

As Passed by the Senate

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 567

Representatives Stewart, Brown

**Cosponsors: Representatives Smith, K., Miller, A., Humphrey, Young, T., LaRe, Lanese, Carfagna, Koehler, Fraizer, Crossman, Manning, Hillyer, Hall, Galonski, Kick, Leland, Merrin, Skindell, White, Brent, Hicks-Hudson, Jarrells, Lepore-Hagan, O'Brien, Patton, Pavliga, Russo, Sheehy, Wiggam
Senators Antonio, Cirino, Craig, Gavarone, Hackett, Hicks-Hudson, Maharath, Manning, Reineke, Rulli, Thomas, Wilson, Yuko**

A BILL

To amend sections 147.01, 147.011, 147.022, 1
147.542, 147.55, 147.551, 1901.186, 2303.06, 2
2303.12, 2303.14, 2303.15, 4505.031, 4505.06, 3
4505.071, 4519.70, 5739.027, and 5739.029 and to 4
enact sections 2303.081, 2303.901, and 4505.063 5
of the Revised Code regarding records kept by 6
the clerk of the court of common pleas, court of 7
common pleas court orders made out of court, and 8
common pleas court clerk maintenance of court 9
materials, and to provide immunity to clerks of 10
court who post online a case document with 11
personal identifiers; to provide that documents 12
received, created, or converted by the clerk of 13
court in electronic format are considered the 14
official version of the record; to revise the 15
duties of the board of county commissioners in 16
relation to the clerk of the court of common 17
pleas; to amend the law regarding notaries 18
public; to allow the Tiffin-Fostoria municipal 19
court and the Seneca County court of common 20

pleas to continue to exercise concurrent 21
jurisdiction in operating a drug addiction 22
recovery program indefinitely; and to exempt 23
peace officers from the notary application 24
criminal records check, and to make changes to 25
the notarization requirements for motor vehicle 26
and watercraft certificate of title documents 27
when a licensed motor vehicle dealer is involved 28
in the transfer of title. 29

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

Section 1. That sections 147.01, 147.011, 147.022, 30
147.542, 147.55, 147.551, 1901.186, 2303.06, 2303.12, 2303.14, 31
2303.15, 4505.031, 4505.06, 4505.071, 4519.70, 5739.027, and 32
5739.029 be amended and sections 2303.081, 2303.901, and 33
4505.063 of the Revised Code be enacted to read as follows: 34

Sec. 147.01. (A) The secretary of state may appoint and 35
commission as notaries public as many persons who meet the 36
qualifications of division (B) of this section as the secretary 37
of state considers necessary. 38

(B) In order for a person to qualify to be appointed and 39
commissioned as a notary public, the person shall demonstrate to 40
the secretary of state that the person satisfies all of the 41
following: 42

(1) The person has attained the age of eighteen years. 43

(2) (a) Except as provided in division (B) (2) (b) of this 44
section, the person is a legal resident of this state. 45

(b) The person is not a legal resident of this state, but 46
is an attorney admitted to the practice of law in this state by 47
the Ohio supreme court, and has the person's principal place of 48
business or the person's primary practice in this state. 49

(3) (a) Except as provided in division (B) (3) (b) of this 50
section, the person has submitted a criminal records check 51
report completed within the preceding six months in accordance 52
with section 147.022 of the Revised Code demonstrating that the 53
applicant has not been convicted of or pleaded guilty or no 54
contest to a disqualifying offense as determined in accordance 55
with section 9.79 of the Revised Code. 56

(b) ~~An~~ A person that is an attorney admitted to the 57
practice of law in this state or a peace officer shall not be 58
required to submit a criminal records check when applying to be 59
appointed a notary public. 60

(4) (a) Except as provided in divisions (B) (4) (b) and (c) 61
of this section, the person has successfully completed an 62
educational program and passed a test administered by the 63
entities authorized by the secretary of state as required under 64
section 147.021 of the Revised Code. 65

(b) An attorney who is commissioned as a notary public in 66
this state prior to September 20, 2019, shall not be required to 67
complete an education program or pass a test as required in 68
division (B) (4) (a) of this section. 69

(c) Any attorney who applies to become commissioned as a 70
notary public in this state after September 20, 2019, shall not 71
be required to pass a test as required in division (B) (4) (a) of 72
this section, but shall be required to complete an education 73
program required by that division. 74

(C) A notary public shall be appointed and commissioned as 75
a notary public for the state. The secretary of state may revoke 76
a commission issued to a notary public upon presentation of 77
satisfactory evidence of official misconduct or incapacity. 78

(D) The secretary of state shall oversee the processing of 79
notary public applications and shall issue all notary public 80
commissions. The secretary of state shall oversee the creation 81
and maintenance of the online database of notaries public 82
commissioned in this state pursuant to section 147.051 of the 83
Revised Code. The secretary of state may perform all other 84
duties as required by this section. The entities authorized by 85
the secretary of state pursuant to section 147.021 or 147.63 of 86
the Revised Code shall administer the educational program and 87
required test or course of instruction and examination, as 88
applicable. 89

(E) All submissions to the secretary of state for 90
receiving and renewing commissions, or notifications made under 91
section 147.05 of the Revised Code, shall be done 92
electronically. 93

Sec. 147.011. As used in this chapter: 94

(A) "~~Acknowledgment~~" means a ~~notarial act in which the~~ 95
~~signer of the notarized document acknowledges all of the~~ 96
~~following:~~ 97

~~(1) That the signer has signed the document;~~ 98

~~(2) That the signer understands the document;~~ 99

~~(3) That the signer is aware of the consequences of~~ 100
executing the document by signing it~~declaration by an individual~~ 101
before a notary public that the individual has signed a record 102
for the purpose stated in the record, and if the record is 103

signed in a representative capacity, that the individual signed 104
the record with proper authority and signed it as the act of the 105
individual or entity identified in the record. 106

(B) "Criminal records check" has the same meaning as in 107
section 109.572 of the Revised Code. 108

(C) "Jurat" means a notarial act in which both of the 109
following are met: 110

(1) The signer of the notarized document is required to 111
give an oath or affirmation that the statement in the notarized 112
document is true and correct; 113

(2) The signer signs the notarized document in the 114
presence of a notary public. 115

(D) "Notarial certificate" means the part of, or 116
attachment to, a document that is completed by the notary public 117
and upon which the notary public places the notary public's 118
signature and seal. 119

(E) "Peace officer" has the same meaning as in section 120
2935.01 of the Revised Code. 121

Sec. 147.022. (A) (1) The secretary of state shall require 122
each applicant for a notary commission, other than an attorney 123
licensed to practice law in this state or a peace officer, to 124
complete a criminal records check. 125

(2) The secretary shall not accept an application for a 126
notary commission that includes the report of a criminal records 127
check that is more than six months old. 128

(B) The secretary of state shall provide to each person 129
applying for a notary commission, other than an attorney 130
admitted to the practice of law in this state or a peace 131

officer, information about accessing, completing, and forwarding 132
to the superintendent of the bureau of criminal identification 133
and investigation the form prescribed pursuant to division (C) 134
(1) of section 109.572 of the Revised Code and the standard 135
impression sheet to obtain fingerprint impressions prescribed 136
pursuant to division (C) (2) of that section. 137

(C) Each person requesting a criminal records check under 138
this section shall pay to the bureau of criminal identification 139
and investigation the fee prescribed pursuant to division (C) (3) 140
of section 109.572 of the Revised Code. 141

(D) The report of any criminal records check conducted by 142
the bureau of criminal identification and investigation in 143
accordance with section 109.572 of the Revised Code and pursuant 144
to a request made under this section is not a public record for 145
the purposes of section 149.43 of the Revised Code and shall not 146
be made available to any person other than the following: 147

(1) The person who is the subject of the criminal records 148
check or the person's representative; 149

(2) The secretary of state and the staff of the secretary 150
of state; 151

(3) A court, hearing officer, or other necessary 152
individual involved in a case dealing with a commission denial 153
resulting from the criminal records check. 154

(E) The secretary of state shall deny a notary commission 155
application if, after receiving the information and notification 156
required by this section, a person subject to the criminal 157
records check requirement fails to do either of the following: 158

(1) Access, complete, or forward to the superintendent of 159
the bureau of criminal identification and investigation the form 160

prescribed pursuant to division (C) (1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C) (2) of that section;

(2) Submit the completed report of the criminal records check to the secretary of state.

Sec. 147.542. (A) A notary public shall provide a completed notarial certificate for every notarial act the notary public performs.

~~(B) For an acknowledgment and a jurat, the corresponding notarial certificate shall indicate the type of notarization being performed.~~

~~(C) If a notarial certificate incorrectly indicates the type of notarization performed, the notary public shall provide a correct certificate at no charge to the person signing in question.~~

~~(D) (1) An acknowledgment certificate shall clearly state that no oath or affirmation was administered to the signer with regard to the notarial act.~~

~~(2) (C) A jurat certificate shall clearly state that an oath or affirmation was administered to the signer with regard to the notarial act.~~

~~(E) (1) (D) (1) A notary public shall not use an acknowledgment certificate with regard to a notarial act in which an oath or affirmation has been administered.~~

(2) A notary public shall not use a jurat certificate with regard to a notarial act in which an oath or affirmation has not been administered.

~~(F) (E) A certificate required under this section may be~~

provided through any of the following means:	189
(1) Preprinting on a notarial document;	190
(2) Ink stamp;	191
(3) Handwritten note;	192
(4) A separate, attached document.	193
(G) <u>(F)</u> A notarial certificate shall show all of the	194
following information:	195
(1) The state and county venue where the notarization is	196
being performed;	197
(2) The wording of the acknowledgment or jurat in	198
question;	199
(3) The date on which the notarial act was performed;	200
(4) The signature of the notary, exactly as shown on the	201
notary's commission;	202
(5) The notary's printed name, displayed below the	203
notary's signature or inked stamp;	204
(6) The notary's notarial seal and commission expiration	205
date;	206
(7) If an electronic document was signed in the physical	207
presence of a notary and notarized pursuant to section 147.591	208
of the Revised Code, or if an online notarization was performed	209
pursuant to sections 147.60 to 147.66 of the Revised Code, the	210
certificate shall include a statement to that effect.	211
(H) <u>(G)</u> A notary public may explain to a signer the	212
difference between an acknowledgment and a jurat, but shall not,	213
unless that notary is an attorney, advise the person on the type	214

of notarial act that best suits a situation. 215

Sec. 147.55. ~~Notwithstanding section 147.542 of the~~ 216
~~Revised Code, the~~ The forms of acknowledgment set forth in this 217
section may be used and are sufficient for their respective 218
purposes under any section of the Revised Code. The forms shall 219
be known as "statutory short forms of acknowledgment" and may be 220
referred to by that name. The authorization of the forms in this 221
section does not preclude the use of other forms. 222

(A) For an individual acting in the individual's own 223
right: 224

"State of _____ 225

County of _____ 226

The foregoing instrument was acknowledged before me this 227
(date) by (name of person acknowledging). 228

(Signature of person taking acknowledgment) 229

(Title or rank)" 230

(B) For a corporation: 231

"State of _____ 232

County of _____ 233

The foregoing instrument was acknowledged before me this 234
(date) by (name of officer or agent, title of officer or agent) 235
of (name of corporation acknowledging), a (state or place of 236
incorporation) corporation, on behalf of the corporation. 237

(Signature of person taking acknowledgment) 238

(Title or rank)" 239

(C) For a limited liability company: 240

<u>"State of _____</u>	241
<u>County of _____</u>	242
<u>The foregoing instrument was acknowledged before me this</u>	243
<u>(date) by (name of member or managing member, title of member or</u>	244
<u>managing member) of (name of limited liability company</u>	245
<u>acknowledging), a (jurisdiction of formation) limited liability</u>	246
<u>company, on behalf of the limited liability company.</u>	247
<u>(Signature of person taking acknowledgment)</u>	248
<u>(Title or rank)"</u>	249
<u>(D) For a partnership:</u>	250
<u>"State of _____</u>	251
<u>County of _____</u>	252
<u>The foregoing instrument was acknowledged before me this</u>	253
<u>(date) by (name of acknowledging partner or agent), partner (or</u>	254
<u>agent) on behalf of (name of partnership), a partnership.</u>	255
<u>(Signature of person taking acknowledgment)</u>	256
<u>(Title or rank)"</u>	257
<u>(D) <u>(E) For an individual acting as principal by an</u></u>	258
<u>attorney in fact:</u>	259
<u>"State of _____</u>	260
<u>County of _____</u>	261
<u>The foregoing instrument was acknowledged before me this</u>	262
<u>(date) by (name of attorney in fact) as attorney in fact on</u>	263
<u>behalf of (name of principal).</u>	264
<u>(Signature of person taking acknowledgment)</u>	265

(Title or rank)"	266
(E) <u>(F)</u> By any public officer, trustee, or personal representative:	267
	268
"State of _____	269
County of _____	270
The foregoing instrument was acknowledged before me this (date) by (name and title of position).	271
	272
(Signature of person taking acknowledgment)	273
(Title or rank)"	274
Sec. 147.551. Notwithstanding section 147.542 of the Revised Code, a <u>A</u> jurat may take the following form:	275
	276
"State of Ohio	277
County of _____	278
Sworn to or affirmed and subscribed before me by (signature name of person making jurat <u>signer</u>) this date of (date).	279
	280
	281
(Signature of notary public administering jurat)	282
(Affix seal here)	283
(Title of rank)	284
(Commission expiration date)"	285
Sec. 1901.186. (A) As used in this section:	286
(1) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code.	287
	288
(2) "Offense of violence" has the same meaning as in	289

section 2901.01 of the Revised Code. 290

(3) "Informant" means a person who is assisting a law 291
enforcement agency in a criminal investigation by purchasing 292
controlled substances from others in return for compensation 293
from the law enforcement agency. 294

(B) In addition to all other jurisdictions granted a 295
municipal court in this chapter, except as provided in division 296
(C) of this section, the Tiffin-Fostoria municipal court has 297
concurrent jurisdiction with the Seneca county court of common 298
pleas in all criminal actions or proceedings to which both of 299
the following apply: 300

(1) The court finds that the offender's addiction to a 301
drug of abuse was the primary factor leading to the offender's 302
commission of the offense charged. 303

(2) The offender is admitted to participate in the 304
participating in victory of transition (PIVOT) drug recovery 305
program. 306

(C) The Tiffin-Fostoria municipal court does not have 307
concurrent jurisdiction with the Seneca county court of common 308
pleas in a criminal action or proceeding when any of the 309
following applies: 310

(1) The defendant is not a resident of Seneca county. 311

(2) The defendant is charged with a felony offense of 312
violence. 313

(3) The defendant is charged with a felony sex offense or 314
has a duty to comply with sections 2950.04, 2950.041, 2950.05, 315
and 2950.06 of the Revised Code. 316

(4) The defendant is charged with a felony violation of 317

section 2925.04 or 2925.041 of the Revised Code. 318

(5) The defendant is under a community control sanction or 319
post-release control sanction imposed by another court or is on 320
parole or probation under the supervision of another 321
jurisdiction. 322

(6) Criminal proceedings are pending against the defendant 323
for a felony offense in another jurisdiction. 324

(7) The defendant is serving a prison term imposed by 325
another court. 326

(8) The defendant is engaged as an informant for a law 327
enforcement agency. 328

~~(D) The concurrent jurisdiction granted by this section~~ 329
~~shall expire five years after the effective date of this~~ 330
~~section, unless renewed or made permanent by the general~~ 331
~~assembly prior to its expiration.~~ 332

Sec. 2303.06. The board of county commissioners shall 333
furnish the clerk of the court of common pleas all ~~blankbooks,~~ 334
~~including the printed trial dockets, blanks, stationery, and all~~ 335
~~things necessary~~ things necessary for the prompt discharge of 336
~~his duty~~ the clerk's duties. 337

Sec. 2303.081. (A) Pleadings or documents may be filed 338
with the clerk of court either in paper format or in electronic 339
format. Pleadings and documents filed in paper format may be 340
converted to an electronic format. Documents created by the 341
clerk of court in the exercise of the clerk's duties may be 342
created in an electronic format. 343

(B) When pleadings or documents are received or created 344
in, or converted to, an electronic format as provided in 345

division (A) of this section, the pleadings or documents in that 346
format shall be considered the official version of the record. 347

Sec. 2303.12. (A) As used in this section: 348

(1) "Case file" means the compendium of original documents 349
filed in a civil action or proceeding in the court of common 350
pleas, including the pleadings, motions, orders, and judgments 351
of the court on a case by case basis. 352

(2) "General docket" means the appearance docket, trial 353
docket, journal, execution docket, and case files in relation to 354
those dockets and journal. 355

(B) The clerk of the court of common pleas shall keep at 356
least four books records as indicated by the Rules of 357
Superintendence for the Courts of Ohio. They shall be called the 358
appearance docket, trial docket and printed duplicates of the 359
trial docket for the use of the court and the officers thereof, 360
journal, and execution docket. The clerk shall also keep a 361
record in book form or the clerk may prepare a record by using 362
any photostatic, photographic, miniature photographic, film, 363
microfilm, or microphotographic process, electrostatic process, 364
perforated tape, magnetic tape, or other electromagnetic means, 365
electronic data processing, machine readable media, graphic or 366
video display, or any combination thereof, which correctly and 367
accurately copies or reproduces ~~the every case file and other~~ 368
original document, paper, or instrument in writing. ~~The clerk~~ 369
~~shall use materials that comply with the minimum standards of~~ 370
~~quality for permanent photographic records prescribed by the~~ 371
~~National Bureau of Standards.~~ The clerk shall keep an index to 372
the trial docket and to the printed duplicates of the trial 373
docket and of the journal direct, and to the appearance docket, 374
record, and execution docket, direct and reverse. All clerks 375

keeping records and information by the methods described in this 376
section shall keep and make readily available to the public the 377
machine and equipment necessary to reproduce the records and 378
information in a readable form. 379

~~(B)~~ (C) The clerk of the court of common pleas shall keep 380
confidential information that is subject to a real property 381
confidentiality notice under section 111.431 of the Revised 382
Code, in accordance with that section. 383

(D) (1) Subject to division (D) (2) of this section, not 384
later than eighteen months after the effective date of this 385
amendment, the clerk of court shall make available online on the 386
clerk of court's web site the general docket of the court for 387
remote access and printing by the public of the information in 388
that docket, including all individual documents in each case 389
file, pertaining to civil cases filed on or after the effective 390
date of this amendment. 391

(2) The clerk of court is not required to make available 392
online under division (D) (1) of this section either of the 393
following: 394

(a) The general docket of the division of domestic 395
relations, the juvenile court, or the probate court; 396

(b) If the court does not have a division of domestic 397
relations, the general docket in civil cases pertaining to 398
domestic relations. 399

(E) Nothing in division (D) of this section shall be 400
construed as making available online any of the following: 401

(1) Internal documents such as notes, emails, drafts, 402
recommendations, advice, or research of judicial officers and 403
court staff; 404

(2) Any document or any information in a case file the 405
public access to which the court has ordered restricted under 406
the Rules of Superintendence for the Courts of Ohio. 407

Sec. 2303.14. The clerk of the court of common pleas shall 408
~~keep the journals, records, books, and papers~~ maintain all 409
materials as referenced in the Rules of Superintendence for the 410
Courts of Ohio appertaining to the court and record its 411
proceedings. 412

Sec. 2303.15. Orders made out of court shall be ~~forthwith~~ 413
~~entered by the clerk of the court of common pleas in the journal~~ 414
~~of the court in the same manner as orders made in term~~ recorded 415
in a manner consistent with the Rules of Superintendence for the 416
Courts of Ohio. 417

Sec. 2303.901. (A) As used in this section: 418

(1) "Case document" means any document, or information in 419
any document, that is submitted to a court or filed with a clerk 420
of court in a court action or proceeding, including any exhibit, 421
pleading, motion, order, or judgment, or any documentation 422
prepared by the court or clerk in the action or proceeding, 423
including journals, dockets, and indices. 424

"Case document" does not include any of the following: 425

(a) Any document or information in any document that is 426
exempt from disclosure under state, federal, or common law; 427

(b) Personal identifiers; 428

(c) Any document or information in any document to which 429
public access has been restricted under Rule 45 of the Rules of 430
Superintendence for the Courts of Ohio; 431

(d) Except as relevant to the juvenile's prosecution later 432

as an adult, a juvenile's previous disposition in abuse, 433
neglect, or dependency cases, juvenile civil commitment files, 434
post-adjudicatory residential treatment facility reports, or 435
post-adjudicatory releases of a juvenile's social history; 436

(e) Notes, drafts, recommendations, advice, or research of 437
court officers or staff; 438

(f) Forms containing personal identifiers that are 439
submitted or filed pursuant to Rule 45 of the Rules of 440
Superintendence for the Courts of Ohio; 441

(g) Information on, or obtained from, the Ohio courts 442
network, except that the information shall be available at the 443
originating source if not otherwise exempt from public access; 444

(h) In a court of common pleas or a division of that court 445
with domestic relations or juvenile jurisdiction, any of the 446
following documents, including documents prepared pursuant to 447
section 2151.281, division (E) (3) of section 3105.171, or 448
section 3109.04 of the Revised Code, or Rule 48 of the Rules of 449
Superintendence for the Courts of Ohio: 450

(i) Health care documents, including physical health, 451
psychological health, psychiatric health, mental health, or 452
counseling documents; 453

(ii) Drug or alcohol use assessments or predisposition 454
treatment facility reports; 455

(iii) Guardian ad litem reports, including collateral 456
source documents attached to or filed with the reports; 457

(iv) Home investigation reports, including collateral 458
source documents attached to or filed with the reports; 459

(v) Child custody evaluations or reports, including 460

<u>collateral source documents attached to or filed with the</u>	461
<u>evaluations or reports;</u>	462
<u>(vi) Domestic violence risk assessments;</u>	463
<u>(vii) Supervised parenting time or companionship or</u>	464
<u>visitation records or reports, including exchange records or</u>	465
<u>reports;</u>	466
<u>(viii) Financial disclosure records or statements</u>	467
<u>regarding property, debt, taxes, income, or expenses, including</u>	468
<u>collateral source documents attached to or filed with the</u>	469
<u>records or statements;</u>	470
<u>(ix) Asset appraisals and evaluations.</u>	471
<u>(2) "Personal identifiers" means any of the following:</u>	472
<u>(a) Social security numbers, except for the last four</u>	473
<u>digits;</u>	474
<u>(b) Financial account numbers, including debit card,</u>	475
<u>charge card, or credit card numbers;</u>	476
<u>(c) Employer or employee identification numbers;</u>	477
<u>(d) A juvenile's name in an abuse, neglect, or dependency</u>	478
<u>case, except for the juvenile's initials or a generic</u>	479
<u>abbreviation such as "CV" for "child victim."</u>	480
<u>(B)(1) When submitting a case document to the court or</u>	481
<u>filing a case document with the clerk of court, a party to an</u>	482
<u>action or proceeding shall omit personal identifiers from the</u>	483
<u>case document pursuant to Rule 45 of the Rules of</u>	484
<u>Superintendence for the Courts of Ohio.</u>	485
<u>(2) The clerk of court is not liable to any party or any</u>	486
<u>person if a case document that is submitted to the court or</u>	487

filed with the clerk of court contains personal identifiers and 488
the clerk posts that case document on its web site. 489

Sec. 4505.031. ~~(A)~~ (A) (1) No minor under eighteen years of 490
age shall sell or otherwise dispose of a motor vehicle or 491
purchase or otherwise acquire a motor vehicle unless the 492
application for a certificate of title is accompanied by a form 493
prescribed by the registrar of motor vehicles ~~and signed in the~~ 494
~~presence of a clerk or deputy clerk of a court of common pleas~~ 495
~~or any notary public by one of the minor's parents, the minor's~~ 496
~~guardian, or other person having custody of the minor that~~ 497
includes all of the following: 498

(a) A statement authorizing the sale, disposition, 499
purchase, or acquisition of the motor vehicle; 500

(b) The signature of one of the minor's parents, the 501
minor's guardian, or other person having custody of the minor 502
that is signed in the presence of one of the following: 503

(i) A clerk or deputy clerk of a court of common pleas; 504

(ii) A notary public; 505

(iii) A motor vehicle dealer or the dealer's designee, if 506
the transaction involves that dealer. 507

(c) A statement signed by the motor vehicle dealer or the 508
dealer's designee, if applicable, acknowledging that the dealer 509
used reasonable diligence in ascertaining the age of the minor 510
and the identity of the adult who signed the form. ~~At~~ 511

(2) At the time the adult signs the form, either before a 512
clerk of courts, a deputy clerk of courts, a notary public, or a 513
motor vehicle dealer, the adult shall provide identification 514
establishing that the adult is the individual whose signature 515

appears on the form. 516

(B) No right, title, claim to or interest in a motor 517
vehicle shall be acquired by or from a minor unless the 518
application for a certificate of title is accompanied by the 519
form required by this section. 520

(C) No clerk of a court of common pleas shall be held 521
liable in any civil action that arises under the law of this 522
state for injury or loss to persons or property caused when a 523
person has obtained a certificate of title in violation of this 524
section, unless the clerk failed to use reasonable diligence in 525
ascertaining the age of the minor or the identity of the adult 526
who signed the form authorizing the sale, disposition, purchase, 527
or acquisition of the motor vehicle by the minor. 528

(D) If the minor's parents, the minor's guardian, or other 529
person having custody of the minor signs the form in the 530
presence of a motor vehicle dealer or the dealer's designee and 531
the transaction involves that dealer, no notarization is 532
required for the form and it does not need the additional 533
signature of a clerk of courts, deputy clerk of courts, or 534
notary. 535

Sec. 4505.06. (A) (1) Application for a certificate of 536
title shall be made in a form prescribed by the registrar of 537
motor vehicles and shall be sworn to before a notary public or 538
other officer empowered to administer oaths. The application 539
shall be filed with the clerk of any court of common pleas. An 540
application for a certificate of title may be filed 541
electronically by any electronic means approved by the registrar 542
in any county with the clerk of the court of common pleas of 543
that county. Any payments required by this chapter shall be 544
considered as accompanying any electronically transmitted 545

application when payment actually is received by the clerk. 546
Payment of any fee or taxes may be made by electronic transfer 547
of funds. 548

(2) The application for a certificate of title shall be 549
accompanied by the fee prescribed in section 4505.09 of the 550
Revised Code. The fee shall be retained by the clerk who issues 551
the certificate of title and shall be distributed in accordance 552
with that section. If a clerk of a court of common pleas, other 553
than the clerk of the court of common pleas of an applicant's 554
county of residence, issues a certificate of title to the 555
applicant, the clerk shall transmit data related to the 556
transaction to the automated title processing system. 557

(3) If a certificate of title previously has been issued 558
for a motor vehicle in this state, the application for a 559
certificate of title also shall be accompanied by that 560
certificate of title duly assigned, unless otherwise provided in 561
this chapter. If a certificate of title previously has not been 562
issued for the motor vehicle in this state, the application, 563
unless otherwise provided in this chapter, shall be accompanied 564
by a manufacturer's or importer's certificate or by a 565
certificate of title of another state from which the motor 566
vehicle was brought into this state. If the application refers 567
to a motor vehicle last previously registered in another state, 568
the application also shall be accompanied by the physical 569
inspection certificate required by section 4505.061 of the 570
Revised Code. If the application is made by two persons 571
regarding a motor vehicle in which they wish to establish joint 572
ownership with right of survivorship, they may do so as provided 573
in section 2131.12 of the Revised Code. If the applicant 574
requests a designation of the motor vehicle in beneficiary form 575
so that upon the death of the owner of the motor vehicle, 576

ownership of the motor vehicle will pass to a designated 577
transfer-on-death beneficiary or beneficiaries, the applicant 578
may do so as provided in section 2131.13 of the Revised Code. A 579
person who establishes ownership of a motor vehicle that is 580
transferable on death in accordance with section 2131.13 of the 581
Revised Code may terminate that type of ownership or change the 582
designation of the transfer-on-death beneficiary or 583
beneficiaries by applying for a certificate of title pursuant to 584
this section. The clerk shall retain the evidence of title 585
presented by the applicant and on which the certificate of title 586
is issued, except that, if an application for a certificate of 587
title is filed electronically by an electronic motor vehicle 588
dealer on behalf of the purchaser of a motor vehicle, the clerk 589
shall retain the completed electronic record to which the dealer 590
converted the certificate of title application and other 591
required documents. The registrar, after consultation with the 592
attorney general, shall adopt rules that govern the location at 593
which, and the manner in which, are stored the actual 594
application and all other documents relating to the transfer of 595
a motor vehicle when an electronic motor vehicle dealer files 596
the application for a certificate of title electronically on 597
behalf of the purchaser. Not later than December 31, 2017, the 598
registrar shall arrange for a service that enables all 599
electronic motor vehicle dealers to file applications for 600
certificates of title on behalf of purchasers of motor vehicles 601
electronically by transferring the applications directly from 602
the computer systems of the dealers to the clerk. 603

The clerk shall use reasonable diligence in ascertaining 604
whether or not the facts in the application for a certificate of 605
title are true by checking the application and documents 606
accompanying it or the electronic record to which a dealer 607

converted the application and accompanying documents with the 608
records of motor vehicles in the clerk's office. If the clerk is 609
satisfied that the applicant is the owner of the motor vehicle 610
and that the application is in the proper form, the clerk, 611
within five business days after the application is filed and 612
except as provided in section 4505.021 of the Revised Code, 613
shall issue a physical certificate of title over the clerk's 614
signature and sealed with the clerk's seal, unless the applicant 615
specifically requests the clerk not to issue a physical 616
certificate of title and instead to issue an electronic 617
certificate of title. For purposes of the transfer of a 618
certificate of title, if the clerk is satisfied that the secured 619
party has duly discharged a lien notation but has not canceled 620
the lien notation with a clerk, the clerk may cancel the lien 621
notation on the automated title processing system and notify the 622
clerk of the county of origin. 623

(4) In the case of the sale of a motor vehicle to a 624
general buyer or user by a dealer, by a motor vehicle leasing 625
dealer selling the motor vehicle to the lessee or, in a case in 626
which the leasing dealer subleased the motor vehicle, the 627
sublessee, at the end of the lease agreement or sublease 628
agreement, or by a manufactured housing broker, the certificate 629
of title shall be obtained in the name of the buyer by the 630
dealer, leasing dealer, or manufactured housing broker, as the 631
case may be, upon application signed by the buyer. The 632
certificate of title shall be issued, or the process of entering 633
the certificate of title application information into the 634
automated title processing system if a physical certificate of 635
title is not to be issued shall be completed, within five 636
business days after the application for title is filed with the 637
clerk. If the buyer of the motor vehicle previously leased the 638

motor vehicle and is buying the motor vehicle at the end of the 639
lease pursuant to that lease, the certificate of title shall be 640
obtained in the name of the buyer by the motor vehicle leasing 641
dealer who previously leased the motor vehicle to the buyer or 642
by the motor vehicle leasing dealer who subleased the motor 643
vehicle to the buyer under a sublease agreement. 644

In all other cases, except as provided in section 4505.032 645
and division (D) (2) of section 4505.11 of the Revised Code, such 646
certificates shall be obtained by the buyer. 647

(5) (a) (i) If the certificate of title is being obtained in 648
the name of the buyer by a motor vehicle dealer or motor vehicle 649
leasing dealer and there is a security interest to be noted on 650
the certificate of title, the dealer or leasing dealer shall 651
submit the application for the certificate of title and payment 652
of the applicable tax to a clerk within seven business days 653
after the later of the delivery of the motor vehicle to the 654
buyer or the date the dealer or leasing dealer obtains the 655
manufacturer's or importer's certificate, or certificate of 656
title issued in the name of the dealer or leasing dealer, for 657
the motor vehicle. Submission of the application for the 658
certificate of title and payment of the applicable tax within 659
the required seven business days may be indicated by postmark or 660
receipt by a clerk within that period. 661

(ii) Upon receipt of the certificate of title with the 662
security interest noted on its face, the dealer or leasing 663
dealer shall forward the certificate of title to the secured 664
party at the location noted in the financing documents or 665
otherwise specified by the secured party. 666

(iii) A motor vehicle dealer or motor vehicle leasing 667
dealer is liable to a secured party for a late fee of ten 668

dollars per day for each certificate of title application and 669
payment of the applicable tax that is submitted to a clerk more 670
than seven business days but less than twenty-one days after the 671
later of the delivery of the motor vehicle to the buyer or the 672
date the dealer or leasing dealer obtains the manufacturer's or 673
importer's certificate, or certificate of title issued in the 674
name of the dealer or leasing dealer, for the motor vehicle and, 675
from then on, twenty-five dollars per day until the application 676
and applicable tax are submitted to a clerk. 677

(b) In all cases of transfer of a motor vehicle except the 678
transfer of a manufactured home or mobile home, the application 679
for certificate of title shall be filed within thirty days after 680
the assignment or delivery of the motor vehicle. 681

(c) An application for a certificate of title for a new 682
manufactured home shall be filed within thirty days after the 683
delivery of the new manufactured home to the purchaser. The date 684
of the delivery shall be the date on which an occupancy permit 685
for the manufactured home is delivered to the purchaser of the 686
home by the appropriate legal authority. 687

(d) An application for a certificate of title for a used 688
manufactured home or a used mobile home shall be filed as 689
follows: 690

(i) If a certificate of title for the used manufactured 691
home or used mobile home was issued to the motor vehicle dealer 692
prior to the sale of the manufactured or mobile home to the 693
purchaser, the application for certificate of title shall be 694
filed within thirty days after the date on which an occupancy 695
permit for the manufactured or mobile home is delivered to the 696
purchaser by the appropriate legal authority. 697

(ii) If the motor vehicle dealer has been designated by a secured party to display the manufactured or mobile home for sale, or to sell the manufactured or mobile home under section 4505.20 of the Revised Code, but the certificate of title has not been transferred by the secured party to the motor vehicle dealer, and the dealer has complied with the requirements of division (A) of section 4505.181 of the Revised Code, the application for certificate of title shall be filed within thirty days after the date on which the motor vehicle dealer obtains the certificate of title for the home from the secured party or the date on which an occupancy permit for the manufactured or mobile home is delivered to the purchaser by the appropriate legal authority, whichever occurs later.

(6) If an application for a certificate of title is not filed within the period specified in division (A) (5) (b), (c), or (d) of this section, the clerk shall collect a fee of five dollars for the issuance of the certificate, except that no such fee shall be required from a motor vehicle salvage dealer, as defined in division (A) of section 4738.01 of the Revised Code, who immediately surrenders the certificate of title for cancellation. The fee shall be in addition to all other fees established by this chapter, and shall be retained by the clerk. The registrar shall provide, on the certificate of title form prescribed by section 4505.07 of the Revised Code, language necessary to give evidence of the date on which the assignment or delivery of the motor vehicle was made.

(7) As used in division (A) of this section, "lease agreement," "lessee," and "sublease agreement" have the same meanings as in section 4505.04 of the Revised Code and "new manufactured home," "used manufactured home," and "used mobile home" have the same meanings as in section 5739.0210 of the

Revised Code. 729

(B) (1) The clerk, except as provided in this section, 730
shall refuse to accept for filing any application for a 731
certificate of title and shall refuse to issue a certificate of 732
title unless the dealer or the applicant, in cases in which the 733
certificate shall be obtained by the buyer, submits with the 734
application payment of the tax levied by or pursuant to Chapters 735
5739. and 5741. of the Revised Code based on the purchaser's 736
county of residence. Upon payment of the tax in accordance with 737
division (E) of this section, the clerk shall issue a receipt 738
prescribed by the registrar and agreed upon by the tax 739
commissioner showing payment of the tax or a receipt issued by 740
the commissioner showing the payment of the tax. When submitting 741
payment of the tax to the clerk, a dealer shall retain any 742
discount to which the dealer is entitled under section 5739.12 743
of the Revised Code. 744

(2) For receiving and disbursing such taxes paid to the 745
clerk by a resident of the clerk's county, the clerk may retain 746
a poundage fee of one and one one-hundredth per cent, and the 747
clerk shall pay the poundage fee into the certificate of title 748
administration fund created by section 325.33 of the Revised 749
Code. The clerk shall not retain a poundage fee from payments of 750
taxes by persons who do not reside in the clerk's county. 751

A clerk, however, may retain from the taxes paid to the 752
clerk an amount equal to the poundage fees associated with 753
certificates of title issued by other clerks of courts of common 754
pleas to applicants who reside in the first clerk's county. The 755
registrar, in consultation with the tax commissioner and the 756
clerks of the courts of common pleas, shall develop a report 757
from the automated title processing system that informs each 758

clerk of the amount of the poundage fees that the clerk is 759
permitted to retain from those taxes because of certificates of 760
title issued by the clerks of other counties to applicants who 761
reside in the first clerk's county. 762

(3) In the case of casual sales of motor vehicles, as 763
defined in section 4517.01 of the Revised Code, the price for 764
the purpose of determining the tax shall be the purchase price 765
on the assigned certificate of title, or assignment form 766
prescribed by the registrar, executed by the seller and filed 767
with the clerk by the buyer on a form to be prescribed by the 768
registrar, which shall be prima-facie evidence of the amount for 769
the determination of the tax. 770

(4) Each county clerk shall forward to the treasurer of 771
state all sales and use tax collections resulting from sales of 772
motor vehicles, off-highway motorcycles, and all-purpose 773
vehicles during a calendar week on or before the Friday 774
following the close of that week. If, on any Friday, the offices 775
of the clerk of courts or the state are not open for business, 776
the tax shall be forwarded to the treasurer of state on or 777
before the next day on which the offices are open. Every 778
remittance of tax under division (B)(4) of this section shall be 779
accompanied by a remittance report in such form as the tax 780
commissioner prescribes. Upon receipt of a tax remittance and 781
remittance report, the treasurer of state shall date stamp the 782
report and forward it to the tax commissioner. If the tax due 783
for any week is not remitted by a clerk of courts as required 784
under division (B)(4) of this section, the commissioner may 785
require the clerk to forfeit the poundage fees for the sales 786
made during that week. The treasurer of state may require the 787
clerks of courts to transmit tax collections and remittance 788
reports electronically. 789

(C) (1) If the transferor indicates on the certificate of title that the odometer reflects mileage in excess of the designed mechanical limit of the odometer, the clerk shall enter the phrase "exceeds mechanical limits" following the mileage designation. If the transferor indicates on the certificate of title that the odometer reading is not the actual mileage, the clerk shall enter the phrase "nonactual: warning - odometer discrepancy" following the mileage designation. The clerk shall use reasonable care in transferring the information supplied by the transferor, but is not liable for any errors or omissions of the clerk or those of the clerk's deputies in the performance of the clerk's duties created by this chapter.

The registrar shall prescribe an affidavit in which the transferor shall swear to the true selling price and, except as provided in this division, the true odometer reading of the motor vehicle. The registrar may prescribe an affidavit in which the seller and buyer provide information pertaining to the odometer reading of the motor vehicle in addition to that required by this section, as such information may be required by the United States secretary of transportation by rule prescribed under authority of subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981.

(2) Division (C) (1) of this section does not require the giving of information concerning the odometer and odometer reading of a motor vehicle when ownership of a motor vehicle is being transferred as a result of a bequest, under the laws of intestate succession, to a survivor pursuant to section 2106.18, 2131.12, or 4505.10 of the Revised Code, to a transfer-on-death beneficiary or beneficiaries pursuant to section 2131.13 of the Revised Code, in connection with the creation of a security

interest or for a vehicle with a gross vehicle weight rating of 821
more than sixteen thousand pounds. 822

(D) When the transfer to the applicant was made in some 823
other state or in interstate commerce, the clerk, except as 824
provided in this section, shall refuse to issue any certificate 825
of title unless the tax imposed by or pursuant to Chapter 5741. 826
of the Revised Code based on the purchaser's county of residence 827
has been paid as evidenced by a receipt issued by the tax 828
commissioner, or unless the applicant submits with the 829
application payment of the tax. Upon payment of the tax in 830
accordance with division (E) of this section, the clerk shall 831
issue a receipt prescribed by the registrar and agreed upon by 832
the tax commissioner, showing payment of the tax. 833

For receiving and disbursing such taxes paid to the clerk 834
by a resident of the clerk's county, the clerk may retain a 835
poundage fee of one and one one-hundredth per cent. The clerk 836
shall not retain a poundage fee from payments of taxes by 837
persons who do not reside in the clerk's county. 838

A clerk, however, may retain from the taxes paid to the 839
clerk an amount equal to the poundage fees associated with 840
certificates of title issued by other clerks of courts of common 841
pleas to applicants who reside in the first clerk's county. The 842
registrar, in consultation with the tax commissioner and the 843
clerks of the courts of common pleas, shall develop a report 844
from the automated title processing system that informs each 845
clerk of the amount of the poundage fees that the clerk is 846
permitted to retain from those taxes because of certificates of 847
title issued by the clerks of other counties to applicants who 848
reside in the first clerk's county. 849

When the vendor is not regularly engaged in the business 850

of selling motor vehicles, the vendor shall not be required to 851
purchase a vendor's license or make reports concerning those 852
sales. 853

(E) The clerk shall accept any payment of a tax in cash, 854
or by cashier's check, certified check, draft, money order, or 855
teller check issued by any insured financial institution payable 856
to the clerk and submitted with an application for a certificate 857
of title under division (B) or (D) of this section. The clerk 858
also may accept payment of the tax by corporate, business, or 859
personal check, credit card, electronic transfer or wire 860
transfer, debit card, or any other accepted form of payment made 861
payable to the clerk. The clerk may require bonds, guarantees, 862
or letters of credit to ensure the collection of corporate, 863
business, or personal checks. Any service fee charged by a third 864
party to a clerk for the use of any form of payment may be paid 865
by the clerk from the certificate of title administration fund 866
created in section 325.33 of the Revised Code, or may be 867
assessed by the clerk upon the applicant as an additional fee. 868
Upon collection, the additional fees shall be paid by the clerk 869
into that certificate of title administration fund. 870

The clerk shall make a good faith effort to collect any 871
payment of taxes due but not made because the payment was 872
returned or dishonored, but the clerk is not personally liable 873
for the payment of uncollected taxes or uncollected fees. The 874
clerk shall notify the tax commissioner of any such payment of 875
taxes that is due but not made and shall furnish the information 876
to the commissioner that the commissioner requires. The clerk 877
shall deduct the amount of taxes due but not paid from the 878
clerk's periodic remittance of tax payments, in accordance with 879
procedures agreed upon by the tax commissioner. The commissioner 880
may collect taxes due by assessment in the manner provided in 881

section 5739.13 of the Revised Code. 882

Any person who presents payment that is returned or 883
dishonored for any reason is liable to the clerk for payment of 884
a penalty over and above the amount of the taxes due. The clerk 885
shall determine the amount of the penalty, and the penalty shall 886
be no greater than that amount necessary to compensate the clerk 887
for banking charges, legal fees, or other expenses incurred by 888
the clerk in collecting the returned or dishonored payment. The 889
remedies and procedures provided in this section are in addition 890
to any other available civil or criminal remedies. Subsequently 891
collected penalties, poundage fees, and title fees, less any 892
title fee due the state, from returned or dishonored payments 893
collected by the clerk shall be paid into the certificate of 894
title administration fund. Subsequently collected taxes, less 895
poundage fees, shall be sent by the clerk to the treasurer of 896
state at the next scheduled periodic remittance of tax payments, 897
with information as the commissioner may require. The clerk may 898
abate all or any part of any penalty assessed under this 899
division. 900

(F) In the following cases, the clerk shall accept for 901
filing an application and shall issue a certificate of title 902
without requiring payment or evidence of payment of the tax: 903

(1) When the purchaser is this state or any of its 904
political subdivisions, a church, or an organization whose 905
purchases are exempted by section 5739.02 of the Revised Code; 906

(2) When the transaction in this state is not a retail 907
sale as defined by section 5739.01 of the Revised Code; 908

(3) When the purchase is outside this state or in 909
interstate commerce and the purpose of the purchaser is not to 910

use, store, or consume within the meaning of section 5741.01 of 911
the Revised Code; 912

(4) When the purchaser is the federal government; 913

(5) When the motor vehicle was purchased outside this 914
state for use outside this state; 915

(6) When the motor vehicle is purchased by a nonresident 916
under the circumstances described in division (B)(1) of section 917
5739.029 of the Revised Code, and upon presentation of a copy of 918
the ~~affidavit~~ statement provided by that section, and a copy of 919
the exemption certificate provided by section 5739.03 of the 920
Revised Code. 921

(G) An application, as prescribed by the registrar and 922
agreed to by the tax commissioner, shall be filled out and sworn 923
to by the buyer of a motor vehicle in a casual sale. The 924
application shall contain the following notice in bold 925
lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND 926
BUYER): You are required by law to state the true selling price. 927
A false statement is in violation of section 2921.13 of the 928
Revised Code and is punishable by six months' imprisonment or a 929
fine of up to one thousand dollars, or both. All transfers are 930
audited by the department of taxation. The seller and buyer must 931
provide any information requested by the department of taxation. 932
The buyer may be assessed any additional tax found to be due." 933

(H) For sales of manufactured homes or mobile homes 934
occurring on or after January 1, 2000, the clerk shall accept 935
for filing, pursuant to Chapter 5739. of the Revised Code, an 936
application for a certificate of title for a manufactured home 937
or mobile home without requiring payment of any tax pursuant to 938
section 5739.02, 5741.021, 5741.022, or 5741.023 of the Revised 939

Code, or a receipt issued by the tax commissioner showing 940
payment of the tax. For sales of manufactured homes or mobile 941
homes occurring on or after January 1, 2000, the applicant shall 942
pay to the clerk an additional fee of five dollars for each 943
certificate of title issued by the clerk for a manufactured or 944
mobile home pursuant to division (H) of section 4505.11 of the 945
Revised Code and for each certificate of title issued upon 946
transfer of ownership of the home. The clerk shall credit the 947
fee to the county certificate of title administration fund, and 948
the fee shall be used to pay the expenses of archiving those 949
certificates pursuant to division (A) of section 4505.08 and 950
division (H) (3) of section 4505.11 of the Revised Code. The tax 951
commissioner shall administer any tax on a manufactured or 952
mobile home pursuant to Chapters 5739. and 5741. of the Revised 953
Code. 954

(I) Every clerk shall have the capability to transact by 955
electronic means all procedures and transactions relating to the 956
issuance of motor vehicle certificates of title that are 957
described in the Revised Code as being accomplished by 958
electronic means. 959

Sec. 4505.063. Notwithstanding any provision of the 960
Revised Code to the contrary that requires a document to be 961
"sworn to before" or "signed in the presence of" a notary or 962
other officer empowered to administer oaths, when a motor 963
vehicle dealer licensed under Chapter 4517. of the Revised Code 964
is a party to the transfer of a motor vehicle, no notarization 965
is required on a motor vehicle certificate of title, an 966
application for a motor vehicle certificate of title, assignment 967
of ownership to the motor vehicle, a power of attorney used for 968
the purpose of titling a motor vehicle, or any other document 969
related to the titling of a motor vehicle that the dealer is 970

required to provide to a clerk of a court of common pleas. 971
However, a clerk of courts may request a notarized affidavit to 972
make corrections to the documents listed above, if necessary. 973
All documents provided to a clerk of courts under this section 974
may be signed electronically. 975

Sec. 4505.071. (A) (1) Notwithstanding section 1337.06 of 976
the Revised Code, a licensed motor vehicle dealer involved in a 977
title transfer, or the employee or agent of the licensed motor 978
vehicle dealer, may ~~act as a witness to the signature of a~~ be 979
granted power of attorney by the principal designating another 980
as to become the principal's attorney in fact, ~~and after the~~ 981
~~principal signs in the dealer's, employee's, or agent's presence~~ 982
~~shall swear before a notary public that the principal signed in~~ 983
~~the dealer's, employee's, or agent's presence. As witness, the~~ 984
~~dealer, employee, or agent shall sign in the place provided.~~ 985
~~This manner of signing and witnessing a~~ 986

(2) The power of attorney granted under division (A) (1) of 987
this section may be used only when the granting instrument 988
limits the power of the attorney in fact to act on the 989
principal's behalf ~~in making for either of the following:~~ 990

(a) Making an assignment of a certificate of title, 991
excluding the odometer statement that the motor vehicle owner 992
must provide as required by federal law, ~~or completing;~~ 993

(b) Completing an application for a certificate of title, 994
excluding the odometer ~~acknowledgement~~ acknowledgment statement 995
that the applicant must acknowledge as required by federal law, ~~and such.~~ 996
~~and such.~~ 997

(3) Such instrument shall state the make, body type, 998
model, and manufacturer's vehicle identification number of the 999

motor vehicle to which the grant of power applies. 1000

(B) The power of attorney is exempt from the requirements 1001
of notarization and verification as described in this chapter 1002
and in section 1337.25 of the Revised Code, and the documents 1003
may be signed electronically. This power of attorney shall be 1004
presented to the clerk of the court of common pleas when used to 1005
transfer title to a motor vehicle and shall be retained by the 1006
clerk in the same manner that a certificate of title is 1007
retained. 1008

~~As used in this section, "presence" includes witnessing a~~ 1009
~~signature via audio-visual conference technology.~~ 1010

Sec. 4519.70. (A) (1) No minor under eighteen years of age 1011
shall purchase or otherwise acquire an off-highway motorcycle or 1012
all-purpose vehicle and obtain a certificate of title for the 1013
motorcycle or vehicle unless the application for the certificate 1014
of title is accompanied by a form prescribed by the registrar of 1015
motor vehicles that is signed by a parent of the minor, the 1016
minor's guardian, or other person having custody of the minor 1017
authorizing the purchase or acquisition of the off-highway 1018
motorcycle or all-purpose vehicle. 1019

(2) No minor under eighteen years of age shall sell or 1020
otherwise dispose of an off-highway motorcycle or all-purpose 1021
vehicle for which a certificate of title has been issued under 1022
this chapter unless a parent of the minor, the minor's guardian, 1023
or other person having custody of the minor furnishes to the 1024
buyer or person acquiring the motorcycle or vehicle, at the time 1025
of the sale or disposition, a form prescribed by the registrar 1026
that is signed by the parent, guardian, or other person 1027
authorizing the sale or disposition of the off-highway 1028
motorcycle or all-purpose vehicle. 1029

~~(B)~~(B) (1) At the time an application for a certificate of 1030
title for an off-highway motorcycle or all-purpose vehicle 1031
described in division (A) of this section is submitted, ~~the one~~ 1032
of the following shall occur: 1033

(a) The adult who signed the form authorizing the sale, 1034
disposition, purchase, or acquisition of the motorcycle or 1035
vehicle by the minor shall be present and shall provide 1036
identification establishing that the adult is the individual 1037
whose signature appears on the form. ~~The~~ 1038

(b) A dealer or the dealer's designee, if the transaction 1039
involves that dealer, shall submit a signed statement affirming 1040
that the dealer or the dealer's designee used reasonable 1041
diligence in ascertaining the age of the minor and the identity 1042
of the adult who signed the form and that the adult provided the 1043
identification required by division (B) of this section 1044
establishing that the adult is the individual whose signature 1045
appears on the form. 1046

(2) The registrar shall prescribe, by rule, the types of 1047
identification that are acceptable for the purposes of ~~this~~ 1048
division (B) of this section. If the adult who signed the form 1049
does not provide identification at the time of application to 1050
the clerk of court or to the dealer at the time of sale, 1051
disposition, purchase, or acquisition as required by this 1052
division, the application shall be refused. 1053

(C) No right, title, claim to, or interest in an off- 1054
highway motorcycle or all-purpose vehicle shall be acquired by 1055
or from a minor unless the application for a certificate of 1056
title for the motorcycle or vehicle is accompanied by the form 1057
required by this section. 1058

(D) No clerk of a court of common pleas shall be held 1059
liable in any civil action that arises under the law of this 1060
state for injury or loss to persons or property caused when a 1061
person has obtained a certificate of title in violation of this 1062
section, unless the clerk failed to use reasonable diligence in 1063
ascertaining the age of the minor or the identity of the adult 1064
who signed the form authorizing the sale, disposition, purchase, 1065
or acquisition of the off-highway motorcycle or all-purpose 1066
vehicle by the minor. 1067

Sec. 5739.027. (A) Notwithstanding sections 5739.02, 1068
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 1069
5741.023 of the Revised Code, the tax due on the sale to a 1070
consumer who is a nonresident of this state of a watercraft or 1071
outboard motor required to be titled pursuant to Chapter 1548. 1072
of the Revised Code, or on the sale of a watercraft documented 1073
or to be documented with the United States coast guard, shall be 1074
the lesser of the combined tax rate in effect at the location of 1075
the vendor or the sales, use, or similar excise tax that the 1076
consumer would owe in the state of the consumer's intended 1077
titling, registration, or use of the watercraft or outboard 1078
motor, if all of the following apply: 1079

(1) The consumer immediately will remove the watercraft or 1080
outboard motor from this state for use outside this state; 1081

(2) The consumer will title or register the watercraft or 1082
outboard motor in another state, if such titling or registration 1083
is required; 1084

(3) The consumer will pay all applicable sales, use, or 1085
similar excise taxes due in the state of titling, registration, 1086
or use; 1087

(4) The state of titling, registration, or use grants a credit against its sales, use, or similar excise tax for tax paid to this state;

(5) The consumer executes the affidavit specified in division (C) of this section.

The vendor shall collect the tax and remit it to the state in the manner specified by the tax commissioner.

(B) If all of the conditions specified in division (A) of this section exist, except that the state of titling, registration, or use does not grant a credit for sales or use tax paid to this state, or that the consumer's ownership or use of the watercraft or outboard motor is exempt or otherwise not taxable in such other state, the consumer may take title to and possession of the watercraft or outboard motor without payment of any sales or use tax to this state.

(C) Every nonresident consumer who purchases a watercraft or outboard motor, as described in division (A) of this section, for immediate removal from this state shall execute an affidavit in ~~triplicate~~ duplicate, in such form as the tax commissioner specifies, affirming such facts and specifying the consumer's tax liability in the intended state of titling, registration, or use. The affidavit shall be given to the vendor. The vendor shall retain a copy of the affidavit and file another copy with the clerk of the court of common pleas if the vendor is procuring an Ohio title on behalf of the consumer. The original copy of the affidavit shall be filed with the tax commissioner in the manner prescribed by the tax commissioner.

(D) If the vendor procures a title on behalf of the nonresident consumer from the clerk of the court of common pleas

of the county where the vendor is located on the sale of a 1117
watercraft or outboard motor, the vendor shall file the 1118
affidavit specified in division (C) of this section with the 1119
clerk. The clerk shall issue the title without requiring payment 1120
of a sales or use tax. 1121

(E) If the watercraft or outboard motor is purchased by a 1122
corporation described in division (B)(6) of section 5739.01 of 1123
the Revised Code, for purposes of this section the state of 1124
residence of the consumer shall be the state of residence of the 1125
principal shareholder. 1126

(F) For purposes of this section, the consideration 1127
received for watercraft trailers not required to be titled 1128
pursuant to Chapter 4505. of the Revised Code and other 1129
accessories, which are transferred to a nonresident consumer 1130
with the watercraft or outboard motor, is part of the price of 1131
the watercraft or outboard motor, provided that such 1132
consideration is included in the price of the watercraft or 1133
outboard motor as reported by the vendor. Tangible personal 1134
property sold separately to the nonresident consumer shall be 1135
taxed as otherwise provided in this chapter and Chapter 5741. of 1136
the Revised Code. 1137

(G) A vendor who in good faith accepts an affidavit 1138
provided by a nonresident consumer pursuant to division (C) of 1139
this section may rely upon the representations made in the 1140
affidavit. 1141

(H) All provisions of this chapter and of Chapter 5741. of 1142
the Revised Code that are not inconsistent with this section 1143
apply to transactions described in this section. 1144

(I) Any vendor who makes sales described in this section 1145

shall file with the tax commissioner any supplemental report or 1146
return the tax commissioner considers necessary for the 1147
efficient administration and enforcement of this section. 1148

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 1149
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 1150
5741.023 of the Revised Code, and except as otherwise provided 1151
in division (B) of this section, the tax due under this chapter 1152
on the sale of a motor vehicle required to be titled under 1153
Chapter 4505. of the Revised Code by a motor vehicle dealer to a 1154
consumer that is a nonresident of this state shall be the lesser 1155
of the amount of tax that would be due under this chapter and 1156
Chapter 5741. of the Revised Code if the total combined rate 1157
were six per cent, or the amount of tax that would be due to the 1158
state in which the consumer titles or registers the motor 1159
vehicle or to which the consumer removes the vehicle for use. 1160

(B) No tax is due under this section, any other section of 1161
this chapter, or Chapter 5741. of the Revised Code under any of 1162
the following circumstances: 1163

(1) (a) The consumer intends to immediately remove the 1164
motor vehicle from this state for use outside this state; 1165

(b) Upon removal of the motor vehicle from this state, the 1166
consumer intends to title or register the vehicle in another 1167
state if such titling or registration is required; 1168

(c) The consumer ~~executes an affidavit~~ signs a statement 1169
as required under division (C) of this section ~~affirming~~ 1170
certifying the consumer's intentions under divisions (B) (1) (a) 1171
and (b) of this section; and 1172

(d) The state in which the consumer titles or registers 1173
the motor vehicle or to which the consumer removes the vehicle 1174

for use provides an exemption under circumstances substantially 1175
similar to those described in division (B) (1) of this section. 1176

(2) The state in which the consumer titles or registers 1177
the motor vehicle or to which the consumer removes the vehicle 1178
for use does not provide a credit against its sales or use tax 1179
or similar excise tax for sales or use tax paid to this state. 1180

(3) The state in which the consumer titles or registers 1181
the motor vehicle or to which the consumer removes the vehicle 1182
for use does not impose a sales or use tax or similar excise tax 1183
on the ownership or use of motor vehicles. 1184

(C) Any nonresident consumer that purchases a motor 1185
vehicle from a motor vehicle dealer in this state under the 1186
circumstances described in divisions (B) (1) (a) and (b) of this 1187
section shall ~~execute an affidavit affirming~~ sign a statement 1188
certifying the intentions described in those divisions. The 1189
~~affidavit statement~~ shall be ~~executed in triplicate and in the~~ 1190
form specified by the tax commissioner and either signed in 1191
duplicate if signed in a nonelectronic format or signed once if 1192
signed electronically. The ~~affidavit statement~~ shall be given to 1193
the motor vehicle dealer. 1194

A motor vehicle dealer that accepts in good faith ~~an~~ 1195
~~affidavit a statement~~ presented under this division by a 1196
nonresident consumer may rely upon the representations made in 1197
the ~~affidavit statement~~. 1198

(D) A motor vehicle dealer making a sale subject to the 1199
tax under division (A) of this section shall collect the tax due 1200
unless the sale is subject to the exception under division (B) 1201
of this section or unless the sale is not otherwise subject to 1202
taxes levied under sections 5739.02, 5739.021, 5739.023, 1203

5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In the case of a sale under the circumstances described in division (B) (1) of this section, the dealer shall either retain one copy of the affidavit-statement and file the original and the other copy with the clerk of the court of common pleas or, if the statement was electronically signed, submit the statement electronically to the clerk. If tax is due under division (A) of this section, the dealer shall remit the tax collected to the clerk at the time the dealer obtains the Ohio certificate of title in the name of the consumer as required under section 4505.06 of the Revised Code. The clerk shall forward the original affidavit-statement to the tax commissioner in the manner prescribed by the commissioner.

Unless a sale is excepted from taxation under division (B) of this section, upon receipt of an application for certificate of title a clerk of the court of common pleas shall collect the sales tax due under division (A) of this section. The clerk shall remit the tax collected to the tax commissioner in the manner prescribed by the commissioner.

(E) If a motor vehicle is purchased by a corporation described in division (B) (6) of section 5739.01 of the Revised Code, the state of residence of the consumer for the purposes of this section is the state of residence of the corporation's principal shareholder.

(F) Any provision of this chapter or of Chapter 5741. of the Revised Code that is not inconsistent with this section applies to sales described in division (A) of this section.

(G) As used in this section:

(1) For the purposes of this section only, the sale or

purchase of a motor vehicle does not include a lease or rental 1233
of a motor vehicle subject to division (A) (2) or (3) of section 1234
5739.02 or division (A) (2) or (3) of section 5741.02 of the 1235
Revised Code; 1236

(2) "State," except in reference to "this state," means 1237
any state, district, commonwealth, or territory of the United 1238
States and any province of Canada. 1239

Section 2. That existing sections 147.01, 147.011, 1240
147.022, 147.542, 147.55, 147.551, 1901.186, 2303.06, 2303.12, 1241
2303.14, 2303.15, 4505.031, 4505.06, 4505.071, 4519.70, 1242
5739.027, and 5739.029 of the Revised Code are hereby repealed. 1243