

H. B. No. 297
As Introduced

Topic: All-purpose vehicles and off-highway motorcycles 1

_____ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections 2
2131.12,"; after "2131.13" insert ", 4519.55, and 4519.60" 3

In line 2 of the title, after "allow" insert "persons to 4
establish a joint ownership with right of survivorship with respect to 5
an all-purpose vehicle or off-highway motorcycle and to allow"; after 6
"vehicle," insert "all-purpose vehicle, off-highway motorcycle," 7

In line 6, delete "section" and insert "sections 2131.12,"; after 8
"2131.13" insert ", 4519.55, and 4519.60" 9

After line 7, insert: 10

"Sec. 2131.12. (A) As used in this section: 11

(1) "Motor vehicle" has the same meaning as in section 12
4505.01 of the Revised Code. 13

(2) "Joint ownership with right of survivorship" means a 14
form of ownership of a motor vehicle, all-purpose vehicle, off- 15



highway motorcycle, watercraft, or outboard motor that is 16
established pursuant to this section and pursuant to which the 17
entire interest in the motor vehicle, all-purpose vehicle, off- 18
highway motorcycle, watercraft, or outboard motor is held by two 19
persons for their joint lives and thereafter by the survivor of 20
them. 21

(3) "Watercraft" has the same meaning as in division (A) 22
of section 1548.01 of the Revised Code. 23

(4) "All-purpose vehicle" has the same meaning as in 24
section 4519.01 of the Revised Code. 25

(5) "Off-highway motorcycle" has the same meaning as in 26
section 4519.01 of the Revised Code. 27

(B) (1) Any two persons may establish in accordance with 28
this section joint ownership with right of survivorship in a 29
motor vehicle ~~or in~~, an all-purpose vehicle, an off-highway 30
motorcycle, a watercraft, or an outboard motor for which a 31
certificate of title is required under Chapter 1548., 4505., or 32
4519. of the Revised Code. 33

(2) If two persons wish to establish joint ownership with 34
right of survivorship in a motor vehicle ~~or in~~, an all-purpose 35
vehicle, an off-highway motorcycle, a watercraft, or an outboard 36
motor that is required to be titled under Chapter 1548., 4505., 37
or 4519. of the Revised Code, they may make a joint application 38
for a certificate of title under section 1548.07, 4505.06, or 39
~~1548.07~~ 4519.55 of the Revised Code, as applicable. 40

(C) If two persons have established in a certificate of 41
title joint ownership with right of survivorship in a motor 42
vehicle ~~or~~, an all-purpose vehicle, an off-highway motorcycle, 43
a watercraft, or an outboard motor that is required to be titled 44

under Chapter 1548., 4505., or 4519. of the Revised Code, and if 45
one of those persons dies, the interest of the deceased person 46
in the motor vehicle, all-purpose vehicle, off-highway 47
motorcycle, watercraft, or outboard motor shall pass to the 48
survivor of them upon transfer of title to the motor vehicle ~~or~~ 49
, all-purpose vehicle, off-highway motorcycle, watercraft, or 50
outboard motor in accordance with section 1548.11, 4505.10, or 51
~~1548.11- 4519.60~~ of the Revised Code. The motor vehicle, all- 52
purpose vehicle, off-highway motorcycle, watercraft, or 53
outboard motor shall not be considered an estate asset and shall 54
not be included and stated in the estate inventory." 55

In line 11, before "watercraft" insert "an all-purpose 56
vehicle, an off-highway motorcycle, a"; after "or" insert "an" 57

In line 12, after "vehicle," insert "all-purpose vehicle, 58
off-highway motorcycle," 59

In line 17, after "vehicle," insert "all-purpose vehicle, 60
off-highway motorcycle," 61

In line 25, after "vehicle," insert "all-purpose vehicle, 62
off-highway motorcycle," 63

In line 26, after "vehicle," insert "all-purpose vehicle, 64
off-highway motorcycle," 65

In line 28, before "watercraft" insert "all-purpose 66
vehicle, off-highway motorcycle," 67

After line 34, insert: 68

"(8) "All-purpose vehicle" has the same meaning as in 69
section 4519.01 of the Revised Code. 70

(9) "Off-highway motorcycle" has the same meaning as in 71

section 4519.01 of the Revised Code. 72

In line 36, after "vehicle," insert "all-purpose vehicle,
off-highway motorcycle," 73
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In line 38, strike through "or" and insert "┘"; after 75
"4505.06" insert ", or 4519.55" 76

In line 39, after "vehicle," insert "all-purpose vehicle,
off-highway motor cycle," 77
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In line 42, after "vehicle," insert "all-purpose vehicle,
off-highway motorcycle," 79
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In line 44, delete "or" and insert "┘"; after "4505.06" 81
insert ", or 4519.55" 82

In line 45, after "vehicle," insert "all-purpose vehicle,
off-highway motorcycle," 83
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In line 47, after "vehicle," insert "all-purpose vehicle,
off-highway motorcycle," 85
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In line 49, after "vehicle," insert "all-purpose vehicle,
off-highway motorcycle," 87
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In line 52, after "vehicle," insert "all-purpose vehicle,
off-highway motorcycle," 89
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In line 58, after "vehicle," insert "all-purpose vehicle,
off-highway motorcycle," 91
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In line 62, after "vehicle," insert "all-purpose vehicle,
off-highway motorcycle," 93
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In line 66, after "vehicle," insert "all-purpose vehicle,
off-highway motorcycle," 95
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In line 67, after "vehicle," insert "all-purpose vehicle," 97

<u>off-highway motorcycle,</u> "	98
In line 68, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	99 100
In line 73, strike through "or" and insert " <u>,"</u> "; after "4505.06" insert " <u>, or 4519.55"</u>	101 102
In line 75, after "vehicle," insert " <u> all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	103 104
In line 77, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	105 106
In line 80, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	107 108
In line 81, strike through "or" and insert " <u>,"</u> "; after "4505.10" insert " <u>, or 4519.60"</u>	109 110
In line 84, before "watercraft" insert " <u>all-purpose</u> <u>vehicle, off-highway motorcycle,</u> "	111 112
In line 85, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	113 114
In line 88, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	115 116
In line 89, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	117 118
In line 91, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	119 120
In line 94, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	121 122
In line 97, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	123

off-highway motorcycle," 124

In line 99, after "vehicle," insert "all-purpose vehicle,
off-highway motorcycle," 125
126

In line 102, after "Vehicle," insert "All-Purpose Vehicle,
Off-Highway Motorcycle," 127
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After line 109, insert: 129

"**Sec. 4519.55.** Application for a certificate of title for 130
an off-highway motorcycle or all-purpose vehicle shall be made 131
upon a form prescribed by the registrar of motor vehicles and 132
shall be sworn to before a notary public or other officer 133
empowered to administer oaths. The application shall be filed 134
with the clerk of any court of common pleas. An application for 135
a certificate of title may be filed electronically by any 136
electronic means approved by the registrar in any county with 137
the clerk of the court of common pleas of that county. 138

If an application for a certificate of title is filed 139
electronically by an electronic dealer on behalf of the 140
purchaser of an off-highway motorcycle or all-purpose vehicle, 141
the clerk shall retain the completed electronic record to which 142
the dealer converted the certificate of title application and 143
other required documents. The registrar, after consultation with 144
the attorney general, shall adopt rules that govern the location 145
at which, and the manner in which, are stored the actual 146
application and all other documents relating to the sale of an 147
off-highway motorcycle or all-purpose vehicle when an electronic 148
dealer files the application for a certificate of title 149
electronically on behalf of the purchaser. 150

The application shall be accompanied by the fee prescribed 151
in section 4519.59 of the Revised Code. The fee shall be 152

retained by the clerk who issues the certificate of title and 153
shall be distributed in accordance with that section. If a clerk 154
of a court of common pleas, other than the clerk of the court of 155
common pleas of an applicant's county of residence, issues a 156
certificate of title to the applicant, the clerk shall transmit 157
data related to the transaction to the automated title 158
processing system. 159

If a certificate of title previously has been issued for 160
an off-highway motorcycle or all-purpose vehicle, the 161
application also shall be accompanied by the certificate of 162
title duly assigned, unless otherwise provided in this chapter. 163
If a certificate of title previously has not been issued for the 164
off-highway motorcycle or all-purpose vehicle, the application, 165
unless otherwise provided in this chapter, shall be accompanied 166
by a manufacturer's or importer's certificate; by a sworn 167
statement of ownership; or by a certificate of title, bill of 168
sale, or other evidence of ownership required by law of another 169
state from which the off-highway motorcycle or all-purpose 170
vehicle was brought into this state. The registrar, in 171
accordance with Chapter 119. of the Revised Code, shall 172
prescribe the types of additional documentation sufficient to 173
establish proof of ownership, including, but not limited to, 174
receipts from the purchase of parts or components, photographs, 175
and affidavits of other persons. 176

If the application is made by two persons regarding an 177
off-highway motorcycle or an all-purpose vehicle in which they 178
wish to establish joint ownership with right of survivorship, 179
they may do so as provided in section 2131.12 of the Revised 180
Code. If the applicant requests a designation of the off-highway 181
motorcycle or all-purpose vehicle in beneficiary form so that 182

upon the death of the owner of the off-highway motorcycle or 183
all-purpose vehicle, ownership of the off-highway motorcycle or 184
all-purpose vehicle will pass to a designated transfer-on-death 185
beneficiary or beneficiaries, the applicant may do so as 186
provided in section 2131.13 of the Revised Code. A person who 187
establishes ownership of an off-highway motorcycle or an all- 188
purpose vehicle that is transferable on death in accordance with 189
section 2131.13 of the Revised Code may terminate that type of 190
ownership or change the designation of the transfer-on-death 191
beneficiary or beneficiaries by applying for a certificate of 192
title pursuant to this section. 193

For purposes of the transfer of a certificate of title, if 194
the clerk is satisfied that a secured party has duly discharged 195
a lien notation but has not canceled the lien notation with a 196
clerk, the clerk may cancel the lien notation on the automated 197
title processing system and notify the clerk of the county of 198
origin. 199

In the case of the sale of an off-highway motorcycle or 200
all-purpose vehicle by a dealer to a general purchaser or user, 201
the certificate of title shall be obtained in the name of the 202
purchaser by the dealer upon application signed by the 203
purchaser. In all other cases, the certificate shall be obtained 204
by the purchaser. In all cases of transfer of an off-highway 205
motorcycle or all-purpose vehicle, the application for 206
certificate of title shall be filed within thirty days after the 207
later of the date of purchase or assignment of ownership of the 208
off-highway motorcycle or all-purpose vehicle. If the 209
application for certificate of title is not filed within thirty 210
days after the later of the date of purchase or assignment of 211
ownership of the off-highway motorcycle or all-purpose vehicle, 212

the clerk shall charge a late filing fee of five dollars in 213
addition to the fee prescribed by section 4519.59 of the Revised 214
Code. The clerk shall retain the entire amount of each late 215
filing fee. 216

Except in the case of an off-highway motorcycle or all- 217
purpose vehicle purchased prior to July 1, 1999, the clerk shall 218
refuse to accept an application for certificate of title unless 219
the applicant either tenders with the application payment of all 220
taxes levied by or pursuant to Chapter 5739. or 5741. of the 221
Revised Code based on the purchaser's county of residence, or 222
submits either of the following: 223

(A) A receipt issued by the tax commissioner or a clerk of 224
courts showing payment of the tax; 225

(B) An exemption certificate, in any form prescribed by 226
the tax commissioner, that specifies why the purchase is not 227
subject to the tax imposed by Chapter 5739. or 5741. of the 228
Revised Code. 229

Payment of the tax shall be made in accordance with 230
division (E) of section 4505.06 of the Revised Code and any 231
rules issued by the tax commissioner. When a dealer submits 232
payment of the tax to the clerk, the dealer shall retain any 233
discount to which the dealer is entitled under section 5739.12 234
of the Revised Code. The clerk shall issue a receipt in the form 235
prescribed by the tax commissioner to any applicant who tenders 236
payment of the tax with the application for a certificate of 237
title. If the application for a certificate of title is for an 238
off-highway motorcycle or all-purpose vehicle purchased prior to 239
July 1, 1999, the clerk shall accept the application without 240
payment of the taxes levied by or pursuant to Chapter 5739. or 241
5741. of the Revised Code or presentation of either of the items 242

listed in division (A) or (B) of this section. 243

For receiving and disbursing such taxes paid to the clerk 244
by a resident of the clerk's county, the clerk may retain a 245
poundage fee of one and one-hundredth per cent of the taxes 246
collected, which shall be paid into the certificate of title 247
administration fund created by section 325.33 of the Revised 248
Code. The clerk shall not retain a poundage fee from payments of 249
taxes by persons who do not reside in the clerk's county. 250

A clerk, however, may retain from the taxes paid to the 251
clerk an amount equal to the poundage fees associated with 252
certificates of title issued by other clerks of courts of common 253
pleas to applicants who reside in the first clerk's county. The 254
registrar, in consultation with the tax commissioner and the 255
clerks of the courts of common pleas, shall develop a report 256
from the automated title processing system that informs each 257
clerk of the amount of the poundage fees that the clerk is 258
permitted to retain from those taxes because of certificates of 259
title issued by the clerks of other counties to applicants who 260
reside in the first clerk's county. 261

In the case of casual sales of off-highway motorcycles or 262
all-purpose vehicles that are subject to the tax imposed by 263
Chapter 5739. or 5741. of the Revised Code, the purchase price 264
for the purpose of determining the tax shall be the purchase 265
price on an affidavit executed and filed with the clerk by the 266
seller on a form to be prescribed by the registrar, which shall 267
be prima-facie evidence of the price for the determination of 268
the tax. 269

In addition to the information required by section 4519.57 270
of the Revised Code, each certificate of title shall contain in 271
bold lettering the following notification and statements: 272

"WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You 273
are required by law to state the true selling price. A false 274
statement is in violation of section 2921.13 of the Revised Code 275
and is punishable by six months imprisonment or a fine of up to 276
one thousand dollars, or both. All transfers are audited by the 277
department of taxation. The seller and buyer must provide any 278
information requested by the department of taxation. The buyer 279
may be assessed any additional tax found to be due." 280

The clerk shall forward all payments of taxes, less 281
poundage fees, to the treasurer of state in a manner to be 282
prescribed by the tax commissioner and shall furnish information 283
to the commissioner as the commissioner may require. 284

Every clerk shall have the capability to transact by 285
electronic means all procedures and transactions relating to the 286
issuance of certificates of title for off-highway motorcycles 287
and all-purpose vehicles that are described in the Revised Code 288
as being accomplished by electronic means. 289

Sec. 4519.60. (A) In the event of the transfer of 290
ownership of an off-highway motorcycle or all-purpose vehicle by 291
operation of law, as upon inheritance, devise, bequest, order in 292
bankruptcy, insolvency, replevin, or execution of sale, or when 293
repossession is had upon default in performance of the terms of 294
a security agreement as provided in Chapter 1309. of the Revised 295
Code, a clerk of a court of common pleas, upon the surrender of 296
the prior certificate of title or the manufacturer's or 297
importer's certificate, or, when that is not possible, upon 298
presentation to the clerk of satisfactory proof of ownership and 299
rights of possession to the off-highway motorcycle or all- 300
purpose vehicle, and upon payment of the fee prescribed in 301
section 4519.59 of the Revised Code and presentation of an 302

application for certificate of title, may issue to the applicant 303
a certificate of title to the off-highway motorcycle or all- 304
purpose vehicle. Only an affidavit by the person or agent of the 305
person to whom possession of the off-highway motorcycle or all- 306
purpose vehicle has passed, setting forth the facts entitling 307
the person to the possession and ownership, together with a copy 308
of the journal entry, court order, or instrument upon which the 309
claim of possession and ownership is founded, is satisfactory 310
proof of ownership and right of possession. If the applicant 311
cannot produce that proof of ownership, the applicant may apply 312
directly to the registrar of motor vehicles and submit the 313
evidence the applicant has, and the registrar, upon finding the 314
evidence sufficient, may authorize the clerk to issue a 315
certificate of title. If, from the records in the office of the 316
clerk, there appears to be any lien on the off-highway 317
motorcycle or all-purpose vehicle, the certificate of title 318
shall contain a statement of the lien unless the application is 319
accompanied by proper evidence of its extinction. 320

(B) Upon the death of one of the persons who have 321
established joint ownership with right of survivorship under 322
section 2131.12 of the Revised Code in an off-highway motorcycle 323
or all-purpose vehicle and the presentation to the clerk of the 324
title and the certificate of death of the deceased person, the 325
clerk shall enter into the records the transfer of the off- 326
highway motorcycle or all-purpose vehicle to the surviving 327
person, and the title to the off-highway motorcycle or all- 328
purpose vehicle immediately passes to the surviving person. The 329
transfer does not affect any liens on the off-highway motorcycle 330
or all-purpose vehicle. 331

(C) Upon the death of an owner of an off-highway 332

motorcycle or all-purpose vehicle designated in beneficiary form 333
under section 2131.13 of the Revised Code, upon application of 334
the transfer-on-death beneficiary or beneficiaries designated 335
pursuant to that section, and upon presentation to the clerk of 336
the certificate of title and the certificate of death of the 337
deceased owner, the clerk shall transfer the off-highway 338
motorcycle or all-purpose vehicle and issue a certificate of 339
title to the transfer-on-death beneficiary or beneficiaries. The 340
transfer does not affect any liens upon any off-highway 341
motorcycle or all-purpose vehicle so transferred." 342

In line 110, delete "section" and insert "sections" 343
2131.12,"; after "2131.13" insert ", 4519.55, and 4519.60" 344

In line 111, delete "is" and insert "are" 345

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The motion was _____ agreed to.