

**As Reported by the Senate Economic Development, Technology  
and Aerospace Committee**

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

**SENATORS Amstutz, Jacobson, Harris, Mallory**

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**A B I L L**

To amend sections 325.33, 1548.01, 1548.02, 1548.03, 1  
1548.06, 1548.07, 1548.08, 1548.09, 1548.11, 2  
1548.12, 1548.13, 1548.16, 1548.17, 1548.18, 3  
1548.19, 1548.20, 4501.01, 4503.03, 4503.10, 4  
4503.182, 4505.03, 4505.04, 4505.06, 4505.08, 5  
4505.09, 4505.10, 4505.102, 4505.11, 4505.12, 6  
4505.13, 4505.18, 4505.181, 4505.19, 4505.20, 7  
4519.01, 4519.03, 4519.51, 4519.52, 4519.53, 8  
4519.55, 4519.56, 4519.57, 4519.58, 4519.59, 9  
4519.60, 4519.61, 4519.62, 4519.66, 4519.67, and 10  
4519.68 and to enact sections 1548.021, 1548.141, 11  
4503.034, 4505.021, 4505.032, 4505.141, 4505.25, 12  
4519.511, 4519.512, 4519.521, and 4519.631 of the 13  
Revised Code to make changes in the titling 14  
processes for motor vehicles, watercraft, outboard 15  
motors, off-highway motorcycles, and all-purpose 16  
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, 1548.07, 1548.08, 1548.09, 1548.11, 1548.12, 1548.13, 19  
1548.16, 1548.17, 1548.18, 1548.19, 1548.20, 4501.01, 4503.03, 20

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4503.10, 4503.182, 4505.03, 4505.04, 4505.06, 4505.08, 4505.09, 21  
 4505.10, 4505.102, 4505.11, 4505.12, 4505.13, 4505.18, 4505.181, 22  
 4505.19, 4505.20, 4519.01, 4519.03, 4519.51, 4519.52, 4519.53, 23  
 4519.55, 4519.56, 4519.57, 4519.58, 4519.59, 4519.60, 4519.61, 24  
 4519.62, 4519.66, 4519.67, and 4519.68 be amended and sections 25  
 1548.021, 1548.141, 4503.034, 4505.021, 4505.032, 4505.141, 26  
 4505.25, 4519.511, 4519.512, 4519.521, and 4519.631 of the Revised 27  
 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 shall be paid 31  
 into the county treasury to the credit of the certificate of title 32  
 administration fund, which is hereby created. Except as otherwise 33  
 provided in this section, fees credited to the fund shall be used 34  
 only to pay the costs incurred by the clerk of courts in 35  
 processing titles under ~~Chapters 1548., 4505., and 4519. of the~~ 36  
~~Revised Code~~ those chapters and in performing the duties of a 37  
deputy registrar if the clerk of courts is appointed a deputy 38  
registrar under section 4503.03 of the Revised Code. However, if 39  
 the board of county commissioners and the clerk of courts agree 40  
 that the money in the fund exceeds what is needed to pay ~~such~~ 41  
those costs, the excess may be transferred to the county general 42  
 fund and used for other county purposes. If the board of county 43  
 commissioners and the clerk of courts are unable to agree on the 44  
 amount of any such excess, the county budget commission shall 45  
 determine the amount that will be transferred to the county 46  
 general fund. 47

**Sec. 1548.01.** (A) As used in this chapter, "electronic" and 48  
"watercraft" ~~has~~ have the same ~~meaning~~ meanings as in section 49  
 1547.01 of the Revised Code. 50

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(B) This chapter does not apply to any of the following:	51
(1) A watercraft covered by a marine document in effect that has been assigned to it by the United States government pursuant to federal law;	52 53 54
(2) A watercraft from a country other than the United States temporarily using the waters in this state;	55 56
(3) A watercraft whose owner is the United States, a state, or a political subdivision <del>thereof</del> <u>of a state</u> ;	57 58
(4) A ship's lifeboat. As used in division (B)(4) of this section, "lifeboat" means a watercraft that is held aboard another vessel and used exclusively for emergency purposes.	59 60 61
(5) A canoe;	62
(6) A watercraft less than fourteen feet in length without a permanently affixed mechanical means of propulsion;	63 64
(7) A watercraft less than fourteen feet in length with a permanently fixed mechanical means of propulsion of less than ten horsepower as determined by the manufacturer's rating;	65 66 67
(8) Outboard motors of less than ten horsepower as determined by the manufacturer's rating.	68 69
(C) The various certificates, applications, and assignments necessary to provide certificates of title for watercraft and outboard motors shall be made on appropriate forms approved by the chief of the division of watercraft.	70 71 72 73
<b>Sec. 1548.02.</b> The chief of the division of watercraft shall adopt such rules as <del>he</del> <u>the chief</u> considers necessary to ensure uniform and orderly operation of this chapter, and the clerks of the courts of common pleas shall conform <del>thereto</del> <u>to those rules</u> . The chief shall receive and file in <del>his</del> <u>the chief's</u> office all information forwarded to <del>him</del> <u>the chief</u> by the clerks under this	74 75 76 77 78 79

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chapter and shall maintain indexes covering the state at large for 80  
that information. These indexes shall be for the state at large 81  
and not for individual counties. 82

The chief shall check with ~~his~~ the chief's record all 83  
duplicate certificates of title received in ~~his~~ the chief's office 84  
from the clerks. ~~if~~ 85

If it appears that ~~a~~ any certificate of title has been 86  
improperly issued, the chief shall cancel the certificate. Upon 87  
the cancellation of any certificate of title, the chief shall 88  
notify the clerk who issued it, and the clerk shall enter the 89  
cancellation in ~~his~~ the clerk's records. The chief also shall 90  
notify the person to whom the certificate of title was issued, as 91  
well as any lienholders appearing ~~thereon~~ on it, of the 92  
cancellation and, if it is a physical certificate of title, shall 93  
demand the surrender of the certificate of title, but the 94  
cancellation shall not affect the validity of any lien noted 95  
~~thereon~~ on it. The holder of ~~the~~ a physical certificate of title 96  
shall return it to the chief immediately. ~~The~~ 97

The clerks shall keep on hand a sufficient supply of blank 98  
forms that, except certificate of title and memorandum certificate 99  
forms, shall be furnished and distributed without charge to 100  
registered manufacturers or dealers or to other persons residing 101  
within the county. The clerks shall provide the certificates of 102  
title, the ribbons for data processing, and removable backup media 103  
from moneys provided to the clerks from the automated title 104  
processing fund in accordance with division (B)(3)(b) of section 105  
4505.09 of the Revised Code. The clerks shall furnish all other 106  
supplies from other moneys available to the clerks. 107

Sec. 1548.021. The owner of a watercraft or outboard motor 109  
shall apply for a certificate of title for the watercraft or 110

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

Except as otherwise specifically provided in this chapter, 118  
any provision of this chapter relating to the cancellation, 119  
issuance, or surrender of a certificate of title, including, but 120  
not limited to, provisions that contain a phrase such as "when a 121  
certificate of title is issued," "the clerk shall issue a 122  
certificate of title," or "the person shall obtain a certificate 123  
of title to the watercraft or outboard motor," or another phrase 124  
of similar import, shall include those circumstances when a clerk 125  
enters certificate of title information into the automated title 126  
processing system, but does not take any further action relating 127  
to a physical certificate of title for the watercraft or outboard 128  
motor. 129

**Sec. 1548.03.** No person, except as provided in section 130  
1548.05 of the Revised Code, shall sell or otherwise dispose of a 131  
watercraft or outboard motor without delivering to the purchaser 132  
or transferee ~~thereof~~ a physical certificate of title with such an 133  
assignment ~~thereon~~ on it as is necessary to show title in the 134  
purchaser or transferee; nor shall any person purchase or 135  
otherwise acquire a watercraft or outboard motor without obtaining 136  
a certificate of title for it in ~~his~~ the person's name in 137  
accordance with ~~Chapter 1548. of the Revised Code~~ this chapter; 138  
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

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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 146  
watercraft or outboard motor shall be made upon a form prescribed 147  
by the chief of the division of watercraft ~~and shall be sworn to~~ 148  
~~before a notary public or other officer empowered to administer~~ 149  
~~oaths.~~ The application shall be filed with the clerk of the any 150  
court of common pleas of the county in which the applicant resides 151  
~~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 database of the automated 164  
data processing system in the office of the clerk of the court of 165  
common pleas of the applicant's county of residence. 166

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

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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

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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

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certificate of title unless the applicant either tenders with the application payment of all taxes levied by or pursuant to Chapter 5739. or 5741. of the Revised Code based on the applicant's county of residence less, in the case of a sale by a vendor, any discount to which the vendor is entitled under section 5739.12 of the Revised Code, or submits any of the following:

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

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

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

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

For receiving and disbursing the 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 of the taxes collected, which shall be paid into the ~~general fund of the county~~ certificate of title administration fund created by section 325.33 of the Revised Code. ~~The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county.~~

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

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the division of watercraft, 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.

In the case of casual sales of watercraft or outboard motors 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 vendor on a form to be prescribed by the chief, which shall be prima-facie evidence of the price for the determination of the tax. In addition to the information required by section 1548.08 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 a 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 any additional tax found to be due."

The clerk shall forward all payments of taxes, less poundage fees, to the treasurer of state in a manner to be prescribed by the tax commissioner and shall furnish ~~such~~ information to the commissioner as the commissioner may require. For purposes of a transfer of a certificate of title, if the clerk is satisfied that a secured party has discharged a lien, but has not canceled the lien notation with ~~the a clerk of the county of origin,~~ the clerk

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may cancel the lien notation on the automated title processing system and notify the clerk of the county of origin. 301  
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Every clerk shall have the capability to transact by electronic means all procedures and transactions relating to the issuance of watercraft or outboard motor certificates of title that are described in the Revised Code as being accomplished by electronic means. 303  
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**Sec. 1548.07.** (A) An application for a certificate of title shall be ~~sworn to before a notary public or other officer empowered to administer oaths by the lawful owner or purchaser of the watercraft or outboard motor and shall~~ contain the following information in the form ~~and,~~ together with any other information, that the chief of the division of watercraft may require: 308  
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(1) Name, address, and social security number or employer's tax identification number of the applicant; 314  
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(2) Statement of how the watercraft or outboard motor was acquired; 316  
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(3) Name and address of the previous owner; 318

(4) A statement of all liens, mortgages, or other encumbrances on the watercraft or outboard motor, including a description of the nature and amount of each lien, mortgage, or encumbrance, and the name and address of each holder ~~thereof of~~ each lien, mortgage, or encumbrance; 319  
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(5) If there are no outstanding liens, mortgages, or other encumbrances, a statement of that fact; 324  
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(6) A description of the watercraft, including the make, year, length, series or model, if any, body type, hull identification number or ~~hull identification number~~ serial number, and make, manufacturer's serial number, and horsepower of any inboard motor or motors; or a description of the outboard motor, 326  
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including the make, year, series or model, if any, manufacturer's serial number, and horsepower;

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

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

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

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

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certificate of title is issued for a watercraft or outboard motor 362  
 in which two persons are establishing joint ownership with right 363  
 of survivorship under section 2106.17 of the Revised Code, the 364  
 certificate, in addition to the information required by this 365  
 section, shall show that the two persons have established joint 366  
 ownership with right of survivorship in the watercraft or outboard 367  
 motor. ~~An~~ 368

~~An~~ assignment of certificate of title ~~before a notary public~~ 369  
~~or other officer empowered to administer oaths~~ shall appear on the 370  
 reverse side of each physical certificate of title in the form to 371  
 be prescribed by the chief of the division of watercraft. ~~Such~~ The 372  
 assignment form shall include a warranty that the signer is the 373  
 owner of the watercraft or outboard motor and that there are no 374  
 mortgages, liens, or encumbrances on the watercraft or outboard 375  
 motor except as are noted on the face of the certificate of title. 376  
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**Sec. 1548.09.** ~~The~~ When the clerk of ~~the~~ a court of common 378  
 pleas issues a physical certificate of title, the clerk shall 379  
 issue ~~certificates~~ the certificate of title in duplicate. One copy 380  
 shall be retained and filed by the clerk in the clerk's office, 381  
 and the information contained in it shall be transmitted on the 382  
 day it is issued to the chief of the division of watercraft. The 383  
 clerk shall sign and affix the clerk's seal to the original 384  
 certificate of title and, if there are no liens on the watercraft 385  
 or outboard motor, shall deliver the certificate to the applicant. 386  
 If there are one or more liens on the watercraft or outboard 387  
 motor, the clerk shall deliver the certificate of title to the 388  
 holder of the first lien. 389

The chief shall approve a uniform method of numbering 390  
 certificates of title. The numbering shall be in such manner that 391  
 the county of issuance is indicated. Numbers shall be assigned to 392  
 certificates of title in the manner approved by the chief. The 393

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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.

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.

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.

**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~~ clerk of ~~the a~~ court of

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common pleas ~~of the county in which the last certificate of title~~ 426  
~~to the watercraft or outboard motor was issued,~~ upon the surrender 427  
of the prior certificate of title or the manufacturer's or 428  
importer's certificate, or, when that is not possible, upon 429  
presentation of satisfactory proof to the clerk of ownership and 430  
rights of possession to the watercraft or outboard motor, and upon 431  
payment of the fee prescribed in section 1548.10 of the Revised 432  
Code and presentation of an application for certificate of title, 433  
may issue to the applicant a certificate of title to the 434  
watercraft or outboard motor. Only an affidavit by the person or 435  
agent of the person to whom possession of the watercraft or 436  
outboard motor has passed, setting forth the facts entitling the 437  
person to possession and ownership, together with a copy of the 438  
journal entry, court order, or instrument upon which the claim of 439  
possession and ownership is founded, is satisfactory proof of 440  
ownership and right of possession. If the applicant cannot produce 441  
such proof of ownership, the applicant may apply directly to the 442  
chief of the division of watercraft and submit such evidence as 443  
the applicant has, and the chief, if the chief finds the evidence 444  
sufficient, may authorize the clerk to issue a certificate of 445  
title. If, from the records in the office of the clerk, there 446  
appears to be any lien on the watercraft or outboard motor, the 447  
certificate of title shall contain a statement of the lien unless 448  
the application is accompanied by proper evidence of its 449  
extinction. 450

(B) Upon the death of one of the persons who have established 451  
joint ownership with right of survivorship under section 2106.17 452  
of the Revised Code in a watercraft or outboard motor and the 453  
presentation to the clerk of the title and the certificate of 454  
death of the deceased person, the clerk shall enter into the 455  
records the transfer of the watercraft or outboard motor to the 456  
surviving person, and the title to the watercraft or outboard 457  
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motor immediately passes to the surviving person. The transfer  
does not affect any liens on the watercraft or outboard motor.

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

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

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

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**Sec. 1548.13.** In the event of a lost or destroyed certificate  
of title, application shall be made to ~~the~~ a clerk of ~~the~~ a court  
of common pleas of ~~the county where such certificate of title was~~  
~~issued~~, by the owner of ~~such~~ the watercraft or outboard motor, or  
the holder of a lien ~~thereon~~ on it, for a certified copy of ~~such~~  
the certificate upon a form prescribed by the chief of the  
division of watercraft and accompanied by the fee prescribed by

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section 1548.10 of the Revised Code. ~~Such~~ The application shall be 490  
 signed ~~and sworn to~~ by the person making the ~~same~~. ~~Thereupon~~ 491  
application, and the clerk shall issue a certified copy of ~~such~~ 492  
the certificate of title to the person entitled to receive it 493  
 under ~~Chapter 1548. of the Revised Code~~ this chapter. ~~Such~~ The 494  
 certified copy shall be plainly marked across its face with the 495  
 word "duplicate," and any subsequent purchaser of ~~such~~ the 496  
 watercraft or outboard motor in the chain of title originating 497  
 through ~~such~~ the certified copy acquires only such rights in the 498  
 watercraft or outboard motor as the original holder of the 499  
 certified copy ~~himself~~ had. Any purchaser of ~~such~~ the watercraft 500  
 or outboard motor ~~may,~~ at the time of purchase, may require the 501  
 seller ~~of the same~~ to indemnify ~~him~~ the purchaser and all 502  
 subsequent purchasers of ~~such~~ the watercraft or outboard motor 503  
 against any loss ~~which he~~ that the purchaser or ~~they~~ any 504  
subsequent purchaser may suffer by reason of any claim presented 505  
 upon the original certificate. In the event of the recovery of the 506  
 original certificate of title by ~~said~~ the owner, ~~he~~ the owner 507  
 shall ~~forthwith~~ surrender ~~same~~ it immediately to the clerk for 508  
 cancellation. 509

The holder of a certificate of title for a watercraft or 510  
 outboard motor upon which is noted an existing lien, encumbrance, 511  
 or mortgage, ~~may apply at any time~~ make application to the a clerk 512  
~~who issued the certificate of title for a memorandum certificate,~~ 513  
~~which form shall be made in the~~ on a form prescribed by the chief 514  
~~and that is~~ signed ~~and sworn to~~ by the applicant. Upon receipt of 515  
~~such~~ the application, ~~if it appears to be regular,~~ together with 516  
 the fee prescribed by section 1548.10 of the Revised Code, and if 517  
the application appears to be regular, the clerk shall issue to 518  
~~such~~ the applicant a memorandum certificate for the watercraft or 519  
 outboard motor. ~~In the event such~~ If the memorandum certificate is 520  
 lost or destroyed, the holder ~~thereof~~ of it may obtain a certified 521  
 copy of ~~the same~~ it by applying for the copy on a form prescribed 522

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by the chief ~~and~~, accompanied by the fee prescribed in section 523  
 1548.10 of the Revised Code. In the event of the recovery of the 524  
 original memorandum certificate by the owner, ~~he~~ the owner shall 525  
~~forthwith~~ surrender ~~the same~~ it immediately to ~~the~~ a clerk for 526  
 cancellation. Such a memorandum certificate is not assignable and 527  
 constitutes no evidence of title or of right to transfer or 528  
 encumber the watercraft or outboard motor described ~~therein~~ in it. 529

Sec. 1548.141. The chief of the division of watercraft shall 531  
enable the public to access watercraft and outboard motor title 532  
information via electronic means. No fee shall be charged for this 533  
access. The title information that must be so accessible is only 534  
the title information that is in an electronic format at the time 535  
a person requests this access. 536

The chief, in accordance with Chapter 119. of the Revised 537  
Code, shall adopt rules governing this access. In adopting these 538  
rules, the chief shall confer with the clerks of the courts of 539  
common pleas. 540

Access by the public to watercraft and outboard motor title 541  
information under this section shall comply with all restrictions 542  
contained in the Revised Code and federal law that govern the 543  
disclosure of that information. 544

Sec. 1548.16. The clerk of the court of common pleas and ~~his~~ 545  
the clerk's authorized deputies may administer oaths on any 546  
~~application or affidavit required by Chapter 1548. of the Revised~~ 547  
~~Code~~ this chapter. 548

Sec. 1548.17. Every peace officer, sheriff, watercraft 549  
officer, division of parks and recreation officer, division of 550  
wildlife officer, conservancy district officer, constable, or 551  
state highway patrol trooper, having knowledge of a stolen 552

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watercraft or outboard motor, shall immediately furnish the chief 553  
of the division of watercraft with full information concerning 554  
such the theft. 555

The chief, whenever ~~he receives~~ a report of the theft or 556  
conversion of a watercraft or outboard motor is received, shall 557  
make a distinctive record ~~thereof of it~~, including the make of the 558  
stolen watercraft or outboard motor and its manufacturer's or 559  
assigned serial number, and shall file the ~~same record~~ in the 560  
numerical order of the manufacturer's or assigned serial number 561  
with the index records of the watercraft or outboard motors of 562  
such make. The chief shall prepare a report listing watercraft and 563  
outboard motors stolen and recovered as disclosed by the reports 564  
submitted to ~~him~~ the chief, to be distributed as ~~he~~ the chief 565  
deems advisable. 566

In the event of the receipt from any clerk of ~~the a~~ court of 567  
common pleas of a copy of a physical certificate of title to such 568  
a watercraft or outboard motor, the chief shall immediately notify 569  
the rightful owner ~~thereof of the watercraft or outboard motor~~ and 570  
the clerk who issued ~~such its physical~~ certificate of title, and 571  
if, upon investigation, it appears that ~~such the physical~~ 572  
certificate of title was improperly issued, the chief shall 573  
immediately cancel ~~the same it~~. 574

In the event of the recovery of a stolen or converted 575  
watercraft or outboard motor, the owner shall immediately notify 576  
the chief, who shall remove the record of the theft or conversion 577  
from ~~his~~ the chief's file. 578

**Sec. 1548.18.** No person shall do any of the following: 579

(A) Operate in this state a watercraft for which a 580  
certificate of title is required or a watercraft powered by an 581  
outboard motor for which a certificate of title is required 582  
without having ~~such the~~ certificate, or a valid temporary permit 583

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and number, in accordance with ~~Chapter 1548. of the Revised Code~~ 584  
~~this chapter or, if a physical certificate of title has not been~~ 585  
~~issued for it, operate the watercraft or outboard motor in this~~ 586  
~~state knowing that the ownership information relating to the~~ 587  
~~watercraft or outboard motor has not been entered into the~~ 588  
~~automated title processing system by a clerk of a court of common~~ 589  
~~pleas;~~ 590

(B) Operate in this state a watercraft for which a 591  
 certificate of title is required or a watercraft powered by an 592  
 outboard motor for which a certificate of title is required upon 593  
 which the certificate of title has been canceled; 594

(C) Fail to surrender any certificate of title upon 595  
 cancellation of ~~the same~~ it by the chief of the division of 596  
 watercraft and notice ~~thereof~~ of the cancellation as prescribed in 597  
~~Chapter 1548. of the Revised Code~~ this chapter; 598

(D) Fail to surrender the certificate of title to ~~the~~ a clerk 599  
 of ~~the~~ a court of common pleas as provided in ~~Chapter 1548. of the~~ 600  
~~Revised Code~~ this chapter, in case of the destruction or 601  
 dismantling or change of a watercraft or outboard motor in such 602  
 respect that it is not the watercraft or outboard motor described 603  
 in the certificate of title; 604

(E) Violate ~~sections 1548.01 to 1548.21 of the Revised Code,~~ 605  
~~any provision of this chapter~~ for which no penalty is otherwise 606  
 provided, or any lawful rules ~~or regulations promulgated~~ adopted 607  
 pursuant to ~~such sections~~ this chapter; 608

(F) Operate in this state a watercraft or outboard motor 609  
knowing that the certificate of title to or ownership of the 610  
watercraft or outboard motor as otherwise reflected in the 611  
automated title processing system has been canceled. 612

**Sec. 1548.19.** No person shall do any of the following: 613

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

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

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

**Sec. 1548.20.** (A) Chapter 1309. of the Revised Code does not permit or require the deposit, filing, or other ~~records~~ record of a security interest covering a watercraft or outboard motor for which a certificate of title is required. Any security agreement covering a security interest in a watercraft or outboard motor, if it is accompanied by delivery of a manufacturer's or importer's certificate and followed by actual and continued possession of that certificate by the holder of the instrument, or, in the case of a certificate of title, if a notation of the ~~instrument~~ security agreement has been made by ~~the a~~ clerk of ~~the a~~ court of common pleas on the face of the certificate of title or the clerk has entered a notation of the agreement into the automated title

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processing system and a physical certificate of title for the 645  
watercraft or outboard motor has not been issued, shall be valid 646  
as against the creditors of the debtor, whether armed with process 647  
or not, and against subsequent purchasers, secured parties, and 648  
other lienholders or claimants. All security interests, liens, 649  
mortgages, and encumbrances ~~noted upon~~ entered into the automated 650  
title processing system in relation to a particular certificate of 651  
title, regardless of whether a physical certificate of title shall 652  
is issued, take priority according to the order of time in which 653  
they are ~~noted thereon~~ entered into the automated title processing 654  
system by the clerk. Exposure for sale of any watercraft or 655  
outboard motor by its owner, with the knowledge or with the 656  
knowledge and consent of the holder of any security interest, 657  
lien, mortgage, or encumbrance ~~thereon~~ on the watercraft or 658  
outboard motor, shall not render the security interest lien, 659  
mortgage, or encumbrance ineffective as against the creditors of 660  
the owner or against holders of subsequent security interests, 661  
liens, mortgages, or encumbrances upon the watercraft or outboard 662  
motor. 663

(B) If ~~the~~ a secured party presents evidence of the security 665  
agreement interest to ~~the~~ a clerk of ~~the~~ a court of common pleas 666  
of the county in which the certificate of title was issued 667  
together with the certificate of title, if a physical certificate 668  
of title for the watercraft or outboard motor exists, and the fee 669  
prescribed by section 1548.10 of the Revised Code, the clerk, 670  
unless the secured party specifically requests the clerk not to 671  
issue a physical certificate of title, shall issue a new original 672  
certificate of title from the automated title processing records. 673  
The new certificate shall indicate the ~~lien or~~ security interest 674  
and the date of ~~that encumbrance~~ the security interest. The clerk 675  
also shall note the ~~lien or~~ security interest and ~~the~~ its date 676  
thereof in his the clerk's files and enter that information into 677

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the automated title processing system, and on that day shall 678  
notify the chief of the division of watercraft. The clerk shall 679  
indicate by appropriate notation on the security agreement itself 680  
the fact that the ~~lien or~~ security interest has been noted on the 681  
certificate of title. 682

~~When the lien or~~ (C) If a security interest is fully 683  
discharged as a result of its holder's receipt of good funds in 684  
the correct amount and if the holder holds a physical certificate 685  
of title, the holder thereof shall note the discharge of the 686  
security interest over his the holder's signature on the face of 687  
the certificate of title, or, if there is not sufficient space for 688  
the notation on the face of the certificate of title, he the 689  
holder shall note the discharge over the holder's signature on a 690  
form prescribed by the chief. ~~Prior~~ Except as otherwise provided 691  
in this section, prior to delivering the certificate of title to 692  
the owner, the holder or ~~his the holder's~~ agent shall ~~present it~~ 693  
convey the certificate of title or a separate sworn statement of 694  
the discharge of the security interest and any additional 695  
information the chief requires to ~~the a clerk for the purpose of~~ 696  
~~having~~. The conveyance shall occur not more than seven business 697  
days after the date the holder deposits the good funds received in 698  
the correct amount to fully discharge the security interest into 699  
an account of the holder, provided the holder has accurate 700  
information concerning the watercraft or outboard motor. 701  
Conveyance of the certificate of title or separate sworn statement 702  
of the discharge within the required seven business days may be 703  
indicated by postmark or receipt by a clerk within that period. If 704  
the discharge of the security interest appears to be genuine, the 705  
clerk shall note the discharge of the ~~lien or~~ security interest on 706  
the face of the certificate of title, if it was so conveyed, and 707  
note it in the automated title processing system and upon the 708  
records of the clerk. ~~If the discharge appears to be genuine, the~~ 709  
~~clerk shall note it on the certificate of title, and he also shall~~ 710

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~~note the discharge on his records and notify the chief, who shall  
note the discharge.~~ 711  
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(D)(1) In all cases, a secured party may choose to present a  
clerk with evidence of a security interest via electronic means,  
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. 713  
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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. 720  
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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 the  
secured party deposits the good funds received in the correct  
amount to fully discharge the security interest into an account of  
the secured party. 728  
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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. 736  
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(b) A certificate of title, or affidavit and required 742

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payment, is conveyed from a secured party to a dealer under the 743  
circumstances described in division (D)(3)(a) of this section 744  
within the required seven business days if it is postmarked within 745  
that period. 746

(4) A secured party is liable to a dealer for a late fee of 747  
ten dollars per day for each certificate of title, or affidavit 748  
and required payment, conveyed to the dealer more than seven 749  
business days but less than twenty-one days after the date 750  
specified in division (D)(3)(a) of this section and, from then on, 751  
twenty-five dollars per day until the certificate of title, or 752  
affidavit and required payment, are conveyed to the dealer. 753

(E) If a physical certificate of title has not been issued 754  
for a watercraft or outboard motor and all the security interests 755  
relating to that watercraft or outboard motor have been 756  
discharged, the owner of the watercraft or outboard motor may 757  
obtain a physical certificate of title from the clerk of any court 758  
of common pleas upon payment of the fee specified in section 759  
1548.10 of the Revised Code. 760

(F) If a clerk of a court of common pleas, other than the 761  
clerk of the court of common pleas of the county in which the 762  
owner of a watercraft or outboard motor resides, enters a notation 763  
of the existence of, or the cancellation of, a security interest 764  
relating to the watercraft or outboard motor, the clerk shall 765  
transmit the data relating to the notation to the database of the 766  
automated data processing system in the office of the clerk of the 767  
court of common pleas of the county of the owner's residence. 768

(G) The electronic transmission of security interest and 769  
other information under this section shall comply with rules 770  
adopted by the registrar of motor vehicles under section 4505.13 771  
of the Revised Code. 772

(H) As used in this section: 773

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(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 of the Revised Code.

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

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 4505., 4507., 4509., 4511., 4513., 4515., and 4517. of the Revised Code, and in the penal laws, except as otherwise provided:

(A) "Vehicles" means everything on wheels or runners, including motorized bicycles, but does not mean vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires and vehicles that belong to any police department, municipal fire department, or volunteer fire department, or that are used by such a department in the discharge of its functions.

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

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threshing machinery, hay-baling machinery, corn sheller, 805  
hammermill and agricultural tractors, machinery used in the 806  
production of horticultural, agricultural, and vegetable products, 807  
and trailers that are designed and used exclusively to transport a 808  
boat between a place of storage and a marina, or in and around a 809  
marina, when drawn or towed on a public road or highway for a 810  
distance of no more than ten miles and at a speed of twenty-five 811  
miles per hour or less. 812

(C) "Agricultural tractor" and "traction engine" mean any 813  
self-propelling vehicle that is designed or used for drawing other 814  
vehicles or wheeled machinery, but has no provisions for carrying 815  
loads independently of such other vehicles, and that is used 816  
principally for agricultural purposes. 817  
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(D) "Commercial tractor," except as defined in division (C) 819  
of this section, means any motor vehicle that has motive power and 820  
either is designed or used for drawing other motor vehicles, or is 821  
designed or used for drawing another motor vehicle while carrying 822  
a portion of the other motor vehicle or its load, or both. 823

(E) "Passenger car" means any motor vehicle that is designed 824  
and used for carrying not more than nine persons and includes any 825  
motor vehicle that is designed and used for carrying not more than 826  
fifteen persons in a ridesharing arrangement. 827  
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(F) "Collector's vehicle" means any motor vehicle or 829  
agricultural tractor or traction engine that is of special 830  
interest, that has a fair market value of one hundred dollars or 831  
more, whether operable or not, and that is owned, operated, 832  
collected, preserved, restored, maintained, or used essentially as 833  
a collector's item, leisure pursuit, or investment, but not as the 834  
owner's principal means of transportation. "Licensed collector's 835  
vehicle" means a collector's vehicle, other than an agricultural 836

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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.

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

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

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

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

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

(L) "Motorized bicycle" means any vehicle that either has two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled, and that is equipped with

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a helper motor of not more than fifty cubic centimeters piston displacement that produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface. 868  
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(M) "Trailer" means any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five miles per hour, and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. "Trailer" does not include a manufactured home or travel trailer. 872  
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(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. 887  
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(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 895  
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qualify as a manufactured home as defined in division (C)(4) of 900  
section 3781.06 of the Revised Code or as an industrialized unit 901  
as defined in division (C)(3) of section 3781.06 of the Revised 902  
Code. 903

(P) "Semitrailer" means any vehicle of the trailer type that 904  
does not have motive power and is so designed or used with another 905  
and separate motor vehicle that in operation a part of its own 906  
weight or that of its load, or both, rests upon and is carried by 907  
the other vehicle furnishing the motive power for propelling 908  
itself and the vehicle referred to in this division, and includes, 909  
for the purpose only of registration and taxation under those 910  
chapters, any vehicle of the dolly type, such as a trailer dolly, 911  
that is designed or used for the conversion of a semitrailer into 912  
a trailer. 913

(Q) "Recreational vehicle" means a vehicular portable 914  
structure that meets all of the following conditions: 915

(1) It is designed for the sole purpose of recreational 916  
travel. 917

(2) It is not used for the purpose of engaging in business 918  
for profit. 919

(3) It is not used for the purpose of engaging in intrastate 920  
commerce. 921

(4) It is not used for the purpose of commerce as defined in 922  
49 C.F.R. 383.5, as amended. 923

(5) It is not regulated by the public utilities commission 924  
pursuant to Chapter 4919., 4921., or 4923. of the Revised Code. 925

(6) It is classed as one of the following: 926

(a) "Travel trailer" means a nonself-propelled recreational 927  
vehicle that does not exceed an overall length of thirty-five 928  
feet, exclusive of bumper and tongue or coupling, and contains 929

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less than three hundred twenty square feet of space when erected 930  
on site. "Travel trailer" includes a tent-type fold-out camping 931  
trailer as defined in section 4517.01 of the Revised Code. 932

(b) "Motor home" means a self-propelled recreational vehicle 933  
that has no fifth wheel and is constructed with permanently 934  
installed facilities for cold storage, cooking and consuming of 935  
food, and for sleeping. 936

(c) "Truck camper" means a nonself-propelled recreational 937  
vehicle that does not have wheels for road use and is designed to 938  
be placed upon and attached to a motor vehicle. "Truck camper" 939  
does not include truck covers that consist of walls and a roof, 940  
but do not have floors and facilities enabling them to be used as 941  
a dwelling. 942

(d) "Fifth wheel trailer" means a vehicle that is of such 943  
size and weight as to be movable without a special highway permit, 944  
that has a gross trailer area of four hundred square feet or less, 945  
that is constructed with a raised forward section that allows a 946  
bi-level floor plan, and that is designed to be towed by a vehicle 947  
equipped with a fifth-wheel hitch ordinarily installed in the bed 948  
of a truck. 949

(e) "Park trailer" means a vehicle that is commonly known as 950  
a park model recreational vehicle, meets the American national 951  
standard institute standard A119.5 (1988) for park trailers, is 952  
built on a single chassis, has a gross trailer area of four 953  
hundred square feet or less when set up, is designed for seasonal 954  
or temporary living quarters, and may be connected to utilities 955  
necessary for the operation of installed features and appliances. 956

(R) "Pneumatic tires" means tires of rubber and fabric or 957  
tires of similar material, that are inflated with air. 958

(S) "Solid tires" means tires of rubber or similar elastic 959  
material that are not dependent upon confined air for support of 960

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the load. 961

(T) "Solid tire vehicle" means any vehicle that is equipped 962  
with two or more solid tires. 963

(U) "Farm machinery" means all machines and tools that are 964  
used in the production, harvesting, and care of farm products, and 965  
includes trailers that are used to transport agricultural produce 966  
or agricultural production materials between a local place of 967  
storage or supply and the farm when drawn or towed on a public 968  
road or highway at a speed of twenty-five miles per hour or less. 969  
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(V) "Owner" includes any person, ~~or~~ or firm, ~~or corporation~~ 971  
other than a manufacturer or dealer, that has title to a motor 972  
vehicle, except that, in sections 4505.01 to 4505.19 of the 973  
Revised Code, "owner" includes in addition manufacturers and 974  
dealers. 975

(W) "Manufacturer" and "dealer" include all persons, and 976  
~~firms, and corporations~~ that are regularly engaged in the business 977  
of manufacturing, selling, displaying, offering for sale, or 978  
dealing in motor vehicles, at an established place of business 979  
that is used exclusively for the purpose of manufacturing, 980  
selling, displaying, offering for sale, or dealing in motor 981  
vehicles. A place of business that is used for manufacturing, 982  
selling, displaying, offering for sale, or dealing in motor 983  
vehicles shall be deemed to be used exclusively for those purposes 984  
even though snowmobiles or all-purpose vehicles are sold or 985  
displayed for sale thereat, even though farm machinery is sold or 986  
displayed for sale thereat, or even though repair, accessory, 987  
gasoline and oil, storage, parts, service, or paint departments 988  
are maintained thereat, or, in any county having a population of 989  
less than seventy-five thousand ~~persons~~ at the last federal 990  
census, even though a department in a place of business is used to 991  
dismantle, salvage, or rebuild motor vehicles by means of used 992

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parts, if such departments are operated for the purpose of 993  
furthering and assisting in the business of manufacturing, 994  
selling, displaying, offering for sale, or dealing in motor 995  
vehicles. Places of business or departments in a place of business 996  
used to dismantle, salvage, or rebuild motor vehicles by means of 997  
using used parts are not considered as being maintained for the 998  
purpose of assisting or furthering the manufacturing, selling, 999  
displaying, and offering for sale or dealing in motor vehicles. 1000

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(X) "Operator" includes any person who drives or operates a 1002  
motor vehicle upon the public highways. 1003

(Y) "Chauffeur" means any operator who operates a motor 1004  
vehicle, other than a taxicab, as an employee for hire; or any 1005  
operator whether or not the owner of a motor vehicle, other than a 1006  
taxicab, who operates such vehicle for transporting, for gain, 1007  
compensation, or profit, either persons or property owned by 1008  
another. Any operator of a motor vehicle who is voluntarily 1009  
involved in a ridesharing arrangement is not considered an 1010  
employee for hire or operating such vehicle for gain, 1011  
compensation, or profit. 1012

(Z) "State" includes the territories and federal districts of 1013  
the United States, and the provinces of Canada. 1014

(AA) "Public roads and highways" for vehicles includes all 1015  
public thoroughfares, bridges, and culverts. 1016

(BB) "Manufacturer's number" means the manufacturer's 1017  
original serial number that is affixed to or imprinted upon the 1018  
chassis or other part of the motor vehicle. 1019

(CC) "Motor number" means the manufacturer's original number 1020  
that is affixed to or imprinted upon the engine or motor of the 1021  
vehicle. 1022

(DD) "Distributor" means any person who is authorized by a 1023

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motor vehicle manufacturer to distribute new motor vehicles to 1024  
licensed motor vehicle dealers at an established place of business 1025  
that is used exclusively for the purpose of distributing new motor 1026  
vehicles to licensed motor vehicle dealers, except when the 1027  
distributor also is a new motor vehicle dealer, in which case the 1028  
distributor may distribute at the location of the distributor's 1029  
licensed dealership. 1030

(EE) "Ridesharing arrangement" means the transportation of 1031  
persons in a motor vehicle where the transportation is incidental 1032  
to another purpose of a volunteer driver and includes ridesharing 1033  
arrangements known as carpools, vanpools, and buspools. 1034

(FF) "Apportionable vehicle" means any vehicle that is used 1035  
or intended for use in two or more international registration plan 1036  
member jurisdictions that allocate or proportionally register 1037  
vehicles, that is used for the transportation of persons for hire 1038  
or designed, used, or maintained primarily for the transportation 1039  
of property, and that meets any of the following qualifications: 1040

(1) Is a power unit having a gross vehicle weight in excess 1042  
of twenty-six thousand pounds; 1043

(2) Is a power unit having three or more axles, regardless of 1044  
the gross vehicle weight; 1045

(3) Is a combination vehicle with a gross vehicle weight in 1046  
excess of twenty-six thousand pounds. 1047

"Apportionable vehicle" does not include recreational 1048  
vehicles, vehicles displaying restricted plates, city pick-up and 1049  
delivery vehicles, buses used for the transportation of chartered 1050  
parties, or vehicles owned and operated by the United States, this 1051  
state, or any political subdivisions thereof. 1052

(GG) "Chartered party" means a group of persons who contract 1053  
as a group to acquire the exclusive use of a passenger-carrying 1054

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motor vehicle at a fixed charge for the vehicle in accordance with  
the carrier's tariff, lawfully on file with the United States  
department of transportation, for the purpose of group travel to a  
specified destination or for a particular itinerary, either agreed  
upon in advance or modified by the chartered group after having  
left the place of origin.

(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.

(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.

(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.

(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.

(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

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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 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

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registrar of motor vehicles determines meets the criteria 1117  
designated in section 4503.034 of the Revised Code for electronic 1118  
motor vehicle dealers and designates as an electronic motor 1119  
vehicle dealer under that section. 1120

**Sec. 4503.03.** (A)(1)(a) The registrar of motor vehicles may 1121  
designate the county auditor in each county a deputy registrar. If 1122  
the population of a county is forty thousand or less according to 1123  
the last federal census and if the county auditor is designated by 1124  
the registrar as a deputy registrar, no other person need be 1125  
designated in the county to act as a deputy registrar. ~~In~~ 1126

(b) For three years after the effective date of this 1127  
amendment, the registrar may designate a clerk of a court of 1128  
common pleas as a deputy registrar if the population of the county 1129  
is forty thousand or less according to the last federal census. 1130

(c) In all other instances, the registrar shall contract with 1131  
one or more other persons in each county to act as deputy 1132  
registrars. ~~Deputy~~ 1133

(2) Deputy registrars shall accept applications for the 1134  
annual license tax for any vehicle not taxed under section 4503.63 1135  
of the Revised Code and shall assign distinctive numbers in the 1136  
same manner as the registrar. Such deputies shall be located in 1137  
such locations in the county as the registrar sees fit. There 1138  
shall be at least one deputy registrar in each county. 1139

Deputy registrar contracts are subject to the provisions of 1140  
division (B) of section 125.081 of the Revised Code. 1141

(B) The registrar shall not contract with any person to act 1142  
as a deputy registrar if the person or, where applicable, ~~his~~ the 1143  
person's spouse or a member of ~~his~~ the person's immediate family 1144  
has made, within the current calendar year or any one of the 1145  
previous three calendar years, one or more contributions totaling 1146  
in excess of one hundred dollars to any person or entity included 1147

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in division (A)(2) of section ~~102.021~~ 4503.033 of the Revised 1148  
 Code. As used in this division, "immediate family" has the same 1149  
 meaning as in division (D) of section 102.01 of the Revised Code, 1150  
 and "entity" includes any political party and any "continuing 1151  
 association" as defined in division (B)(4) of section 3517.01 of 1152  
 the Revised Code or "political action committee" as defined in 1153  
 division (B)(8) of that section that is primarily associated with 1154  
 that political party. For purposes of this division, contributions 1155  
 to any continuing association or any political action committee 1156  
 that is primarily associated with a political party shall be 1157  
 aggregated with contributions to that political party. 1158

The contribution limitations contained in this division do 1160  
 not apply to any county auditor or clerk of a court of common 1161  
pleas. 1162

The registrar shall not contract with either of the following 1163  
 to act as a deputy registrar: 1164

(1) Any elected public official other than a county auditor 1165  
or, as authorized by division (A)(1)(b) of this section, a clerk 1166  
of a court of common pleas, acting in ~~his~~ an official capacity; 1167

(2) Any person holding a current, valid contract to conduct 1168  
 motor vehicle inspections under section 3704.14 of the Revised 1169  
 Code. 1170

(C) Deputy registrars are independent contractors and neither 1171  
 they nor their employees are employees of this state, except that 1172  
 nothing in this section shall affect the status of county auditors 1173  
or clerks of courts of common pleas as public officials, nor the 1174  
 status of their employees as employees of any of the counties of 1175  
 this state, which are political subdivisions of this state. Each 1176  
 deputy registrar shall be responsible for the payment of all 1177  
 unemployment compensation premiums, all workers' compensation 1178  
 premiums, social security contributions, and any and all taxes for 1179

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

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

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until six-thirty p.m. on at least one weeknight each week. The 1213  
rules also shall include specifications providing that every 1214  
deputy in each county, upon request, provide any person with 1215  
information about the location and office hours of all deputy 1216  
registrars in the county and that every deputy registrar 1217  
prominently display within ~~his~~ the deputy's office, the toll-free 1218  
telephone number of the bureau. The rules shall not prohibit the 1219  
award of a deputy registrar contract to a nonprofit corporation 1220  
formed under the laws of this state. The rules shall prohibit any 1221  
deputy registrar from operating more than one such office at any 1222  
time, except that the rules may permit a nonprofit corporation 1223  
formed for the purposes of providing automobile-related services 1224  
to its members or the public and that provides such services from 1225  
more than one location in this state to operate a deputy registrar 1226  
office at any such location, provided that the nonprofit 1227  
corporation operates no more than one deputy registrar office in 1228  
any one county. The rules may include such other specifications as 1229  
the registrar and director consider necessary to provide a high 1230  
level of service. 1231

(2) With the prior approval of the registrar, each deputy 1232  
registrar may conduct at the location of the deputy registrar's 1233  
office any business that is consistent with the functions of a 1234  
deputy registrar and that is not specifically mandated or 1235  
authorized by this or another chapter of the Revised Code or by 1236  
implementing rules of the registrar. 1237

(3) Each even-numbered year, the registrar, in consultation 1238  
with the Ohio deputy registrars association, shall review the 1239  
economic effect of the terms of the contracts entered into between 1240  
the registrar and each deputy registrar and of the specifications 1241  
for or related to the performance of deputy registrar services. 1242  
Upon the completion of this review, the registrar shall submit to 1243  
the governor, the president of the senate, and the speaker of the 1244

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house of representatives written recommendations for any 1245  
transaction fee adjustments for deputy registrars that are 1246  
considered to be appropriate as a result of the review. 1247

(4) As used in this section and in section 4507.01 of the 1248  
Revised Code, "nonprofit corporation" has the same meaning as in 1249  
section 1702.01 of the Revised Code. 1250

(E) Unless otherwise terminated and except for interim 1251  
contracts of less than one year, contracts with deputy registrars 1252  
shall be for a term of at least two years, but no more than three 1253  
years, and all contracts effective on or after July 1, 1996, shall 1254  
be for a term of more than two years, but not more than three 1255  
years. All contracts with deputy registrars shall expire on the 1256  
thirtieth day of June in the year of their expiration. The auditor 1257  
of state may examine the accounts, reports, systems, and other 1258  
data of each deputy registrar at least every two years. The 1259  
registrar, with the approval of the director, shall immediately 1260  
remove a deputy who violates any provision of the Revised Code 1261  
related to ~~his~~ the duties as a deputy, any rule adopted by the 1262  
registrar, or a term of ~~his~~ the deputy's contract with the 1263  
registrar. The registrar also may remove a deputy who, in the 1264  
opinion of the registrar, has engaged in any conduct that is 1265  
either unbecoming to one representing this state or is 1266  
inconsistent with the efficient operation of the deputy's office. 1267  
Upon removal of a deputy registrar for contract violation, the 1268  
auditor of state shall examine the accounts, records, systems, and 1269  
other data of the deputy registrar so removed. 1270

If the registrar, with the approval of the director, 1271  
determines that there is good cause to believe that a deputy 1272  
registrar or a person proposing for a deputy registrar contract 1273  
has engaged in any conduct that would require the denial or 1274  
termination of the deputy registrar contract, the registrar may 1275  
require the production of ~~such~~ books, records, and papers as ~~he~~ 1276

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the registrar determines are necessary, and may take the 1277  
depositions of witnesses residing within or outside the state in 1278  
the same manner as is prescribed by law for the taking of 1279  
depositions in civil actions in the court of common pleas, and for 1280  
that purpose the registrar may issue a subpoena for any witness or 1281  
a subpoena duces tecum to compel the production of any books, 1282  
records, or papers, directed to the sheriff of the county where 1283  
the witness resides or is found. Such a subpoena shall be served 1284  
and returned in the same manner as a subpoena in a criminal case 1285  
is served and returned. The fees and mileage of the sheriff and 1286  
witnesses shall be the same as that allowed in the court of common 1287  
pleas in criminal cases and shall be paid from the fund in the 1288  
state treasury for the use of the agency in the same manner as 1289  
other expenses of the agency are paid. 1290

In any case of disobedience or neglect of any subpoena served 1291  
on any person or the refusal of any witness to testify to any 1292  
matter regarding which ~~he~~ the witness lawfully may be 1293  
interrogated, the court of common pleas of any county where the 1294  
disobedience, neglect, or refusal occurs or any judge ~~thereof~~ of 1295  
that court, on application by the registrar, shall compel 1296  
obedience by attachment proceedings for contempt, as in the case 1297  
of disobedience of the requirements of a subpoena issued from ~~such~~ 1298  
that court, or a refusal to testify ~~therein~~ in that court. 1299

Nothing in this division shall be construed to require a 1300  
hearing of any nature prior to the termination of any deputy 1301  
registrar contract by the registrar, with the approval of the 1302  
director, for cause. 1303

(F) Except as provided in section 2743.03 of the Revised 1304  
Code, no court, other than the court of common pleas of Franklin 1305  
county, has jurisdiction of any action against the department of 1306  
public safety, the director, the bureau, or the registrar to 1307  
restrain the exercise of any power or authority ~~nor, or~~ to 1308

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entertain any action for declaratory judgment, in the selection 1309  
and appointment of, or contracting with, deputy registrars. 1310  
Neither the department, the director, the bureau, nor the 1311  
registrar is liable in any action at law for damages sustained by 1312  
any person because of any acts of the department, the director, 1313  
the bureau, or the registrar, ~~nor~~ or of any employee of the 1314  
department or bureau, in the performance of ~~his~~ official duties in 1315  
the selection and appointment of, and contracting with, deputy 1316  
registrars. 1317

(G) The registrar shall assign to each deputy registrar a 1318  
series of numbers sufficient to supply the demand at all times in 1319  
the area the deputy registrar serves, and the registrar shall keep 1320  
a record in ~~his~~ the registrar's office of the numbers within the 1321  
series assigned. Each deputy shall be required to give bond in the 1322  
amount of at least twenty-five thousand dollars, or in such higher 1323  
amount as the registrar determines necessary, based on a uniform 1324  
schedule of bond amounts established by the registrar and 1325  
determined by the volume of registrations handled by the deputy. 1326  
The form of the bond shall be prescribed by the registrar. The 1327  
bonds required of deputy registrars, in the discretion of the 1328  
registrar, may be individual or schedule bonds or may be included 1329  
in any blanket bond coverage carried by the department. 1330

(H) Each deputy registrar shall keep a file of each 1331  
application received by ~~him~~ the deputy and shall register that 1332  
motor vehicle with the name and address of ~~the~~ its owner ~~thereof~~. 1333

(I) Upon request, a deputy registrar shall make the physical 1334  
inspection of a motor vehicle and issue the physical inspection 1335  
certificate required in section 4505.061 of the Revised Code. 1336

(J) Each deputy registrar shall file a report semi-annually 1337  
with the registrar of motor vehicles listing the number of 1338  
applicants for licenses ~~he~~ the deputy has served, the number of 1339  
voter registration applications ~~he~~ the deputy has completed and 1340

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transmitted to the board of elections, and the number of voter 1341  
 registration applications declined. 1342

Sec. 4503.034. The registrar of motor vehicles shall 1343  
designate as an electronic motor vehicle dealer a motor vehicle 1344  
dealer who meets all of the following criteria: 1345

(A) The dealer holds a current, valid dealer license issued 1346  
under Chapter 4517. of the Revised Code. 1347

(B) The dealer participates in the title defect recision fund 1348  
created by section 1345.52 of the Revised Code. 1349

(C) The dealer has the capability, via electronic means, to 1350  
send motor vehicle title and registration information, as 1351  
specified by the registrar, to the registrar and clerks of the 1352  
courts of common pleas. 1353

(D) The dealer meets other criteria for electronic motor 1354  
vehicle dealers that the registrar may establish by rule adopted 1355  
under Chapter 119. of the Revised Code. 1356

**Sec. 4503.10.** (A) The owner of every snowmobile, off-highway 1357  
 motorcycle, and all-purpose vehicle required to be registered 1358  
 under section 4519.02 of the Revised Code shall file an 1359  
 application for registration under section 4519.03 of the Revised 1360  
 Code. The owner of a motor vehicle, other than a snowmobile, 1361  
 off-highway motorcycle, or all-purpose vehicle, that is not 1362  
 designed and constructed by the manufacturer for operation on a 1363  
 street or highway may not register it under this chapter except 1364  
 upon certification of inspection pursuant to section 4513.02 of 1365  
 the Revised Code by the sheriff, or the chief of police of the 1366  
 municipal corporation or township police, with jurisdiction over 1367  
 the political subdivision in which the owner of the motor vehicle 1368  
 resides. Except as provided in section 4503.103 of the Revised 1369  
 Code, every owner of every other motor vehicle not previously 1370

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described in this section and every person mentioned as owner in 1371  
the last certificate of title of a motor vehicle that is operated 1372  
or driven upon the public roads or highways shall cause to be 1373  
filed each year, by mail or otherwise, in the office of the 1374  
registrar of motor vehicles or a deputy registrar, a written or 1375  
electronic application or a preprinted registration renewal notice 1376  
issued under section 4503.102 of the Revised Code, the form of 1377  
which shall be prescribed by the registrar, for registration for 1378  
the following registration year, which shall begin on the first 1379  
day of January of every calendar year and end on the thirty-first 1380  
day of December in the same year. Applications for registration 1381  
and registration renewal notices shall be filed at the times 1382  
established by the registrar pursuant to section 4503.101 of the 1383  
Revised Code. A motor vehicle owner also may elect to apply for or 1384  
renew a motor vehicle registration by electronic means using 1385  
electronic signature in accordance with rules adopted by the 1386  
registrar. Except as provided in division (J) of this section, 1387  
applications for registration shall be made on blanks furnished by 1388  
the registrar for that purpose, containing the following 1389  
information: 1390

(1) A brief description of the motor vehicle to be 1391  
registered, including the name of the manufacturer, the factory 1392  
number of the vehicle, the year's model, and, in the case of 1393  
commercial cars, the gross weight of the vehicle fully equipped 1394  
computed in the manner prescribed in section 4503.08 of the 1395  
Revised Code; 1396

(2) The name and residence address of the owner, and the 1397  
township and municipal corporation in which the owner resides; 1398

(3) The district of registration, which shall be determined 1399  
as follows: 1400

(a) In case the motor vehicle to be registered is used for 1401  
hire or principally in connection with any established business or 1402

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branch business, conducted at a particular place, the district of  
registration is the municipal corporation in which that place is  
located or, if not located in any municipal corporation, the  
county and township in which that place is located.

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

(4) Whether the motor vehicle is a new or used motor vehicle;

(5) The date of purchase of the motor vehicle;

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

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

(B) Each time ~~the~~ an applicant first registers a motor  
vehicle in the applicant's name, the applicant shall present for  
inspection a physical certificate of title or a memorandum  
certificate showing title to the motor vehicle to be registered in  
the applicant if a physical certificate of title or memorandum  
certificate has been issued by a clerk of a court of common pleas.  
If, under sections 4505.021, 4505.06, and 4505.08 of the Revised

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Code, a clerk instead has issued an electronic certificate of title for the applicant's motor vehicle, that certificate may be presented for inspection at the time of first registration in a manner prescribed by rules adopted by the registrar. When a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it, each application for registration for a vehicle required to be inspected under that section and those rules shall be accompanied by an inspection certificate for the motor vehicle issued in accordance with that section. The application shall be refused if any of the following applies:

(1) The application is not in proper form.

(2) The application is prohibited from being accepted by division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (B) of section 4507.168, or division (B)(1) of section 4521.10 of the Revised Code.

(3) A certificate of title or memorandum certificate of title does not accompany the application or, in the case of an electronic certificate of title, is not presented in a manner prescribed by the registrar's rules.

(4) All registration and transfer fees for the motor vehicle, for the preceding year or the preceding period of the current registration year, have not been paid.

(5) The owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, and rules adopted under it, if that section is applicable.

This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not taxable for that preceding year or period under sections 4503.02,

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4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the  
 Revised Code. When a certificate of registration is issued upon  
 the first registration of a motor vehicle by or on behalf of the  
 owner, the official issuing the certificate shall indicate the  
 issuance with a stamp on the certificate of title or memorandum  
 certificate or, in the case of an electronic certificate of title,  
an electronic stamp or other notation as specified in rules  
adopted by the registrar, and with a stamp on the inspection  
 certificate for the motor vehicle, if any. The official also shall  
 indicate, by a stamp or by ~~such~~ other means ~~as~~ the registrar  
 prescribes, on the registration certificate issued upon the first  
 registration of a motor vehicle by or on behalf of the owner the  
 odometer reading of the motor vehicle as shown in the odometer  
 statement included in or attached to the certificate of title.  
 Upon each subsequent registration of the motor vehicle by or on  
 behalf of the same owner, the official also shall so indicate the  
 odometer reading of the motor vehicle as shown on the immediately  
 preceding certificate of registration.

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

(C) In addition, a charge of twenty-five cents shall be made  
 for each reflectorized safety license plate issued, and a single  
 charge of twenty-five cents shall be made for each county  
 identification sticker or each set of county identification  
 stickers issued, as the case may be, to cover the cost of  
 producing the license plates and stickers, including material,  
 manufacturing, and administrative costs. Those fees shall be in  
 addition to the license tax. If the total cost of producing the  
 plates is less than twenty-five cents per plate, or if the total

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cost of producing the stickers is less than twenty-five cents per 1497  
sticker or per set issued, any excess moneys accruing from the 1498  
fees shall be distributed in the same manner as provided by 1499  
section 4501.04 of the Revised Code for the distribution of 1500  
license tax moneys. If the total cost of producing the plates 1501  
exceeds twenty-five cents per plate, or if the total cost of 1502  
producing the stickers exceeds twenty-five cents per sticker or 1503  
per set issued, the difference shall be paid from the license tax 1504  
moneys collected pursuant to section 4503.02 of the Revised Code. 1505

(D) Each deputy registrar shall be allowed a fee of two 1506  
dollars and twenty-five cents for each application for 1507  
registration and registration renewal notice the deputy registrar 1508  
receives, which shall be for the purpose of compensating the 1509  
deputy registrar for the deputy registrar's services, and such 1510  
office and rental expenses, as may be necessary for the proper 1511  
discharge of the deputy registrar's duties in the receiving of 1512  
applications and renewal notices and the issuing of ~~licenses~~ 1513  
registrations. 1514

(E) Upon the certification of the registrar, the county 1515  
sheriff or local police officials shall recover license plates 1516  
erroneously or fraudulently issued. 1517

(F) Each deputy registrar, upon receipt of any application 1518  
for registration or registration renewal notice, together with the 1519  
license fee and any local motor vehicle license tax levied 1520  
pursuant to Chapter 4504. of the Revised Code, shall transmit that 1521  
fee and tax, if any, in the manner provided in this section, 1522  
together with the original and duplicate copy of the application, 1523  
to the registrar. The registrar, subject to the approval of the 1524  
director of public safety, may deposit the funds collected by 1525  
those deputies in a local bank or depository to the credit of the 1526  
"state of Ohio, bureau of motor vehicles." Where a local bank or 1527  
depository has been designated by the registrar, each deputy 1528

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registrar shall deposit all moneys collected by the deputy 1529  
registrar into that bank or depository not more than one business 1530  
day after their collection and shall make reports to the registrar 1531  
of the amounts so deposited, together with any other information, 1532  
some of which may be prescribed by the treasurer of state, as the 1533  
registrar may require and as prescribed by the registrar by rule. 1534  
The registrar, within three days after receipt of notification of 1535  
the deposit of funds by a deputy registrar in a local bank or 1536  
depository, shall draw on that account in favor of the treasurer 1537  
of state. The registrar, subject to the approval of the director 1538  
and the treasurer of state, may make reasonable rules necessary 1539  
for the prompt transmittal of fees and for safeguarding the 1540  
interests of the state and of counties, townships, municipal 1541  
corporations, and transportation improvement districts levying 1542  
local motor vehicle license taxes. The registrar may pay service 1543  
charges usually collected by banks and depositories for such 1544  
service. If deputy registrars are located in communities where 1545  
banking facilities are not available, they shall transmit the fees 1546  
forthwith, by money order or otherwise, as the registrar, by rule 1547  
approved by the director and the treasurer of state, may 1548  
prescribe. The registrar may pay the usual and customary fees for 1549  
such service. 1550

(G) This section does not prevent any person from making an 1551  
application for a motor vehicle license directly to the registrar 1552  
by mail, by electronic means, or in person at any of the 1553  
registrar's offices, upon payment of a service fee of two dollars 1554  
and twenty-five cents for each application. 1555

(H) No person shall make a false statement as to the district 1556  
of registration in an application required by division (A) of this 1557  
section. Violation of this division is falsification under section 1558  
2921.13 of the Revised Code and punishable as specified in that 1559  
section. 1560

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(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 issuance of license plates for a motor vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised Code.

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

(b) Upon request, the registrar shall provide the director of environmental protection, or any person that has been awarded a contract under division (D) of section 3704.14 of the Revised Code, an on-line computer data link to registration information for all passenger cars, noncommercial motor vehicles, and commercial cars that are subject to that section. The registrar also shall provide to the director of environmental protection a magnetic data tape containing registration information regarding passenger cars, noncommercial motor vehicles, and commercial cars for which a multi-year registration is in effect under section 4503.103 of the Revised Code or rules adopted under it, including, without limitation, the date of issuance of the multi-year registration, the registration deadline established under rules

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adopted under section 4503.101 of the Revised Code that was  
applicable in the year in which the multi-year registration was  
issued, and the registration deadline for renewal of the  
multi-year registration.

(J) Application for registration under the international  
registration plan, as set forth in sections 4503.60 to 4503.66 of  
the Revised Code, shall be made to the registrar on forms  
furnished by the registrar. In accordance with international  
registration plan guidelines and pursuant to rules adopted by the  
registrar, the forms shall include the following:

(1) A uniform mileage schedule;

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

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

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

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

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

Placards or windshield stickers issued under this section are

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valid for a period of thirty days from date of issuance and are  
not transferable or renewable.

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

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

The fee for each ~~such~~ placard issued by the registrar to a  
licensed motor vehicle dealer is two dollars plus a fee of two  
dollars and twenty-five cents.

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

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

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

(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.

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.

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.

**Sec. 4505.03.** No person, except as provided in section

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sections 4505.032 and 4505.05 of the Revised Code, shall sell or 1684  
otherwise dispose of a motor vehicle without delivering to the 1685  
buyer or transferee thereof of it a certificate of title with such 1686  
an assignment thereon on it as is necessary to show title in the 1687  
buyer or transferee; nor shall any person, except as provided in 1688  
section 4505.032 or 4505.11 of the Revised Code, buy or otherwise 1689  
acquire a motor vehicle without obtaining a certificate of title 1690  
for it in the person's name in accordance with this chapter. 1691

1692

Sec. 4505.032. (A)(1) If a person who is not an electronic 1693  
motor vehicle dealer owns a motor vehicle for which a physical 1694  
certificate of title has not been issued by a clerk of a court of 1695  
common pleas and the person sells the motor vehicle to an 1696  
electronic motor vehicle dealer, the person is not required to 1697  
obtain a physical certificate of title to the motor vehicle in 1698  
order to transfer ownership to the dealer. The person shall 1699  
present the dealer, in a manner approved by the registrar of motor 1700  
vehicles, with sufficient proof of the person's identity and 1701  
complete and sign a form prescribed by the registrar attesting to 1702  
the person's identity and assigning the motor vehicle to the 1703  
dealer. The electronic motor vehicle dealer then shall inform a 1704  
clerk of a court of common pleas via electronic means of the sale 1705  
of the motor vehicle and assignment of ownership of the vehicle to 1706  
the dealer. The clerk shall enter the information relating to the 1707  
assignment, including, but not limited to, the odometer disclosure 1708  
statement required by section 4505.06 of the Revised Code, into 1709  
the automated title processing system, and ownership of the 1710  
vehicle passes to the dealer when the clerk enters this 1711  
information into the system. The dealer is not required to obtain 1712  
a certificate of title to the vehicle in the dealer's name. 1713

1714

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(2) A clerk shall charge and collect from a dealer a fee of 1715  
five dollars for each motor vehicle assigned to the dealer under 1716  
division (A)(1) of this section. The fee shall be distributed in 1717  
accordance with section 4505.09 of the Revised Code. 1718

(B) If a person who is not an electronic motor vehicle dealer 1719  
owns a motor vehicle for which a physical certificate of title has 1720  
not been issued by a clerk of a court of common pleas and the 1721  
person sells the motor vehicle to a person who is not an 1722  
electronic motor vehicle dealer, the person shall obtain a 1723  
physical certificate of title to the motor vehicle in order to 1724  
transfer ownership of the vehicle to the person who is not an 1725  
electronic motor vehicle dealer. 1726

**Sec. 4505.04.** (A) No person acquiring a motor vehicle from 1727  
its owner, whether the owner is a manufacturer, importer, dealer, 1728  
or any other person, shall acquire any right, title, claim, or 1729  
interest in or to the motor vehicle until there is issued to the 1730  
person a certificate of title to the motor vehicle, or there is 1731  
delivered to the person a manufacturer's or importer's certificate 1732  
for it, or a certificate of title to it is assigned as authorized 1733  
by section 4505.032 of the Revised Code; and no waiver or estoppel 1734  
operates in favor of such person against a person having 1735  
possession of the certificate of title to, or manufacturer's or 1736  
importer's certificate for, the motor vehicle, for a valuable 1737  
consideration. 1738

(B) Subject to division (C) of this section, no court shall 1739  
recognize the right, title, claim, or interest of any person in or 1740  
to any motor vehicle sold or disposed of, or mortgaged or 1741  
encumbered, unless evidenced: 1742

(1) By a certificate of title, an assignment of a certificate 1743  
of title made under section 4505.032 of the Revised Code, a 1744  
manufacturer's or importer's certificate, or a certified receipt 1745

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of title cancellation to an exported motor vehicle issued in	1746
accordance with sections 4505.01 to 4505.21 of the Revised Code;	1747
	1748
(2) By admission in the pleadings or stipulation of the	1749
parties;	1750
(3) In an action by a secured party to enforce a security	1751
interest perfected under <del>sections 1309.01 to 1309.50</del> <u>Chapter 1309.</u>	1752
of the Revised Code in accordance with division (A) of section	1753
4505.13 of the Revised Code, by an instrument showing a valid	1754
security interest.	1755
(C)(1) As used in division (C) of this section:	1756
(a) "Harm" means damage or other loss.	1757
(b) "Lease agreement" includes a sublease agreement as	1758
defined in division (C)(1)(d) of this section.	1759
(c) "Lessee" includes a sublessee under a sublease agreement,	1760
but only if the sublessee is a motor vehicle leasing dealer	1761
licensed under Chapter 4517. of the Revised Code.	1762
(d) "Sublease agreement" means a lease of a motor vehicle	1763
between a motor vehicle leasing dealer licensed under Chapter	1764
4517. of the Revised Code and a second such duly licensed motor	1765
vehicle leasing dealer.	1766
(e) "Tort action" means a civil action for damages for harm	1767
to a motor vehicle, other than a civil action for damages for a	1768
breach of contract or another agreement between persons.	1769
(2) Notwithstanding divisions (A) and (B) of this section, if	1770
a motor vehicle that is the subject of a lease agreement sustains	1771
harm during the term of that agreement and if all of the following	1772
conditions are satisfied, the lessee may commence a tort action in	1773
the lessee's own name to recover damages for the harm from the	1774
person allegedly responsible for it:	1775

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

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

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

**Sec. 4505.06.** (A)(1) Application for a certificate of title shall be made in a form prescribed by the registrar of motor vehicles, ~~and shall be sworn to before a notary public or other officer empowered to administer oaths.~~ The application shall be filed with the clerk of 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.~~ An application for a certificate of title may be filed electronically by any electronic ~~image transmission means approved by the registrar~~ in any county in which with the clerk of the court of common pleas ~~permits an application to be filed electronically.~~ ~~The signature of an officer empowered to administer oaths that appears on an application for a certificate of title, or on any other document required to be filed by this chapter that has been filed electronically, is not a facsimile signature as defined in section 9.10 of the Revised Code of that county.~~ Any payments required by this chapter shall be considered as accompanying any electronically transmitted application when payment actually is

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received by the clerk. Payment of any fee or taxes may be made by 1807  
electronic transfer of funds. 1808

(2) The application for a certificate of title shall be 1809  
accompanied by the fee prescribed in section 4505.09 of the 1810  
Revised Code, and if, The fee shall be retained by the clerk who 1811  
issues the certificate of title and shall be distributed in 1812  
accordance with that section. If a clerk of a court of common 1813  
pleas, other than the clerk of the court of common pleas of an 1814  
applicant's county of residence, issues a certificate of title to 1815  
the applicant, the clerk shall transmit data related to the 1816  
transaction to the database of the automated data processing 1817  
system in the office of the clerk of the court of common pleas of 1818  
the applicant's county of residence. 1819

(3) If a certificate of title previously has been issued for 1820  
the a motor vehicle in this state, it the application for a 1821  
certificate of title also shall be accompanied by that certificate 1822  
of title duly assigned, unless otherwise provided in this chapter. 1823  
If a certificate of title previously has not been issued for the 1824  
motor vehicle in this state, the application, unless otherwise 1825  
provided in this chapter, shall be accompanied by a manufacturer's 1826  
or importer's certificate or by a certificate of title of another 1827  
state from which the motor vehicle was brought into this state. If 1828  
the application refers to a motor vehicle last previously 1829  
registered in another state, the application also shall be 1830  
accompanied by the physical inspection certificate required by 1831  
section 4505.061 of the Revised Code. If the application is made 1832  
by two persons regarding a motor vehicle in which they wish to 1833  
establish joint ownership with right of survivorship, they may do 1834  
so as provided in section 2106.17 of the Revised Code. The clerk 1835  
shall retain the evidence of title presented by the applicant and 1836  
on which the certificate of title is issued, except that, if an 1837  
application for a certificate of title is filed electronically by 1838

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an electronic motor vehicle dealer on behalf of the purchaser of a 1839  
motor vehicle, the clerk shall retain the completed electronic 1840  
record to which the dealer converted the certificate of title 1841  
application and other required documents. The electronic motor 1842  
vehicle dealer shall forward the actual application and all other 1843  
documents relating to the sale of the motor vehicle to any clerk 1844  
within thirty days after the certificate of title is issued. The 1845  
registrar, after consultation with the attorney general, shall 1846  
adopt rules that govern the location at which, and the manner in 1847  
which, are stored the actual application and all other documents 1848  
relating to the sale of a motor vehicle when an electronic motor 1849  
vehicle dealer files the application for a certificate of title 1850  
electronically on behalf of the purchaser. The 1851

The clerk shall use reasonable diligence in ascertaining 1853  
whether or not the facts in the application for a certificate of 1854  
title are true by checking the application and documents 1855  
accompanying it or the electronic record to which a dealer 1856  
converted the application and accompanying documents with the 1857  
records of motor vehicles in the clerk's office; if. If the clerk 1858  
is satisfied that the applicant is the owner of the motor vehicle 1859  
and that the application is in the proper form, the clerk, within 1860  
five business days after the application is filed, shall issue a 1861  
physical certificate of title over the clerk's signature and 1862  
sealed with the clerk's seal unless the applicant specifically 1863  
requests the clerk not to issue a physical certificate of title 1864  
and instead to issue an electronic certificate of title. For 1865  
purposes of the transfer of a certificate of title, if the clerk 1866  
is satisfied that the secured party has duly discharged a lien 1867  
notation, but has not canceled the lien notation with ~~the~~ a clerk 1868  
~~of the county of origin~~, the clerk may cancel the lien notation on 1869  
the automated title processing system and notify the clerk of the 1870  
county of origin. 1871

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

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

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

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

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

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

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

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be retained by the clerk. The registrar shall provide, on the 1936  
certificate of title form prescribed by section 4505.07 of the 1937  
Revised Code, language necessary to give evidence of the date on 1938  
which the assignment or delivery of the motor vehicle was made. 1939

(6) As used in ~~this~~ division (A) of this section, "lease 1941  
agreement," "lessee," and "sublease agreement" have the same 1942  
meanings as in section 4505.04 of the Revised Code. 1943

(B) The clerk, except as provided in this section, shall 1944  
refuse to accept for filing any application for a certificate of 1945  
title and shall refuse to issue a certificate of title unless the 1946  
dealer or manufactured home broker or the applicant, in cases in 1947  
which the certificate shall be obtained by the buyer, submits with 1948  
the application payment of the tax levied by or pursuant to 1949  
Chapters 5739. and 5741. of the Revised Code based on the 1950  
purchaser's county of residence. Upon payment of the tax in 1951  
accordance with division (E) of this section, the clerk shall 1952  
issue a receipt prescribed by the registrar and agreed upon by the 1953  
tax commissioner showing payment of the tax or a receipt issued by 1954  
the commissioner showing the payment of the tax. When submitting 1955  
payment of the tax to the clerk, a dealer shall retain any 1956  
discount to which the dealer is entitled under section 5739.12 of 1957  
the Revised Code. 1958

For receiving and disbursing such taxes paid to the clerk by 1959  
a resident of the clerk's county, the clerk may retain a poundage 1960  
fee of one and one one-hundredth per cent, which shall be paid 1961  
into the certificate of title administration fund created by 1962  
section 325.33 of the Revised Code. The clerk shall not retain a 1963  
poundage fee from payments of taxes by persons who do not reside 1964  
in the clerk's county. 1965

A clerk, however, may retain from the taxes paid to the clerk 1966  
an amount equal to the poundage fees associated with certificates 1967

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of title issued by other clerks of courts of common pleas to 1968  
applicants who reside in the first clerk's county. The registrar, 1969  
in consultation with the tax commissioner and the clerks of the 1970  
courts of common pleas, shall develop a report from the automated 1971  
title processing system that informs each clerk of the amount of 1972  
the poundage fees that the clerk is permitted to retain from those 1973  
taxes because of certificates of title issued by the clerks of 1974  
other counties to applicants who reside in the first clerk's 1975  
county. 1976

In the case of casual sales of motor vehicles, as defined in 1977  
section 4517.01 of the Revised Code, the price for the purpose of 1978  
determining the tax shall be the purchase price on the assigned 1979  
certificate of title executed by the seller and filed with the 1980  
clerk by the buyer on a form to be prescribed by the registrar, 1981  
which shall be prima-facie evidence of the amount for the 1982  
determination of the tax. 1983

(C)(1) If the transferor indicates on the certificate of 1984  
title that the odometer reflects mileage in excess of the designed 1985  
mechanical limit of the odometer, the clerk shall enter the phrase 1986  
"exceeds mechanical limits" following the mileage designation. If 1987  
the transferor indicates on the certificate of title that the 1988  
odometer reading is not the actual mileage, the clerk shall enter 1989  
the phrase "nonactual: warning - odometer discrepancy" following 1990  
the mileage designation. The clerk shall use reasonable care in 1991  
transferring the information supplied by the transferor, but is 1992  
not liable for any errors or omissions of the clerk or those of 1993  
the clerk's deputies in the performance of the clerk's duties 1994  
created by this chapter. 1995

The registrar shall prescribe an affidavit in which the 1996  
transferor shall swear to the true selling price and, except as 1997  
provided in this division, the true odometer reading of the motor 1998  
vehicle. The registrar may prescribe an affidavit in which the 1999

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seller and buyer provide information pertaining to the odometer 2000  
 reading of the motor vehicle in addition to that required by this 2001  
 section, as such information may be required by the United States 2002  
 secretary of transportation by rule prescribed under authority of 2003  
 subchapter IV of the "Motor Vehicle Information and Cost Savings 2004  
 Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 2005

(2) Division (C)(1) of this section does not require the 2006  
 giving of information concerning the odometer and odometer reading 2007  
 of a motor vehicle when ownership of a motor vehicle is being 2008  
 transferred as a result of a bequest, under the laws of intestate 2009  
 succession, to a surviving spouse pursuant to section 2106.17, 2010  
 2106.18, or 4505.10 of the Revised Code, or in connection with the 2011  
 creation of a security interest. 2012

(D) When the transfer to the applicant was made in some other 2013  
 state or in interstate commerce, the clerk, except as provided in 2014  
 this section, shall refuse to issue any certificate of title 2015  
 unless the tax imposed by or pursuant to Chapter 5741. of the 2016  
 Revised Code based on the purchaser's county of residence has been 2017  
 paid as evidenced by a receipt issued by the tax commissioner, or 2018  
 unless the applicant submits with the application payment of the 2019  
 tax. Upon payment of the tax in accordance with division (E) of 2020  
 this section, the clerk shall issue a receipt prescribed by the 2021  
 registrar and agreed upon by the tax commissioner, showing payment 2022  
 of the tax. ~~For~~ 2023

For receiving and disbursing such taxes paid to the clerk by 2024  
a resident of the clerk's county, the clerk may retain a poundage 2025  
 fee of one and one one-hundredth per cent. ~~When~~ The clerk shall 2026  
not retain a poundage fee from payments of taxes by persons who do 2027  
not reside in the clerk's county. 2028

A clerk, however, may retain from the taxes paid to the clerk 2029  
an amount equal to the poundage fees associated with certificates 2030  
of title issued by other clerks of courts of common pleas to 2031

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applicants who reside in the first clerk's county. The registrar, 2032  
in consultation with the tax commissioner and the clerks of the 2033  
courts of common pleas, shall develop a report from the automated 2034  
title processing system that informs each clerk of the amount of 2035  
the poundage fees that the clerk is permitted to retain from those 2036  
taxes because of certificates of title issued by the clerks of 2037  
other counties to applicants who reside in the first clerk's 2038  
county. 2039

When the vendor is not regularly engaged in the business of 2040  
selling motor vehicles, the vendor shall not be required to 2041  
purchase a vendor's license or make reports concerning ~~such~~ those 2042  
sales. 2043

(E) The clerk shall accept any payment of a tax in cash, or 2044  
by cashier's check, certified check, draft, ~~or~~ money order, or 2045  
teller check issued by any insured financial institution payable 2046  
to the clerk and submitted with an application for a certificate 2047  
of title under division (B) or (D) of this section. The clerk also 2048  
may accept payment of the tax by corporate, business, or personal 2049  
check, credit card, electronic transfer or wire transfer, debit 2050  
card, or any other accepted form of payment made payable to the 2051  
clerk. The clerk may require bonds, guarantees, or letters of 2052  
credit to ensure the collection of corporate, business, or 2053  
personal checks. Any service fee charged by a third party to a 2054  
clerk for the use of any form of payment may be paid by the clerk 2055  
from the certificate of title administration fund created in 2056  
section 325.33 of the Revised Code, or may be assessed by the 2057  
clerk upon the applicant as an additional fee. Upon collection, 2058  
the additional fees shall be paid by the clerk into that 2059  
certificate of title administration fund. 2060

The clerk shall make a good faith effort to collect any 2061  
payment of taxes due but not made because the payment was returned 2062  
or dishonored, but the clerk is not personally liable for the 2063

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

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

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

(1) When the purchaser is this state or any of its political  
subdivisions, a church, or an organization whose purchases are

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exempted by section 5739.02 of the Revised Code;	2096
(2) When the transaction in this state is not a retail sale as defined by section 5739.01 of the Revised Code;	2097 2098
(3) When the purchase is outside this state or in interstate commerce and the purpose of the purchaser is not to use, store, or consume within the meaning of section 5741.01 of the Revised Code;	2099 2100 2101 2102
(4) When the purchaser is the federal government;	2103
(5) When the motor vehicle was purchased outside this state for use outside this state;	2104 2105
(6) When the motor vehicle is purchased by a nonresident of this state for immediate removal from this state, and will be permanently titled and registered in another state, as provided by division (B)(23) of section 5739.02 of the Revised Code, and upon presentation of a copy of the affidavit provided by that section, and a copy of the exemption certificate provided by section 5739.03 of the Revised Code.	2106 2107 2108 2109 2110 2111 2112
The clerk shall forward all payments of taxes, less poundage <del>fee fees</del> , to the treasurer of state in a manner to be prescribed by the tax commissioner and shall furnish <del>such</del> information to the commissioner as the commissioner requires.	2113 2114 2115 2116
(G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information	2117 2118 2119 2120 2121 2122 2123 2124 2125 2126

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requested by the department of taxation. The buyer may be assessed any additional tax found to be due."

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

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

**Sec. 4505.08.** (A) ~~The~~ When the clerk of ~~the~~ a court of common pleas issues a physical certificate of title, the clerk shall issue ~~certificates~~ the certificate of title in duplicate. One copy

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shall be retained and filed by the clerk in the clerk's office. 2158  
The clerk shall sign and affix the clerk's seal to the original 2159  
certificate of title and, if there are no liens on the motor 2160  
vehicle, shall deliver the certificate to the applicant or the 2161  
selling dealer. If there are one or more liens on the motor 2162  
vehicle, the certificate of title shall be delivered to the holder 2163  
of the first lien or the selling dealer, who shall deliver the 2164  
certificate of title to the holder of the first lien. 2165  
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The registrar of motor vehicles shall prescribe a uniform 2167  
method of numbering certificates of title, and such numbering 2168  
shall be in such manner that the county of issuance is indicated. 2169  
The clerk shall assign numbers to certificates of title in the 2170  
manner prescribed by the registrar. The clerk shall file all 2171  
certificates of title according to ~~regulations~~ rules to be 2172  
prescribed by the registrar, and the clerk shall maintain in the 2173  
clerk's office indexes for the certificates of title. 2174

The clerk need not retain on file any current certificates of 2175  
title, current duplicate certificates of title, current memorandum 2176  
certificates of title, or current salvage certificates of title, 2177  
or supporting evidence ~~thereof of them, including the electronic~~ 2178  
record described in division (A) of section 4505.06 of the Revised 2179  
Code, covering any motor vehicle or manufactured or mobile home 2180  
for a period longer than seven years after the date of its filing; 2181  
thereafter, the ~~same~~ documents and supporting evidence may be 2182  
destroyed. The clerk need not retain on file any inactive records, 2183  
including certificates of title, duplicate certificates of title, 2184  
or memorandum certificates of title, or supporting evidence 2185  
~~thereof of them, including the electronic record described in~~ 2186  
division (A) of section 4505.06 of the Revised Code, covering any 2187  
motor vehicle or manufactured or mobile home for a period longer 2188  
than five years after the date of its filing; thereafter, the ~~same~~ 2189

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documents and supporting evidence may be destroyed. The clerk 2190  
shall retain the active index and all active records in the data 2191  
base of the computer in the clerk's office, and shall retain in 2192  
the data base a record and index of all inactive titles for ten 2193  
years, and a record and index of all inactive titles for 2194  
manufactured and mobile homes for thirty years. If the clerk 2195  
provides a written copy of any information contained in the data 2196  
base, the copy shall be considered the original for purposes of 2197  
the clerk certifying the record of such information for use in any 2198  
legal proceeding. 2199

(B)(1) If the clerk issues a certificate of title for a motor 2201  
vehicle that was last previously registered in another state, the 2202  
clerk shall record verbatim, where practicable, in the space on 2203  
the title described in division (B)(19) of section 4505.07 of the 2204  
Revised Code, the words that appear as a notation to the vehicle 2205  
on the title issued by the previous state. These notations may 2206  
include, but are not limited to, words to the effect that the 2207  
vehicle was considered or was categorized by the state in which it 2208  
was last previously registered to be a law enforcement vehicle, or 2209  
a taxicab, or was once in a flood. 2210

(2) If the clerk, while issuing a certificate of title for a 2211  
motor vehicle that was last previously registered in another 2212  
state, receives information from the automated title processing 2213  
system indicating that a title to the vehicle previously was 2214  
issued by this state and that the previous title contained 2215  
notations that appeared in the space described in division (B)(19) 2216  
or (20) of section 4505.07 of the Revised Code, the clerk shall 2217  
enter the notations that appeared on the previous certificate of 2218  
title issued by this state on the new certificate of title in the 2219  
space described in division (B)(19) or (20) of section 4505.07 of 2220  
the Revised Code, irrespective of whether the notations appear on 2221

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the certificate of title issued by the state in which the vehicle  
was last previously registered.

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

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

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

(E) The clerk may issue a duplicate title, when duly applied

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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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**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 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, duplicate certificate of title, memorandum certificate of title, authorization to print a non-negotiable evidence of ownership described in division (G)

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of section 4505.08 of the Revised Code, and notation of any lien 2285  
 on a certificate of title. The clerk shall retain two dollars and 2286  
 twenty-five cents of the fee charged for each certificate of 2287  
 title, four dollars and seventy-five cents of the fee charged for 2288  
 each duplicate certificate of title, all of the fees charged for 2289  
 each memorandum certificate or authorization to print a 2290  
non-negotiable evidence of ownership, and four dollars and 2291  
 twenty-five cents of the fee charged for each notation of a lien. 2292

The remaining two dollars and seventy-five cents charged for 2293  
 the certificate of title, the remaining twenty-five cents charged 2294  
 for the duplicate certificate of title, and the remaining 2295  
 seventy-five cents charged for the notation of any lien on a 2296  
 certificate of title shall be paid to the registrar of motor 2297  
 vehicles by monthly returns, which shall be forwarded to the 2298  
 registrar not later than the fifth day of the month next 2299  
 succeeding that in which the certificate is issued or that in 2300  
 which the registrar is notified of a lien or cancellation ~~thereof~~ 2301  
of a lien. 2302

(B)(1) The registrar shall pay twenty-five cents of the 2303  
 amount received for each certificate of title and all of the 2304  
 amounts received for each notation of any lien and each duplicate 2305  
 certificate of title into the state bureau of motor vehicles fund 2306  
 established in section 4501.25 of the Revised Code. 2307

(2) Fifty cents of the amount received for each certificate 2308  
 of title shall be paid by the registrar as follows: 2309

(a) Four cents shall be paid into the state treasury to the 2310  
 credit of the motor vehicle dealers board fund, which is hereby 2311  
 created. All investment earnings of the fund shall be credited to 2312  
 the fund. The moneys in the motor vehicle dealers board fund shall 2313  
 be used by the motor vehicle dealers board created under section 2314  
 4517.30 of the Revised Code, together with other moneys 2315  
 appropriated to it, in the exercise of its powers and the 2316

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performance of its duties under Chapter 4517. of the Revised Code, 2317  
except that the director of budget and management may transfer 2318  
excess money from the motor vehicle dealers board fund to the 2319  
bureau of motor vehicles fund if the registrar determines that the 2320  
amount of money in the motor vehicle dealers board fund, together 2321  
with other moneys appropriated to the board, exceeds the amount 2322  
required for the exercise of its powers and the performance of its 2323  
duties under Chapter 4517. of the Revised Code and requests the 2324  
director to make the transfer. 2325

(b) Twenty-one cents shall be paid into the general revenue 2326  
fund. 2327

(c) Twenty-five cents shall be paid into the state treasury 2328  
to the credit of the motor vehicle sales audit fund, which is 2329  
hereby created. The moneys in the fund shall be used by the tax 2330  
commissioner together with other funds available to the 2331  
commissioner to conduct a continuing investigation of sales and 2332  
use tax returns filed for motor vehicles in order to determine if 2333  
sales and use tax liability has been satisfied. The commissioner 2334  
shall refer cases of apparent violations of section 2921.13 of the 2335  
Revised Code made in connection with the titling or sale of a 2336  
motor vehicle and cases of any other apparent violations of the 2337  
sales or use tax law to the appropriate county prosecutor whenever 2338  
the commissioner considers it advisable. 2339

(3) Two dollars of the amount received by the registrar for 2340  
each certificate of title shall be paid into the state treasury to 2341  
the credit of the automated title processing fund, which is hereby 2342  
created and which shall consist of moneys collected under division 2343  
(B)(3) of this section and under sections 1548.10 and 4519.59 of 2344  
the Revised Code. All investment earnings of the fund shall be 2345  
credited to the fund. The moneys in the fund shall be used as 2346  
follows: 2347

(a) Except for moneys collected under section 1548.10 of the 2348

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Revised Code <u>and as provided in division (B)(3)(c) of this</u>	2349
<u>section</u> , moneys collected under division (B)(3) of this section	2350
shall be used to implement and maintain an automated title	2351
processing system for the issuance of motor vehicle, off-highway	2352
motorcycle, and all-purpose vehicle certificates of title in the	2353
offices of the clerks of the courts of common pleas <del>+</del> .	2354
(b) Moneys collected under section 1548.10 of the Revised	2355
Code shall be used to issue marine certificates of title in the	2356
offices of the clerks of the courts of common pleas as provided in	2357
Chapter 1548. of the Revised Code.	2358
<u>(c) Moneys collected under division (B)(3) of this section</u>	2359
<u>shall be used in accordance with section 4505.25 of the Revised</u>	2360
<u>Code to implement Sub. S.B. 59 of the 124th general assembly.</u>	2361
	2362
(C)(1) The automated title processing board is hereby created	2363
consisting of the registrar or the registrar's representative, a	2364
person selected by the registrar, the president of the Ohio clerks	2365
of court association or the president's representative, and two	2366
clerks of courts of common pleas appointed by the governor. The	2367
director of budget and management or the director's designee, the	2368
chief of the division of watercraft in the department of natural	2369
resources or the chief's designee, and the tax commissioner or the	2370
commissioner's designee shall be nonvoting members of the board.	2371
	2372
(2) The automated title processing board shall determine each	2373
of the following:	2374
(a) The automated title processing equipment and certificates	2375
of title requirements for each county;	2376
(b) The payment of expenses that may be incurred by the	2377
counties in implementing an automated title processing system;	2378
(c) The repayment to the counties for existing title	2379

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processing equipment. 2380

(3) The registrar shall purchase, lease, or otherwise acquire 2381
any automated title processing equipment and certificates of title 2382
that the board determines are necessary from moneys in the 2383
automated title processing fund established by division (B)(3) of 2384
this section. Each county issuing more than one hundred thousand 2385
certificates of title annually, with the approval of the registrar 2386
and in accordance with the registrar's requirements, may purchase 2387
and maintain an automated title processing system for the issuance 2388
of motor vehicle titles, certificates of title for off-highway 2389
motorcycles and all-purpose vehicles, and certificates of title 2390
for watercraft and outboard motors with the cost of the system 2391
paid for from the automated processing title fund. 2392

(D) All counties shall conform to the requirements of the 2394
registrar regarding the operation of their automated title 2395
processing system for motor vehicle titles, certificates of title 2396
for off-highway motorcycles and all-purpose vehicles, and 2397
certificates of title for watercraft and outboard motors. 2398

Sec. 4505.10. (A) In the event of the transfer of ownership 2399
of a motor vehicle by operation of law, as upon inheritance, 2400
devise or, bequest, order in bankruptcy, insolvency, replevin, or 2401
execution sale, a motor vehicle is sold to satisfy storage or 2402
repair charges, or repossession is had upon default in performance 2403
of the terms of a security agreement as provided in Chapter 1309. 2404
of the Revised Code and the secured party has complied with the 2405
repossession requirements of section 1309.46 of the Revised Code 2406
and all of the requirements of section 1309.47 of the Revised 2407
Code, including the notice requirements, the a clerk of the a 2408
court of common pleas of the county in which the last certificate 2409
of title to the motor vehicle was issued, upon the surrender of 2410

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the prior certificate of title or the manufacturer's or importer's 2411  
certificate, or, when that is not possible, upon presentation of 2412  
satisfactory proof to the clerk of ownership and rights of 2413  
possession to the motor vehicle, and upon payment of the fee 2414  
prescribed in section 4505.09 of the Revised Code and presentation 2415  
of an application for certificate of title, may issue to the 2416  
applicant a certificate of title to the motor vehicle. Only an 2417  
affidavit by the person or agent of the person to whom possession 2418  
of the motor vehicle has passed, setting forth the facts entitling 2419  
the person to the possession and ownership, together with a copy 2420  
of the journal entry, court order, or instrument upon which the 2421  
claim of possession and ownership is founded, is satisfactory 2422  
proof of ownership and right of possession. If the applicant 2423  
cannot produce that proof of ownership, the applicant may apply 2424  
directly to the registrar of motor vehicles and submit the 2425  
evidence the applicant has, and the registrar, if the registrar 2426  
finds the evidence sufficient, then may authorize ~~the~~ a clerk to 2427  
issue a certificate of title. If, from the records in the office 2428  
of the clerk involved, there appears to be any lien on the motor 2429  
vehicle, the certificate of title shall contain a statement of the 2430  
lien unless the application is accompanied by proper evidence of 2431  
its extinction. 2432

(B) ~~The~~ A clerk shall transfer a decedent's interest in one 2433  
or two automobiles to the surviving spouse of the decedent, as 2434  
provided in section 2106.18 of the Revised Code, upon receipt of 2435  
the title or titles. An affidavit executed by the surviving spouse 2436  
shall be submitted to the clerk with the title or titles. The 2437  
affidavit shall give the date of death of the decedent, shall 2438  
state that each automobile for which the decedent's interest is to 2439  
be so transferred is not disposed of by testamentary disposition, 2440  
and shall provide an approximate value for each automobile 2441  
selected to be transferred by the surviving spouse. The affidavit 2442  
shall also contain a description for each automobile for which the 2443

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decedent's interest is to be so transferred. The transfer does not 2444  
affect any liens upon any automobile for which the decedent's 2445  
interest is so transferred. 2446

(C) Upon the death of one of the persons who have established 2447  
joint ownership with right of survivorship under section 2106.17 2448  
of the Revised Code in a motor vehicle, and upon presentation to 2449  
the a clerk of the title and the certificate of death of the 2450  
decedent, the clerk shall transfer title to the motor vehicle to 2451  
the survivor. The transfer does not affect any liens upon any 2452  
motor vehicle so transferred. 2453

**Sec. 4505.102.** (A) If a pawnbroker licensed under Chapter 2454  
4727. of the Revised Code makes a loan that is secured by a motor 2455  
vehicle, watercraft, or outboard motor and has taken possession of 2456  
the motor vehicle, watercraft, or outboard motor and the 2457  
certificate of title to the motor vehicle, watercraft, or outboard 2458  
motor, and the owner of the motor vehicle, watercraft, or outboard 2459  
motor fails to redeem or pay interest on the loan for which the 2460  
motor vehicle, watercraft, or outboard motor was pledged within 2461  
two months from the date of the loan or the date on which the last 2462  
interest payment is due, and the pawnbroker notifies the owner by 2463  
mail, with proof of mailing, as required by division (A) of 2464  
section 4727.11 of the Revised Code, of the possible forfeiture of 2465  
the motor vehicle, watercraft, or outboard motor, and the owner 2466  
fails to redeem the motor vehicle, watercraft, or outboard motor 2467  
within the thirty-day period required by that division to be 2468  
specified in the notice, the pawnbroker shall proceed to obtain a 2469  
certificate of title to the motor vehicle, watercraft, or outboard 2470  
motor in the pawnbroker's name in the manner provided in this 2471  
section. 2472

(B) The pawnbroker shall execute an affidavit stating all of 2473  
the following: 2474

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(1) That the pawnbroker is a pawnbroker licensed under	2475
Chapter 4727. of the Revised Code;	2476
(2) That the pawnbroker has made a loan to the owner of a	2477
motor vehicle, watercraft, or outboard motor, and the security for	2478
the loan is the motor vehicle, watercraft, or outboard motor;	2479
	2480
(3) That both the motor vehicle, watercraft, or outboard	2481
motor and the certificate of title to the motor vehicle,	2482
watercraft, or outboard motor are in the possession of the	2483
pawnbroker;	2484
(4) That the owner of the motor vehicle, watercraft, or	2485
outboard motor has failed to redeem the pledged motor vehicle,	2486
watercraft, or outboard motor or pay interest on the loan for	2487
which the motor vehicle, watercraft, or outboard motor was pledged	2488
within two months from the date of the loan or the date on which	2489
the last interest payment was due;	2490
(5) That the pawnbroker has notified the owner of the motor	2491
vehicle, watercraft, or outboard motor by mail, with proof of	2492
mailing, as required by division (A) of section 4727.11 of the	2493
Revised Code, and the owner has failed to redeem the motor	2494
vehicle, watercraft, or outboard motor within the thirty-day	2495
period required by that division to be specified in the notice.	2496
Upon presentation by the pawnbroker of a copy of the	2497
affidavit, a copy of the pawn form, a copy of the proof of	2498
mailing, and the certificate of title to the motor vehicle,	2499
watercraft, or outboard motor, <del>the a</del> clerk of <del>the a</del> court of	2500
common pleas <del>of the county in which the last certificate of title</del>	2501
<del>to the motor vehicle, watercraft, or outboard motor was issued</del>	2502
shall issue, if the record shows no lien or encumbrances exist, a	2503
certificate of title, free and clear of all liens and	2504
encumbrances, to the pawnbroker.	2505

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(C) No person shall execute or present the affidavit required 2506  
by this section, knowing any entry on the affidavit to be false. 2507

2508

**Sec. 4505.11.** (A) Each owner of a motor vehicle and each 2509  
person mentioned as owner in the last certificate of title, when 2510  
the motor vehicle is dismantled, destroyed, or changed in such 2511  
manner that it loses its character as a motor vehicle, or changed 2512  
in such manner that it is not the motor vehicle described in the 2513  
certificate of title, shall surrender the certificate of title to 2514  
that motor vehicle to ~~the~~ a clerk of ~~the~~ a court of common pleas 2515  
~~who issued it~~, and ~~thereupon~~ the clerk, with the consent of any 2516  
holders of any liens noted ~~thereon~~ on the certificate of title, 2517  
then shall enter a cancellation upon the clerk's records and shall 2518  
notify the registrar of motor vehicles of the cancellation. 2519

Upon the cancellation of a certificate of title in the manner 2520  
prescribed by this section, ~~the~~ any clerk and the registrar of 2521  
motor vehicles may cancel and destroy all certificates and all 2522  
memorandum certificates in that chain of title. 2523

2524

(B) ~~Where~~ If an Ohio certificate of title or salvage 2525  
certificate of title to a motor vehicle is assigned to a salvage 2526  
dealer, the dealer is not required to obtain an Ohio certificate 2527  
of title or a salvage certificate of title to the motor vehicle in 2528  
the dealer's own name if the dealer dismantles or destroys the 2529  
motor vehicle, indicates the number of the dealer's motor vehicle 2530  
salvage dealer's license ~~thereon~~ on it, marks "FOR DESTRUCTION" 2531  
across the face of the certificate of title or salvage certificate 2532  
of title, and surrenders the certificate of title or salvage 2533  
certificate of title to ~~the~~ a clerk of ~~the~~ a court of common pleas 2534  
as provided in division (A) of this section. If the salvage dealer 2535  
retains the motor vehicle for resale, the dealer shall make 2536

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application for a salvage certificate of title to the motor 2537  
vehicle in the dealer's own name as provided in division (C)(1) of 2538  
this section. 2539

(C)(1) When an insurance company declares it economically 2540  
impractical to repair such a motor vehicle and has paid an agreed 2541  
price for the purchase of the motor vehicle to any insured or 2542  
claimant owner, the insurance company shall receive the 2543  
certificate of title and the motor vehicle and proceed as follows. 2544  
Within thirty days, the insurance company shall deliver the 2545  
certificate of title to ~~the~~ a clerk of ~~the~~ a court of common pleas 2546  
and shall make application for a salvage certificate of title. The 2547  
clerk shall issue the salvage certificate of title on a form, 2548  
prescribed by the registrar, that shall be easily distinguishable 2549  
from the original certificate of title and shall bear the same 2550  
number and information as the original certificate of title. 2551  
Except as provided in division (C)(2) of this section, the salvage 2552  
certificate of title shall be assigned by the insurance company to 2553  
a salvage dealer or any other person for use as evidence of 2554  
ownership upon the sale or other disposition of the motor vehicle, 2555  
and the salvage certificate of title shall be transferrable to any 2556  
other person. The clerk shall charge a fee of four dollars for the 2557  
cost of processing each salvage certificate of title. 2558

2559  
(2) If an insurance company considers a motor vehicle as 2560  
described in division (C)(1) of this section to be impossible to 2561  
restore for highway operation, the insurance company may assign 2562  
the certificate of title to the motor vehicle to a salvage dealer 2563  
or scrap metal processing facility and send the assigned 2564  
certificate of title to the clerk of the court of common pleas of 2565  
the county in which the salvage dealer or scrap metal processing 2566  
facility is located. The insurance company shall mark the face of 2567  
the certificate of title "FOR DESTRUCTION" and shall deliver a 2568

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photocopy of the certificate of title to the salvage dealer or 2569  
scrap metal processing facility for its records. 2570

(3) If an insurance company declares it economically 2571  
impractical to repair a motor vehicle, agrees to pay to the 2572  
insured or claimant owner an amount in settlement of a claim 2573  
against a policy of motor vehicle insurance covering the motor 2574  
vehicle, and agrees to permit the insured or claimant owner to 2575  
retain possession of the motor vehicle, the insurance company 2576  
shall not pay the insured or claimant owner any amount in 2577  
settlement of the insurance claim until the owner obtains a 2578  
salvage certificate of title to the vehicle and furnishes a copy 2579  
of the salvage certificate of title to the insurance company. 2580

(D) When a self-insured organization, rental or leasing 2581  
company, or secured creditor becomes the owner of a motor vehicle 2582  
that is burned, damaged, or dismantled and is determined to be 2583  
economically impractical to repair, the self-insured organization, 2584  
rental or leasing company, or secured creditor shall do one of the 2585  
following: 2586

(1) Mark the face of the certificate of title to the motor 2587  
vehicle "FOR DESTRUCTION" and surrender the certificate of title 2588  
to ~~the~~ a clerk of ~~the~~ a court of common pleas for cancellation as 2589  
described in division (A) of this section. The self-insured 2590  
organization, rental or leasing company, or secured creditor 2591  
~~thereupon~~ then shall deliver the motor vehicle, together with a 2592  
photocopy of the certificate of title, to a salvage dealer or 2593  
scrap metal processing facility and shall cause the motor vehicle 2594  
to be dismantled, flattened, crushed, or destroyed. 2595

(2) Obtain a salvage certificate of title to the motor 2596  
vehicle in the name of the self-insured organization, rental or 2597  
leasing company, or secured creditor, as provided in division 2598  
(C)(1) of this section, and then sell or otherwise dispose of the 2599  
motor vehicle. If the motor vehicle is sold, the self-insured 2600

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organization, rental or leasing company, or secured creditor shall  
obtain a salvage certificate of title to the motor vehicle in the  
name of the purchaser from ~~the~~ a clerk of ~~the~~ a court of common  
pleas ~~of the county in which the purchaser resides.~~

(E) If a motor vehicle titled with a salvage certificate of  
title is restored for operation upon the highways, application  
shall be made to ~~the~~ a clerk of ~~the~~ a court of common pleas for a  
certificate of title. Upon inspection by the state highway patrol,  
which shall include establishing proof of ownership and an  
inspection of the motor number and vehicle identification number  
of the motor vehicle and of documentation or receipts for the  
materials used in restoration by the owner of the motor vehicle  
being inspected, which documentation or receipts shall be  
presented at the time of inspection, the clerk, upon surrender of  
the salvage certificate of title, shall issue a certificate of  
title for a fee prescribed by the registrar. The certificate of  
title shall be in the same form as the original certificate of  
title, shall bear the same number as the salvage certificate of  
title and the original certificate of title, and shall bear the  
words "REBUILT SALVAGE" in black boldface letters on its face.  
Every subsequent certificate of title, memorandum certificate of  
title, or duplicate certificate of title issued for the motor  
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 any of the clerk's errors or omissions or  
those of the clerk's deputies, or the automated title processing

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system in the performance of those duties. A fee of ~~forty dollars~~ 2633  
~~in fiscal year 1998 and fifty dollars in fiscal year 1999 and~~ 2634  
~~thereafter~~ shall be assessed by the state highway patrol for each 2635  
inspection made pursuant to this division and shall be deposited 2636  
into the state highway safety fund established by section 4501.06 2637  
of the Revised Code. 2638

(F) No person shall operate upon the highways in this state a 2639  
motor vehicle, title to which is evidenced by a salvage 2640  
certificate of title, except to deliver the motor vehicle pursuant 2641  
to an appointment for an inspection under this section. 2642

(G) No motor vehicle the certificate of title to which has 2643  
been marked "FOR DESTRUCTION" and surrendered to ~~the~~ a clerk of 2644  
~~the~~ a court of common pleas shall be used for anything except 2645  
parts and scrap metal. 2646

(H)(1) Except as otherwise provided in this division, an 2647  
owner of a manufactured or mobile home that will be taxed as real 2648  
property pursuant to division (B) of section 4503.06 of the 2649  
Revised Code shall surrender the certificate of title to the 2650  
auditor of the county containing the taxing district in which the 2651  
home is located. An owner whose home qualifies for real property 2652  
taxation under divisions (B)(1)(a) and (b) of section 4503.06 of 2653  
the Revised Code shall surrender the certificate within fifteen 2654  
days after the home meets the conditions specified in those 2655  
divisions. The auditor shall deliver the certificate of title to 2656  
the clerk of the court of common pleas who issued it. 2657

(2) If the certificate of title for a manufactured or mobile 2658  
home that is to be taxed as real property is held by a lienholder, 2659  
the lienholder shall surrender the certificate of title to the 2660  
auditor of the county containing the taxing district in which the 2661  
home is located, and the auditor shall deliver the certificate of 2662  
title to the clerk of the court of common pleas who issued it. The 2663  
lienholder shall surrender the certificate within thirty days 2664

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after both of the following have occurred: 2665

(a) The homeowner has provided written notice to the 2666  
lienholder requesting that the certificate of title be surrendered 2667  
to the auditor of the county containing the taxing district in 2668  
which the home is located. 2669

(b) The homeowner has either paid the lienholder the 2670  
remaining balance owed to the lienholder, or, with the 2671  
lienholder's consent, executed and delivered to the lienholder a 2672  
mortgage on the home and land on which the home is sited in the 2673  
amount of the remaining balance owed to the lienholder. 2674

(3) Upon the delivery of a certificate of title by the county 2675  
auditor to the clerk ~~of the court~~, the clerk ~~of the court~~ shall 2676  
inactivate it and retain it for a period of thirty years. 2677

(4) Upon application by the owner of a manufactured or mobile 2678  
home that is taxed as real property pursuant to division (B) of 2679  
section 4503.06 of the Revised Code and that no longer satisfies 2680  
divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that 2681  
section, the clerk ~~of court~~ shall reactivate the record of the 2682  
certificate of title that was inactivated under division (H)(3) of 2683  
this section and shall issue a new certificate of title, but only 2684  
if the application contains or has attached to it all of the 2685  
following: 2686

(a) An endorsement of the county treasurer that all real 2687  
property taxes charged against the home under Title LVII of the 2688  
Revised Code and division (B) of section 4503.06 of the Revised 2689  
Code for all preceding tax years have been paid; 2690

(b) An endorsement of the county auditor that the home will 2691  
be removed from the real property tax list; 2692

(c) Proof that there are no outstanding mortgages or other 2693  
liens on the home or, if there are such mortgages or other liens, 2694  
that the mortgagee or lienholder has consented to the reactivation 2695

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of the certificate of title.

2696

**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 cancellation.

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The holder of a certificate of title for a motor vehicle upon which is noted an existing lien, encumbrance, or mortgage at any time may make application to ~~the~~ a clerk ~~who issued the certificate of title~~ for a memorandum certificate, which application shall be made in the form prescribed by the registrar of motor vehicles and signed ~~and sworn to~~ by the applicant. Upon receipt of the application, if it appears to be complete and in order, together with the fee prescribed by section 4505.09 of the

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Revised Code, the clerk shall issue to the applicant a memorandum 2728  
 certificate for the motor vehicle. ~~In the event~~ If the memorandum 2729  
 certificate is lost or destroyed, the holder ~~thereof~~ of it may 2730  
 obtain another memorandum certificate upon the filing of an 2731  
 application with ~~the~~ a clerk on a form ~~and~~ prescribed by the 2732  
registrar, accompanied by the fee prescribed in section 4505.09 of 2733  
 the Revised Code. The memorandum certificate shall be effective 2734  
 only for the purpose of obtaining a certificate of registration, 2735  
 is not assignable, and constitutes no evidence of title or of 2736  
 right to transfer or encumber the motor vehicle described ~~therein~~ 2737  
in it. 2738

**Sec. 4505.13.** (A)(1) ~~Sections 1309.01 to 1309.50 Chapter~~ 2739  
~~1309.~~ and section 1701.66 of the Revised Code do not permit or 2740  
 require the deposit, filing, or other record of a security 2741  
 interest covering a motor vehicle, except as provided in division 2742  
 (A)(2) of this section. 2743

(2) ~~Sections 1309.01 to 1309.50 Chapter 1309.~~ of the Revised 2744  
 Code ~~apply~~ applies to a security interest in a motor vehicle held 2745  
 as inventory, ~~as defined in division (D) of section 1309.07 of the~~ 2746  
~~Revised Code,~~ for sale by a dealer, ~~as defined in division (J) of~~ 2747  
~~section 4517.01 of the Revised Code.~~ The security interest has 2748  
 priority over creditors of the dealer as provided in ~~sections~~ 2749  
~~1309.01 to 1309.50 Chapter 1309.~~ of the Revised Code without 2750  
 notation of the security interest on a certificate of title, 2751  
without entry of a notation of the security interest into the 2752  
automated title processing system if a physical certificate of 2753  
title for the motor vehicle has not been issued, or without the 2754  
 retention of a manufacturer's or importer's certificate. 2755

(B) Subject to division (A) of this section, any security 2756  
 agreement covering a security interest in a motor vehicle, if a 2757  
 notation of the agreement has been made by ~~the~~ a clerk of ~~the~~ a 2758  
 court of common pleas on the face of the certificate of title or 2759

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

2778  
The secured party, upon presentation of the evidence of a 2779  
security ~~agreement interest~~ to the a clerk of the county in which 2780  
~~the certificate of title was issued a court of common pleas,~~ 2781  
together with the certificate of title if a physical certificate 2782  
of title for the motor vehicle exists, and the fee prescribed by 2783  
section 4505.09 of the Revised Code, may have a notation of the 2784  
security interest made. ~~The~~ Unless the secured party specifically 2785  
requests the clerk not to issue a physical certificate of title 2786  
and instead to issue an electronic certificate of title, the clerk 2787  
shall issue, over the clerk's signature and seal of office, a new 2788  
original certificate of title from the automated title processing 2789  
records that indicates the security interest and the date of the 2790  
security interest. 2791

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~~When the~~ If a security interest is fully discharged as a 2792  
result of its holder's receipt of good funds in the correct amount 2793  
and if the holder holds a physical certificate of title, the 2794  
~~holder of it~~ shall note ~~its~~ the discharge of the security interest 2795  
on the face of the certificate of title over the holder's 2796  
signature, or over the holder's signature on a form prescribed by 2797  
the registrar of motor vehicles when there is no space for the 2798  
discharge on the face of the certificate of title. ~~Prior~~ Except as 2799  
otherwise provided in this section, prior to delivering the 2800  
certificate of title to the owner, the holder or the holder's 2801  
agent shall ~~present it~~ convey the certificate of title or a 2802  
separate sworn statement of the discharge of the security interest 2803  
to the a clerk for the purpose of having the clerk . The 2804  
conveyance shall occur not more than seven business days after the 2805  
date the holder deposits the good funds received in the correct 2806  
amount to fully discharge the security interest into an account of 2807  
the holder, provided the holder has accurate information 2808  
concerning the motor vehicle. Conveyance of the certificate of 2809  
title or separate sworn statement of the discharge within the 2810  
required seven business days may be indicated by postmark or 2811  
receipt by a clerk within that period. If the discharge of the 2812  
security interest appears to be genuine, the clerk shall note the 2813  
cancellation of the security interest on the face of the 2814  
certificate of title, if it was so conveyed, and note it in the 2815  
automated title processing system and upon the records of the 2816  
clerk. ~~The clerk, if that cancellation appears to be genuine,~~ 2817  
~~shall note the cancellation on the certificate of title and also~~ 2818  
~~on the clerk's records.~~ 2819

(C)(1) In all cases, a secured party may choose to present a 2820  
clerk with evidence of a security interest via electronic means, 2821  
and the clerk shall enter the security interest into the automated 2822  
title processing system. A secured party also may choose to notify 2823

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a clerk of the discharge of its security interest via electronic 2824  
means, and the clerk shall enter the cancellation into the 2825  
automated title processing system. 2826

(2) In the case of a security interest that is being 2827  
satisfied by a dealer to whom a certificate of title is being 2828  
transferred, the cancellation of the security interest shall occur 2829  
during the course of the transfer. The dealer shall submit a 2830  
discharge request to the secured party. A discharge request shall 2831  
include good funds in the correct amount to fully discharge the 2832  
security interest and accurate information concerning the motor 2833  
vehicle. 2834

(3)(a) Upon receiving a discharge request that complies with 2835  
division (C)(2) of this section, except as otherwise provided in 2836  
this division, a secured party shall convey the certificate of 2837  
title, with the discharge of the security interest noted on its 2838  
face, to the dealer within seven business days after the date the 2839  
secured party deposits the good funds received in the correct 2840  
amount to fully discharge the security interest into an account of 2841  
the secured party. 2842

If a secured party is unable to convey to the dealer a 2843  
certificate of title within the required seven business days, the 2844  
secured party instead shall convey to the dealer an affidavit 2845  
stating that the security interest has been discharged, together 2846  
with payment for a duplicate certificate of title, within that 2847  
period. 2848

(b) A certificate of title, or affidavit and required 2849  
payment, is conveyed from a secured party to a dealer under the 2850  
circumstances described in division (C)(3)(a) of this section 2851  
within the required seven business days if it is postmarked within 2852  
that period. 2853

(4) A secured party is liable to a dealer for a late fee of 2854  
ten dollars per day for each certificate of title, or affidavit 2855

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and required payment, conveyed to the dealer more than seven 2856  
business days but less than twenty-one days after the date 2857  
specified in division (C)(3)(a) of this section and, from then on, 2858  
twenty-five dollars per day until the certificate of title, or 2859  
affidavit and required payment, are conveyed to the dealer. 2860

(D) Notwithstanding any provision of ~~sections 1310.01 to~~ 2861  
~~1310.78~~ Chapter 1310. of the Revised Code or of any other law, the 2862  
lease of a motor vehicle or trailer does not constitute a 2863  
conditional sale or create a security interest merely because the 2864  
lease agreement permits or requires the lessor, at the end of the 2865  
lease term, to adjust the rental price to either a higher or a 2866  
lower amount by reference to the amount the lessor realizes upon 2867  
the sale or other disposition of the motor vehicle or trailer. 2868

(E) If a physical certificate of title has not been issued 2869  
for a motor vehicle and all the security interests relating to 2870  
that motor vehicle have been discharged, the owner of the motor 2871  
vehicle may obtain a physical certificate of title from the clerk 2872  
of any court of common pleas upon payment of the fee specified in 2873  
section 4509.09 of the Revised Code. 2874

(F) If a clerk of a court of common pleas, other than the 2875  
clerk of the court of common pleas of the county in which the 2876  
owner of a motor vehicle resides, enters a notation of the 2877  
existence of, or the cancellation of, a security interest relating 2878  
to the motor vehicle, the clerk shall transmit the data relating 2879  
to the notation to the database of the automated data processing 2880  
system in the office of the clerk of the court of common pleas of 2881  
the county of the owner's residence. 2882

(G) The registrar of motor vehicles, in accordance with 2883  
Chapter 119. of the Revised Code, shall adopt rules governing the 2884  
electronic transmission of security interest and other information 2885  
under this section. In adopting the rules, the registrar shall 2886  
confer with the clerks of the courts of common pleas. 2887

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<u>(H) As used in this section:</u>	2888
<u>(1) "Accurate information" means the make and model of the motor vehicle, its vehicle identification number, and the name and address of its owner as they appear on the certificate of title that is to be conveyed.</u>	2889 2890 2891 2892
<u>(2) "Dealer" has the same meaning as in section 4517.01 of the Revised Code.</u>	2893 2894
<u>(3) "Good funds" includes cash, or a wire transfer, cashier's check, certified check, draft, money order, or teller's check issued by an insured financial institution, or a dealer's check for which the secured party has received funds that are available for withdrawal pursuant to "Availability of Funds and Collection of Checks (Regulation CC)," 12 C.F.R. 229.</u>	2895 2896 2897 2898 2899 2900
<u>(4) "Inventory" has the same meaning as in section 1309.07 of the Revised Code.</u>	2901 2902
<b><u>Sec. 4505.141.</u></b> <u>The registrar of motor vehicles shall enable the public to access motor vehicle title information via electronic means. No fee shall be charged for this access. The title information that must be so accessible is only the title information that is in an electronic format at the time a person requests this access.</u>	2903 2904 2905 2906 2907 2908
<u>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.</u>	2909 2910 2911 2912
<u>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.</u>	2913 2914 2915 2916

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Sec. 4505.18. (A) No person shall <u>do any of the following:</u>	2917
(A)(1) Operate in this state a motor vehicle for which a	2918
certificate of title is required without having <u>such that</u>	2919
certificate in accordance with <del>sections 4505.01 to 4505.21 of the</del>	2920
<del>Revised Code, this chapter or upon which the,</del> if a physical	2921
certificate of title has <u>not been canceled issued for a motor</u>	2922
<u>vehicle, operate the motor vehicle in this state knowing that the</u>	2923
<u>ownership information relating to the vehicle has not been entered</u>	2924
<u>into the automated title processing system by a clerk of a court</u>	2925
<u>of common pleas;</u>	2926
(B)(2) Display or display for sale or sell as a dealer or	2927
acting on behalf of a dealer, a motor vehicle without having	2928
obtained a manufacturer's or importer's certificate <del>or,</del> a	2929
certificate of title <u>therefor, or an assignment of a certificate</u>	2930
<u>of title for it</u> as provided in <del>sections 4505.01 to 4505.21 of the</del>	2931
<del>Revised Code</del> <u>this chapter;</u>	2932
(C)(3) Fail to surrender any certificate of title or any	2933
certificate of registration or license plates upon cancellation of	2934
the same by the registrar of motor vehicles and notice <u>thereof of</u>	2935
<u>the cancellation</u> as prescribed in <del>sections 4505.01 to 4505.21 of</del>	2936
<del>the Revised Code</del> <u>this chapter;</u>	2937
(D)(4) Fail to surrender the certificate of title to <del>the a</del>	2938
clerk of <del>the a</del> court of common pleas as provided in <del>sections</del>	2939
<del>4505.01 to 4505.21 of the Revised Code,</del> <u>this chapter</u> in case of	2940
the destruction or dismantling or change of a motor vehicle in	2941
such respect that it is not the motor vehicle described in the	2942
certificate of title;	2943
(E)(5) Violate any rules <del>promulgated</del> <u>adopted</u> pursuant to	2944
<del>sections 4505.01 to 4505.21 of the Revised Code.</del> <u>this chapter;</u>	2945
(F)(6) Except as otherwise provided in <u>this chapter and</u>	2946

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

(7) Operate in this state a motor vehicle knowing that the 2956  
 certificate of title to the vehicle or ownership of the vehicle as 2957  
 otherwise reflected in the automated title processing system has 2958  
 been canceled. 2959

(B) This section does not apply to persons engaged in the 2960  
 business of warehousing or transporting motor vehicles for the 2961  
 purpose of salvage disposition. 2962

**Sec. 4505.181.** (A) Notwithstanding divisions ~~(B)~~, ~~(E)~~(A)(2), 2963  
~~(5)~~, and ~~(F)~~(6) of section 4505.18 of the Revised Code, a motor 2964  
 vehicle dealer or person acting on behalf of a motor vehicle 2965  
 dealer may display, offer for sale, or sell a used motor vehicle 2966  
 without having first obtained a certificate of title for the 2967  
 vehicle in the name of the dealer as required by this chapter if 2968  
 the dealer or person acting on behalf of the dealer complies with 2969  
 divisions (A)(1)(a) and ~~(A)~~(2) of this section, or divisions 2970  
 (A)(1)(b) and ~~(A)~~(2) of this section, as follows: 2971

(1)(a) If the dealer has been licensed as a motor vehicle 2973  
 dealer for less than the three-year period prior to the date on 2974  
 which the dealer or person acting on behalf of the dealer 2975  
 displays, offers for sale, or sells the used motor vehicle for 2976  
 which the dealer has not obtained a certificate of title in the 2977

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

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

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

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dealer's or person's files until such time as a certificate of 3010  
title in the dealer's name is issued for each such motor vehicle 3011  
by the clerk of the court of common pleas. Such documents shall be 3012  
available for inspection by the bureau of motor vehicles during 3013  
normal business hours. 3014

(B) If a retail purchaser purchases a motor vehicle for which 3015  
the dealer, pursuant to and in accordance with division (A) of 3016  
this section, does not have a certificate of title issued in the 3017  
name of the dealer at the time of the sale, the retail purchaser 3018  
has an unconditional right to rescind the transaction and the 3019  
dealer has an obligation to refund to the retail purchaser the 3020  
full purchase price of the vehicle, if one of the following 3021  
applies: 3022

(1) The dealer fails, on or before the fortieth day following 3023  
the date of the sale, to obtain a title in the name of the retail 3024  
purchaser. 3025

(2) The title for the vehicle indicates that it is a rebuilt 3026  
salvage vehicle, and the fact that it is a rebuilt salvage vehicle 3027  
was not disclosed to the retail purchaser in writing prior to the 3028  
execution of the purchase agreement. 3029

(3) The title for the vehicle indicates that the dealer has 3030  
made an inaccurate odometer disclosure to the retail purchaser. 3031

If any of the circumstances described in divisions (B)(1) to 3032  
(3) of this section applies, a retail purchaser or the retail 3033  
purchaser's representative shall notify the dealer and afford the 3034  
dealer the opportunity to comply with the dealer's obligation to 3035  
refund the full purchase price of the motor vehicle. Nothing in 3036  
this division shall be construed as prohibiting the dealer and the 3037  
retail purchaser or their representatives from negotiating a 3038  
compromise resolution that is satisfactory to both parties. 3039

(C) If a retail purchaser notifies a dealer of one or more of 3040

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

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

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

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

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

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

3082  
 If a motor vehicle dealer fails to comply with this division, 3083  
 the attorney general may bring a civil action in a court of 3084  
 competent jurisdiction to collect the amount the dealer failed to 3085  
 pay to the attorney general for deposit into the fund. 3086

**Sec. 4505.19.** No person shall do any of the following: 3087

(A) Procure or attempt to procure a certificate of title or a 3088  
 salvage certificate of title to a motor vehicle, or pass or 3089  
 attempt to pass a certificate of title, a salvage certificate of 3090  
 title, or any assignment ~~thereof~~ of a certificate of title or 3091  
salvage certificate of title to a motor vehicle, or in any other 3092  
manner gain or attempt to gain ownership to a motor vehicle, 3093  
 knowing or having reason to believe that ~~such the~~ motor vehicle or 3094  
 any part of the motor vehicle has been acquired through commission 3095  
 of a theft offense as defined in section 2913.01 of the Revised 3096  
 Code; 3097

(B) Purport to sell or transfer a motor vehicle without 3098  
 delivering to the purchaser or transferee ~~thereof~~ of it a 3099  
 certificate of title, a salvage certificate of title, or a 3100  
 manufacturer's or importer's certificate ~~thereto~~ to it, assigned 3101  
 to ~~such the~~ purchaser as provided for in this chapter, except as 3102  
otherwise provided in this chapter; 3103

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(C) With intent to defraud, possess, sell, offer to sell, 3104  
counterfeit, or supply a blank, forged, fictitious, counterfeit, 3105  
stolen, or fraudulently or unlawfully obtained certificate of 3106  
title, registration, bill of sale, or other instruments of 3107  
ownership of a motor vehicle, or conspire to do any of the 3108  
foregoing; 3109

(D) Knowingly obtain goods, services, credit, or money by 3110  
means of an invalid, fictitious, forged, counterfeit, stolen, or 3111  
unlawfully obtained original or duplicate certificate of title, 3112  
registration, bill of sale, or other instrument of ownership of a 3113  
motor vehicle; 3114

(E) Knowingly obtain goods, services, credit, or money by 3115  
means of a certificate of title to a motor vehicle, which is 3116  
required to be surrendered to the registrar of motor vehicles or 3117  
the clerk of the court of common pleas as provided in this 3118  
chapter. 3119

**Sec. 4505.20.** (A) Notwithstanding division ~~(B)~~(A)(2) of 3120  
section 4505.18 of the Revised Code or any other provision of 3121  
~~Chapter 4505. this chapter~~ or Chapter 4517. of the Revised Code, a 3122  
secured party may designate any dealer to display, display for 3123  
sale, or sell a manufactured or mobile home if the home has come 3124  
into the possession of that secured party by a default in the 3125  
terms of a security instrument and the certificate of title 3126  
remains in the name and possession of the secured party. 3127

(B) Notwithstanding division ~~(B)~~(A)(2) of section 4505.18 of 3128  
the Revised Code or any other provision of ~~Chapter 4505. this~~ 3129  
chapter or Chapter 4517. of the Revised Code, the owner of a 3130  
recreational vehicle or a secured party of a recreational vehicle 3131  
who has come into possession of the vehicle by a default in the 3132  
terms of a security instrument, may designate any dealer to 3133  
display, display for sale, or sell the vehicle while the 3134

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certificate of title remains in the possession of the owner or 3135  
secured party. No dealer may display or offer for sale more than 3136  
five recreational vehicles at any time under this division. No 3137  
dealer may display or offer for sale a recreational vehicle under 3138  
this division unless the dealer maintains insurance or the bond of 3139  
a surety company authorized to transact business within this state 3140  
in an amount sufficient to satisfy the fair market value of the 3141  
vehicle. 3142

(C) The registrar of motor vehicles may adopt rules in 3143  
accordance with Chapter 119. of the Revised Code prescribing the 3144  
maximum number of manufactured or mobile homes that have come into 3145  
the possession of a secured party by a default in the terms of a 3146  
security instrument that any dealer may display or offer for sale 3147  
at any time. The registrar may adopt other reasonable rules 3148  
regarding the resale of such manufactured homes, mobile homes, and 3149  
recreational vehicles that the registrar considers necessary. 3150

3151

(D) The secured party or owner shall provide the dealer with 3152  
written authorization to display, display for sale, or sell the 3153  
manufactured home, mobile home, or recreational vehicle. The 3154  
dealer shall show and explain the written authorization to any 3155  
prospective purchaser. The written authorization shall contain the 3156  
vehicle identification number, make, model, year of manufacture, 3157  
and physical description of the manufactured home, mobile home, or 3158  
recreational vehicle that is provided to the dealer. 3159

3160

(E) As used in this section, "dealer" means a new motor 3161  
vehicle dealer that is licensed under Chapter 4517. of the Revised 3162  
Code. 3163

Sec. 4505.25. The registrar of motor vehicles may use money 3164  
from the automated title processing fund created in section 3165

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<u>4505.09 of the Revised Code, in accordance with appropriations</u>	3166
<u>made by the general assembly, to pay expenses related to</u>	3167
<u>implementing Sub. S.B. 59 of the 124th general assembly.</u>	3168
	3169
<b>Sec. 4519.01.</b> As used in this chapter:	3170
(A) "Snowmobile" means any self-propelled vehicle designed	3171
primarily for use on snow or ice, and steered by skis, runners, or	3172
caterpillar treads.	3173
(B) "All-purpose vehicle" means any self-propelled vehicle	3174
designed primarily for cross-country travel on land and water, or	3175
on more than one type of terrain, and steered by wheels or	3176
caterpillar treads, or any combination thereof, including vehicles	3177
that operate on a cushion of air, vehicles commonly known as	3178
all-terrain vehicles, all-season vehicles, mini-bikes, and trail	3179
bikes, but excluding any self-propelled vehicle not principally	3180
used for purposes of personal transportation, any vehicle	3181
principally used in playing golf, any motor vehicle or aircraft	3182
required to be registered under Chapter 4503. or 4561. of the	3183
Revised Code, and any vehicle excepted from definition as a motor	3184
vehicle by division (B) of section 4501.01 of the Revised Code.	3185
	3186
(C) "Owner" means any person, <u>or</u> firm, <del>or corporation,</del> other	3187
than a lienholder or dealer, having title to a snowmobile,	3188
off-highway motorcycle, or all-purpose vehicle, or other right to	3189
the possession thereof.	3190
(D) "Operator" means any person who operates or is in actual	3191
physical control of a snowmobile, off-highway motorcycle, or	3192
all-purpose vehicle.	3193
(E) "Dealer" means any person, <u>or</u> firm, <del>or corporation</del>	3194
engaged in the business of manufacturing or selling snowmobiles,	3195

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off-highway motorcycles, or all-purpose vehicles at wholesale or 3196  
 retail, or who rents, leases, or otherwise furnishes snowmobiles, 3197  
 off-highway motorcycles, or all-purpose vehicles for hire. 3198

(F) "Street or highway" has the same meaning as ~~given that~~ 3199  
~~term~~ in section 4511.01 of the Revised Code. 3200

(G) "Limited access highway" and "freeway" have the same 3201  
~~meaning~~ meanings as ~~given those terms~~ in section 5511.02 of the 3202  
 Revised Code. 3203

(H) "Interstate highway" means any part of the interstate 3204  
 system of highways as defined in subsection (e), 90 Stat. 431 3205  
 (1976), 23 U.S.C.A. 103, ~~and amendments thereof~~ as amended. 3206

(I) "Off-highway motorcycle" means every motorcycle, as 3207  
 defined in section 4511.01 of the Revised Code, that is designed 3208  
 to be operated primarily on lands other than a street or highway. 3209

(J) "Electronic" and "electronic record" have the same 3210  
meanings as in section 4501.01 of the Revised Code. 3211

(K) "Electronic dealer" means a dealer whom the registrar of 3212  
motor vehicles designates under section 4519.511 of the Revised 3213  
Code. 3214

**Sec. 4519.03.** (A) The owner of every snowmobile, off-highway 3215  
 motorcycle, and all-purpose vehicle required to be registered 3216  
 under section 4519.02 of the Revised Code shall file an 3217  
 application for registration with the registrar of motor vehicles 3218  
 or a deputy registrar, on blanks furnished by the registrar for 3219  
 that purpose and containing all of the following information: 3220

(1) A brief description of the snowmobile, off-highway 3221  
 motorcycle, or all-purpose vehicle, including the name of the 3222  
 manufacturer, the factory or model number, and the vehicle 3223  
 identification number; 3224

(2) The name, residence, and business address of the owner; 3225

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(3) A statement that the snowmobile, off-highway motorcycle, 3226  
or all-purpose vehicle is equipped as required by section 4519.20 3227  
of the Revised Code, and any rule adopted ~~thereunder~~ under that 3228  
section. The statement shall include a check list of the required 3229  
equipment items in ~~such the~~ form ~~as~~ the registrar shall prescribe. 3230

The application shall be signed by the owner of the 3231  
snowmobile, off-highway motorcycle, or all-purpose vehicle and 3232  
shall be accompanied by a fee as provided in division (C) of 3233  
section 4519.04 of the Revised Code. 3234

If the application is not in proper form, or if the vehicle 3235  
for which registration is sought does not appear to be equipped as 3236  
required by section 4519.20 of the Revised Code or any rule 3237  
adopted ~~thereunder~~ under that section, the registration shall be 3238  
refused and no registration sticker shall be issued. 3239

(B) On and after ~~the effective date of this amendment~~ July 1, 3240  
1999, no certificate of registration or renewal of ~~such~~ a 3241  
certificate of registration shall be issued for an off-highway 3242  
motorcycle or all-purpose vehicle required to be registered under 3243  
section 4519.02 of the Revised Code, and no certificate of 3244  
registration issued under this chapter for an off-highway 3245  
motorcycle or all-purpose vehicle that is sold or otherwise 3246  
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 ~~the effective date of this~~ 3256  
~~amendment~~ July 1, 1999, if a physical certificate of title or 3257

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memorandum certificate has been issued by a clerk of a court of 3258  
common pleas. If, under sections 4519.512 and 4519.58 of the 3259  
Revised Code, a clerk instead has issued an electronic certificate 3260  
of title for the applicant's off-highway motorcycle or all-purpose 3261  
vehicle, that certificate may be presented for inspection at the 3262  
time of first registration in a manner prescribed by rules adopted 3263  
by the registrar. 3264

(C) When the owner of an off-highway motorcycle or 3265  
all-purpose vehicle first registers it in the owner's name, and a 3266  
certificate of title has been issued for the motorcycle or 3267  
vehicle, the owner shall present for inspection a physical 3268  
certificate of title or memorandum certificate of title showing 3269  
title to the off-highway motorcycle or all-purpose vehicle in the 3270  
name of the owner if a physical certificate of title or memorandum 3271  
certificate has been issued by a clerk of a court of common pleas. 3272  
If, under sections 4519.512 and 4519.58 of the Revised Code, a 3273  
clerk instead has issued an electronic certificate of title for 3274  
the applicant's off-highway motorcycle or all-purpose vehicle, 3275  
that certificate may be presented for inspection at the time of 3276  
first registration in a manner prescribed by rules adopted by the 3277  
registrar. If, when the owner of such a an off-highway motorcycle 3278  
or all-purpose vehicle first makes application to register it in 3279  
the owner's name, the application is not in proper form or if the 3280  
certificate of title or memorandum certificate of title does not 3281  
accompany the registration or, in the case of an electronic 3282  
certificate of title, is not presented in a manner prescribed by 3283  
the registrar, the registration shall be refused, and neither a 3284  
certificate of registration nor a registration sticker shall be 3285  
issued. When a certificate of registration and registration 3286  
sticker are issued upon the first registration of an off-highway 3287  
motorcycle or all-purpose vehicle by or on behalf of the owner, 3288  
the official issuing them shall indicate the issuance with a stamp 3289  
on the certificate of title or memorandum certificate of title or, 3290

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in the case of an electronic certificate of title, an electronic stamp or other notation as specified in rules adopted by the registrar.

(D) Each deputy registrar shall be allowed a fee of two dollars and twenty-five cents for each application or renewal application received by the deputy registrar, which shall be for the purpose of compensating the deputy registrar for services, and office and rental expense, as may be necessary for the proper discharge of the deputy registrar's duties in the receiving of applications and the issuing of certificates of registration.

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

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

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

If it appears that a any certificate of title has been issued improperly, the registrar shall cancel the certificate. Upon the cancellation of any certificate of title, the registrar shall

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

The clerks shall keep on hand a sufficient supply of blank 3331  
forms, which, except for the certificate of title and memorandum 3332  
certificate forms, shall be furnished and distributed without 3333  
charge to registered manufacturers or dealers, or other persons 3334  
residing within the county. 3335

Sec. 4519.511. The registrar of motor vehicles shall 3336  
designate as an electronic dealer a dealer who meets both of the 3337  
following criteria: 3338

(A) The dealer has the capability, via electronic means, to 3339  
send title and registration information relating to off-highway 3340  
motorcycles and all-purpose vehicles, as specified by the 3341  
registrar, to the registrar and the clerks of the courts of common 3342  
pleas. 3343

(B) The dealer meets other criteria for electronic dealers 3344  
that the registrar may establish by rule adopted under Chapter 3345  
119. of the Revised Code. 3346

Sec. 4519.512. The owner of an off-highway motorcycle or 3347  
all-purpose vehicle shall apply for a certificate of title for the 3348  
motorcycle or vehicle when required by this chapter, but, except 3349  
as otherwise specifically required in this chapter, the owner may 3350  
elect whether or not to have the clerk of the court of common 3351

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pleas to whom the certificate of title application is submitted 3352  
issue a physical certificate of title for the motorcycle or 3353  
vehicle, as provided in section 4519.58 of the Revised Code. 3354

3355  
Except as otherwise specifically provided in this chapter, 3356  
any provision of this chapter relating to the cancellation, 3357  
issuance, or surrender of a certificate of title, including, but 3358  
not limited to, provisions that contain a phrase such as "when a 3359  
certificate of title is issued," "the clerk shall issue a 3360  
certificate of title," or "the person shall obtain a certificate 3361  
of title to the off-highway motorcycle or all-purpose vehicle," or 3362  
another phrase of similar import, shall include those 3363  
circumstances when a clerk enters certificate of title information 3364  
into the automated title processing system, but does not take any 3365  
further action relating to a physical certificate of title for the 3366  
motorcycle or vehicle. 3367

**Sec. 4519.52.** (A) Except as provided in ~~section~~ sections 3368  
4519.521 and 4519.54 of the Revised Code, ~~on and after the~~ 3369  
~~effective date of this section,~~ no dealer engaged in the business 3370  
of selling new or used off-highway motorcycles or all-purpose 3371  
vehicles shall sell or otherwise transfer a new or used 3372  
off-highway motorcycle or all-purpose vehicle without obtaining a 3373  
certificate of title to the new or used motorcycle or vehicle, in 3374  
accordance with this chapter, and delivering the certificate of 3375  
title or memorandum certificate of title to the purchaser or 3376  
transferee. 3377

(B)(1) A person who is not a dealer engaged in the business 3378  
of selling new or used off-highway motorcycles or all-purpose 3379  
vehicles and who, ~~on and after the effective date of this section,~~ 3380  
owns an off-highway motorcycle or all-purpose vehicle, may choose 3381  
to obtain a certificate of title to the motorcycle or vehicle. The 3382

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person shall comply with this chapter in order to obtain the 3383  
certificate of title. 3384

(2) If a person who is not a dealer engaged in the business 3385  
of selling new or used off-highway motorcycles or all-purpose 3386  
vehicles and who owns an off-highway motorcycle or all-purpose 3387  
vehicle obtains a certificate of title to the motorcycle or 3388  
vehicle, that person, except as otherwise provided in section 3389  
4519.521 of the Revised Code, shall not sell or otherwise transfer 3390  
the motorcycle or vehicle without delivering to the purchaser or 3391  
transferee a certificate of title with such an assignment thereon 3392  
on it as is necessary to show title in the purchaser or 3393  
transferee, and no person shall subsequently purchase or otherwise 3394  
acquire the motorcycle or vehicle without obtaining a certificate 3395  
of title to the motorcycle or vehicle in the person's own name. 3396  
3397

**Sec. 4519.521.** (A)(1) If a person who is not an electronic 3398  
dealer owns an off-highway motorcycle or all-purpose vehicle for 3399  
which a physical certificate of title has not been issued by a 3400  
clerk of a court of common pleas and the person sells the 3401  
motorcycle or vehicle to an electronic dealer, the person is not 3402  
required to obtain a physical certificate of title to the 3403  
motorcycle or vehicle in order to transfer ownership to the 3404  
dealer. The person shall present the dealer, in a manner approved 3405  
by the registrar of motor vehicles, with sufficient proof of the 3406  
person's identity and complete and sign a form prescribed by the 3407  
registrar attesting to the person's identity and assigning the 3408  
motorcycle or vehicle to the dealer. The electronic dealer then 3409  
shall inform a clerk of a court of common pleas via electronic 3410  
means of the sale of the motorcycle or vehicle and assignment of 3411  
ownership of the motorcycle or vehicle to the dealer. The clerk 3412  
shall enter the information relating to the assignment into the 3413  
automated title processing system, and ownership of the motorcycle 3414

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or vehicle passes to the dealer when the clerk enters this 3415  
information into the system. The dealer is not required to obtain 3416  
a certificate of title to the motorcycle or vehicle in the 3417  
dealer's name. 3418

(2) A clerk shall charge and collect from a dealer a fee of 3419  
five dollars for each motorcycle or vehicle assigned to the dealer 3420  
under division (A)(1) of this section. The fee shall be 3421  
distributed in accordance with section 4519.59 of the Revised 3422  
Code. 3423

(B) If a person who is not an electronic dealer owns an 3424  
off-highway motorcycle or all-purpose vehicle for which a physical 3425  
certificate of title has not been issued by a clerk of a court of 3426  
common pleas and the person sells the motorcycle or vehicle to a 3427  
person who is not an electronic dealer, the person shall obtain a 3428  
physical certificate of title to the motorcycle or vehicle in 3429  
order to transfer ownership of the vehicle to the person who is 3430  
not an electronic dealer. 3431

**Sec. 4519.53.** No person who acquires an off-highway 3432  
motorcycle or all-purpose vehicle from the owner ~~thereof~~ of it, if 3433  
whether the owner is a manufacturer, importer, ~~or~~ dealer, or any 3434  
other person, acquires any right, title, claim, or interest in or 3435  
to the off-highway motorcycle or all-purpose vehicle until the 3436  
person has been issued a certificate of title to the off-highway 3437  
motorcycle or all-purpose vehicle, or there is delivered to the 3438  
person a manufacturer's or importer's certificate for it, or a 3439  
certificate of title to it is assigned as authorized by section 3440  
4519.521 of the Revised Code. No waiver or estoppel operates in 3441  
favor of ~~such~~ that person against a person having possession of 3442  
~~such~~ the certificate of title to, or manufacturer's or importer's 3443  
certificate for, the off-highway motorcycle or all-purpose 3444  
vehicle, for a valuable consideration. 3445

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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.

If an application for a certificate of title is filed electronically by an electronic dealer on behalf of the purchaser of an off-highway motorcycle or all-purpose 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 dealer shall forward the actual application and all other documents relating to the sale of the off-highway motorcycle or all-purpose vehicle to any clerk within

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thirty days after the certificate of title is issued. The registrar, after consultation with the attorney general, shall adopt rules that govern the location at which, and the manner in which, are stored the actual application and all other documents relating to the sale of an off-highway motorcycle or all-purpose vehicle when an electronic dealer files the application for a certificate of title electronically on behalf of the purchaser.

The application shall be accompanied by the fee prescribed in section 4519.59 of the 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 database of the automated data processing system in the office of the clerk of the court of common pleas of the applicant's county of residence.

If a certificate of title previously has been issued for the an off-highway motorcycle or all-purpose vehicle, the application also shall be accompanied by the certificate of title duly assigned, unless otherwise provided in this chapter. If a certificate of title previously has not been issued for the off-highway motorcycle or all-purpose vehicle, the application, unless otherwise provided in this chapter, shall be accompanied by a manufacturer's or importer's certificate; by a sworn statement of ownership; or by a certificate of title, bill of sale, or other evidence of ownership required by law of another state from which the off-highway motorcycle or all-purpose vehicle was brought into this state. The registrar, in accordance with Chapter 119. of the Revised Code, shall prescribe the types of additional documentation sufficient to establish proof of ownership,

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including, but not limited to, receipts from the purchase of parts 3509  
 or components, photographs, and affidavits of other persons. For 3510  
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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

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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  
3561

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 3566  
shall not retain a poundage fee from payments of taxes by persons 3567  
who do not reside in the clerk's county. 3568

A clerk, however, may retain from the taxes paid to the clerk 3569  
an amount equal to the poundage fees associated with certificates 3570  
of title issued by other clerks of courts of common pleas to 3571  
applicants who reside in the first clerk's county. The registrar, 3572

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in consultation with the tax commissioner and the clerks of the 3573  
courts of common pleas, shall develop a report from the automated 3574  
title processing system that informs each clerk of the amount of 3575  
the poundage fees that the clerk is permitted to retain from those 3576  
taxes because of certificates of title issued by the clerks of 3577  
other counties to applicants who reside in the first clerk's 3578  
county. 3579

In the case of casual sales of off-highway motorcycles or 3580  
all-purpose vehicles that are subject to the tax imposed by 3581  
Chapter 5739. or 5741. of the Revised Code, the purchase price for 3582  
the purpose of determining the tax shall be the purchase price on 3583  
an affidavit executed and filed with the clerk by the seller on a 3584  
form to be prescribed by the registrar, which shall be prima-facie 3585  
evidence of the price for the determination of the tax. ~~In~~ 3586

In addition to the information required by section 4519.57 of 3588  
the Revised Code, each certificate of title shall contain in bold 3589  
lettering the following notification and statements: "WARNING TO 3590  
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 3591  
law to state the true selling price. A false statement is in 3592  
violation of section 2921.13 of the Revised Code and is punishable 3593  
by six months imprisonment or a fine of up to one thousand 3594  
dollars, or both. All transfers are audited by the department of 3595  
taxation. The seller and buyer must provide any information 3596  
requested by the department of taxation. The buyer may be assessed 3597  
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

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issuance of certificates of title for off-highway motorcycles and  
all-purpose vehicles that are described in the Revised Code as  
being accomplished by electronic means.

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**Sec. 4519.56.** (A) An application for a certificate of title shall be ~~sworn to before a notary public or other officer empowered to administer oaths by the lawful owner or purchaser of the off-highway motorcycle or all-purpose vehicle~~ and shall contain at least the following information in a form and together with any other information the registrar of motor vehicles may require:

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

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(2) Statement of how the off-highway motorcycle or all-purpose vehicle was acquired;

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(3) Name and address of the previous owner;

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(4) A statement of all liens, mortgages, or other encumbrances on the off-highway motorcycle or all-purpose vehicle, and the name and address of each holder thereof;

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

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(6) A description of the off-highway motorcycle or all-purpose vehicle, including the make, year, series or model, if any, body type, and manufacturer's vehicle identification number.

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If the off-highway motorcycle or all-purpose vehicle contains a permanent identification number placed ~~thereon~~ on it by the manufacturer, this number shall be used as the vehicle identification number. Except as provided in division (B) of this section, if the application for a certificate of title refers to an off-highway motorcycle or all-purpose vehicle that contains such a permanent identification number, but for which no

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certificate of title has been issued previously by this state, the 3635  
application shall be accompanied by a physical inspection 3636  
certificate as described in that division. 3637

If there is no manufacturer's vehicle identification number 3638  
or if the manufacturer's vehicle identification number has been 3639  
removed or obliterated, the registrar, upon receipt of a 3640  
prescribed application and proof of ownership, but prior to 3641  
issuance of a certificate of title, shall assign a vehicle 3642  
identification number for the off-highway motorcycle or 3643  
all-purpose vehicle. This assigned vehicle identification number 3644  
shall be permanently affixed to or imprinted upon the off-highway 3645  
motorcycle or all-purpose vehicle by the state highway patrol. The 3646  
state highway patrol shall assess a fee of fifty dollars for 3647  
affixing the number to the off-highway motorcycle or all-purpose 3648  
vehicle and shall deposit each such fee in the state highway 3649  
safety fund established by section 4501.06 of the Revised Code. 3650

(B) Except in the case of a new off-highway motorcycle or 3651  
all-purpose vehicle sold by a dealer licensed under Chapter 4517. 3652  
of the Revised Code title to which is evidenced by a 3653  
manufacturer's or importer's certificate, if the application for a 3654  
certificate of title refers to an off-highway motorcycle or 3655  
all-purpose vehicle that contains a permanent identification 3656  
number placed ~~thereon~~ on it by the manufacturer, but for which no 3657  
certificate of title previously has been issued by this state, the 3658  
application shall be accompanied by a physical inspection 3659  
certificate issued by the department of public safety verifying 3660  
the make, year, series or model, if any, body type, and 3661  
manufacturer's vehicle identification number of the off-highway 3662  
motorcycle or all-purpose vehicle for which the certificate of 3663  
title is desired. The physical inspection certificate shall be in 3664  
~~such~~ the form ~~as is~~ designated by the registrar. The physical 3665  
inspection shall be made at a deputy registrar's office or at an 3666

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established place of business operated by a licensed motor vehicle 3667  
dealer. The deputy registrar or motor vehicle dealer may charge a 3668  
maximum fee of one dollar and fifty cents for conducting the 3669  
physical inspection. 3670

The clerk of the court of common pleas shall charge a fee of 3671  
one dollar and fifty cents for the processing of each physical 3672  
inspection certificate. The clerk shall retain fifty cents of the 3673  
one dollar and fifty cents so charged and shall pay the remaining 3674  
one dollar to the registrar by monthly returns, which shall be 3675  
forwarded to the registrar not later than the fifth day of the 3676  
month next succeeding that in which the certificate is received by 3677  
the clerk. The registrar shall pay such remaining sums into the 3678  
state bureau of motor vehicles fund established by section 4501.25 3679  
of the Revised Code. 3680

**Sec. 4519.57.** ~~The~~ When the clerk of ~~the~~ a court of common 3681  
pleas issues a physical certificate of title for an off-highway 3682  
motorcycle or all-purpose vehicle, the clerk shall issue 3683  
~~certificates of title for off-highway motorcycles and all-purpose~~ 3684  
~~vehicles~~ it over the clerk's official seal. The front side of each 3685  
physical certificate of title shall contain the information 3686  
required in the application ~~therefor~~ for it as prescribed by 3687  
section 4519.56 of the Revised Code, spaces for the dates of 3688  
notation and cancellation of two liens, mortgages, or 3689  
encumbrances, and any other pertinent information as may be 3690  
required by the registrar of motor vehicles, but shall contain 3691  
neither the social security number nor taxpayer identification 3692  
number of the applicant. The reverse side of each physical 3693  
certificate of title shall contain all of the information 3694  
specified in division (F) of section 4505.07 of the Revised Code. 3695  
An assignment of certificate of title ~~before a notary public or~~ 3696  
~~other officer empowered to administer oaths~~ shall appear on the 3697  
reverse side of each physical certificate of title in the form to 3698

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be prescribed by the registrar ~~of motor vehicles~~. The assignment 3699  
form shall include a warranty that the signer is the owner of the 3700  
off-highway motorcycle or all-purpose vehicle and that there are 3701  
no mortgages, liens, or encumbrances on the off-highway motorcycle 3702  
or all-purpose vehicle except as are noted on the face of the 3703  
certificate of title. 3704

~~Certificates~~ Physical certificates of title also shall bear a 3705  
statement that liens applicable to the off-highway motorcycle or 3706  
all-purpose vehicle other than the two for which there are spaces 3707  
on the ~~titles~~ certificates may exist and, if so, are entered into 3708  
the automated title processing system ~~for motor vehicle titles~~. 3709

**Sec. 4519.58.** ~~The~~ When the clerk of ~~the~~ a court of common 3711  
pleas issues a physical certificate of title, the clerk shall 3712  
issue ~~certificates~~ the certificate of title in duplicate. One copy 3713  
shall be retained and filed by the clerk in the clerk's office, 3714  
and the information contained in it shall be transmitted to the 3715  
registrar of motor vehicles on the day it is issued. The clerk 3716  
shall sign and affix the clerk's seal to the original certificate 3717  
of title and, if there are no liens on the off-highway motorcycle 3718  
or all-purpose vehicle, shall deliver the certificate to the 3719  
applicant or the selling dealer. Except as otherwise provided in 3720  
this section, if there are one or more liens on the off-highway 3721  
motorcycle or all-purpose vehicle, the certificate of title shall 3722  
be delivered to the holder of the first lien. If the certificate 3723  
of title is obtained by a dealer on behalf of the applicant and 3724  
there are one or more liens on the off-highway motorcycle or 3725  
all-purpose vehicle, the clerk shall issue a certificate of title 3726  
and may issue a memorandum certificate of title. The certificate 3727  
of title and memorandum certificate of title, if issued, shall be 3728  
delivered to the holder of the first lien or the selling dealer, 3729

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who shall deliver the certificate of title to the holder of the 3730  
first lien and the memorandum certificate of title to the 3731  
applicant. The selling dealer also may make arrangements with the 3732  
clerk to have the clerk deliver the memorandum certificate of 3733  
title to the applicant. 3734

The registrar shall prescribe a uniform method of numbering 3735  
certificates of title. The numbering shall be in such manner that 3736  
the county of issuance is indicated. Numbers shall be assigned to 3737  
certificates of title in the manner prescribed by the registrar. 3738  
The clerk shall file all certificates of title according to the 3739  
rules to be prescribed by the registrar, and the clerk shall 3740  
maintain in the clerk's office indexes for the certificates of 3741  
title. 3742  
3743

The clerk need not retain on file any current certificates of 3744  
title, current duplicate certificates of title, current memorandum 3745  
certificates of title, or current salvage certificates of title, 3746  
or supporting evidence thereof of them, including the electronic 3747  
record described in section 4519.55 of the Revised Code, covering 3748  
any off-highway motorcycle or all-purpose vehicle for a period 3749  
longer than seven years after the date of their filing; 3750  
thereafter, the same documents and supporting evidence may be 3751  
destroyed. The clerk need not retain on file any inactive records, 3752  
including certificates of title, duplicate certificates of title, 3753  
or memorandum certificates of title, or supporting evidence 3754  
thereof of them, including the electronic record described in 3755  
section 4519.55 of the Revised Code, covering any off-highway 3756  
motorcycle or all-purpose vehicle for a period longer than five 3757  
years after the date of their filing; thereafter, the same 3758  
documents and supporting evidence may be destroyed. The clerk 3759  
shall retain the active index and all active records in the data 3760  
base of the computer in the clerk's office, and shall retain in 3761

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the data base a record and index of all inactive titles for ten 3762  
years. If the clerk provides a written copy of any information 3763  
contained in the data base, the copy shall be considered the 3764  
original for purposes of the clerk certifying the record of the 3765  
information for use in any legal proceeding. 3766

The clerk shall issue a physical certificate of title to an 3768  
applicant unless the applicant specifically requests the clerk not 3769  
to issue a physical certificate of title and instead to issue an 3770  
electronic certificate of title. The fact that a physical 3771  
certificate of title is not issued for an off-highway motorcycle 3772  
or all-purpose vehicle does not affect ownership of the motorcycle 3773  
or vehicle. In that case, when the clerk completes the process of 3774  
entering certificate of title application information into the 3775  
automated title processing system, the effect of the completion of 3776  
the process is the same as if the clerk actually issued a physical 3777  
certificate of title for the motorcycle or vehicle. 3778

An electronic dealer who applies for a certificate of title 3780  
on behalf of a customer who purchases an off-highway motorcycle or 3781  
all-purpose vehicle from the dealer may print a non-negotiable 3782  
evidence of ownership for the customer if the customer so 3783  
requests. The authorization to print the non-negotiable evidence 3784  
of ownership shall come from the clerk with whom the dealer makes 3785  
application for the certificate of title for the customer, but the 3786  
printing by the dealer does not create an agency relationship of 3787  
any kind between the dealer and the clerk. 3788

**Sec. 4519.59.** (A) The clerk of ~~the~~ a court of common pleas 3790  
shall charge a fee of five dollars for each certificate of title, 3791  
duplicate certificate of title, memorandum certificate of title, 3792  
authorization to print a non-negotiable evidence of ownership 3793

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described in section 4519.58 of the Revised Code, and notation of 3794  
any lien on a certificate of title. The clerk shall retain two 3795  
dollars and twenty-five cents of the fee charged for each 3796  
certificate of title, four dollars and seventy-five cents of the 3797  
fee charged for each duplicate certificate of title, all of the 3798  
fees charged for each memorandum certificate or authorization to 3799  
print a non-negotiable evidence of ownership, and four dollars and 3800  
twenty-five cents of the fee charged for each notation of a lien. 3801

The remaining two dollars and seventy-five cents charged for 3803  
the certificate of title, the remaining twenty-five cents charged 3804  
for the duplicate certificate of title, and the remaining 3805  
seventy-five cents charged for the notation of any lien on a 3806  
certificate of title shall be paid to the registrar of motor 3807  
vehicles by monthly returns, which shall be forwarded to the 3808  
registrar not later than the fifth day of the month next 3809  
succeeding that in which the certificate is forwarded or that in 3810  
which the registrar is notified of a lien or cancellation ~~thereof~~ 3811  
of a lien. 3812

(B)(1) The registrar shall pay twenty-five cents of the 3813  
amount received for each certificate of title and all of the 3814  
amounts received for each notation of any lien and each duplicate 3815  
certificate of title into the state bureau of motor vehicles fund 3816  
established in section 4501.25 of the Revised Code. 3817

(2) Fifty cents of the amount received for each certificate 3818  
of title shall be paid by the registrar as follows: 3819

(a) Four cents shall be paid into the state treasury to the 3820  
credit of the motor vehicle dealers board fund created in section 3821  
4505.09 of the Revised Code, for use as described in division 3822  
(B)(2)(a) of that section. 3823

(b) Twenty-one cents shall be paid into the general revenue 3824

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fund. 3825

(c) Twenty-five cents shall be paid into the state treasury 3826  
to the credit of the motor vehicle sales audit fund created in 3827  
section 4505.09 of the Revised Code, for use as described in 3828  
division (B)(2)(c) of that section. 3829

(3) Two dollars of the amount received by the registrar for 3830  
each certificate of title shall be paid into the state treasury to 3831  
the credit of the automated title processing fund created in 3832  
section 4505.09 of the Revised Code, for use as described in 3833  
~~division~~ divisions (B)(3)(a) and (c) of that section. 3834

**Sec. 4519.60.** In the event of the transfer of ownership of an 3835  
off-highway motorcycle or all-purpose vehicle by operation of law, 3836  
as upon inheritance, devise ~~or~~, bequest, order in bankruptcy, 3837  
insolvency, replevin, or execution of sale, or when repossession 3838  
is had upon default in performance of the terms of a security 3839  
agreement as provided in Chapter 1309. of the Revised Code, ~~the a~~ 3840  
~~clerk of the a court of common pleas of the county in which the~~ 3841  
~~last certificate of title to the off-highway motorcycle or~~ 3842  
~~all-purpose vehicle was issued,~~ upon the surrender of the prior 3843  
certificate of title or the manufacturer's or importer's 3844  
certificate, or, when that is not possible, upon presentation to 3845  
the clerk of satisfactory proof of ownership and rights of 3846  
possession to ~~such~~ the off-highway motorcycle or all-purpose 3847  
vehicle, and upon payment of the fee prescribed in section 4519.59 3848  
of the Revised Code, and presentation of an application for 3849  
certificate of title, may issue to the applicant a certificate of 3850  
title to the off-highway motorcycle or all-purpose vehicle. Only 3851  
an affidavit by the person or agent of the person to whom 3852  
possession of the off-highway motorcycle or all-purpose vehicle 3853  
has passed, setting forth the facts entitling the person to ~~such~~ 3854  
the possession and ownership, together with a copy of the journal 3855

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entry, court order, or instrument upon which the claim of 3856  
 possession and ownership is founded, is satisfactory proof of 3857  
 ownership and right of possession. If the applicant cannot produce 3858  
~~such~~ that proof of ownership, the applicant may apply directly to 3859  
 the registrar of motor vehicles and submit the evidence the 3860  
 applicant has, and the registrar, upon finding the evidence 3861  
 sufficient, may authorize the clerk to issue a certificate of 3862  
 title. If, from the records in the office of the clerk, there 3863  
 appears to be any lien on the off-highway motorcycle or 3864  
 all-purpose vehicle, the certificate of title shall contain a 3865  
 statement of the lien unless the application is accompanied by 3866  
 proper evidence of its extinction. 3867  
 3868

**Sec. 4519.61.** (A) Each owner of an off-highway motorcycle or 3869  
 all-purpose vehicle and each person mentioned as owner in the last 3870  
 certificate of title, when the off-highway motorcycle or 3871  
 all-purpose vehicle is dismantled, destroyed, or changed in such 3872  
 manner that it loses its character as an off-highway motorcycle or 3873  
 all-purpose vehicle, or changed in such manner that it is not the 3874  
 off-highway motorcycle or all-purpose vehicle described in the 3875  
 certificate of title, shall surrender the certificate of title to 3876  
~~the a~~ clerk of ~~the a~~ court of common pleas ~~who issued it~~, and 3877  
~~thereupon~~ the clerk, with the consent of the holders of any liens 3878  
~~noted thereon~~, on the certificate of title, then shall enter a 3879  
 cancellation upon the clerk's records and shall notify the 3880  
 registrar of motor vehicles of the cancellation. 3881

Upon the cancellation of a certificate of title in the manner 3882  
 prescribed by this section, ~~the~~ any clerk and the registrar may 3883  
 cancel and destroy all certificates and all memorandum 3884  
 certificates in that chain of title. 3885

(B) ~~Where~~ If an Ohio certificate of title or salvage 3886

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certificate of title to an off-highway motorcycle or all-purpose 3887  
vehicle is assigned to a salvage dealer, the dealer shall not be 3888  
required to obtain an Ohio certificate of title or a salvage 3889  
certificate of title to the off-highway motorcycle or all-purpose 3890  
vehicle in the dealer's own name if the dealer dismantles or 3891  
destroys the off-highway motorcycle or all-purpose vehicle, 3892  
completes the assignment on the certificate of title or salvage 3893  
certificate of title, indicates the number of the dealer's motor 3894  
vehicle salvage dealer's license ~~thereon~~ on it, marks "FOR 3895  
DESTRUCTION" across the face of the certificate of title or 3896  
salvage certificate of title, and surrenders the certificate of 3897  
title or salvage certificate of title to ~~the~~ a clerk of ~~the~~ a 3898  
court of common pleas as provided in division (A) of this section. 3899  
If the salvage dealer retains the off-highway motorcycle or 3900  
all-purpose vehicle for resale, the salvage dealer shall make 3901  
application for a salvage certificate of title to the off-highway 3902  
motorcycle or all-purpose vehicle in the salvage dealer's own name 3903  
as provided in division (C)(1) of this section. 3904

(C)(1) When an insurance company declares it economically 3906  
impractical to repair the off-highway motorcycle or all-purpose 3907  
vehicle and has paid an agreed price for the purchase of the 3908  
off-highway motorcycle or all-purpose vehicle to any insured or 3909  
claimant owner, the insurance company shall receive the 3910  
certificate of title and off-highway motorcycle or all-purpose 3911  
vehicle and proceed as follows. Within thirty days, the insurance 3912  
company shall deliver the certificate of title to ~~the~~ a clerk of 3913  
~~the~~ a court of common pleas and shall make application for a 3914  
salvage certificate of title. The clerk shall issue the salvage 3915  
certificate of title on a form, prescribed by the registrar, that 3916  
shall be easily distinguishable from the original certificate of 3917  
title and shall bear the same number and information as the 3918  
original certificate of title. Except as provided in division 3919

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(C)(2) of this section, the salvage certificate of title shall be 3920  
assigned by the insurance company to a salvage dealer or any other 3921  
person for use as evidence of ownership upon the sale or other 3922  
disposition of the off-highway motorcycle or all-purpose vehicle, 3923  
and the salvage certificate of title shall be transferable to any 3924  
other person. The clerk of the court of common pleas shall charge 3925  
a fee of four dollars for the cost of processing each salvage 3926  
certificate of title. 3927

(2) If an insurance company considers an off-highway 3928  
motorcycle or all-purpose vehicle as described in division (C)(1) 3929  
of this section to be impossible to restore to normal operation, 3930  
the insurance company may assign the certificate of title to the 3931  
off-highway motorcycle or all-purpose vehicle to a salvage dealer 3932  
or scrap metal processing facility and send the assigned 3933  
certificate of title to the clerk of the court of common pleas of 3934  
the county in which the salvage dealer or scrap metal processing 3935  
facility is located. The insurance company shall mark the face of 3936  
the certificate of title "FOR DESTRUCTION" and shall deliver a 3937  
photocopy of the certificate of title to the salvage dealer or 3938  
scrap metal processing facility for its records. 3939

(3) If an insurance company declares it economically 3940  
impractical to repair an off-highway motorcycle ~~of~~ or all-purpose 3941  
vehicle, agrees to pay to the insured or claimant owner an amount 3942  
in settlement of a claim against a policy of motor vehicle 3943  
insurance covering the off-highway motorcycle or all-purpose 3944  
vehicle, and agrees to permit the insured or claimant owner to 3945  
retain possession of the off-highway motorcycle or all-purpose 3946  
vehicle, the insurance company shall not pay the insured or 3947  
claimant owner any amount in settlement of the insurance claim 3948  
until the owner obtains a salvage certificate of title to the 3949  
vehicle and furnishes a copy of the salvage certificate of title 3950  
to the insurance company. 3951

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

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

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

(E) If an off-highway motorcycle or all-purpose vehicle titled with a salvage certificate of title is restored for operation, application shall be made to ~~the~~ a clerk of ~~the~~ a court

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of common pleas for a certificate of title after inspection by the 3984  
state highway patrol. The inspection shall include establishing 3985  
proof of ownership and an inspection of the motor number and 3986  
vehicle identification number of the off-highway motorcycle or 3987  
all-purpose vehicle and of documentation or receipts for the 3988  
materials used in restoration by the owner of the off-highway 3989  
motorcycle or all-purpose vehicle being inspected, which 3990  
documentation or receipts shall be presented at the time of 3991  
inspection. Upon successful completion of the inspection, the 3992  
state highway patrol shall issue to the owner a completed 3993  
inspection form. The clerk, upon submission of the completed 3994  
inspection form and surrender of the salvage certificate of title, 3995  
shall issue a certificate of title for a fee prescribed by the 3996  
registrar. The certificate of title shall be in the same form as 3997  
the original certificate of title, shall bear the same number as 3998  
the salvage certificate of title and the original certificate of 3999  
title, and shall bear the words "REBUILT SALVAGE" in black 4000  
boldface letters on its face. Every subsequent certificate of 4001  
title, memorandum certificate of title, or certified copy of a 4002  
certificate of title or memorandum certificate of title issued for 4003  
the off-highway motorcycle or all-purpose vehicle also shall bear 4004  
the words "REBUILT SALVAGE" in black boldface letters on its face. 4005  
The exact location on the face of the certificate of title of the 4006  
words "REBUILT SALVAGE" shall be determined by the registrar, who 4007  
shall develop an automated procedure within the automated title 4008  
processing system to comply with this division. The clerk shall 4009  
use reasonable care in performing the duties imposed on the clerk 4010  
by this division in issuing a certificate of title pursuant to 4011  
this division, but the clerk is not liable for errors or omissions 4012  
of the clerk of courts, the clerk's deputies, or the automated 4013  
title processing system in the performance of such duties. A fee 4014  
of fifty dollars shall be assessed by the state highway patrol for 4015  
each inspection made pursuant to this division. 4016

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4018  
(F) No off-highway motorcycle or all-purpose vehicle the 4019  
certificate of title to which has been marked "FOR DESTRUCTION" 4020  
and surrendered to ~~the~~ a clerk of ~~the~~ a court of common pleas 4021  
shall be used for anything except parts and scrap metal. 4022

**Sec. 4519.62.** In the event of a lost or destroyed certificate 4023  
of title, application shall be made to ~~the~~ a clerk of ~~the~~ a court 4024  
of common pleas of ~~the county where the certificate of title was~~ 4025  
~~issued~~, by the owner of the off-highway motorcycle or all-purpose 4026  
vehicle, or the holder of a lien ~~thereon~~ on it, for a certified 4027  
copy of the certificate, upon a form prescribed by the registrar 4028  
of motor vehicles and accompanied by the fee prescribed by section 4029  
4519.59 of the Revised Code. The application shall be signed ~~and~~ 4030  
~~sworn to~~ by the person making the application, and the clerk shall 4031  
issue a certified copy of the certificate of title to the person 4032  
entitled to receive it under this chapter. The certified copy 4033  
shall be plainly marked across its face with the word "duplicate," 4034  
and any subsequent purchaser of the off-highway motorcycle or 4035  
all-purpose vehicle in the chain of title originating through the 4036  
certified copy acquires only such rights in the off-highway 4037  
motorcycle or all-purpose vehicle as the original holder of the 4038  
certified copy had. Any purchaser of the off-highway motorcycle or 4039  
all-purpose vehicle, at the time of purchase, may require the 4040  
seller of the same to indemnify the purchaser and all subsequent 4041  
purchasers of the off-highway motorcycle or all-purpose vehicle 4042  
against any loss that the purchaser or subsequent purchasers may 4043  
suffer by reason of any claim presented upon the original 4044  
certificate. In the event of the recovery of the original 4045  
certificate of title by ~~said~~ the owner, the owner shall surrender 4046  
~~forthwith the original certificate of title~~ it immediately to the 4047  
clerk for cancellation. 4048

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

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

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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.

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Access by the public to off-highway motorcycle and

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all-purpose vehicle title information under this section shall 4080  
comply with all restrictions contained in the Revised Code and 4081  
federal law that govern the disclosure of that information. 4082

**Sec. 4519.66.** No person shall do any of the following: 4083

(A) Operate in this state an off-highway motorcycle or 4084  
 all-purpose vehicle without having a certificate of title for the 4085  
 off-highway motorcycle or all-purpose vehicle, if such a 4086  
 certificate is required by this chapter to be issued for the 4087  
 off-highway motorcycle or all-purpose vehicle, or, if a physical 4088  
certificate of title has not been issued for it, operate an 4089  
off-highway motorcycle or all-purpose vehicle knowing that the 4090  
ownership information relating to the motorcycle or vehicle has 4091  
not been entered into the automated title processing system by a 4092  
clerk of a court of common pleas; 4093

(B) Operate in this state an off-highway motorcycle or 4094  
 all-purpose vehicle if a certificate of title to the off-highway 4095  
 motorcycle or all-purpose vehicle has been issued and then has 4096  
 been canceled; 4097

(C) Fail to surrender any certificate of title upon 4098  
 cancellation of ~~the same~~ it by the registrar of motor vehicles and 4099  
 notice ~~thereof~~ of the cancellation as prescribed in this chapter; 4100  
 4101

(D) Fail to surrender the certificate of title to ~~the~~ a clerk 4102  
 of ~~the~~ a court of common pleas as provided in this chapter, in 4103  
 case of the destruction or dismantling of, or change in, the 4104  
 off-highway motorcycle or all-purpose vehicle described in the 4105  
 certificate of title; 4106

(E) Violate any provision of sections 4519.51 to 4519.70 of 4107  
 the Revised Code for which no penalty is otherwise provided or any 4108  
 lawful rules ~~promulgated~~ adopted pursuant to those sections; 4109

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4111 (F) Operate in this state an off-highway motorcycle or  
4112 all-purpose vehicle knowing that the certificate of title to or  
4113 ownership of the motorcycle or vehicle as otherwise reflected in  
4114 the automated title processing system has been canceled.

**Sec. 4519.67.** No person shall do any of the following: 4115

4116 (A) Procure or attempt to procure a certificate of title to  
4117 an off-highway motorcycle or all-purpose vehicle, or pass or  
4118 attempt to pass a certificate of title or any assignment ~~thereof~~  
4119 of a certificate of title to an off-highway motorcycle or  
4120 all-purpose vehicle, or in any other manner gain or attempt to  
4121 gain ownership to an off-highway motorcycle or all-purpose  
4122 vehicle, knowing or having reason to believe that the off-highway  
4123 motorcycle or all-purpose vehicle has been stolen;

4124 (B) Sell or offer for sale in this state an off-highway  
4125 motorcycle or all-purpose vehicle on which the manufacturer's or  
4126 assigned vehicle identification number has been destroyed,  
4127 removed, covered, altered, or defaced with knowledge of the  
4128 destruction, removal, covering, alteration, or defacement of the  
4129 manufacturer's or assigned vehicle identification number;

4130 (C) ~~Sell~~ Except as otherwise provided in this chapter, sell  
4131 or transfer an off-highway motorcycle or all-purpose vehicle  
4132 without delivering to the purchaser or transferee ~~thereof~~ of it a  
4133 certificate of title, or a manufacturer's or importer's  
4134 certificate ~~thereto~~ to it, assigned to the purchaser as provided  
4135 for in this chapter.

4136 **Sec. 4519.68.** (A)(1) Chapter 1309. of the Revised Code does  
4137 not permit or require the deposit, filing, or other record of a  
4138 security interest covering an off-highway motorcycle or  
4139 all-purpose vehicle, except as provided in division (A)(2) of this

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section. 4140

(2) ~~Sections 1309.01 to 1309.50 Chapter 1309.~~ of the Revised 4141  
Code ~~apply~~ applies to a security interest in an off-highway 4142  
motorcycle or all-purpose vehicle held as inventory, as defined in 4143  
division (D) of section 1309.07 of the Revised Code, for sale by a 4144  
dealer. The security interest has priority over creditors of the 4145  
dealer as provided in ~~sections 1309.01 to 1309.50 Chapter 1309.~~ of 4146  
the Revised Code without notation of the security interest on a 4147  
certificate of title, without entry of a notation of the security 4148  
interest into the automated title processing system if a physical 4149  
certificate of title has not been issued, or without the retention 4150  
of a manufacturer's or importer's certificate. 4151

(B) Subject to division (A) of this section, any security 4153  
agreement covering a security interest in an off-highway 4154  
motorcycle or all-purpose vehicle, if a notation of the agreement 4155  
has been made by ~~the~~ a clerk of ~~the~~ a court of common pleas on the 4156  
face of the certificate of title or if the clerk has entered a 4157  
notation of the agreement into the automated title processing 4158  
system if a physical certificate of title has not been issued, is 4159  
valid as against the creditors of the debtor, whether armed with 4160  
process or not, and against subsequent purchasers, secured 4161  
parties, and other lienholders or claimants. All security 4162  
interests, liens, mortgages, and encumbrances ~~noted upon~~ entered 4163  
into the automated title processing system in relation to a 4164  
particular certificate of title, regardless of whether a physical 4165  
certificate of title is issued, take priority according to the 4166  
order of time in which they are ~~noted thereon~~ entered into the 4167  
automated title processing system by the clerk. Exposure for sale 4168  
of any off-highway motorcycle or all-purpose vehicle by its owner, 4169  
with the knowledge or with the knowledge and consent of the holder 4170  
of any security interest, lien, mortgage, or encumbrance ~~thereon~~ 4171

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on it, does not render the security interest, lien, mortgage, or 4172  
encumbrance ineffective as against the creditors of the owner, or 4173  
against holders of subsequent security interests, liens, 4174  
mortgages, or encumbrances upon the off-highway motorcycle or 4175  
all-purpose vehicle. 4176

The secured party, upon presentation of ~~the evidence of a~~ 4178  
security ~~agreement~~ interest to ~~the a~~ clerk of ~~the a~~ court of 4179  
common pleas of ~~the county in which the certificate of title was~~ 4180  
~~issued~~, together with the certificate of title if a physical 4181  
certificate of title for the off-highway motorcycle or all-purpose 4182  
vehicle exists, and the fee prescribed by section 4519.59 of the 4183  
Revised Code, may have a notation of the security interest made on 4184  
the face of the certificate of title, and, if such a notation is 4185  
made, another notation of the ~~lien~~ security interest shall be 4186  
entered into the automated title processing system ~~for motor~~ 4187  
~~vehicle titles~~. Unless the secured party specifically requests 4188  
the clerk not to issue a physical certificate of title and instead 4189  
to issue an electronic certificate of title, the clerk, over the 4190  
clerk's signature and seal of office, shall issue a new original 4191  
certificate of title from the automated title processing system 4192  
that indicates the security interest and the date of the security 4193  
interest. 4194

~~When the~~ If a security interest is discharged and the holder 4195  
of the security interest holds a physical certificate of title, 4196  
the holder ~~thereof~~ of the security interest shall note ~~the its~~ 4197  
discharge over the holder's signature on the face of the 4198  
certificate of title or over the holder's signature on a form 4199  
prescribed by the registrar of motor vehicles when there is no 4200  
space for the discharge on the face of the certificate of title. 4201  
Prior to delivering the certificate of title to the owner, the 4202  
holder or the holder's agent shall present it and any additional 4203

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information ~~the~~ a clerk requires to ~~the~~ a clerk to have the clerk 4204  
 note the cancellation of the security interest on the face of the 4205  
 certificate of title and upon the records of the clerk. If the 4206  
~~cancellation~~ discharge appears to be genuine, the clerk shall note 4207  
 the cancellation on the certificate of title and also shall note 4208  
 the cancellation on the clerk's records and notify the registrar, 4209  
 who shall note the cancellation. If a security interest that is 4210  
 discharged does not appear on the face of the certificate of 4211  
 title, but instead was entered into the automated title processing 4212  
 system ~~for motor vehicles~~, the clerk shall enter the cancellation 4213  
 into the automated title processing system and also shall note the 4214  
 cancellation on a form prescribed by the registrar. 4215

(C) If a physical certificate of title has not been issued 4217  
for an off-highway motorcycle or all-purpose vehicle and all the 4218  
security interests relating to that motorcycle or vehicle have 4219  
been discharged, the owner of the motorcycle or vehicle may obtain 4220  
a physical certificate of title from the clerk of any court of 4221  
common pleas upon payment of the fee specified in section 4519.59 4222  
of the Revised Code. 4223

(D) If a clerk of a court of common pleas, other than the 4224  
clerk of the court of common pleas of the county in which the 4225  
owner of an off-highway motorcycle or all-purpose vehicle resides, 4226  
enters a notation of the existence of, or the cancellation of, a 4227  
security interest relating to the off-highway motorcycle or 4228  
all-purpose vehicle, the clerk shall transmit the data relating to 4229  
the notation to the database of the automated data processing 4230  
system in the office of the clerk of the court of common pleas of 4231  
the county of the owner's residence. 4232

**Section 2.** That existing sections 325.33, 1548.01, 1548.02, 4233  
 1548.03, 1548.06, 1548.07, 1548.08, 1548.09, 1548.11, 1548.12, 4234  
 1548.13, 1548.16, 1548.17, 1548.18, 1548.19, 1548.20, 4501.01, 4235

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4503.03, 4503.10, 4503.182, 4505.03, 4505.04, 4505.06, 4505.08, 4236  
 4505.09, 4505.10, 4505.102, 4505.11, 4505.12, 4505.13, 4505.18, 4237  
 4505.181, 4505.19, 4505.20, 4519.01, 4519.03, 4519.51, 4519.52, 4238  
 4519.53, 4519.55, 4519.56, 4519.57, 4519.58, 4519.59, 4519.60, 4239  
 4519.61, 4519.62, 4519.66, 4519.67, and 4519.68 of the Revised 4240  
 Code are hereby repealed. 4241

**Section 3.** (A) The Registrar of Motor Vehicles shall adopt 4242  
 rules that establish a pilot program to appoint limited authority 4243  
 deputy registrars. Notwithstanding any contrary provision of 4244  
 section 4503.03 of the Revised Code, the Registrar may appoint the 4245  
 clerk of a court of common pleas as a limited authority deputy 4246  
 registrar under the program. Each limited authority deputy 4247  
 registrar appointed under the program shall conduct only initial 4248  
 and transfer motor vehicle registration transactions via 4249  
 electronic means, and VIN inspections, in a manner approved in the 4250  
 rules that the Registrar adopts, is entitled to collect and retain 4251  
 a fee of two dollars and twenty-five cents for each transaction or 4252  
 a fee of one dollar and fifty cents for each physical inspection 4253  
 that the limited authority deputy registrar conducts, and shall 4254  
 collect all fees and taxes that are required by law and related to 4255  
 the transactions or inspections in a manner approved by the 4256  
 Registrar. A limited authority deputy registrar appointed under 4257  
 the program is not subject to the contribution limitations 4258  
 contained in division (B) of section 4503.03 of the Revised Code 4259  
 or to the filing requirement contained in division (A) of section 4260  
 4503.033 of the Revised Code. 4261

(B) The Registrar shall adopt the rules required by division 4262  
 (A) of this section not later than 30 days after the effective 4263  
 date of this section. 4264

(C) The Registrar shall make recommendations, not later than 4265  
 twenty-four months after the effective date of this section, to 4266

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the Governor, Speaker of the House of Representatives, and 4267  
President of the Senate regarding the success of the pilot program 4268  
established under division (A) of this section and the feasibility 4269  
of establishing a permanent system of limited authority deputy 4270  
registrars. 4271

**Section 4.** (A) The Legislative Service Commission shall 4272  
conduct a study, based upon the period beginning six months from 4273  
the effective date of this section to eighteen months from that 4274  
date, of both of the following: 4275

(1) The effect of this act on customer service in the 4276  
issuance of certificates of title; 4277

(2) The fiscal impact of this act, including, but not limited 4278  
to, its impact on the collection of state and local permissive 4279  
sales and use taxes and on balances in county certificate of title 4280  
administration funds. 4281

(B) The Commission, in conducting the study, may seek the 4282  
assistance of state agencies, political subdivisions, and 4283  
organizations such as the County Commissioners Association of 4284  
Ohio, the Ohio Clerk of Courts Association, and the Ohio 4285  
Automobile Dealers Association. 4286

(C) The Commission shall complete the study not later than 4287  
two years from the effective date of this section. 4288

**Section 5.** In accordance with a schedule and on a form 4289  
adopted by the Registrar of Motor Vehicles, a clerk of a court of 4290  
common pleas may certify to the Registrar any net revenue loss 4291  
that the clerk incurs during the first two years following the 4292  
effective date of this section and that is attributable to the 4293  
implementation of this act. The clerk shall certify net revenue 4294  
loss based upon a comparison of the revenue the clerk received 4295  
during a period of time, as determined by the Registrar, preceding 4296

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the effective date of this section, with the revenue the clerk 4297  
receives during comparable periods of time during the first two 4298  
years following the effective date of this section. 4299

From the automated title processing fund created by section 4300  
4505.09 of the Revised Code, the Registrar shall make on a 4301  
quarterly basis during those two years payments to any clerk who 4302  
certifies a net revenue loss for an applicable reporting period. 4303  
During the first year of quarterly payments, the payments shall 4304  
equal one hundred per cent of the certified net revenue loss for 4305  
an applicable reporting period. During the second year of 4306  
quarterly payments, the payments shall equal seventy-five per cent 4307  
of the certified net revenue loss for an applicable reporting 4308  
period. 4309

The Registrar shall adopt rules as necessary to implement 4310  
this section. 4311

**Section 6.** The Registrar of Motor Vehicles shall implement to 4312  
the maximum extent practicable all provisions of sections 4501.01, 4313  
4503.03, 4503.034, 4503.10, 4503.182, 4505.021, 4505.03, 4505.032, 4314  
4505.04, 4505.06, 4505.08, 4505.09, 4505.10, 4505.102, 4505.11, 4315  
4505.12, 4505.13, 4505.141, 4505.18, 4505.181, 4505.19, 4505.20, 4316  
4505.25, 4519.01, 4519.03, 4519.51, 4519.511, 4519.512, 4519.52, 4317  
4519.521, 4519.53, 4519.55, 4519.56, 4519.57, 4519.58, 4519.59, 4318  
4519.60, 4519.62, 4519.631, 4519.66, 4519.67, and 4519.68 of the 4319  
Revised Code as amended or enacted by this act, and the provisions 4320  
of Section 3 of this act, by no later than six months after the 4321  
effective date of this act. 4322

The Chief of the Division of Watercraft in the Division of 4323  
Natural Resources shall implement to the maximum extent 4324  
practicable all provisions of sections 1548.02, 1548.021, 1548.03, 4325  
1548.06, 1548.07, 1548.08, 1548.09, 1548.11, 1548.12, 1548.13, 4326  
1548.141, 1548.16, 1548.17, 1548.18, 1548.19, and 1548.20 of the 4327

As Reported by the Senate Economic Development, Technology and Aerospace

Revised Code as amended or enacted by this act by no later than 4328  
six months after the effective date of this act. 4329

**Section 7.** Section 1548.07 of the Revised Code is presented 4330  
in this act as a composite of the section as amended by both Sub. 4331  
H.B. 458 and Am. Sub. S.B. 182 of the 120th General Assembly. The 4332  
General Assembly, applying the principle stated in division (B) of 4333  
section 1.52 of the Revised Code that amendments are to be 4334  
harmonized if reasonably capable of simultaneous operation, finds 4335  
that the composite is the resulting version of the section in 4336  
effect prior to the effective date of the section as presented in 4337  
this act. 4338