

As Introduced

**130th General Assembly
Regular Session
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H. B. No. 318

Representatives Roegner, O'Brien

**Cosponsors: Representatives Lynch, Becker, Thompson, Wachtmann,
Hood, Ruhl**

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A B I L L

To amend sections 4503.312 and 4517.22 of the Revised 1
Code to permit a new motor vehicle dealer to 2
display new motor vehicles at a location other 3
than the dealer's licensed location if such 4
display is for an educational institution, to 5
alter the statutory procedures governing motor 6
vehicle shows, and to clarify the law governing 7
the retail sale of utility and certain other 8
trailers. 9

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

Section 1. That sections 4503.312 and 4517.22 of the Revised 10
Code be amended to read as follows: 11

Sec. 4503.312. As used in this section: 12

(A) "Utility trailer" means any trailer, except a travel 13
trailer or trailer for transporting watercraft, having a gross 14
weight of less than four thousand pounds. 15

(B) "Snowmobile" and "all-purpose vehicle" have the same 16
~~meaning~~ meanings as in section 4519.01 of the Revised Code. 17

(C) "Distributor" means any person authorized by a 18
manufacturer of utility trailers or trailers for transporting 19
motorcycles, snowmobiles, or all-purpose vehicles to distribute 20
new trailers to persons for purposes of resale. 21

A manufacturer ~~or~~, distributor, or retail seller of utility 22
trailers or trailers for transporting motorcycles, snowmobiles, or 23
all-purpose vehicles may apply for registration with the registrar 24
of motor vehicles for each place in this state where the 25
manufacturer ~~or~~, distributor, or retail seller carries on the 26
business of manufacturing ~~or~~, distributing, or selling at retail 27
such trailers. Applications for annual registration shall be made 28
at the time provided for payment of the tax imposed by section 29
4503.09 of the Revised Code; shall be in the manner to be 30
prescribed by the registrar; and shall be accompanied by an 31
affidavit certifying that the applicant is a manufacturer ~~or~~, 32
distributor, or retail seller of utility trailers or trailers for 33
transporting motorcycles, snowmobiles, or all-purpose vehicles. 34
The fee for such registration shall be twenty-five dollars and 35
shall not be reduced when the registration is for a part of a 36
year. 37

Upon the filing of the application and affidavit, and payment 38
of the fee and appropriate postage as required by the registrar, 39
the registrar shall assign to the applicant a distinctive number 40
which shall be displayed on the rear of each trailer when it is 41
operated on the public highway. Any trailer for transporting 42
motorcycles, snowmobiles, or all-purpose vehicles that is not 43
loaded may be operated on the public highway until it is sold or 44
transferred; and any utility trailer that is not loaded, or that 45
is being used to transport another utility trailer for purposes of 46
demonstration or delivery, may be operated on the public highway 47
until it is sold or transferred. 48

At the time the registrar assigns the distinctive number, the 49

registrar shall furnish one placard with the number thereon. The 50
manufacturer ~~or~~, distributor, or retail seller may procure a 51
reasonable number of certified copies of the registration 52
certificate upon the payment of a fee of five dollars and postage. 53
With each of such certified copies, the registrar shall furnish 54
one placard with the same number provided in the original 55
registration certificate, and shall add thereto such special 56
designation as necessary to distinguish one set of placards from 57
another. All placards furnished by the registrar pursuant to this 58
section shall be so marked as to be distinguishable from placards 59
issued to dealers in or manufacturers of motor vehicles or 60
trailers for transporting watercraft. 61

The fees collected by the registrar pursuant to this section 62
shall be paid into the state bureau of motor vehicles fund 63
established by section 4501.25 of the Revised Code and used for 64
the purposes described in that section. 65

Sec. 4517.22. (A) As used in this section: 66

(1) "General market area" means a reasonable contiguous 67
geographical area established by a motor vehicle show 68
representative that is based upon the size of the show and that 69
does not unreasonably exclude any licensed new motor vehicle 70
dealer selling the same line-make as another licensed new motor 71
vehicle dealer located within the area. 72

(2) "Gross vehicle weight" means the unladen weight of a 73
motor vehicle fully equipped. 74

(3) "Livestock trailer" means a new or used trailer designed 75
by its manufacturer to be used to transport horses or to transport 76
animals generally used for food or in the production of food, 77
including cattle, sheep, goats, rabbits, poultry, swine, and any 78
other animals included by the director of agriculture in rules 79
adopted under section 901.72 of the Revised Code. 80

(4) "Major livestock show" means any show of livestock that is held at the Ohio state fairgrounds, is national in scope, and that continues for more than ten consecutive days. 81
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(5) "Show representative" means a sponsor, promoter, or representative of a group of motor vehicle dealers who acts on behalf of the group and is responsible for the coordination of a motor vehicle show. 84
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(6) "Truck" has the same meaning as in section 4511.01 of the Revised Code. 88
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(B) Any group of licensed new motor vehicle dealers may display motor vehicles at a motor vehicle show within the general market area allocated to a licensed new motor vehicle dealer, whenever ~~all~~ both of the following conditions are met: 90
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(1) The primary purpose of the motor vehicle show is the exhibition of competitive makes and models of motor vehicles to provide the general public the opportunity to review and inspect various makes and models of motor vehicles at a single location contemporaneously for a period not to exceed fourteen days; 94
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(2) Not less than thirty days before the planned opening date of the motor vehicle show, the ~~group requests~~ show representative ~~executes~~ and ~~receives permission to hold the show from~~ files with the registrar of motor vehicles an affidavit, in a form prescribed by the registrar, that certifies that all requirements of this section have been or will be met, as applicable. 99
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If the registrar approves the affidavit, the registrar shall grant the show representative permission to conduct the motor vehicle show. If the registrar determines that there is a deficiency in the affidavit, the registrar shall inform the show representative of the deficiency as soon possible after the registrar receives the affidavit so that the show representative has the opportunity to remedy the deficiency. The registrar also 105
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shall describe with specificity the measures the show 112
representative is required to take in order to cure the 113
deficiency. The show representative shall return the corrected 114
affidavit to the registrar not later than fourteen days before the 115
planned opening date of the motor vehicle show in order for the 116
show representative to be eligible to hold the show. If the 117
registrar finds that the deficiency has been cured in the 118
corrected affidavit, the registrar shall grant the show 119
representative permission to conduct the motor vehicle show. If 120
the registrar finds that the deficiency has not been cured, the 121
registrar shall deny the show representative permission to conduct 122
the motor vehicle show. 123

~~(B)~~(C) No contracts shall be signed, deposits taken, or sales 124
consummated at the location of a motor vehicle show. 125

~~(C)~~ Any sponsor of a motor vehicle (D) The show 126
representative shall offer by mail an invitation to all new motor 127
vehicle dealers dealing in competitive types of motor vehicles in 128
the general market area to participate and display motor vehicles 129
in the show. The ~~sponsor~~ show representative may offer a similar 130
invitation to manufacturers or distributors. A copy of each 131
invitation shall be retained by the ~~sponsor~~ show representative 132
for at least one year after the show. 133

~~(D)~~ No person except a (E) A manufacturer or distributor 134
~~shall~~ may hold in any public place a motor vehicle show at which 135
only one motor vehicle is displayed, ~~and~~ but no such single unit 136
show shall be held unless the manufacturer or distributor ~~requests~~ 137
~~executes~~ and ~~receives permission from~~ files with the registrar not 138
less than thirty days before the show an affidavit, in a form 139
prescribed by the registrar, that certifies that all requirements 140
of this section have been or will be met, as applicable. 141

~~(E)~~ The registrar shall not grant permission for any motor 142
vehicle show to be held, unless it is proven to the registrar's 143

~~satisfaction that~~ (F) An affidavit filed pursuant to this section 144
shall contain a statement that during the motor vehicle show or 145
during the time a motor vehicle otherwise is displayed under this 146
section no attempt ~~is being~~ shall be made to circumvent the 147
provisions of sections 4517.01 to 4517.45 of the Revised Code. 148

~~(F)~~(G) Nothing contained in this section shall be construed 149
as prohibiting the taking of orders for nonmotorized recreational 150
vehicles as defined in section 4501.01 of the Revised Code at 151
sports or camping shows. 152

~~(G)~~(H) No motor vehicle dealer, motor vehicle leasing dealer, 153
motor vehicle auction owner, or distributor licensed under 154
sections 4517.01 to 4517.45 of the Revised Code shall display a 155
motor vehicle at any place except the dealer's, owner's, or 156
distributor's licensed location, unless the dealer, owner, or 157
distributor first obtains permission from the registrar and 158
complies with the applicable rules of the motor vehicle dealers 159
board. 160

~~(H)~~(I) Nothing contained in this section shall be construed 161
as prohibiting the display of, the taking of orders for, or the 162
sale of, livestock trailers at livestock and agricultural shows, 163
including county fairs. Notwithstanding section 4517.03 of the 164
Revised Code, livestock trailers may be sold at livestock and 165
agricultural shows, including county fairs, as permitted by this 166
division. 167

~~As used in this division, "livestock trailer" means a new or~~ 168
~~used trailer designed by its manufacturer to be used to transport~~ 169
~~horses or to transport animals generally used for food or in the~~ 170
~~production of food, including cattle, sheep, goats, rabbits,~~ 171
~~poultry, swine, and any other animals included by the director of~~ 172
~~agriculture in rules adopted under section 901.72 of the Revised~~ 173
~~Code.~~ 174

~~(I)~~(J) Notwithstanding division ~~(B)~~(C) of this section, 175
contracts may be signed, deposits taken, and sales consummated at 176
the location of a motor vehicle show where the motor vehicles 177
involved are horse trailers or towing vehicles that are trucks and 178
have a gross vehicle weight of more than three-quarters of a ton, 179
the motor vehicle show is being held as part of or in connection 180
with a major livestock show, the licensed new motor vehicle 181
dealers involved have complied with the applicable requirements of 182
this section, and the registrar has granted permission for the 183
motor vehicle show in accordance with division ~~(E)~~(F) of this 184
section. 185

~~As used in this division:~~ 186

~~(1) "Major livestock show" means any show of livestock that 187
is held at the Ohio state fairgrounds, is national in scope, and 188
that continues for more than ten consecutive days. 189~~

~~(2) "Truck" has the same meaning as in section 4511.01 of the 190
Revised Code. 191~~

~~(3) "Gross vehicle weight" means the unladen weight of the 192
vehicle fully equipped. 193~~

~~(J)~~(K)(1) Notwithstanding division (H) of this section, a new 194
motor vehicle motor vehicle dealer may display more than one new 195
motor vehicle at a location other than the dealer's licensed 196
location, and permit test drives to be taken at the location of 197
the display, if the dealer executes and files with the registrar 198
an affidavit not less than fourteen days before the first day of 199
the display. The affidavit shall be in a form prescribed by the 200
registrar, and the dealer shall file a statement with the 201
affidavit attesting to the location of the display and the number 202
of vehicles that will be included in the display. The affidavit 203
shall certify to the registrar all of the following: 204

(a) The display is promoted by a motor vehicle manufacturer 205

<u>for the benefit of an educational institution.</u>	206
<u>(b) The display will be held on the grounds of that educational institution.</u>	207 208
<u>(c) Any donations made by the manufacturer to the educational institution will be based on a per test drive basis.</u>	209 210
<u>(d) No contracts will be signed, deposits taken, or sales consummated at the location of the display.</u>	211 212
<u>(e) The display will occur in the county where the dealer is licensed or in a contiguous county.</u>	213 214
<u>(f) The display will continue for not more than three days, and all days will be consecutive.</u>	215 216
<u>(2) A dealer shall maintain all records of a display held pursuant to division (K)(1) of this section, including a copy of the affidavit, for a period of three years. Upon request of the registrar or an authorized agent of the registrar, the records shall be made available for reasonable inspection or shall be provided to the registrar or the authorized agent. The records shall include the location and dates of the display.</u>	217 218 219 220 221 222 223
<u>(3) A dealer may display motor vehicles pursuant to division (K)(1) of this section for a total of not more than five days per calendar year.</u>	224 225 226
<u>(L) Whoever violates this section is guilty of a misdemeanor of the fourth degree.</u>	227 228
Section 2. That existing sections 4503.312 and 4517.22 of the Revised Code are hereby repealed.	229 230