



Ohio Legislative Service Commission

Bill Analysis

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Sub. H.B. 199

128th General Assembly

(As Reported by H. Transportation & Infrastructure)

Reps. Yuko, B. Williams, Ujvagi, Fende, Hagan, Domenick, Letson, Luckie, Foley, Combs, Balderson

BILL SUMMARY

- Extends the definition of "historical motor vehicle" to include both street rods and custom vehicles, regardless of whether a street rod or custom vehicle actually is more than 25 years old or was manufactured to resemble a vehicle that is over 25 years old.
- Provides that, as types of historical motor vehicles, street rods and custom vehicles may be registered for a one-time fee of \$10, are limited in their use as are all historical motor vehicles, must be safe but are not subject to any inspections, and are exempt from any emission, noise control, or fuel usage provisions that were imposed after the date of the vehicle manufacture.
- Requires the certificate of title for a street rod or custom vehicle to contain the actual model year of the vehicle or the model year that the body of the vehicle was constructed to resemble, as stated by the owner.
- Provides that if the certificate of title for a street rod or custom vehicle contains the model year that the body of the vehicle was constructed to resemble, the entry "R-Replica" must follow the final digit of the model year on the certificate of title.
- Provides that for purposes of certain equipment exemptions that apply to collector's and historical motor vehicles, the year of manufacture for a historical vehicle that is a street rod or custom vehicle is either the actual model year of the vehicle or the model year that the vehicle body was constructed to resemble, as stated by the owner.

- Eliminates the provision in the Special Vehicle Law that permits owners of certain off-highway motorcycles and all-purpose vehicles to register the motorcycles and vehicles by presenting affidavits of ownership rather than certificates of title.

CONTENT AND OPERATION

"Collector's" vehicles and "historical" vehicles

Generally

Under current law, vehicles classified as "historical" vehicles and "collector's" vehicles receive special treatment and may display special license plates, but the treatment differs between the two types of vehicles. Historical vehicles basically are a type of collector's vehicle and are subject to more restrictions on use.

Definitions

In the general definition section (R.C. 4501.01) of the motor vehicle provisions of the Revised Code (found in Title 45), a "collector's" vehicle is defined as any motor vehicle that is of special interest, that has a fair market value of \$100 or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. A "licensed collector's vehicle" displays current, valid license tags. (R.C. 4501.01(F).) A "historical motor vehicle" is defined as any motor vehicle that is over 25 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 (R.C. 4501.01(G)). A collector's vehicle cannot be used as the owner's principal means of transportation, and a historical motor vehicle cannot be used for general transportation. The phrases "principal means of transportation" and "no event is used for general transportation" are not defined in the Revised Code; however, by administrative rule, a motor vehicle cannot "be considered as not being the applicant's principal means of transportation unless the applicant has at least one other motor vehicle registered in his name as either the owner or lessee." (Ohio Administrative Code 4501:1-7-14(D).)

Registration

Collector's vehicles are registered annually upon payment of all applicable state and local motor vehicle taxes, but may display "collector's vehicle" license plates upon payment of an additional \$5 (R.C. 4503.45). By rule, the Registrar of Motor Vehicles may refuse to issue collector's vehicle registration for a vehicle "if the vehicle is a reproduction of a make or model previously manufactured, or if the vehicle has not

been maintained in or restored to a condition that is substantially in conformity with the manufacturer's specifications and appearance." (OAC 4501:1-7-14(C).)

Historical vehicles are registered for a one-time fee of \$10, provided the owner executes an affidavit stating that the vehicle for which the historical license plates are requested is owned and operated solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but in no event is used for general transportation. In addition, the affidavit must state that the vehicle has been inspected and found safe to operate on the public roads and highways. Historical motor vehicles may display either historical vehicle license plates issued by the Registrar or legible, serviceable model year Ohio license plates procured by the vehicle owner. Historical vehicle license plates do not bear any date but bear the inscription "Historical Vehicle -- Ohio" and the registration number. (R.C. 4503.181(A) to (D).)

Exemptions

Licensed collector's and historical vehicles are exempt from any vehicle inspections conducted by the State Highway Patrol or by any political subdivision, but the vehicles may not be in a condition that endangers the safety of persons or property (R.C. 4513.02). Historical motor vehicles that were not originally manufactured with stop lights are not subject to the general requirement that vehicles manufactured after 1967 have two red stoplights on the rear of the vehicle and vehicles manufactured before that date have one red stop light (R.C. 4513.071). In general, licensed collector's vehicles and historical motor vehicles must be allowed to be operated when the vehicles are equipped in a manner that was not in violation of any motor vehicle equipment law in effect during the year the vehicles were manufactured; a licensed collector's vehicle or historical motor vehicle is not required to comply with an equipment provision that was enacted or adopted in a year subsequent to that in which the vehicle was manufactured (R.C. 4513.38). Lastly, licensed collector's vehicles and historical motor vehicles are exempt from any emission, noise control, or fuel usage provision that was enacted or adopted subsequent to the calendar year in which the vehicle was manufactured (R.C. 4513.41).

Street rods and custom vehicles as types of historical motor vehicles

The bill amends the definition of "historical motor vehicle" in the general definition section to include a street rod or a custom vehicle, regardless of whether the street rod or custom vehicle actually is more than 25 years old or was manufactured to resemble a vehicle that is over 25 years old (R.C. 4501.01(G)(1)). "Street rod" is defined to mean a motor vehicle whose model year was 1948 or earlier, or a vehicle that was manufactured after 1948 to resemble a vehicle manufactured before 1949, that additionally has been altered from the manufacturer's original design or has a body

constructed of nonoriginal material (R.C. 4501.01(G)(2)(a)). "Custom vehicle" is defined to mean a motor vehicle whose model year was after 1948, or a vehicle that was manufactured to resemble a vehicle that is over 25 years old and of a model year after 1948, that additionally has been altered from the manufacturer's original design or has a body constructed of nonoriginal material (R.C. 4501.01(G)(2)(b)).

The bill then amends the definition of historical motor vehicle in the historical motor vehicle provisions so that the term specifically includes a street rod or a custom vehicle, regardless of whether the street rod or custom vehicle actually is more than 25 years old or was manufactured to resemble a vehicle that is over 25 years old (R.C. 4503.181(A)). Thus, under the bill, by definition street rods and custom vehicles (1) may be registered for a one-time fee of \$10, (2) are limited in their use if they are registered as historical motor vehicles, (3) must be safe, but are not subject to inspections, and (4) are exempt from any emission, noise control, or fuel usage provisions that were imposed after the date of the vehicle manufacture.

The bill specifically does all of the following:

(1) Requires the affidavit that the owner of a historical vehicle executes when first registering the vehicle as a historical vehicle to state that the vehicle not only has been inspected but has been inspected in accordance with the applicable state motor vehicle equipment requirements and is safe to operate on the public streets and highways (R.C. 4503.181(C));

(2) Allows the owner of a street rod to request special street rod license plates, which are to bear no date but must be inscribed with identifying words or markings approved by the Registrar (R.C. 4503.181(D));

(3) Allows the owner of a custom vehicle to request special custom vehicle license plates, which are to bear no date but must be inscribed with identifying words or markings approved by the Registrar (R.C. 4503.181(D));

(4) Provides that street rod and custom vehicle license plates are valid without renewal as long as the vehicle for which they were issued or procured is in existence and are issued for the owner's use only for such vehicle unless later transferred to another appropriate historical motor vehicle owned by that person (R.C. 4503.181(E));

(5) Permits the owner of a street rod or custom vehicle bearing street rod or custom vehicle license plates to replace them with model year license plates, and vice versa (R.C. 4503.181(F)); and

(6) Requires the certificate of title for a street rod or custom vehicle to contain the actual model year of the vehicle or the model year that the body of the vehicle was

constructed to resemble, as stated by the owner. If the certificate of title for a street rod or custom vehicle contains the model year that the body of the vehicle was constructed to resemble, the entry "R-Replica" must follow the final digit of the model year on the certificate of title. (R.C. 4505.072.)

Collector's and historical motor vehicle equipment exemptions

Current law contains a number of equipment exemptions relating to collector's and historical motor vehicles, including:

(1) No person can be prohibited from owning or operating a licensed collector's vehicle or historical motor vehicle that is equipped with a feature of design, type of material, or article of equipment that was not in violation of any motor vehicle equipment law of this state or of its political subdivisions in effect during the calendar year the vehicle was manufactured.

(2) No such vehicle can be prohibited from displaying or using any such feature of design, type of material, or article of equipment.

(3) No person can be prohibited from owning or operating a licensed collector's vehicle or historical motor vehicle because the vehicle does not comply with a state motor vehicle equipment provision or any state rule that was enacted or adopted in a year subsequent to that in which the vehicle was manufactured.

(4) No licensed collector's vehicle or historical motor vehicle can be required to comply with a motor vehicle equipment provision that was enacted into Revised Code Chapter 4513. (which contains the motor vehicle equipment provisions) or adopted by state rule subsequent to the calendar year in which it was manufactured.

(5) No political subdivision can require an owner of a licensed collector's vehicle or historical motor vehicle to comply with equipment provisions contained in laws or rules that were enacted or adopted subsequent to the calendar year in which the vehicle was manufactured. No political subdivision can prohibit the operation of a licensed collector's vehicle or historical motor vehicle for failure to comply with any such equipment laws or rules.

For purposes of these items, the bill provides that the year of manufacture for a historical vehicle that is a street rod or custom vehicle is either the actual model year of the vehicle or the model year that the vehicle body was constructed to resemble, as stated by the owner. (R.C. 4513.38.)

Elimination of sufficiency of presentation of an affidavit of ownership when obtaining a certificate of registration for certain off-highway motorcycles and all-purpose vehicles

The Special Vehicle Law generally provides that no certificate of registration or renewal of a certificate of registration may be issued for an off-highway motorcycle or all-purpose vehicle unless a certificate of title (physical or electronic) has been issued for that motorcycle or vehicle. The certificate of title must be presented to the Registrar or deputy registrar when the application for the initial certificate of registration for the motorcycle or vehicle is submitted.

An exception to this requirement provides that in the case of an off-highway motorcycle or all-purpose vehicle that was purchased prior to October 1, 2005, and for which a certificate of title has not been issued, the owner is not required to present a physical certificate of title or memorandum certificate of title or an electronic certificate of title for the motorcycle or vehicle. The owner instead may present a signed affidavit of ownership in a form prescribed by the Registrar at the time of application for the certificate of registration. The affidavit must include, at a minimum, the date of purchase, make, model, and vehicle identification number (VIN) of the off-highway motorcycle or all-purpose vehicle. If no VIN has been assigned to the motorcycle or vehicle, then its serial number must be presented at the time of application.

The bill eliminates this exception, and thus makes all off-highway motorcycles and all-purpose vehicles subject to the requirement that in order for a certificate of registration or renewal of a certificate of registration to be issued for such a motorcycle or vehicle, a certificate of title (physical or electronic) has to have been issued for that motorcycle or vehicle. (R.C. 4519.03(A), (B), and (C).)

HISTORY

ACTION	DATE
Introduced	06-02-09
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