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**Sub. H. B. No. 306**

**Representatives Carey, Bateman, Thomas, Harris, Damschroder, Evans,  
Sulzer, Perry, Terwilleger, Verich, Pringle, Clancy, Mottley, Logan, Vesper,  
Padgett, Healy, Buehrer, Jones, Sullivan, Hollister, Roman, Krebs, Buchy,  
Patton, Tiberi, Schuler, Amstutz, Opfer  
Senators Oelslager, Gardner, Watts, Wachtmann, Armbruster**

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**A B I L L**

To amend sections 1547.01, 1547.052, 1548.09, 1  
4503.31, 4517.01, and 4517.03 of the Revised Code 2  
to provide that a place of business that is used 3  
for selling, displaying, offering for sale, or 4  
dealing in motor vehicles by a licensed motor 5  
vehicle dealer shall be considered as used 6  
exclusively for those purposes even though outdoor 7  
power equipment, watercraft and related products, 8  
or, in the case of a licensed new motor vehicle 9  
dealer, products manufactured or distributed by a 10  
motor vehicle manufacturer with which the new 11  
motor vehicle dealer has a franchise agreement, 12  
are sold or displayed there, to modify eligibility 13  
for issuance of a motor vehicle placard used by 14  
persons other than manufacturers, dealers, or 15  
distributors, to reduce from ten to seven years 16  
the length of time that a clerk of a court of 17  
common pleas is required to retain watercraft 18  
certificates of title, to create a definition of a 19  
watercraft dealer for purposes of the Watercraft 20

Law, and to require a person who leases, hires, or 21  
rents a powercraft powered by more than ten 22  
horsepower to sign a statement, rather than an 23  
affidavit, that the person has successfully 24  
completed an approved safe boater course or a 25  
proficiency examination. 26

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

**Section 1.** That sections 1547.01, 1547.052, 1548.09, 4503.31, 27  
4517.01, and 4517.03 of the Revised Code be amended to read as 28  
follows: 29

**Sec. 1547.01.** (A) As used in sections 1541.03, 1547.25, 30  
1547.26, 1547.39, 1547.40, 1547.53, 1547.54, 1547.541, 1547.542, 31  
1547.543, 1547.56, 1547.57, 1547.66, 3733.21, and 5311.01 of the 32  
Revised Code, "watercraft" means any of the following when used or 33  
capable of being used for transportation on the water: 34

(1) A vessel operated by machinery either permanently or 35  
temporarily affixed; 36

(2) A sailboat other than a sailboard; 37

(3) An inflatable, manually propelled boat having a hull 38  
identification number meeting the requirements of the United 39  
States coast guard; 40

(4) A canoe or rowboat. 41

"Watercraft" does not include ferries as referred to in 42  
Chapter 4583. of the Revised Code. 43

Watercraft subject to section 1547.54 of the Revised Code 44  
shall be divided into five classes as follows: 45

Class A: Less than sixteen feet in length; 46

Class 1: At least sixteen feet, but less than twenty-six feet in length;	47 48
Class 2: At least twenty-six feet, but less than forty feet in length;	49 50
Class 3: At least forty feet, but less than sixty-five feet in length;	51 52
Class 4: At least sixty-five feet in length.	53
(B) As used in this chapter:	54
(1) "Vessel" includes every description of watercraft, including nondisplacement craft and seaplanes, used or capable of being used as a means of transportation on water.	55 56 57
(2) "Rowboat" means any vessel designed to be rowed and that is propelled by human muscular effort by oars or paddles and upon which no mechanical propulsion device, electric motor, internal combustion engine, or sail has been affixed or is used for the operation of the vessel.	58 59 60 61 62
(3) "Sailboat" means any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation.	63 64 65
(a) Any sailboat equipped with an inboard engine is deemed a powercraft with auxiliary sail.	66 67
(b) Any sailboat equipped with a detachable motor is deemed a sailboat with auxiliary power.	68 69
(c) Any sailboat being propelled by mechanical power, whether under sail or not, is deemed a powercraft and subject to all laws and rules governing powercraft operation.	70 71 72
(4) "Powercraft" means any vessel propelled by machinery, fuel, rockets, or similar device.	73 74
(5) "Person" includes any legal entity defined as a person in	75

section 1.59 of the Revised Code and any body politic, except the	76
United States and this state, and includes any agent, trustee,	77
executor, receiver, assignee, or other representative thereof.	78
(6) "Owner" includes any person who claims lawful possession	79
of a vessel by virtue of legal title or equitable interest therein	80
that entitled the person to that possession.	81
(7) "Operator" includes any person who navigates or has under	82
the person's control a vessel, or vessel and detachable motor, on	83
the waters in this state.	84
(8) "Visible" means visible on a dark night with clear	85
atmosphere.	86
(9) "Waters in this state" means all streams, rivers, lakes,	87
ponds, marshes, watercourses, waterways, and other bodies of	88
water, natural or humanmade, that are situated wholly or partially	89
within this state or within its jurisdiction and are used for	90
recreational boating.	91
(10) "Navigable waters" means waters that come under the	92
jurisdiction of the department of the army of the United States	93
and any waterways within or adjacent to this state, except inland	94
lakes having neither a navigable inlet nor outlet.	95
(11) "In operation" in reference to a vessel means that the	96
vessel is being navigated or otherwise used on the waters in this	97
state.	98
(12) "Sewage" means human body wastes and the wastes from	99
toilets and other receptacles intended to receive or retain body	100
waste.	101
(13) "Canoe" means a narrow vessel of shallow draft, pointed	102
at both ends and propelled by human muscular effort, and includes	103
kayaks.	104
(14) "Coast guard approved" means bearing an approval number	105

assigned by the United States coast guard.

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(15) "Type one personal flotation device" means a device that is designed to turn an unconscious person floating in water from a face downward position to a vertical or slightly face upward position and that has at least nine kilograms, approximately twenty pounds, of buoyancy.

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(16) "Type two personal flotation device" means a device that is designed to turn an unconscious person in the water from a face downward position to a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy.

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(17) "Type three personal flotation device" means a device that is designed to keep a conscious person in a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy.

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(18) "Type four personal flotation device" means a device that is designed to be thrown to a person in the water and not worn and that has at least seven and five-tenths kilograms, approximately sixteen and five-tenths pounds, of buoyancy.

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(19) "Type five personal flotation device" means a device that, unlike other personal flotation devices, has limitations on its approval by the United States coast guard, including, without limitation, all of the following:

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(a) The approval label on the type five personal flotation device indicates that the device is approved for the activity in which the vessel is being used or as a substitute for a personal flotation device of the type required on the vessel in use;

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(b) The personal flotation device is used in accordance with any requirements on the approval label;

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(c) The personal flotation device is used in accordance with 136  
requirements in its owner's manual if the approval label refers to 137  
such a manual. 138

(20) "Inflatable watercraft" means any vessel constructed of 139  
rubber, canvas, or other material that is designed to be inflated 140  
with any gaseous substance, constructed with two or more air 141  
cells, and operated as a vessel. Inflatable watercraft propelled 142  
by a motor shall be classified as powercraft and shall be 143  
registered by length. 144

(21) "Idle speed" means the slowest possible speed needed to 145  
maintain steerage or maneuverability. 146

(22) "Diver's flag" means a red flag not less than one foot 147  
square having a diagonal white stripe extending from the masthead 148  
to the opposite lower corner that when displayed indicates that 149  
divers are in the water. 150

(23) "Muffler" means an acoustical suppression device or 151  
system that is designed and installed to abate the sound of 152  
exhaust gases emitted from an internal combustion engine and that 153  
prevents excessive or unusual noise. 154

(24) "Law enforcement vessel" means any vessel used in law 155  
enforcement and under the command of a law enforcement officer. 156

(25) "Personal watercraft" means a vessel, less than sixteen 157  
feet in length, that is propelled by machinery and designed to be 158  
operated by an individual sitting, standing, or kneeling on the 159  
vessel rather than by an individual sitting or standing inside the 160  
vessel. 161

(26) "No wake" has the same meaning as "idle speed." 162

(27) "Watercraft dealer" means any person who is regularly 163  
engaged in the business of manufacturing, selling, displaying, 164  
offering for sale, or dealing in vessels at an established place 165

of business. "Watercraft dealer" does not include a person who is 166  
a marine salvage dealer or any other person who dismantles, 167  
salvages, or rebuilds vessels using used parts. 168

(C) Unless otherwise provided, this chapter applies to all 169  
vessels operating on the waters in this state. Nothing in this 170  
chapter shall be construed in contravention of any valid federal 171  
act or regulation, but is in addition to the act or regulation 172  
where not inconsistent. 173

The state reserves to itself the exclusive right to regulate 174  
the minimum equipment requirements of watercraft and vessels 175  
operated on the waters in this state. 176

**Sec. 1547.052.** (A) No rental business shall lease, hire, or 177  
rent a powercraft powered by more than ten horsepower for 178  
operation on the waters in this state to a person born on or after 179  
January 1, 1982, unless the person meets one of the following 180  
requirements: 181

(1) The person signs ~~an affidavit~~ a statement on the rental 182  
agreement or attached to the rental agreement that the person has 183  
successfully completed a safe boater course approved by the 184  
national association of state boating law administrators or has 185  
successfully completed a proficiency examination as provided in 186  
section 1547.05 of the Revised Code. 187

(2) The person receives educational materials from the rental 188  
business and successfully passes, with a score of ninety per cent 189  
or better, an abbreviated examination given by the rental 190  
business. The achievement of a passing score on the examination 191  
shall be indicated on or attached to the powercraft rental 192  
agreement. 193

(B) Any person born on or after January 1, 1982, operating or 194  
supervising the operation of a leased, hired, or rented powercraft 195

shall:	196
(1) Meet the requirements for boater education of division	197
(A) of this section.	198
(2) Be named as an operator on the agreement that leases,	199
hires, or rents the powercraft.	200
(C) The division of watercraft shall make available to all	201
watercraft rental businesses in Ohio boater safety educational	202
materials and an abbreviated examination that shall be used by the	203
watercraft rental business for the purposes of division (A)(2) of	204
this section.	205
<b>Sec. 1548.09.</b> The clerk of the court of common pleas shall	206
issue certificates of title in duplicate. One copy shall be	207
retained and filed by <del>him</del> <u>the clerk</u> in <del>his</del> <u>the clerk's</u> office, and	208
the information contained in it shall be transmitted on the day it	209
is issued to the chief of the division of watercraft. The clerk	210
shall sign and affix <del>his</del> <u>the clerk's</u> seal to the original	211
certificate of title and, if there are no liens on the watercraft	212
or outboard motor, shall deliver the certificate to the applicant.	213
If there are one or more liens on the watercraft or outboard	214
motor, the clerk shall deliver the certificate of title to the	215
holder of the first lien.	216
The chief shall approve a uniform method of numbering	217
certificates of title. The numbering shall be in such manner that	218
the county of issuance is indicated. Numbers shall be assigned to	219
certificates of title in the manner approved by the chief. The	220
clerk shall file all certificates of title according to policies	221
prescribed by the chief, and the clerk shall maintain in <del>his</del> <u>the</u>	222
<u>clerk's</u> office indexes for the certificates of title.	223
The clerk need not retain on file any certificate of title,	224
duplicate certificate of title, memorandum certificate of title,	225

or supporting evidence thereof covering any watercraft or outboard  
motor for a period longer than ~~ten~~ 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.

**Sec. 4503.31.** As used in this section, "person" includes, but  
is not limited to, any person engaged in the business of  
manufacturing or distributing, or selling at retail, displaying,  
offering for sale, or dealing in, motorized bicycles who is not  
subject to section 4503.09 of the Revised Code, or an Ohio  
nonprofit corporation engaged in the business of testing of motor  
vehicles.

Persons other than manufacturers, dealers, or distributors  
may register annually with the registrar of motor vehicles and  
obtain placards to be displayed on motor vehicles as provided by  
this section. Applications for annual registration shall be made  
at the time provided for payment of the tax and postage imposed on  
manufacturers, dealers, or distributors and shall be in the manner  
to be prescribed by the registrar. The fee for such registration  
shall be twenty-five dollars and shall not be reduced when the  
registration is for a part of a year. Applicants may procure a  
reasonable number of certified copies of such registration upon  
the payment of a fee of five dollars and appropriate postage as  
required by the registrar for each copy.

Upon the filing of the application and the payment of the fee  
and postage prescribed by this section, the registrar shall issue  
to each applicant a certificate of registration and assign a  
distinctive number and furnish one placard with the number  
thereon. With each of the certified copies of the registration  
provided for in this section the registrar shall furnish one

placard with the same numbering assigned in the original 257  
registration certificate and shall add thereto such special 258  
designation as necessary to distinguish one set of placards from 259  
another. All placards furnished by the registrar pursuant to this 260  
section shall be so marked as to be distinguishable from placards 261  
issued dealers, manufacturers, or distributors. Placards issued 262  
pursuant to this section may be used only on motor vehicles or 263  
motorized bicycles owned and being used in testing or being 264  
demonstrated for purposes of sale or lease; or on motor vehicles 265  
subject to the rights and remedies of a secured party being 266  
exercised under sections 1309.01 to 1309.50 of the Revised Code; 267  
or on motor vehicles being held or transported by any insurance 268  
company for purposes of salvage disposition; or on motor vehicles 269  
being transported by any persons regularly engaged in salvage 270  
operations or scrap metal processing from the point of acquisition 271  
to their established place of business; or on motor vehicles owned 272  
by or in the lawful possession of an Ohio nonprofit corporation 273  
while being used in the testing of those motor vehicles. 274

Placards issued pursuant to this section also may be used by 275  
persons regularly ~~and primarily~~ engaged in the business of 276  
rustproofing, reconditioning, or installing equipment or trim on 277  
motor vehicles for motor vehicle dealers and shall be used 278  
exclusively when such motor vehicles are being transported to or 279  
from the motor vehicle dealer's place of business; and by persons 280  
engaged in manufacturing articles for attachment to motor vehicles 281  
when such motor vehicles are being transported to or from places 282  
where mechanical equipment is attached to the chassis of such new 283  
motor vehicles; or on motor vehicles being towed by any persons 284  
regularly and primarily engaged in the business of towing motor 285  
vehicles while such vehicle is being towed to a point of storage. 286

Placards issued pursuant to this section also may be used on 287  
trailers being transported by persons engaged in the business of 288

selling tangible personal property other than motor vehicles.	289
No person required to register an apportionable vehicle under	290
the international registration plan shall apply for or receive a	291
placard for that vehicle under this section.	292
The fees collected by the registrar pursuant to this section	293
shall be paid into the state bureau of motor vehicles fund	294
established in section 4501.25 of the Revised Code and used for	295
the purposes described in that section.	296
<b>Sec. 4517.01.</b> As used in sections 4517.01 to 4517.65 of the	297
Revised Code:	298
(A) "Persons" includes individuals, firms, partnerships,	299
associations, joint stock companies, corporations, and any	300
combinations of individuals.	301
(B) "Motor vehicle" means motor vehicle as defined in section	302
4501.01 of the Revised Code and also includes "all-purpose	303
vehicle" and "off-highway motorcycle" as those terms are defined	304
in section 4519.01 of the Revised Code.	305
(C) "New motor vehicle" means a motor vehicle, the legal	306
title to which has never been transferred by a manufacturer,	307
remanufacturer, distributor, or dealer to an ultimate purchaser.	308
(D) "Ultimate purchaser" means, with respect to any new motor	309
vehicle, the first person, other than a dealer purchasing in the	310
capacity of a dealer, who in good faith purchases such new motor	311
vehicle for purposes other than resale.	312
(E) "Business" includes any activities engaged in by any	313
person for the object of gain, benefit, or advantage either direct	314
or indirect.	315
(F) "Engaging in business" means commencing, conducting, or	316
continuing in business, or liquidating a business when the	317

liquidator thereof holds self out to be conducting such business; 318  
making a casual sale or otherwise making transfers in the ordinary 319  
course of business when the transfers are made in connection with 320  
the disposition of all or substantially all of the transferor's 321  
assets is not engaging in business. 322

(G) "Retail sale" or "sale at retail" means the act or 323  
attempted act of selling, bartering, exchanging, or otherwise 324  
disposing of a motor vehicle to an ultimate purchaser for use as a 325  
consumer. 326

(H) "Retail installment contract" includes any contract in 327  
the form of a note, chattel mortgage, conditional sales contract, 328  
lease, agreement, or other instrument payable in one or more 329  
installments over a period of time and arising out of the retail 330  
sale of a motor vehicle. 331

(I) "Farm machinery" means all machines and tools used in the 332  
production, harvesting, and care of farm products. 333

(J) "Dealer" or "motor vehicle dealer" means any new motor 334  
vehicle dealer, any motor vehicle leasing dealer, and any used 335  
motor vehicle dealer. 336

(K) "New motor vehicle dealer" means any person engaged in 337  
the business of selling at retail, displaying, offering for sale, 338  
or dealing in new motor vehicles pursuant to a contract or 339  
agreement entered into with the manufacturer, remanufacturer, or 340  
distributor of the motor vehicles. 341

(L) "Used motor vehicle dealer" means any person engaged in 342  
the business of selling, displaying, offering for sale, or dealing 343  
in used motor vehicles, at retail or wholesale, but does not mean 344  
any new motor vehicle dealer selling, displaying, offering for 345  
sale, or dealing in used motor vehicles incidentally to engaging 346  
in the business of selling, displaying, offering for sale, or 347  
dealing in new motor vehicles, any person engaged in the business 348

of dismantling, salvaging, or rebuilding motor vehicles by means 349  
of using used parts, or any public officer performing official 350  
duties. 351

(M) "Motor vehicle leasing dealer" means any person engaged 352  
in the business of regularly making available, offering to make 353  
available, or arranging for another person to use a motor vehicle 354  
pursuant to a bailment, lease, sublease, or other contractual 355  
arrangement under which a charge is made for its use at a periodic 356  
rate for a term of thirty days or more, and title to the motor 357  
vehicle is in and remains in the motor vehicle leasing dealer who 358  
originally leases it, irrespective of whether or not the motor 359  
vehicle is the subject of a later sublease, and not in the user, 360  
but does not mean a manufacturer or its affiliate leasing to its 361  
employees or to dealers. 362

(N) "Salesperson" means any person employed by a dealer or 363  
manufactured home broker to sell, display, and offer for sale, or 364  
deal in motor vehicles for a commission, compensation, or other 365  
valuable consideration, but does not mean any public officer 366  
performing official duties. 367

(O) "Casual sale" means any transfer of a motor vehicle by a 368  
person other than a new motor vehicle dealer, used motor vehicle 369  
dealer, motor vehicle salvage dealer, as defined in division (A) 370  
of section 4738.01 of the Revised Code, salesperson, motor vehicle 371  
auction owner, manufacturer, or distributor acting in the capacity 372  
of a dealer, salesperson, auction owner, manufacturer, or 373  
distributor, to a person who purchases the motor vehicle for use 374  
as a consumer. 375

(P) "Motor vehicle show" means a display of current models of 376  
motor vehicles whereby the primary purpose is the exhibition of 377  
competitive makes and models in order to provide the general 378  
public the opportunity to review and inspect various makes and 379

models of motor vehicles at a single location. 380

(Q) "Motor vehicle auction owner" means any person who is 381  
engaged wholly or in part in the business of auctioning motor 382  
vehicles. 383

(R) "Manufacturer" means a person who manufactures, 384  
assembles, or imports motor vehicles, including motor homes, but 385  
does not mean a person who only assembles or installs a body, 386  
special equipment unit, finishing trim, or accessories on a motor 387  
vehicle chassis supplied by a manufacturer or distributor. 388

(S) "Tent-type fold-out camping trailer" means any vehicle 389  
intended to be used, when stationary, as a temporary shelter with 390  
living and sleeping facilities, and which is subject to the 391  
following properties and limitations: 392

(1) A minimum of twenty-five per cent of the fold-out portion 393  
of the top and sidewalls combined must be constructed of canvas, 394  
vinyl, or other fabric, and form an integral part of the shelter. 395  
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(2) When folded, the unit must not exceed: 397

(a) Fifteen feet in length, exclusive of bumper and tongue; 398

(b) Sixty inches in height from the point of contact with the 399  
ground; 400

(c) Eight feet in width; 401

(d) One ton gross weight at time of sale. 402

(T) "Distributor" means any person authorized by a motor 403  
vehicle manufacturer to distribute new motor vehicles to licensed 404  
new motor vehicle dealers, but does not mean a person who only 405  
assembles or installs a body, special equipment unit, finishing 406  
trim, or accessories on a motor vehicle chassis supplied by a 407  
manufacturer or distributor. 408

(U) "Flea market" means a market place, other than a dealer's location licensed under this chapter, where a space or location is provided for a fee or compensation to a seller to exhibit and offer for sale or trade, motor vehicles to the general public.

(V) "Franchise" means any written agreement, contract, or understanding between any motor vehicle manufacturer or remanufacturer engaged in commerce and any motor vehicle dealer, which purports to fix the legal rights and liabilities of the parties to such agreement, contract, or understanding.

(W) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.

(X) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.

(Y) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of new motor vehicle dealers.

(Z) "Factory representative" means a representative employed by a manufacturer, remanufacturer, or by a factory branch primarily for the purpose of promoting the sale of its motor vehicles, parts, or accessories to dealers or for supervising or contacting its dealers or prospective dealers.

(AA) "Administrative or executive management" means those individuals who are not subject to federal wage and hour laws.

(BB) "Good faith" means honesty in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing in the trade as is defined in division (S) of section

1301.01 of the Revised Code, including, but not limited to, the  
duty to act in a fair and equitable manner so as to guarantee  
freedom from coercion, intimidation, or threats of coercion or  
intimidation; provided however, that recommendation, endorsement,  
exposition, persuasion, urging, or argument shall not be  
considered to constitute a lack of good faith.

(CC) "Coerce" means to compel or attempt to compel by failing  
to act in good faith or by threat of economic harm, breach of  
contract, or other adverse consequences. Coerce does not mean to  
argue, urge, recommend, or persuade.

(DD) "Relevant market area" means any area within a radius of  
ten miles from the site of a potential new dealership, except that  
for manufactured home or recreational vehicle dealerships the  
radius shall be twenty-five miles.

(EE) "Wholesale" or "at wholesale" means the act or attempted  
act of selling, bartering, exchanging, or otherwise disposing of a  
motor vehicle to a transferee for the purpose of resale and not  
for ultimate consumption by that transferee.

(FF) "Motor vehicle wholesaler" means any person licensed as  
a dealer under the laws of another state and engaged in the  
business of selling, displaying, or offering for sale used motor  
vehicles, at wholesale, but does not mean any motor vehicle dealer  
as defined in this section.

(GG)(1) "Remanufacturer" means a person who assembles or  
installs passenger seating, walls, a roof elevation, or a body  
extension on a conversion van with the motor vehicle chassis  
supplied by a manufacturer or distributor, a person who modifies a  
truck chassis supplied by a manufacturer or distributor for use as  
a public safety or public service vehicle, a person who modifies a  
motor vehicle chassis supplied by a manufacturer or distributor  
for use as a limousine or hearse, or a person who modifies an

incomplete motor vehicle cab and chassis supplied by a new motor  
vehicle dealer or distributor for use as a tow truck, but does not  
mean either of the following:

(a) A person who assembles or installs passenger seating,  
walls, a roof elevation, or a body extension on a manufactured  
home as defined in division (C)(4) of section 3781.06 of the  
Revised Code, a mobile home as defined in division (O) and  
referred to in division (B) of section 4501.01 of the Revised  
Code, or a recreational vehicle as defined in division (Q) and  
referred to in division (B) of section 4501.01 of the Revised  
Code;

(b) A person who assembles or installs special equipment or  
accessories for handicapped persons, as defined in section 4503.44  
of the Revised Code, upon a motor vehicle chassis supplied by a  
manufacturer or distributor.

(2) For the purposes of division (GG)(1) of this section,  
"public safety vehicle or public service vehicle" means a fire  
truck, ambulance, school bus, street sweeper, garbage packing  
truck, or cement mixer, or a mobile self-contained facility  
vehicle.

(3) For the purposes of division (GG)(1) of this section,  
"limousine" means a motor vehicle, designed only for the purpose  
of carrying nine or fewer passengers, that a person modifies by  
cutting the original chassis, lengthening the wheelbase by forty  
inches or more, and reinforcing the chassis in such a way that all  
modifications comply with all applicable federal motor vehicle  
safety standards. No person shall qualify as or be deemed to be a  
remanufacturer who produces limousines unless the person has a  
written agreement with the manufacturer of the chassis the person  
utilizes to produce the limousines to complete properly the  
remanufacture of the chassis into limousines.

(4) For the purposes of division (GG)(1) of this section, 501  
"hearse" means a motor vehicle, designed only for the purpose of 502  
transporting a single casket, that is equipped with a compartment 503  
designed specifically to carry a single casket that a person 504  
modifies by cutting the original chassis, lengthening the 505  
wheelbase by ten inches or more, and reinforcing the chassis in 506  
such a way that all modifications comply with all applicable 507  
federal motor vehicle safety standards. No person shall qualify as 508  
or be deemed to be a remanufacturer who produces hearses unless 509  
the person has a written agreement with the manufacturer of the 510  
chassis the person utilizes to produce the hearses to complete 511  
properly the remanufacture of the chassis into hearses. 512

(5) For the purposes of division (GG)(1) of this section, 513  
"mobile self-contained facility vehicle" means a mobile classroom 514  
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 515  
testing laboratory, and mobile display vehicle, each of which is 516  
designed for purposes other than for passenger transportation and 517  
other than the transportation or displacement of cargo, freight, 518  
materials, or merchandise. A vehicle is remanufactured into a 519  
mobile self-contained facility vehicle in part by the addition of 520  
insulation to the body shell, and installation of all of the 521  
following: a generator, electrical wiring, plumbing, holding 522  
tanks, doors, windows, cabinets, shelving, and heating, 523  
ventilating, and air conditioning systems. 524

(6) For the purposes of division (GG)(1) of this section, 525  
"tow truck" means both of the following: 526

(a) An incomplete cab and chassis that are purchased by a 527  
remanufacturer from a new motor vehicle dealer or distributor of 528  
the cab and chassis and on which the remanufacturer then installs 529  
in a permanent manner a wrecker body it purchases from a 530  
manufacturer or distributor of wrecker bodies, installs an 531  
emergency flashing light pylon and emergency lights upon the mast 532

of the wrecker body or rooftop, and installs such other related 533  
accessories and equipment, including push bumpers, front grille 534  
guards with pads and other custom-ordered items such as painting, 535  
special lettering, and safety striping so as to create a complete 536  
motor vehicle capable of lifting and towing another motor vehicle. 537

(b) An incomplete cab and chassis that are purchased by a 538  
remanufacturer from a new motor vehicle dealer or distributor of 539  
the cab and chassis and on which the remanufacturer then installs 540  
in a permanent manner a car carrier body it purchases from a 541  
manufacturer or distributor of car carrier bodies, installs an 542  
emergency flashing light pylon and emergency lights upon the 543  
rooftop, and installs such other related accessories and 544  
equipment, including push bumpers, front grille guards with pads 545  
and other custom-ordered items such as painting, special 546  
lettering, and safety striping. 547

As used in division (G)(6)(b) of this section, "car carrier 548  
body" means a mechanical or hydraulic apparatus capable of lifting 549  
and holding a motor vehicle on a flat level surface so that one or 550  
more motor vehicles can be transported, once the car carrier is 551  
permanently installed upon an incomplete cab and chassis. 552

(HH) "Operating as a new motor vehicle dealership" means 553  
engaging in activities such as displaying, offering for sale, and 554  
selling new motor vehicles at retail, operating a service facility 555  
to perform repairs and maintenance on motor vehicles, offering for 556  
sale and selling motor vehicle parts at retail, and conducting all 557  
other acts that are usual and customary to the operation of a new 558  
motor vehicle dealership. For the purposes of this chapter only, 559  
possession of either a valid new motor vehicle dealer franchise 560  
agreement or a new motor vehicle dealers license, or both of these 561  
items, is not evidence that a person is operating as a new motor 562  
vehicle dealership. 563

(II) "Manufactured home broker" means any person acting as a 564  
selling agent on behalf of an owner of a manufactured home that is 565  
subject to taxation under section 4503.06 of the Revised Code. 566

(JJ) "Outdoor power equipment" means garden and small utility 567  
tractors, walk-behind and riding mowers, chainsaws, and tillers. 568  
569

**Sec. 4517.03.** (A) A place of business that is used for 570  
selling, displaying, offering for sale, or dealing in motor 571  
vehicles shall be considered as used exclusively for those 572  
purposes even though snowmobiles, ~~all purpose vehicles, or~~ farm 573  
machinery ~~is,~~ outdoor power equipment, watercraft and related 574  
products, or products manufactured or distributed by a motor 575  
vehicle manufacturer with which the motor vehicle dealer has a 576  
franchise agreement are sold or displayed there, or if repair, 577  
accessory, gasoline and oil, storage, parts, service, or paint 578  
departments are maintained there, or such products or services are 579  
provided there, if the departments are operated or the products or 580  
services are provided for the business of selling, displaying, 581  
offering for sale, or dealing in motor vehicles. Places of 582  
business or departments in a place of business used to dismantle, 583  
salvage, or rebuild motor vehicles by means of using used parts, 584  
are not considered as being maintained for the purpose of 585  
assisting or furthering the selling, displaying, offering for 586  
sale, or dealing in motor vehicles. A place of business shall be 587  
considered as used exclusively for selling, displaying, offering 588  
for sale, or dealing in motor vehicles even though a business 589  
owned by a motor vehicle leasing dealer ~~as defined in section 590~~  
~~4517.01 of the Revised Code~~ or a motor vehicle renting dealer ~~as 591~~  
~~defined in section 4549.65 of the Revised Code~~ is located at the 592  
place of business. 593

(B) No new motor vehicle dealer shall sell, display, offer 594

for sale, or deal in motor vehicles at any place except an 595  
established place of business that is used exclusively for the 596  
purpose of selling, displaying, offering for sale, or dealing in 597  
motor vehicles. The place of business shall have space, under 598  
roof, for the display of at least one new motor vehicle and 599  
facilities and space therewith for the inspection, servicing, and 600  
repair of at least one motor vehicle; except that a new motor 601  
vehicle dealer selling manufactured or mobile homes is exempt from 602  
the requirement that a place of business have space, under roof, 603  
for the display of at least one new motor vehicle and facilities 604  
and space for the inspection, servicing, and repair of at least 605  
one motor vehicle. 606

Nothing contained in Chapter 4517. of the Revised Code shall 607  
be construed as prohibiting the sale of a manufactured home 608  
located in a manufactured home park by a licensed motor vehicle 609  
dealer who is the owner of the manufactured home park. 610

(C) No used motor vehicle dealer shall sell, display, offer 611  
for sale, or deal in motor vehicles at any place except an 612  
established place of business that is used exclusively for the 613  
purpose of selling, displaying, offering for sale, or dealing in 614  
motor vehicles. 615

(D) No motor vehicle leasing dealer shall make a motor 616  
vehicle available for use by another, in the manner described in 617  
division (M) of section 4517.01 of the Revised Code, at any place 618  
except an established place of business that is used for leasing 619  
motor vehicles; except that a motor vehicle leasing dealer who is 620  
also a new motor vehicle dealer or used motor vehicle dealer may 621  
lease motor vehicles at the same place of business at which the 622  
dealer sells, offers for sale, or deals in new or used motor 623  
vehicles. 624

(E) No motor vehicle leasing dealer or motor vehicle renting 625

dealer as defined in section 4549.65 of the Revised Code shall 626  
sell a motor vehicle within ninety days after a certificate of 627  
title to the motor vehicle is issued to the dealer, except when a 628  
salvage certificate of title is issued to replace the original 629  
certificate of title and except when a motor vehicle leasing 630  
dealer sells a motor vehicle to another motor vehicle leasing 631  
dealer at the end of a sublease pursuant to that sublease. 632

(F) No distributor shall distribute new motor vehicles to new 633  
motor vehicle dealers at any place except an established place of 634  
business that is used exclusively for the purpose of distributing 635  
new motor vehicles to new motor vehicle dealers; except that a 636  
distributor who is also a new motor vehicle dealer may distribute 637  
new motor vehicles at the same place of business at which the 638  
distributor sells, displays, offers for sale, or deals in new 639  
motor vehicles. 640

(G) No person, firm, or corporation that sells, displays, or 641  
offers for sale tent-type fold-out camping trailers is subject to 642  
the requirement that the person's, firm's, or corporation's place 643  
of business be used exclusively for the purpose of selling, 644  
displaying, offering for sale, or dealing in motor vehicles. No 645  
person, firm, or corporation that sells, displays, or offers for 646  
sale tent-type fold-out camping trailers, trailers, or 647  
semitrailers is subject to the requirement that the place of 648  
business have space, under roof, for the display of at least one 649  
new motor vehicle and facilities and space for the inspection, 650  
servicing, and repair of at least one motor vehicle. 651

(H) No manufactured or mobile home broker shall engage in the 652  
business of brokering manufactured homes at any place except an 653  
established place of business that is used exclusively for the 654  
purpose of brokering manufactured homes. 655

(I) Nothing in this section shall be construed to prohibit 656

persons licensed under this chapter from making sales calls.

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(J) As used in this section:

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(1) "Motor vehicle leasing dealer" has the same meaning as in section 4517.01 of the Revised Code.

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660

(2) "Motor vehicle renting dealer" has the same meaning as in section 4549.65 of the Revised Code.

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

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**Section 2.** That existing sections 1547.01, 1547.052, 1548.09, 4503.31, 4517.01, and 4517.03 of the Revised Code are hereby repealed.

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**Section 3.** Section 1547.052 of the Revised Code, as amended by this act, shall take effect on January 1, 2000.

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**Section 4.** Section 4517.01 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 611 and Am. Sub. S.B. 142 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

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