

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 297**

**Representative Hagan**

**Cosponsors: Representatives Becker, Dean, Riedel, Vitale, Goodman**

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**A BILL**

To amend section 2131.13 of the Revised Code to  
allow owners of a motor vehicle, watercraft, or  
outboard motor who have joint ownership with  
right of survivorship to transfer title through  
a transfer-on-death designation.

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

**Section 1.** That section 2131.13 of the Revised Code be  
amended to read as follows:

**Sec. 2131.13.** (A) As used in this section:

(1) "Designate or designation in beneficiary form" means  
to designate, or the designation of, a motor vehicle,  
watercraft, or outboard motor in a certificate of title that  
indicates the present owner of the motor vehicle, watercraft, or  
outboard motor and the intention of the present owner with  
respect to the transfer of ownership on the present owner's  
death by designating one or more persons as the beneficiary or  
beneficiaries who will become the owner or owners of the motor  
vehicle, watercraft, or outboard motor upon the death of the  
present owner.

(2) "Motor vehicle" has the same meaning as in section 19  
4505.01 of the Revised Code. 20

(3) "Person" means an individual, a corporation, an 21  
organization, or other legal entity. 22

(4) "Transfer-on-death beneficiary or beneficiaries" means 23  
a person or persons specified in a certificate of title of a 24  
motor vehicle, watercraft, or outboard motor who will become the 25  
owner or owners of the motor vehicle, watercraft, or outboard 26  
motor upon the death of the present owner of the motor vehicle, 27  
watercraft, or outboard motor. 28

(5) "Watercraft" has the same meaning as in section 29  
1548.01 of the Revised Code. 30

(6) "Owner" includes the plural as well as the singular, 31  
as specified in section 1.43 of the Revised Code. 32

(7) "Joint ownership with right of survivorship" has the 33  
same meaning as in section 2131.12 of the Revised Code. 34

(B) (1) An individual whose certificate of title of a motor 35  
vehicle, watercraft, or outboard motor shows sole ownership by 36  
that individual may make an application for a certificate of 37  
title under section 1548.07 or 4505.06 of the Revised Code to 38  
designate that motor vehicle, watercraft, or outboard motor in 39  
beneficiary form pursuant to this section. 40

(2) Individuals whose certificate of title of a motor 41  
vehicle, watercraft, or outboard motor shows joint ownership 42  
with right of survivorship may jointly make an application for a 43  
certificate of title under section 1548.07 or 4505.06 of the 44  
Revised Code to designate that motor vehicle, watercraft, or 45  
outboard motor in beneficiary form pursuant to this section. 46

(C) (1) A motor vehicle, watercraft, or outboard motor is 47  
designated in beneficiary form if the certificate of title of 48  
the motor vehicle, watercraft, or outboard motor includes the 49  
name or names of the transfer-on-death beneficiary or 50  
beneficiaries. 51

(2) The designation of a motor vehicle, watercraft, or 52  
outboard motor in beneficiary form is not required to be 53  
supported by consideration, and the certificate of title in 54  
which the designation is made is not required to be delivered to 55  
the transfer-on-death beneficiary or beneficiaries in order for 56  
the designation in beneficiary form to be effective. 57

(D) The designation of a motor vehicle, watercraft, or 58  
outboard motor in beneficiary form may be shown in the 59  
certificate of title by the words "transfer-on-death" or the 60  
abbreviation "TOD" after the name of the owner of a motor 61  
vehicle, watercraft, or outboard motor and before the name or 62  
names of the transfer-on-death beneficiary or beneficiaries. 63

(E) The designation of a transfer-on-death beneficiary or 64  
beneficiaries on a certificate of title has no effect on the 65  
ownership of a motor vehicle, watercraft, or outboard motor 66  
until the death of the owner of the motor vehicle, watercraft, 67  
or outboard motor. The owner of a motor vehicle, watercraft, or 68  
outboard motor may cancel or change the designation of a 69  
transfer-on-death beneficiary or beneficiaries on a certificate 70  
of title at any time without the consent of the transfer-on- 71  
death beneficiary or beneficiaries by making an application for 72  
a certificate of title under section 1548.07 or 4505.06 of the 73  
Revised Code. 74

(F) (1) Upon the death of the owner of a motor vehicle, 75  
watercraft, or outboard motor designated in beneficiary form, 76

the ownership of the motor vehicle, watercraft, or outboard 77  
motor shall pass to the transfer-on-death beneficiary or 78  
beneficiaries who survive the owner upon transfer of title to 79  
the motor vehicle, watercraft, or outboard motor in accordance 80  
with section 1548.11 or 4505.10 of the Revised Code. The 81  
transfer-on-death beneficiary or beneficiaries who survive the 82  
owner may apply for a certificate of title to the motor vehicle, 83  
watercraft, or outboard motor upon submitting proof of the death 84  
of the owner of the motor vehicle, watercraft, or outboard 85  
motor. 86

(2) If no transfer-on-death beneficiary or beneficiaries 87  
survive the owner of a motor vehicle, watercraft, or outboard 88  
motor, the motor vehicle, watercraft, or outboard motor shall be 89  
included in the probate estate of the deceased owner. 90

(G) (1) Any transfer of a motor vehicle, watercraft, or 91  
outboard motor to a transfer-on-death beneficiary or 92  
beneficiaries that results from a designation of the motor 93  
vehicle, watercraft, or outboard motor in beneficiary form is 94  
not testamentary. 95

(2) This section does not limit the rights of any creditor 96  
of the owner of a motor vehicle, watercraft, or outboard motor 97  
against any transfer-on-death beneficiary or beneficiaries or 98  
other transferees of the motor vehicle, watercraft, or outboard 99  
motor under other laws of this state. 100

(H) (1) This section shall be known and may be cited as the 101  
"Transfer-on-Death of Motor Vehicle, Watercraft, or Outboard 102  
Motor Statute." 103

(2) Divisions (A) to (H) of this section shall be 104  
liberally construed and applied to promote their underlying 105

purposes and policy.	106
(3) Unless displaced by particular provisions of divisions	107
(A) to (H) of this section, the principles of law and equity	108
supplement the provisions of those divisions.	109
<b>Section 2.</b> That existing section 2131.13 of the Revised	110
Code is hereby repealed.	111