periods of time during the first three 4254
years following the effective date of this section. 4255

From the automated title processing fund created by section 4256
4505.09 of the Revised Code, the Registrar shall make on a monthly 4257

basis during those three years payments to any clerk who certifies 4258
a net revenue loss for an applicable reporting period. During the 4259
first year of payments, the payments shall equal one hundred per 4260
cent of the certified net revenue loss for an applicable reporting 4261
period. During the second year of payments, the payments shall 4262
equal seventy-five per cent of the certified net revenue loss for 4263
an applicable reporting period. During the third year of payments, 4264
the payments shall equal fifty per cent of the certified net 4265
revenue loss for an applicable reporting period. 4266

The Registrar shall adopt rules as necessary to implement 4267
this section. 4268

Section 6. The Registrar of Motor Vehicles shall implement to 4269
the maximum extent practicable all provisions of sections 4501.01, 4270
4503.03, 4503.035, 4503.10, 4503.182, 4505.021, 4505.03, 4505.032, 4271
4505.04, 4505.06, 4505.062, 4505.08, 4505.09, 4505.10, 4505.102, 4272
4505.11, 4505.12, 4505.13, 4505.141, 4505.18, 4505.181, 4505.19, 4273
4505.20, 4505.25, 4519.01, 4519.03, 4519.51, 4519.511, 4519.512, 4274
4519.52, 4519.521, 4519.53, 4519.55, 4519.551, 4519.57, 4519.58, 4275
4519.59, 4519.60, 4519.62, 4519.631, 4519.66, 4519.67, and 4519.68 4276
of the Revised Code as amended or enacted by this act, and the 4277
provisions of Section 3 of this act, by no later than nine months 4278
after the effective date of this section. 4279

The Chief of the Division of Watercraft in the Division of 4280
Natural Resources shall implement to the maximum extent 4281
practicable all provisions of sections 1548.02, 1548.021, 1548.03, 4282
1548.06, 1548.061, 1548.08, 1548.09, 1548.10, 1548.11, 1548.12, 4283
1548.13, 1548.141, 1548.17, 1548.18, 1548.19, and 1548.20 of the 4284
Revised Code as amended or enacted by this act by no later than 4285
nine months after the effective date of this section. 4286