

H. B. No. 297

As Introduced

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

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\_\_\_\_\_ moved to amend as follows:

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

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

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

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After line 7, insert:

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

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

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

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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  
one of those persons dies, the interest of the deceased person  
in the motor vehicle, all-purpose vehicle, off-highway  
motorcycle, watercraft, or outboard motor shall pass to the  
survivor of them upon transfer of title to the motor vehicle~~or~~  
, all-purpose vehicle, off-highway motorcycle, watercraft, or  
outboard motor in accordance with section 1548.11, 4505.10, or  
~~1548.11~~ 4519.60 of the Revised Code. The motor vehicle, all-  
purpose vehicle, off-highway motorcycle, watercraft, or  
outboard motor shall not be considered an estate asset and shall  
not be included and stated in the estate inventory."

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

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

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

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

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

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

After line 34, insert:

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

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

<u>section 4519.01 of the Revised Code."</u>	72
In line 36, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	73 74
In line 38, strike through "or" and insert "┘"; after "4505.06" insert " <u>, or 4519.55</u> "	75 76
In line 39, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motor cycle,</u> "	77 78
In line 42, after " <u>vehicle,</u> " insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	79 80
In line 44, delete " <u>or</u> " and insert "┘"; after " <u>4505.06</u> " insert " <u>, or 4519.55</u> "	81 82
In line 45, after " <u>vehicle,</u> " insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	83 84
In line 47, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	85 86
In line 49, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	87 88
In line 52, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	89 90
In line 58, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	91 92
In line 62, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	93 94
In line 66, after "vehicle," insert " <u>all-purpose vehicle,</u> <u>off-highway motorcycle,</u> "	95 96
In line 67, after "vehicle," insert " <u>all-purpose vehicle,</u> "	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> "	123

off-highway motorcycle," 124

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