

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 199

Representatives Miller, K., Plummer

Cosponsors: Representatives Hall, T., Stephens, Daniels, Klopfenstein

A BILL

To amend sections 1531.01, 1533.01, 1533.103, 1
1533.18, 2131.12, 2131.13, 2744.01, 2911.21, 2
2921.331, 2923.16, 4501.01, 4501.13, 4503.01, 3
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4519.67, 4519.68, 4519.69, 4519.70, 5553.044, 16
5739.02, and 5815.36; to enact new section 17
4519.40 and sections 4519.041, 4519.23, 18
4519.402, 4519.403, and 4519.99; and to repeal 19
sections 4511.215, 4511.216, and 4519.40 of the 20
Revised Code to make changes to the laws 21
governing all-purpose vehicles, off-highway 22

motorcycles, snowmobiles, utility vehicles, and 23
mini-trucks. 24

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

Section 1. That sections 1531.01, 1533.01, 1533.103, 25
1533.18, 2131.12, 2131.13, 2744.01, 2911.21, 2921.331, 2923.16, 26
4501.01, 4501.13, 4503.01, 4503.038, 4503.04, 4503.10, 4503.191, 27
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4519.08, 4519.09, 4519.10, 4519.11, 4519.20, 4519.21, 4519.22, 31
4519.401, 4519.41, 4519.42, 4519.43, 4519.44, 4519.45, 4519.46, 32
4519.47, 4519.48, 4519.511, 4519.512, 4519.52, 4519.521, 33
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4519.65, 4519.66, 4519.67, 4519.68, 4519.69, 4519.70, 5553.044, 36
5739.02, and 5815.36 be amended and new section 4519.40 and 37
sections 4519.041, 4519.23, 4519.402, 4519.403, and 4519.99 of 38
the Revised Code be enacted to read as follows: 39

Sec. 1531.01. As used in this chapter and Chapter 1533. of 40
the Revised Code: 41

(A) "Person" means a person as defined in section 1.59 of 42
the Revised Code or a company; an employee, agent, or officer of 43
such a person or company; a combination of individuals; the 44
state; a political subdivision of the state; an interstate body 45
created by a compact; or the federal government or a department, 46
agency, or instrumentality of it. 47

(B) "Resident" means either of the following: 48

(1) An individual who has resided in this state for not less than six months preceding the date of making application for a license or permit;

(2) An individual who is a full-time student enrolled in an accredited Ohio public or private college or university and who resides in this state at the time the individual makes application for a license or permit and who attests to the individual's full-time student status in a manner determined by the chief of the division of wildlife.

(C) "Nonresident" means any individual who does not qualify as a resident.

(D) "Division rule" or "rule" means any rule adopted by the chief of the division of wildlife under section 1531.10 of the Revised Code unless the context indicates otherwise.

(E) "Closed season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is prohibited.

(F) "Open season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is permitted.

(G) "Take or taking" includes pursuing, shooting, hunting, killing, trapping, angling, fishing with a trotline, or netting any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, wild bird, or wild quadruped, and any lesser act, such as wounding, or placing, setting, drawing, or using any other device for killing or capturing any wild animal, whether it results in killing or capturing the animal or not. "Take or taking" includes every attempt to kill or capture and every act of assistance to any other person in killing or capturing or

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| attempting to kill or capture a wild animal. | 78 |
| (H) "Possession" means both actual and constructive possession and any control of things referred to. | 79 80 |
| (I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken. | 81 82 83 |
| (J) "Transport and transportation" means carrying or moving or causing to be carried or moved. | 84 85 |
| (K) "Sell and sale" means barter, exchange, or offer or expose for sale. | 86 87 |
| (L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal with the same effect as it applies to the whole. | 88 89 90 91 |
| (M) "Angling" means fishing with not more than two hand lines, not more than two units of rod and line, or a combination of not more than one hand line and one rod and line, either in hand or under control at any time while fishing. The hand line or rod and line shall have attached to it not more than three baited hooks, not more than three artificial fly rod lures, or one artificial bait casting lure equipped with not more than three sets of three hooks each. | 92 93 94 95 96 97 98 99 |
| (N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks attached. | 100 101 102 |
| (O) "Fish" means a cold-blooded vertebrate having fins. | 103 |
| (P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail. | 104 105 |

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| (Q) "Wild birds" includes game birds and nongame birds. | 106 |
| (R) "Game" includes game birds, game quadrupeds, and fur-bearing animals. | 107 108 |
| (S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows. | 109 110 111 112 113 114 |
| (T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds. | 115 116 |
| (U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals. | 117 118 |
| (V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, elk, and black bears. | 119 120 121 122 |
| (W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats. | 123 124 125 |
| (X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer. | 126 127 128 129 |
| (Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild | 130 131 132 133 |

quadrupeds whether or not the acts result in killing or 134
wounding. "Hunting" includes every attempt to kill or wound and 135
every act of assistance to any other person in killing or 136
wounding or attempting to kill or wound wild birds or wild 137
quadrupeds. 138

(Z) "Trapping" means securing or attempting to secure 139
possession of a wild bird or wild quadruped by means of setting, 140
placing, drawing, or using any device that is designed to close 141
upon, hold fast, confine, or otherwise capture a wild bird or 142
wild quadruped whether or not the means results in capture. 143
"Trapping" includes every act of assistance to any other person 144
in capturing wild birds or wild quadrupeds by means of the 145
device whether or not the means results in capture. 146

(AA) "Muskrat spear" means any device used in spearing 147
muskrats. 148

(BB) "Channels and passages" means those narrow bodies of 149
water lying between islands or between an island and the 150
mainland in Lake Erie. 151

(CC) "Island" means a rock or land elevation above the 152
waters of Lake Erie having an area of five or more acres above 153
water. 154

(DD) "Reef" means an elevation of rock, either broken or 155
in place, or gravel shown by the latest United States chart to 156
be above the common level of the surrounding bottom of the lake, 157
other than the rock bottom, or in place forming the base or 158
foundation rock of an island or mainland and sloping from the 159
shore of it. "Reef" also means all elevations shown by that 160
chart to be above the common level of the sloping base or 161
foundation rock of an island or mainland, whether running from 162

the shore of an island or parallel with the contour of the shore 163
of an island or in any other way and whether formed by rock, 164
broken or in place, or from gravel. 165

(EE) "Fur farm" means any area used exclusively for 166
raising fur-bearing animals or in addition thereto used for 167
hunting game, the boundaries of which are plainly marked as 168
such. 169

(FF) "Waters" includes any lake, pond, reservoir, stream, 170
channel, lagoon, or other body of water, or any part thereof, 171
whether natural or artificial. 172

(GG) "Crib" or "car" refers to that particular compartment 173
of the net from which the fish are taken when the net is lifted. 174

(HH) "Commercial fish" means those species of fish 175
permitted to be taken, possessed, bought, or sold unless 176
otherwise restricted by the Revised Code or division rule and 177
are alewife (*Alosa pseudoharengus*), American eel (*Anguilla*
rostrata), bowfin (*Amia calva*), burbot (*Lota lota*), carp 178
(*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), 179
bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead 180
(*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown 181
bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus*
punctatus), flathead catfish (*Pylodictis olivaris*), whitefish 182
(*Coregonus* sp.), cisco (*Coregonus* sp.), freshwater drum or 183
sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus* sp.), 184
gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius*
auratus), lake trout (*Salvelinus namaycush*), mooneye (*Hiodon*
tergisus), quillback (*Carpiodes cyprinus*), smelt (*Allosmerus*
elongatus, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* sp.), sturgeon 185
(*Acipenser* sp., *Scaphirhynchus* sp.), sucker other than buffalo 186
and quillback (*Carpiodes* sp., *Catostomus* sp., *Hypentelium* sp., 187
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| Minytrema sp., Moxostoma sp.), white bass (Morone chrysops), | 193 |
| white perch (Roccus americanus), and yellow perch (Perca | 194 |
| flavescens). When the common name of a fish is used in this | 195 |
| chapter or Chapter 1533. of the Revised Code, it refers to the | 196 |
| fish designated by the scientific name in this definition. | 197 |
| (II) "Fishing" means taking or attempting to take fish by | 198 |
| any method, and all other acts such as placing, setting, | 199 |
| drawing, or using any device commonly used to take fish whether | 200 |
| resulting in a taking or not. | 201 |
| (JJ) "Fillet" means the pieces of flesh taken or cut from | 202 |
| both sides of a fish, joined to form one piece of flesh. | 203 |
| (KK) "Part fillet" means a piece of flesh taken or cut | 204 |
| from one side of a fish. | 205 |
| (LL) "Round" when used in describing fish means with head | 206 |
| and tail intact. | 207 |
| (MM) "Migrate" means the transit or movement of fish to or | 208 |
| from one place to another as a result of natural forces or | 209 |
| instinct and includes, but is not limited to, movement of fish | 210 |
| induced or caused by changes in the water flow. | 211 |
| (NN) "Spreader bar" means a brail or rigid bar placed | 212 |
| across the entire width of the back, at the top and bottom of | 213 |
| the cars in all trap, crib, and fyke nets for the purpose of | 214 |
| keeping the meshes hanging squarely while the nets are fishing. | 215 |
| (OO) "Fishing guide" means any person who, for | 216 |
| consideration or hire, operates a boat, rents, leases, or | 217 |
| otherwise furnishes angling devices, ice fishing shanties or | 218 |
| shelters of any kind, or other fishing equipment, and | 219 |
| accompanies, guides, directs, or assists any other person in | 220 |
| order for the other person to engage in fishing. | 221 |

(PP) "Net" means fishing devices with meshes composed of 222
twine or synthetic material and includes, but is not limited to, 223
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 224
seines, except minnow seines and minnow dip nets. 225

(QQ) "Commercial fishing gear" means seines, trap nets, 226
fyke nets, dip nets, carp aprons, trotlines, other similar gear, 227
and any boat used in conjunction with that gear, but does not 228
include gill nets. 229

(RR) "Native wildlife" means any species of the animal 230
kingdom indigenous to this state. 231

(SS) "Gill net" means a single section of fabric or 232
netting seamed to a float line at the top and a lead line at the 233
bottom, which is designed to entangle fish in the net openings 234
as they swim into it. 235

(TT) "Tag fishing tournament" means a contest in which a 236
participant pays a fee, or gives other valuable consideration, 237
for a chance to win a prize by virtue of catching a tagged or 238
otherwise specifically marked fish within a limited period of 239
time. 240

(UU) "Tenant" means an individual who resides on land for 241
which the individual pays rent and whose annual income is 242
primarily derived from agricultural production conducted on that 243
land, as "agricultural production" is defined in section 929.01 244
of the Revised Code. 245

(VV) "Nonnative wildlife" means any wild animal not 246
indigenous to this state, but does not include domestic deer. 247

(WW) "Reptiles" includes common musk turtle (*sternotherus* 248
odoratus), common snapping turtle (*Chelydra serpentina* 249
serpentina), spotted turtle (*Clemmys guttata*), eastern box 250

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| turtle (<i>Terrapene carolina carolina</i>), Blanding's turtle | 251 |
| (<i>Emydoidea blandingii</i>), common map turtle (<i>Graptemys</i> | 252 |
| <i>geographica</i>), ouachita map turtle (<i>Graptemys pseudogeographica</i> | 253 |
| <i>ouachitensis</i>), midland painted turtle (<i>Chrysemys picta</i> | 254 |
| <i>marginata</i>), red-eared slider (<i>Trachemys scripta elegans</i>), | 255 |
| eastern spiny softshell turtle (<i>Apalone spinifera spinifera</i>), | 256 |
| midland smooth softshell turtle (<i>Apalone mutica mutica</i>), | 257 |
| northern fence lizard (<i>Sceloporus undulatus hyacinthinus</i>), | 258 |
| ground skink (<i>Scincella lateralis</i>), five-lined skink (<i>Eumeces</i> | 259 |
| <i>fasciatus</i>), broadhead skink (<i>Eumeces laticeps</i>), northern coal | 260 |
| skink (<i>Eumeces anthracinus anthracinus</i>), European wall lizard | 261 |
| (<i>Podarcis muralis</i>), queen snake (<i>Regina septemvittata</i>), | 262 |
| Kirtland's snake (<i>Clonophis kirtlandii</i>), northern water snake | 263 |
| (<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake (<i>Nerodia sipedon</i> | 264 |
| <i>insularum</i>), copperbelly water snake (<i>Nerodia erythrogaster</i> | 265 |
| <i>neglecta</i>), northern brown snake (<i>Storeria dekayi dekayi</i>), | 266 |
| midland brown snake (<i>Storeria dekayi wrightorum</i>), northern | 267 |
| redbelly snake (<i>Storeria occipitomaculata occipitomaculata</i>), | 268 |
| eastern garter snake (<i>Thamnophis sirtalis sirtalis</i>), eastern | 269 |
| plains garter snake (<i>Thamnophis radix radix</i>), Butler's garter | 270 |
| snake (<i>Thamnophis butleri</i>), shorthead garter snake (<i>Thamnophis</i> | 271 |
| <i>brachystoma</i>), eastern ribbon snake (<i>Thamnophis sauritus</i> | 272 |
| <i>sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus</i> | 273 |
| <i>septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>), | 274 |
| eastern smooth earth snake (<i>Virginia valeriae valeriae</i>), | 275 |
| northern ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest | 276 |
| worm snake (<i>Carphophis amoenus helena</i>), eastern worm snake | 277 |
| (<i>Carphophis amoenus amoenus</i>), black racer (<i>Coluber constrictor</i> | 278 |
| <i>constrictor</i>), blue racer (<i>Coluber constrictor foxii</i>), rough | 279 |
| green snake (<i>Opheodrys aestivus</i>), smooth green snake (<i>Opheodrys</i> | 280 |
| <i>vernalis vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), | 281 |
| eastern fox snake (<i>Elaphe vulpina gloydi</i>), black kingsnake | 282 |

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| (<i>Lampropeltis getula nigra</i>), eastern milk snake (<i>Lampropeltis</i> | 283 |
| <i>triangulum triangulum</i>), northern copperhead (<i>Agkistrodon</i> | 284 |
| <i>contortrix mokasen</i>), eastern massasauga (<i>Sistrurus catenatus</i> | 285 |
| <i>catenatus</i>), and timber rattlesnake (<i>Crotalus horridus horridus</i>). | 286 |
| (XX) "Amphibians" includes eastern hellbender | 287 |
| (<i>Cryptobranchus alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus</i> | 288 |
| <i>maculosus maculosus</i>), red-spotted newt (<i>Notophthalmus</i> | 289 |
| <i>viridescens viridescens</i>), Jefferson salamander (<i>Ambystoma</i> | 290 |
| <i>jeffersonianum</i>), spotted salamander (<i>Ambystoma maculatum</i>), blue- | 291 |
| spotted salamander (<i>Ambystoma laterale</i>), smallmouth salamander | 292 |
| (<i>Ambystoma texanum</i>), streamside salamander (<i>Ambystoma barbouri</i>), | 293 |
| marbled salamander (<i>Ambystoma opacum</i>), eastern tiger salamander | 294 |
| (<i>Ambystoma tigrinum tigrinum</i>), northern dusky salamander | 295 |
| (<i>Desmognathus fuscus fuscus</i>), mountain dusky salamander | 296 |
| (<i>Desmognathus ochrophaeus</i>), redback salamander (<i>Plethodon</i> | 297 |
| <i>cinereus</i>), ravine salamander (<i>Plethodon richmondi</i>), northern | 298 |
| slimy salamander (<i>Plethodon glutinosus</i>), Wehrle's salamander | 299 |
| (<i>Plethodon wehrlei</i>), four-toed salamander (<i>Hemidactylium</i> | 300 |
| <i>scutatatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i> | 301 |
| <i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i> | 302 |
| <i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i> | 303 |
| <i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>), | 304 |
| green salamander (<i>Aneides aeneus</i>), northern two-lined salamander | 305 |
| (<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i> | 306 |
| <i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern two- | 307 |
| lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i> | 308 |
| <i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern | 309 |
| spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog | 310 |
| (<i>Acris crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris</i> | 311 |
| <i>crucifer crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray | 312 |
| treefrog (<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris</i> | 313 |

triseriata triseriata), mountain chorus frog (*Pseudacris* 314
brachyphona), bullfrog (*Rana catesbeiana*), green frog (*Rana* 315
clamitans melanota), northern leopard frog (*Rana pipiens*), 316
pickerel frog (*Rana palustris*), southern leopard frog (*Rana* 317
utricularia), and wood frog (*Rana sylvatica*). 318

(YY) "Deer" means white-tailed deer (*Odocoileus* 319
virginianus). 320

(ZZ) "Domestic deer" means nonnative deer that have been 321
legally acquired or their offspring and that are held in private 322
ownership for primarily agricultural purposes. 323

(AAA) "Migratory game bird" includes waterfowl (*Anatidae*); 324
doves (*Columbidae*); cranes (*Gruidae*); cormorants 325
(*Phalacrocoracidae*); rails, coots, and gallinules (*Rallidae*); 326
and woodcock and snipe (*Scolopacidae*). 327

(BBB) "Accompany" means to go along with another person 328
while staying within a distance from the person that enables 329
uninterrupted, unaided visual and auditory communication. 330

(CCC) ~~"All-purpose All-terrain vehicle" means any vehicle~~ 331
~~that is designed primarily for cross-country travel on land,~~ 332
~~water, or land and water and that is steered by wheels,~~ 333
~~caterpillar treads, or a combination of wheels and caterpillar~~ 334
~~treads and includes vehicles that operate on a cushion of air,~~ 335
~~vehicles commonly known as all-terrain vehicles, all-season~~ 336
~~vehicles, mini-bikes, and trail bikes~~ has the same meaning as in 337
section 4519.01 of the Revised Code. 338

(DDD) "Wholly enclosed preserve" means an area of land 339
that is surrounded by a fence that is at least six feet in 340
height, unless otherwise specified in division rule, and is 341
constructed of a woven wire mesh, or another enclosure that the 342

division of wildlife may approve, where game birds, game 343
quadrupeds, reptiles, amphibians, or fur-bearing animals are 344
raised and may be sold under the authority of a commercial 345
propagating license or captive white-tailed deer propagation 346
license obtained under section 1533.71 of the Revised Code. 347

(EEE) "Commercial bird shooting preserve" means an area of 348
land where game birds are released and hunted by shooting as 349
authorized by a commercial bird shooting preserve license 350
obtained under section 1533.72 of the Revised Code. 351

(FFF) "Wild animal hunting preserve" means an area of land 352
where game, captive white-tailed deer, and nonnative wildlife, 353
other than game birds, are released and hunted as authorized by 354
a wild animal hunting preserve license obtained under section 355
1533.721 of the Revised Code. 356

(GGG) "Captive white-tailed deer" means legally acquired 357
deer that are held in private ownership at a facility licensed 358
under section 943.03 or 943.031 of the Revised Code and under 359
section 1533.71 or 1533.721 of the Revised Code. 360

Sec. 1533.01. As used in this chapter, "person," 361
"resident," "nonresident," "division rule," "rule," "closed 362
season," "open season," "take or taking," "possession," "bag 363
limit," "transport and transportation," "sell and sale," "whole 364
to include part," "angling," "trotline," "fish," "measurement of 365
fish," "wild birds," "game," "game birds," "nongame birds," 366
"wild quadrupeds," "game quadrupeds," "fur-bearing animals," 367
"wild animals," "hunting," "trapping," "muskrat spear," 368
"channels and passages," "island," "reef," "fur farm," "waters," 369
"crib," "car," "commercial fish," "fishing," "fillet," "part 370
fillet," "round," "migrate," "spreader bar," "fishing guide," 371
"net," "commercial fishing gear," "native wildlife," "gill net," 372

"tag fishing tournament," "tenant," "nonnative wildlife," 373
"reptiles," "amphibians," "deer," "domestic deer," "migratory 374
game bird," "accompany," "~~all-purpose-all-terrain~~ vehicle," 375
"wholly enclosed preserve," "commercial bird shooting preserve," 376
"wild animal hunting preserve," and "captive white-tailed deer" 377
have the same meanings as in section 1531.01 of the Revised 378
Code. 379

Sec. 1533.103. The chief of the division of wildlife shall 380
adopt rules under section 1531.10 of the Revised Code that are 381
necessary to administer the issuance of permits for the use of 382
~~all-purpose-all-terrain~~ vehicles or motor vehicles by persons 383
with mobility impairments to hunt wild quadrupeds or game birds 384
in public and private areas. The rules shall establish 385
eligibility requirements, an application procedure, the duration 386
of a permit, identification and designation of public and 387
private areas in which ~~all-purpose-all-terrain~~ vehicles or motor 388
vehicles may be used by permit holders, and any other procedures 389
and requirements governing the permits that the chief determines 390
are necessary. The chief shall not charge a fee for the issuance 391
of a permit under this section. 392

Sec. 1533.18. As used in sections 1533.18 and 1533.181 of 393
the Revised Code: 394

(A) "Premises" means all privately owned lands, ways, and 395
waters, and any buildings and structures thereon, and all 396
privately owned and state-owned lands, ways, and waters leased 397
to a private person, firm, or organization, including any 398
buildings and structures thereon. 399

(B) "Recreational user" means a person to whom permission 400
has been granted, without the payment of a fee or consideration 401
to the owner, lessee, or occupant of premises, other than a fee 402

or consideration paid to the state or any agency of the state, 403
or a lease payment or fee paid to the owner of privately owned 404
lands, to enter upon premises to hunt, fish, trap, camp, hike, 405
or swim, or to operate a snowmobile, ~~all-purpose all-terrain~~ 406
vehicle, or four-wheel drive motor vehicle, or to engage in 407
other recreational pursuits. 408

(C) "~~All-purpose All-terrain~~ vehicle" has the same meaning 409
as in section 4519.01 of the Revised Code. 410

Sec. 2131.12. (A) As used in this section and section 411
2131.13 of the Revised Code: 412

(1) "Motor vehicle" has the same meaning as in section 413
4505.01 of the Revised Code. 414

(2) "Joint ownership with right of survivorship" means a 415
form of ownership of a ~~motor vehicle, all-purpose vehicle, off-~~ 416
~~highway motorcycle, watercraft, or outboard motor~~ titled mode of 417
transportation that is established pursuant to this section and 418
pursuant to which the entire interest in the ~~motor vehicle, all-~~ 419
~~purpose vehicle, off-highway motorcycle, watercraft, or outboard~~ 420
~~motor~~ titled mode of transportation is held by two persons for 421
their joint lives and thereafter by the survivor of them. 422

(3) "Watercraft" has the same meaning as in division (A) 423
of section 1548.01 of the Revised Code. 424

(4) "~~All-purpose All-terrain~~ vehicle," has "off-highway 425
motorcycle," "snowmobile," and "mini-truck" have the same 426
meaning-meanings as in section 4519.01 of the Revised Code. 427

(5) "~~Off-highway motorcycle~~Utility vehicle" has the same 428
meaning as in section ~~4519.01~~ 4501.01 of the Revised Code. 429

(6) "Certificate of title" means a certificate of title 430

for a titled mode of transportation that is required or 431
authorized to be titled under Chapter 1548., 4505., or 4519. of 432
the Revised Code. 433

(7) "Titled mode of transportation" means a motor vehicle, 434
an all-terrain vehicle, an off-highway motorcycle, a snowmobile, 435
a mini-truck, a utility vehicle, a watercraft, or an outboard 436
motor. 437

(B) (1) Any two persons may establish in accordance with 438
this section joint ownership with right of survivorship in a 439
~~motor vehicle, an all-purpose vehicle, an off-highway~~ 440
~~motorcycle, a watercraft, or an outboard motor~~ titled mode of 441
transportation for which a certificate of title is required or 442
authorized under Chapter 1548., 4505., or 4519. of the Revised 443
Code. 444

(2) If two persons wish to establish joint ownership with 445
right of survivorship in a ~~motor vehicle, an all-purpose~~ 446
~~vehicle, an off-highway motorcycle, a watercraft, or an outboard~~ 447
~~motor~~ titled mode of transportation that is required or 448
authorized to be titled under Chapter 1548., 4505., or 4519. of 449
the Revised Code, they may make a joint application for a 450
certificate of title under section 1548.07, 4505.06, or 4519.55 451
of the Revised Code, as applicable. 452

(C) If two persons have established ~~in a certificate of~~ 453
~~title~~ joint ownership with right of survivorship in a ~~motor~~ 454
~~vehicle, an all-purpose vehicle, an off-highway motorcycle, a~~ 455
~~watercraft, or an outboard motor that is required to be titled~~ 456
~~under Chapter 1548., 4505., or 4519. of the Revised Code, and if~~ 457
~~one of those persons dies~~ certificate of title, the interest of 458
the deceased person in the ~~motor vehicle, all-purpose vehicle,~~ 459
~~off-highway motorcycle, watercraft, or outboard motor~~ titled 460

mode of transportation shall pass to the survivor of them upon 461
transfer of title to the ~~motor vehicle, all-purpose vehicle,~~ 462
~~off-highway motorcycle, watercraft, or outboard motor~~ titled 463
mode of transportation in accordance with section 1548.11, 464
4505.10, or 4519.60 of the Revised Code. The ~~motor vehicle, all-~~ 465
~~purpose vehicle, off-highway motorcycle, watercraft, or outboard~~ 466
~~motor~~ titled mode of transportation shall not be considered an 467
estate asset and shall not be included and stated in the estate 468
inventory. 469

Sec. 2131.13. (A) As used in this section: 470

(1) "Designate or designation in beneficiary form" means 471
to designate, or the designation of, a ~~motor vehicle, an all-~~ 472
~~purpose vehicle, an off-highway motorcycle, a watercraft, or an-~~ 473
~~outboard motor~~ titled mode of transportation in a certificate of 474
title that indicates the present owner of the ~~motor vehicle,~~ 475
~~all-purpose vehicle, off-highway motorcycle, watercraft, or~~ 476
~~outboard motor~~ titled mode of transportation and the intention 477
of the present owner with respect to the transfer of ownership 478
on the present owner's death by designating one or more persons 479
as the beneficiary or beneficiaries who will become the owner or 480
owners of the ~~motor vehicle, all-purpose vehicle, off-highway-~~ 481
~~motorcycle, watercraft, or outboard motor~~ titled mode of 482
transportation upon the death of the present owner. 483

(2) ~~"Motor vehicle" has the same meaning as in section~~ 484
~~4505.01 of the Revised Code.~~ 485

~~(3)~~ "Person" means an individual, a corporation, an 486
organization, or other legal entity. 487

~~(4)~~ (3) "Transfer-on-death beneficiary or beneficiaries" 488
means a person or persons specified in a certificate of title of 489

~~a motor vehicle, all-purpose vehicle, off-highway motorcycle,~~ 490
~~watercraft, or outboard motor~~ titled mode of transportation who 491
will become the owner or owners of the ~~motor vehicle, all-~~ 492
~~purpose vehicle, off-highway motorcycle, watercraft, or outboard~~ 493
~~motor~~ titled mode of transportation upon the death of the 494
present owner of the ~~motor vehicle, all-purpose vehicle, off-~~ 495
~~highway motorcycle, watercraft, or outboard motor~~ titled mode of 496
transportation. 497

~~(5) "Watercraft" has the same meaning as in section~~ 498
~~1548.01 of the Revised Code.~~ 499

~~(6)~~ (4) "Owner" includes the plural as well as the 500
singular, as specified in section 1.43 of the Revised Code. 501

~~(7) "Joint ownership with right of survivorship" has the~~ 502
~~same meaning as in section 2131.12 of the Revised Code.~~ 503

~~(8) "All-purpose vehicle" has the same meaning as in~~ 504
~~section 4519.01 of the Revised Code.~~ 505

~~(9) "Off-highway motorcycle" has the same meaning as in~~ 506
~~section 4519.01 of the Revised Code.~~ 507

(B) (1) An individual whose certificate of title of a ~~motor~~ 508
~~vehicle, all-purpose vehicle, off-highway motorcycle,~~ 509
~~watercraft, or outboard motor~~ titled mode of transportation 510
shows sole ownership by that individual may make an application 511
for a certificate of title under section 1548.07, 4505.06, or 512
4519.55 of the Revised Code, as applicable, to designate that 513
~~motor vehicle, all-purpose vehicle, off-highway motorcycle,~~ 514
~~watercraft, or outboard motor~~ titled mode of transportation in 515
beneficiary form pursuant to this section. 516

(2) Individuals whose certificate of title of a ~~motor~~ 517
~~vehicle, all-purpose vehicle, off-highway motorcycle,~~ 518

~~watercraft, or outboard motor~~ titled mode of transportation 519
shows joint ownership with right of survivorship may jointly 520
make an application for a certificate of title under section 521
1548.07, 4505.06, or 4519.55 of the Revised Code, as applicable, 522
to designate that ~~motor vehicle, all-purpose vehicle, off-~~ 523
~~highway motorcycle, watercraft, or outboard motor~~ titled mode of 524
transportation in beneficiary form pursuant to this section. 525

(C) (1) A ~~motor vehicle, all-purpose vehicle, off-highway~~ 526
~~motorcycle, watercraft, or outboard motor~~ titled mode of 527
transportation is designated in beneficiary form if the 528
certificate of title of the ~~motor vehicle, all-purpose vehicle,~~ 529
~~off-highway motorcycle, watercraft, or outboard motor~~ titled 530
mode of transportation includes the name or names of the 531
transfer-on-death beneficiary or beneficiaries. 532

(2) The designation of a ~~motor vehicle, all-purpose~~ 533
~~vehicle, off-highway motorcycle, watercraft, or outboard motor~~ 534
titled mode of transportation in beneficiary form is not 535
required to be supported by consideration, and the certificate 536
of title in which the designation is made is not required to be 537
delivered to the transfer-on-death beneficiary or beneficiaries 538
in order for the designation in beneficiary form to be 539
effective. 540

(D) The designation of a ~~motor vehicle, all-purpose~~ 541
~~vehicle, off-highway motorcycle, watercraft, or outboard motor~~ 542
titled mode of transportation in beneficiary form may be shown 543
in the certificate of title by the words "transfer-on-death" or 544
the abbreviation "TOD" after the name of the owner of a ~~motor~~ 545
~~vehicle, all-purpose vehicle, off-highway motorcycle,~~ 546
~~watercraft, or outboard motor~~ titled mode of transportation and 547
before the name or names of the transfer-on-death beneficiary or 548

beneficiaries. 549

(E) The designation of a transfer-on-death beneficiary or 550
beneficiaries on a certificate of title has no effect on the 551
ownership of a ~~motor vehicle, all-purpose vehicle, off-highway~~ 552
~~motorcycle, watercraft, or outboard motor~~ titled mode of 553
transportation until the death of the owner of the ~~motor~~ 554
~~vehicle, all-purpose vehicle, off-highway motorcycle,~~ 555
~~watercraft, or outboard motor~~ titled mode of transportation. The 556
owner of a ~~motor vehicle, all-purpose vehicle, off-highway~~ 557
~~motorcycle, watercraft, or outboard motor~~ titled mode of 558
transportation may cancel or change the designation of a 559
transfer-on-death beneficiary or beneficiaries on a certificate 560
of title at any time without the consent of the transfer-on- 561
death beneficiary or beneficiaries by making an application for 562
a certificate of title under section 1548.07, 4505.06, or 563
4519.55 of the Revised Code, as applicable. 564

(F) (1) Upon the death of the owner of a ~~motor vehicle,~~ 565
~~all-purpose vehicle, off-highway motorcycle, watercraft, or~~ 566
~~outboard motor~~ titled mode of transportation designated in 567
beneficiary form, the ownership of the ~~motor vehicle, all-~~ 568
~~purpose vehicle, off-highway motorcycle, watercraft, or outboard~~ 569
~~motor~~ titled mode of transportation shall pass to the transfer- 570
on-death beneficiary or beneficiaries who survive the owner upon 571
transfer of title to the ~~motor vehicle, all-purpose vehicle,~~ 572
~~off-highway motorcycle, watercraft, or outboard motor~~ titled 573
mode of transportation in accordance with section 1548.11, 574
4505.10, or 4519.60 of the Revised Code, as applicable. The 575
transfer-on-death beneficiary or beneficiaries who survive the 576
owner may apply for a certificate of title to the ~~motor vehicle,~~ 577
~~all-purpose vehicle, off-highway motorcycle, watercraft, or~~ 578
~~outboard motor~~ titled mode of transportation upon submitting 579

proof of the death of the owner of the ~~motor vehicle, all-~~ 580
~~purpose vehicle, off-highway motorcycle, watercraft, or outboard~~ 581
~~motor~~ titled mode of transportation. 582

(2) If no transfer-on-death beneficiary or beneficiaries 583
survive the owner of a ~~motor vehicle, watercraft, or outboard-~~ 584
~~motor~~ titled mode of transportation, the ~~motor vehicle,~~ 585
~~watercraft, or outboard motor~~ titled mode of transportation 586
shall be included in the probate estate of the deceased owner. 587

(G) (1) Any transfer of a ~~motor vehicle, all-purpose-~~ 588
~~vehicle, off-highway motorcycle, watercraft, or outboard motor-~~ 589
titled mode of transportation to a transfer-on-death beneficiary 590
or beneficiaries that results from a designation of the ~~motor-~~ 591
~~vehicle, all-purpose vehicle, off-highway motorcycle,~~ 592
~~watercraft, or outboard motor~~ titled mode of transportation in 593
beneficiary form is not testamentary. 594

(2) This section does not limit the rights of any creditor 595
of the owner of a ~~motor vehicle, all-purpose vehicle, off-~~ 596
~~highway motorcycle, watercraft, or outboard motor~~ titled mode of 597
transportation against any transfer-on-death beneficiary or 598
beneficiaries or other transferees of the ~~motor vehicle, all-~~ 599
~~purpose vehicle, off-highway motorcycle, watercraft, or outboard~~ 600
~~motor~~ titled mode of transportation under other laws of this 601
state. 602

(H) (1) This section shall be known and may be cited as the 603
"Transfer-on-Death ~~of Motor Vehicle, All-Purpose Vehicle, Off-~~ 604
~~Highway Motorcycle, Watercraft, or Outboard Motor~~ Statute." 605

(2) Divisions (A) to (H) of this section shall be 606
liberally construed and applied to promote their underlying 607
purposes and policy. 608

(3) Unless displaced by particular provisions of divisions 609
(A) to (H) of this section, the principles of law and equity 610
supplement the provisions of those divisions. 611

Sec. 2744.01. As used in this chapter: 612

(A) "Emergency call" means a call to duty, including, but 613
not limited to, communications from citizens, police dispatches, 614
and personal observations by peace officers of inherently 615
dangerous situations that demand an immediate response on the 616
part of a peace officer. 617

(B) "Employee" means an officer, agent, employee, or 618
servant, whether or not compensated or full-time or part-time, 619
who is authorized to act and is acting within the scope of the 620
officer's, agent's, employee's, or servant's employment for a 621
political subdivision. "Employee" does not include an 622
independent contractor and does not include any individual 623
engaged by a school district pursuant to section 3319.301 of the 624
Revised Code. "Employee" includes any elected or appointed 625
official of a political subdivision. "Employee" also includes a 626
person who has been convicted of or pleaded guilty to a criminal 627
offense and who has been sentenced to perform community service 628
work in a political subdivision whether pursuant to section 629
2951.02 of the Revised Code or otherwise, and a child who is 630
found to be a delinquent child and who is ordered by a juvenile 631
court pursuant to section 2152.19 or 2152.20 of the Revised Code 632
to perform community service or community work in a political 633
subdivision. 634

(C) (1) "Governmental function" means a function of a 635
political subdivision that is specified in division (C) (2) of 636
this section or that satisfies any of the following: 637

- (a) A function that is imposed upon the state as an obligation of sovereignty and that is performed by a political subdivision voluntarily or pursuant to legislative requirement;
- (b) A function that is for the common good of all citizens of the state;
- (c) A function that promotes or preserves the public peace, health, safety, or welfare; that involves activities that are not engaged in or not customarily engaged in by nongovernmental persons; and that is not specified in division (G) (2) of this section as a proprietary function.
- (2) A "governmental function" includes, but is not limited to, the following:
- (a) The provision or nonprovision of police, fire, emergency medical, ambulance, and rescue services or protection;
- (b) The power to preserve the peace; to prevent and suppress riots, disturbances, and disorderly assemblages; to prevent, mitigate, and clean up releases of oil and hazardous and extremely hazardous substances as defined in section 3750.01 of the Revised Code; and to protect persons and property;
- (c) The provision of a system of public education;
- (d) The provision of a free public library system;
- (e) The regulation of the use of, and the maintenance and repair of, roads, highways, streets, avenues, alleys, sidewalks, bridges, aqueducts, viaducts, and public grounds;
- (f) Judicial, quasi-judicial, prosecutorial, legislative, and quasi-legislative functions;
- (g) The construction, reconstruction, repair, renovation,

maintenance, and operation of buildings that are used in 665
connection with the performance of a governmental function, 666
including, but not limited to, office buildings and courthouses; 667

(h) The design, construction, reconstruction, renovation, 668
repair, maintenance, and operation of jails, places of juvenile 669
detention, workhouses, or any other detention facility, as 670
defined in section 2921.01 of the Revised Code; 671

(i) The enforcement or nonperformance of any law; 672

(j) The regulation of traffic, and the erection or 673
nonerection of traffic signs, signals, or control devices; 674

(k) The collection and disposal of solid wastes, as 675
defined in section 3734.01 of the Revised Code, including, but 676
not limited to, the operation of solid waste disposal 677
facilities, as "facilities" is defined in that section, and the 678
collection and management of hazardous waste generated by 679
households. As used in division (C) (2) (k) of this section, 680
"hazardous waste generated by households" means solid waste 681
originally generated by individual households that is listed 682
specifically as hazardous waste in or exhibits one or more 683
characteristics of hazardous waste as defined by rules adopted 684
under section 3734.12 of the Revised Code, but that is excluded 685
from regulation as a hazardous waste by those rules. 686

(l) The provision or nonprovision, planning or design, 687
construction, or reconstruction of a public improvement, 688
including, but not limited to, a sewer system; 689

(m) The operation of a job and family services department 690
or agency, including, but not limited to, the provision of 691
assistance to aged and infirm persons and to persons who are 692
indigent; 693

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| (n) The operation of a health board, department, or agency, including, but not limited to, any statutorily required or permissive program for the provision of immunizations or other inoculations to all or some members of the public, provided that a "governmental function" does not include the supply, manufacture, distribution, or development of any drug or vaccine employed in any such immunization or inoculation program by any supplier, manufacturer, distributor, or developer of the drug or vaccine; | 694 695 696 697 698 699 700 701 702 |
| (o) The operation of mental health facilities, developmental disabilities facilities, alcohol treatment and control centers, and children's homes or agencies; | 703 704 705 |
| (p) The provision or nonprovision of inspection services of all types, including, but not limited to, inspections in connection with building, zoning, sanitation, fire, plumbing, and electrical codes, and the taking of actions in connection with those types of codes, including, but not limited to, the approval of plans for the construction of buildings or structures and the issuance or revocation of building permits or stop work orders in connection with buildings or structures; | 706 707 708 709 710 711 712 713 |
| (q) Urban renewal projects and the elimination of slum conditions, including the performance of any activity that a county land reutilization corporation is authorized to perform under Chapter 1724. or 5722. of the Revised Code; | 714 715 716 717 |
| (r) Flood control measures; | 718 |
| (s) The design, construction, reconstruction, renovation, operation, care, repair, and maintenance of a township cemetery; | 719 720 |
| (t) The issuance of revenue obligations under section 140.06 of the Revised Code; | 721 722 |

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| (u) The design, construction, reconstruction, renovation, | 723 |
| repair, maintenance, and operation of any school athletic | 724 |
| facility, school auditorium, or gymnasium or any recreational | 725 |
| area or facility, including, but not limited to, any of the | 726 |
| following: | 727 |
| (i) A park, playground, or playfield; | 728 |
| (ii) An indoor recreational facility; | 729 |
| (iii) A zoo or zoological park; | 730 |
| (iv) A bath, swimming pool, pond, water park, wading pool, | 731 |
| wave pool, water slide, or other type of aquatic facility; | 732 |
| (v) A golf course; | 733 |
| (vi) A bicycle motocross facility or other type of | 734 |
| recreational area or facility in which bicycling, skating, skate | 735 |
| boarding, or scooter riding is engaged; | 736 |
| (vii) A rope course or climbing walls; | 737 |
| (viii) An all-purpose-all-terrain vehicle facility in | 738 |
| which all-purpose-all-terrain vehicles, as defined in section | 739 |
| 4519.01 of the Revised Code, are contained, maintained, or | 740 |
| operated for recreational activities. | 741 |
| (v) The provision of public defender services by a county | 742 |
| or joint county public defender's office pursuant to Chapter | 743 |
| 120. of the Revised Code; | 744 |
| (w) (i) At any time before regulations prescribed pursuant | 745 |
| to 49 U.S.C.A 20153 become effective, the designation, | 746 |
| establishment, design, construction, implementation, operation, | 747 |
| repair, or maintenance of a public road rail crossing in a zone | 748 |
| within a municipal corporation in which, by ordinance, the | 749 |

legislative authority of the municipal corporation regulates the 750
sounding of locomotive horns, whistles, or bells; 751

(ii) On and after the effective date of regulations 752
prescribed pursuant to 49 U.S.C.A. 20153, the designation, 753
establishment, design, construction, implementation, operation, 754
repair, or maintenance of a public road rail crossing in such a 755
zone or of a supplementary safety measure, as defined in 49 756
U.S.C.A 20153, at or for a public road rail crossing, if and to 757
the extent that the public road rail crossing is excepted, 758
pursuant to subsection (c) of that section, from the requirement 759
of the regulations prescribed under subsection (b) of that 760
section. 761

(x) A function that the general assembly mandates a 762
political subdivision to perform. 763

(D) "Law" means any provision of the constitution, 764
statutes, or rules of the United States or of this state; 765
provisions of charters, ordinances, resolutions, and rules of 766
political subdivisions; and written policies adopted by boards 767
of education. When used in connection with the "common law," 768
this definition does not apply. 769

(E) "Motor vehicle" has the same meaning as in section 770
4511.01 of the Revised Code. 771

(F) "Political subdivision" or "subdivision" means a 772
municipal corporation, township, county, school district, or 773
other body corporate and politic responsible for governmental 774
activities in a geographic area smaller than that of the state. 775
"Political subdivision" includes, but is not limited to, a 776
county hospital commission appointed under section 339.14 of the 777
Revised Code, board of hospital commissioners appointed for a 778

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| municipal hospital under section 749.04 of the Revised Code, | 779 |
| board of hospital trustees appointed for a municipal hospital | 780 |
| under section 749.22 of the Revised Code, regional planning | 781 |
| commission created pursuant to section 713.21 of the Revised | 782 |
| Code, county planning commission created pursuant to section | 783 |
| 713.22 of the Revised Code, joint planning council created | 784 |
| pursuant to section 713.231 of the Revised Code, interstate | 785 |
| regional planning commission created pursuant to section 713.30 | 786 |
| of the Revised Code, port authority created pursuant to section | 787 |
| 4582.02 or 4582.26 of the Revised Code or in existence on | 788 |
| December 16, 1964, regional council established by political | 789 |
| subdivisions pursuant to Chapter 167. of the Revised Code, | 790 |
| emergency planning district and joint emergency planning | 791 |
| district designated under section 3750.03 of the Revised Code, | 792 |
| joint emergency medical services district created pursuant to | 793 |
| section 307.052 of the Revised Code, fire and ambulance district | 794 |
| created pursuant to section 505.375 of the Revised Code, joint | 795 |
| interstate emergency planning district established by an | 796 |
| agreement entered into under that section, county solid waste | 797 |
| management district and joint solid waste management district | 798 |
| established under section 343.01 or 343.012 of the Revised Code, | 799 |
| community school established under Chapter 3314. of the Revised | 800 |
| Code, county land reutilization corporation organized under | 801 |
| Chapter 1724. of the Revised Code, the county or counties served | 802 |
| by a community-based correctional facility and program or | 803 |
| district community-based correctional facility and program | 804 |
| established and operated under sections 2301.51 to 2301.58 of | 805 |
| the Revised Code, a community-based correctional facility and | 806 |
| program or district community-based correctional facility and | 807 |
| program that is so established and operated, and the facility | 808 |
| governing board of a community-based correctional facility and | 809 |
| program or district community-based correctional facility and | 810 |

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| program that is so established and operated. | 811 |
| (G) (1) "Proprietary function" means a function of a | 812 |
| political subdivision that is specified in division (G) (2) of | 813 |
| this section or that satisfies both of the following: | 814 |
| (a) The function is not one described in division (C) (1) | 815 |
| (a) or (b) of this section and is not one specified in division | 816 |
| (C) (2) of this section; | 817 |
| (b) The function is one that promotes or preserves the | 818 |
| public peace, health, safety, or welfare and that involves | 819 |
| activities that are customarily engaged in by nongovernmental | 820 |
| persons. | 821 |
| (2) A "proprietary function" includes, but is not limited | 822 |
| to, the following: | 823 |
| (a) The operation of a hospital by one or more political | 824 |
| subdivisions; | 825 |
| (b) The design, construction, reconstruction, renovation, | 826 |
| repair, maintenance, and operation of a public cemetery other | 827 |
| than a township cemetery; | 828 |
| (c) The establishment, maintenance, and operation of a | 829 |
| utility, including, but not limited to, a light, gas, power, or | 830 |
| heat plant, a railroad, a busline or other transit company, an | 831 |
| airport, and a municipal corporation water supply system; | 832 |
| (d) The maintenance, destruction, operation, and upkeep of | 833 |
| a sewer system; | 834 |
| (e) The operation and control of a public stadium, | 835 |
| auditorium, civic or social center, exhibition hall, arts and | 836 |
| crafts center, band or orchestra, or off-street parking | 837 |
| facility. | 838 |

(H) "Public roads" means public roads, highways, streets, 839
avenues, alleys, and bridges within a political subdivision. 840
"Public roads" does not include berms, shoulders, rights-of-way, 841
or traffic control devices unless the traffic control devices 842
are mandated by the Ohio manual of uniform traffic control 843
devices. 844

(I) "State" means the state of Ohio, including, but not 845
limited to, the general assembly, the supreme court, the offices 846
of all elected state officers, and all departments, boards, 847
offices, commissions, agencies, colleges and universities, 848
institutions, and other instrumentalities of the state of Ohio. 849
"State" does not include political subdivisions. 850

Sec. 2911.21. (A) No person, without privilege to do so, 851
shall do any of the following: 852

(1) Knowingly enter or remain on the land or premises of 853
another; 854

(2) Knowingly enter or remain on the land or premises of 855
another, the use of which is lawfully restricted to certain 856
persons, purposes, modes, or hours, when the offender knows the 857
offender is in violation of any such restriction or is reckless 858
in that regard; 859

(3) Recklessly enter or remain on the land or premises of 860
another, as to which notice against unauthorized access or 861
presence is given by actual communication to the offender, or in 862
a manner prescribed by law, or by posting in a manner reasonably 863
calculated to come to the attention of potential intruders, or 864
by fencing or other enclosure manifestly designed to restrict 865
access; 866

(4) Being on the land or premises of another, negligently 867

fail or refuse to leave upon being notified by signage posted in 868
a conspicuous place or otherwise being notified to do so by the 869
owner or occupant, or the agent or servant of either; 870

(5) Knowingly enter or remain on a critical infrastructure 871
facility. 872

(B) It is no defense to a charge under this section that 873
the land or premises involved was owned, controlled, or in 874
custody of a public agency. 875

(C) It is no defense to a charge under this section that 876
the offender was authorized to enter or remain on the land or 877
premises involved, when such authorization was secured by 878
deception. 879

(D) (1) Whoever violates this section is guilty of criminal 880
trespass. Criminal trespass in violation of division (A) (1), 881
(2), (3), or (4) of this section is a misdemeanor of the fourth 882
degree. Criminal trespass in violation of division (A) (5) of 883
this section is a misdemeanor of the first degree. 884

(2) Notwithstanding section 2929.28 of the Revised Code, 885
if the person, in committing the violation of this section, used 886
a snowmobile, off-highway motorcycle, utility vehicle, or ~~all-~~ 887
~~purpose-all-terrain~~ vehicle, the court shall impose a fine of 888
two times the usual amount imposed for the violation. 889

(3) If an offender previously has been convicted of or 890
pleaded guilty to two or more violations of this section or a 891
substantially equivalent municipal ordinance, and the offender, 892
in committing each violation, used a snowmobile, off-highway 893
motorcycle, utility vehicle, or ~~all-purpose-all-terrain~~ vehicle, 894
the court, in addition to or independent of all other penalties 895
imposed for the violation, may impound the certificate of 896

registration of that snowmobile or off-highway motorcycle or the 897
certificate of registration and license plate of that ~~all-~~ 898
~~purpose~~ utility vehicle or all-terrain vehicle for not less than 899
sixty days. In such a case, section 4519.47 of the Revised Code 900
applies. 901

(E) Notwithstanding any provision of the Revised Code, if 902
the offender, in committing the violation of this section, used 903
a utility vehicle or an ~~all-purpose~~ all-terrain vehicle, the 904
clerk of the court shall pay the fine imposed pursuant to this 905
section to the state recreational vehicle fund created by 906
section 4519.11 of the Revised Code. 907

(F) As used in this section: 908

(1) "~~All-purpose~~ All-terrain vehicle," "off-highway 909
motorcycle," and "snowmobile" have the same meanings as in 910
section 4519.01 of the Revised Code. 911

(2) "Utility vehicle" has the same meaning as in section 912
4501.01 of the Revised Code. 913

(3) "Land or premises" includes any land, building, 914
structure, or place belonging to, controlled by, or in custody 915
of another, and any separate enclosure or room, or portion 916
thereof. 917

~~(3)~~ (4) "Production operation," "well," and "well pad" 918
have the same meanings as in section 1509.01 of the Revised 919
Code. 920

~~(4)~~ (5) "Critical infrastructure facility" means: 921

(a) One of the following, if completely enclosed by a 922
fence or other physical barrier that is obviously designed to 923
exclude intruders, or if clearly marked with signs that are 924

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| reasonably likely to come to the attention of potential | 925 |
| intruders and that indicate entry is forbidden without site | 926 |
| authorization: | 927 |
| (i) A petroleum or alumina refinery; | 928 |
| (ii) An electric generating facility, substation, | 929 |
| switching station, electrical control center, or electric | 930 |
| transmission and distribution lines and associated equipment; | 931 |
| (iii) A chemical, polymer, or rubber manufacturing | 932 |
| facility; | 933 |
| (iv) A water intake structure, water treatment facility, | 934 |
| waste water facility, drainage facility, water management | 935 |
| facility, or any similar water or sewage treatment system and | 936 |
| its water and sewage piping; | 937 |
| (v) A natural gas company facility or interstate natural | 938 |
| gas pipeline, including a pipeline interconnection, a natural | 939 |
| gas compressor station and associated facilities, city gate or | 940 |
| town border station, metering station, above-ground piping, | 941 |
| regulator station, valve site, delivery station, fabricated | 942 |
| assembly, or any other part of a natural gas storage facility | 943 |
| involved in the gathering, storage, transmission, or | 944 |
| distribution of gas; | 945 |
| (vi) A telecommunications central switching office or | 946 |
| remote switching facility or an equivalent network facility that | 947 |
| serves a similar purpose; | 948 |
| (vii) Wireline or wireless telecommunications | 949 |
| infrastructure, including telecommunications towers and | 950 |
| telephone poles and lines, including fiber optic lines; | 951 |
| (viii) A port, trucking terminal, or other freight | 952 |

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| transportation facility; | 953 |
| (ix) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids; | 954 955 956 |
| (x) A transmission facility used by a federally licensed radio or television station; | 957 958 |
| (xi) A steel-making facility that uses an electric arc furnace to make steel; | 959 960 |
| (xii) A facility identified and regulated by the United States department of homeland security's chemical facility anti-terrorism standards program under 6 C.F.R. part 27; | 961 962 963 |
| (xiii) A dam that is regulated by the state or federal government; | 964 965 |
| (xiv) A crude oil or refined products storage and distribution facility, including valve sites, pipeline interconnections, pump station, metering station, below- or above-ground pipeline, or piping and truck loading or off-loading facility; | 966 967 968 969 970 |
| (xv) A video service network and broadband infrastructure, including associated buildings and facilities, video service headends, towers, utility poles, and utility lines such as fiber optic lines. As used in this division, "video service network" has the same meaning as in section 1332.21 of the Revised Code. | 971 972 973 974 975 |
| (xvi) Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility; | 976 977 |
| (xvii) Any above-ground portion of a well, well pad, or production operation; | 978 979 |

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| (xviii) A laydown area or construction site for pipe and other equipment intended for use on an interstate or intrastate natural gas or crude oil pipeline; | 980 981 982 |
| (xix) Any mining operation, including any processing equipment, batching operation, or support facility for that mining operation. | 983 984 985 |
| (b) With respect to a video service network or broadband or wireless telecommunications infrastructure, the above-ground portion of a facility installed in a public right-of-way on a utility pole or in a conduit; | 986 987 988 989 |
| (c) Any railroad property; | 990 |
| (d) An electronic asset of any of the following: | 991 |
| (i) An electric light company that is a public utility under section 4905.02 of the Revised Code; | 992 993 |
| (ii) An electric cooperative, as defined in section 4928.01 of the Revised Code; | 994 995 |
| (iii) A municipal electric utility, as defined in section 4928.01 of the Revised Code; | 996 997 |
| (iv) A natural gas company that is a public utility under section 4905.02 of the Revised Code; | 998 999 |
| (v) A telephone company that is a public utility under section 4905.02 of the Revised Code; | 1000 1001 |
| (vi) A video service provider, including a cable operator, as those terms are defined in section 1332.21 of the Revised Code. | 1002 1003 1004 |
| (5) (6) "Electronic asset" includes, but is not limited to, the hardware, software, and data of a programmable | 1005 1006 |

electronic device; all communications, operations, and customer 1007
data networks; and the contents of those data networks. 1008

Sec. 2921.331. (A) No person shall fail to comply with any 1009
lawful order or direction of any police officer invested with 1010
authority to direct, control, or regulate traffic. 1011

(B) No person shall operate a motor vehicle, off-highway 1012
motorcycle, all-terrain vehicle, snowmobile, utility vehicle, or 1013
mini-truck so as willfully purposely to elude or flee a police 1014
officer after receiving a visible or audible signal from a 1015
police officer to bring the person's motor vehicle, off-highway 1016
motorcycle, all-terrain vehicle, snowmobile, utility vehicle, or 1017
mini-truck to a stop. 1018

(C) (1) Whoever violates this section is guilty of failure 1019
to comply with an order or signal of a police officer. 1020

(2) A violation of division (A) of this section is a 1021
misdemeanor of the first degree. 1022

(3) Except as provided in divisions (C) (4) and (5) of this 1023
section, a violation of division (B) of this section is a felony 1024
of the fourth degree. 1025

(4) A violation of division (B) of this section is a 1026
felony of the third degree if the jury or judge as trier of fact 1027
finds by proof beyond a reasonable doubt that, in committing the 1028
offense, the offender was fleeing immediately after the 1029
commission of a felony. 1030

(5) (a) A violation of division (B) of this section is a 1031
felony of the third degree if the jury or judge as trier of fact 1032
finds any of the following by proof beyond a reasonable doubt: 1033

(i) The operation of the motor vehicle, off-highway 1034

motorcycle, all-terrain vehicle, snowmobile, utility vehicle, or 1035
mini-truck by the offender was a proximate cause of serious 1036
physical harm to persons or property. 1037

(ii) The operation of the motor vehicle, off-highway 1038
motorcycle, all-terrain vehicle, snowmobile, utility vehicle, or 1039
mini-truck by the offender caused a substantial risk of serious 1040
physical harm to persons or property. 1041

(b) If a police officer pursues an offender who is 1042
violating division (B) of this section and division (C) (5) (a) of 1043
this section applies, the sentencing court, in determining the 1044
seriousness of an offender's conduct for purposes of sentencing 1045
the offender for a violation of division (B) of this section, 1046
shall consider, along with the factors set forth in sections 1047
2929.12 and 2929.13 of the Revised Code that are required to be 1048
considered, all of the following: 1049

(i) The duration of the pursuit; 1050

(ii) The distance of the pursuit; 1051

(iii) The rate of speed at which the offender operated the 1052
motor vehicle, off-highway motorcycle, all-terrain vehicle, 1053
snowmobile, utility vehicle, or mini-truck during the pursuit; 1054

(iv) Whether the offender failed to stop for traffic 1055
lights or stop signs during the pursuit; 1056

(v) The number of traffic lights or stop signs for which 1057
the offender failed to stop during the pursuit; 1058

(vi) Whether the offender operated the motor vehicle, off- 1059
highway motorcycle, all-terrain vehicle, snowmobile, utility 1060
vehicle, or mini-truck during the pursuit without lighted lights 1061
during a time when lighted lights are required; 1062

(vii) Whether the offender committed a moving violation 1063
during the pursuit; 1064

(viii) The number of moving violations the offender 1065
committed during the pursuit; 1066

(ix) Any other relevant factors indicating that the 1067
offender's conduct is more serious than conduct normally 1068
constituting the offense. 1069

(D) If an offender is sentenced to a prison term for a 1070
violation of division (B) of this section, the offender shall 1071
serve the prison term consecutively to any other prison term or 1072
mandatory prison term imposed upon the offender. 1073

(E) In addition to any other sanction imposed for a 1074
violation of division (B) of this section, the court shall 1075
impose a class two suspension from the range specified in 1076
division (A) (2) of section 4510.02 of the Revised Code. In 1077
addition to any other sanction imposed for a violation of 1078
division (A) of this section, the court shall impose a class 1079
five suspension from the range specified in division (A) (5) of 1080
section 4510.02 of the Revised Code. If the offender previously 1081
has been found guilty of an offense under this section, in 1082
addition to any other sanction imposed for the offense, the 1083
court shall impose a class one suspension as described in 1084
division (A) (1) of that section. The court shall not grant 1085
limited driving privileges to the offender on a suspension 1086
imposed for a felony violation of this section. The court may 1087
grant limited driving privileges to the offender on a suspension 1088
imposed for a misdemeanor violation of this section as set forth 1089
in section 4510.021 of the Revised Code. No judge shall suspend 1090
the first three years of suspension under a class two suspension 1091
of an offender's license, permit, or privilege required by this 1092

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| division or any portion of the suspension under a class one | 1093 |
| suspension of an offender's license, permit, or privilege | 1094 |
| required by this division. | 1095 |
| (F) As used in this section: | 1096 |
| (1) "Moving violation" has the same meaning as in section | 1097 |
| 2743.70 of the Revised Code. | 1098 |
| (2) "Police officer" has the same meaning as in section | 1099 |
| 4511.01 of the Revised Code. | 1100 |
| Sec. 2923.16. (A) No person shall knowingly discharge a | 1101 |
| firearm while in or on a motor vehicle. | 1102 |
| (B) No person shall knowingly transport or have a loaded | 1103 |
| firearm in a motor vehicle in such a manner that the firearm is | 1104 |
| accessible to the operator or any passenger without leaving the | 1105 |
| vehicle. | 1106 |
| (C) No person shall knowingly transport or have a firearm | 1107 |
| in a motor vehicle, unless the person may lawfully possess that | 1108 |
| firearm under applicable law of this state or the United States, | 1109 |
| the firearm is unloaded, and the firearm is carried in one of | 1110 |
| the following ways: | 1111 |
| (1) In a closed package, box, or case; | 1112 |
| (2) In a compartment that can be reached only by leaving | 1113 |
| the vehicle; | 1114 |
| (3) In plain sight and secured in a rack or holder made | 1115 |
| for the purpose; | 1116 |
| (4) If the firearm is at least twenty-four inches in | 1117 |
| overall length as measured from the muzzle to the part of the | 1118 |
| stock furthest from the muzzle and if the barrel is at least | 1119 |

eighteen inches in length, either in plain sight with the action 1120
open or the weapon stripped, or, if the firearm is of a type on 1121
which the action will not stay open or which cannot easily be 1122
stripped, in plain sight. 1123

(D) No person shall knowingly transport or have a loaded 1124
handgun in a motor vehicle if, at the time of that 1125
transportation or possession, any of the following applies: 1126

(1) The person is under the influence of alcohol, a drug 1127
of abuse, or a combination of them. 1128

(2) The person's whole blood, blood serum or plasma, 1129
breath, or urine contains a concentration of alcohol, a listed 1130
controlled substance, or a listed metabolite of a controlled 1131
substance prohibited for persons operating a vehicle, as 1132
specified in division (A) of section 4511.19 of the Revised 1133
Code, regardless of whether the person at the time of the 1134
transportation or possession as described in this division is 1135
the operator of or a passenger in the motor vehicle. 1136

(E) No person who has been issued a concealed handgun 1137
license or who is an active duty member of the armed forces of 1138
the United States and is carrying a valid military 1139
identification card and documentation of successful completion 1140
of firearms training that meets or exceeds the training 1141
requirements described in division (G)(1) of section 2923.125 of 1142
the Revised Code, who is the driver or an occupant of a motor 1143
vehicle that is stopped as a result of a traffic stop or a stop 1144
for another law enforcement purpose or is the driver or an 1145
occupant of a commercial motor vehicle that is stopped by an 1146
employee of the motor carrier enforcement unit for the purposes 1147
defined in section 5503.34 of the Revised Code, and who is 1148
transporting or has a loaded handgun in the motor vehicle or 1149

commercial motor vehicle in any manner, shall do any of the 1150
following: 1151

(1) Before or at the time a law enforcement officer asks 1152
if the person is carrying a concealed handgun, knowingly fail to 1153
disclose that the person then possesses or has a loaded handgun 1154
in the motor vehicle, provided that it is not a violation of 1155
this division if the person fails to disclose that fact to an 1156
officer during the stop and the person already has notified 1157
another officer of that fact during the same stop; 1158

(2) Before or at the time an employee of the motor carrier 1159
enforcement unit asks if the person is carrying a concealed 1160
handgun, knowingly fail to disclose that the person then 1161
possesses or has a loaded handgun in the commercial motor 1162
vehicle, provided that it is not a violation of this division if 1163
the person fails to disclose that fact to an employee of the 1164
unit during the stop and the person already has notified another 1165
employee of the unit of that fact during the same stop; 1166

(3) Knowingly fail to remain in the motor vehicle while 1167
stopped or knowingly fail to keep the person's hands in plain 1168
sight at any time after any law enforcement officer begins 1169
approaching the person while stopped and before the law 1170
enforcement officer leaves, unless the failure is pursuant to 1171
and in accordance with directions given by a law enforcement 1172
officer; 1173

(4) Knowingly have contact with the loaded handgun by 1174
touching it with the person's hands or fingers in the motor 1175
vehicle at any time after the law enforcement officer begins 1176
approaching and before the law enforcement officer leaves, 1177
unless the person has contact with the loaded handgun pursuant 1178
to and in accordance with directions given by the law 1179

enforcement officer; 1180

(5) Knowingly disregard or fail to comply with any lawful 1181
order of any law enforcement officer given while the motor 1182
vehicle is stopped, including, but not limited to, a specific 1183
order to the person to keep the person's hands in plain sight. 1184

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1185
not apply to any of the following: 1186

(a) An officer, agent, or employee of this or any other 1187
state or the United States, or a law enforcement officer, when 1188
authorized to carry or have loaded or accessible firearms in 1189
motor vehicles and acting within the scope of the officer's, 1190
agent's, or employee's duties; 1191

(b) Any person who is employed in this state, who is 1192
authorized to carry or have loaded or accessible firearms in 1193
motor vehicles, and who is subject to and in compliance with the 1194
requirements of section 109.801 of the Revised Code, unless the 1195
appointing authority of the person has expressly specified that 1196
the exemption provided in division (F) (1) (b) of this section 1197
does not apply to the person. 1198

(2) Division (A) of this section does not apply to a 1199
person if all of the following circumstances apply: 1200

(a) The person discharges a firearm from a motor vehicle 1201
at a coyote or groundhog, the discharge is not during the deer 1202
gun hunting season as set by the chief of the division of 1203
wildlife of the department of natural resources, and the 1204
discharge at the coyote or groundhog, but for the operation of 1205
this section, is lawful. 1206

(b) The motor vehicle from which the person discharges the 1207
firearm is on real property that is located in an unincorporated 1208

area of a township and that either is zoned for agriculture or 1209
is used for agriculture. 1210

(c) The person owns the real property described in 1211
division (F) (2) (b) of this section, is the spouse or a child of 1212
another person who owns that real property, is a tenant of 1213
another person who owns that real property, or is the spouse or 1214
a child of a tenant of another person who owns that real 1215
property. 1216

(d) The person does not discharge the firearm in any of 1217
the following manners: 1218

(i) While under the influence of alcohol, a drug of abuse, 1219
or alcohol and a drug of abuse; 1220

(ii) In the direction of a street, highway, or other 1221
public or private property used by the public for vehicular 1222
traffic or parking; 1223

(iii) At or into an occupied structure that is a permanent 1224
or temporary habitation; 1225

(iv) In the commission of any violation of law, including, 1226
but not limited to, a felony that includes, as an essential 1227
element, purposely or knowingly causing or attempting to cause 1228
the death of or physical harm to another and that was committed 1229
by discharging a firearm from a motor vehicle. 1230

(3) Division (A) of this section does not apply to a 1231
person if all of the following apply: 1232

(a) The person possesses a valid ~~all-purpose~~ all-terrain 1233
vehicle permit issued under section 1533.103 of the Revised Code 1234
by the chief of the division of wildlife. 1235

(b) The person discharges a firearm at a wild quadruped or 1236

game bird as defined in section 1531.01 of the Revised Code 1237
during the open hunting season for the applicable wild quadruped 1238
or game bird. 1239

(c) The person discharges a firearm from a stationary ~~all-~~ 1240
~~purpose all-terrain~~ vehicle as defined in section 1531.01 of the 1241
~~Revised Code~~ from private or publicly owned lands or from a 1242
motor vehicle that is parked on a road that is owned or 1243
administered by the division of wildlife. 1244

(d) The person does not discharge the firearm in any of 1245
the following manners: 1246

(i) While under the influence of alcohol, a drug of abuse, 1247
or alcohol and a drug of abuse; 1248

(ii) In the direction of a street, a highway, or other 1249
public or private property that is used by the public for 1250
vehicular traffic or parking; 1251

(iii) At or into an occupied structure that is a permanent 1252
or temporary habitation; 1253

(iv) In the commission of any violation of law, including, 1254
but not limited to, a felony that includes, as an essential 1255
element, purposely or knowingly causing or attempting to cause 1256
the death of or physical harm to another and that was committed 1257
by discharging a firearm from a motor vehicle. 1258

(4) Divisions (B) and (C) of this section do not apply to 1259
a person if all of the following circumstances apply: 1260

(a) At the time of the alleged violation of either of 1261
those divisions, the person is the operator of or a passenger in 1262
a motor vehicle. 1263

(b) The motor vehicle is on real property that is located 1264

in an unincorporated area of a township and that either is zoned 1265
for agriculture or is used for agriculture. 1266

(c) The person owns the real property described in 1267
division (F) (4) (b) of this section, is the spouse or a child of 1268
another person who owns that real property, is a tenant of 1269
another person who owns that real property, or is the spouse or 1270
a child of a tenant of another person who owns that real 1271
property. 1272

(d) The person, prior to arriving at the real property 1273
described in division (F) (4) (b) of this section, did not 1274
transport or possess a firearm in the motor vehicle in a manner 1275
prohibited by division (B) or (C) of this section while the 1276
motor vehicle was being operated on a street, highway, or other 1277
public or private property used by the public for vehicular 1278
traffic or parking. 1279

(5) Divisions (B) and (C) of this section do not apply to 1280
a person who transports or possesses a handgun in a motor 1281
vehicle if, at the time of that transportation or possession, 1282
both of the following apply: 1283

(a) The person transporting or possessing the handgun has 1284
been issued a concealed handgun license that is valid at the 1285
time in question or the person is an active duty member of the 1286
armed forces of the United States and is carrying a valid 1287
military identification card and documentation of successful 1288
completion of firearms training that meets or exceeds the 1289
training requirements described in division (G) (1) of section 1290
2923.125 of the Revised Code. 1291

(b) The person transporting or possessing the handgun is 1292
not knowingly in a place described in division (B) of section 1293

2923.126 of the Revised Code. 1294

(6) Divisions (B) and (C) of this section do not apply to 1295
a person if all of the following apply: 1296

(a) The person possesses a valid ~~all-purpose~~ all-terrain 1297
vehicle permit issued under section 1533.103 of the Revised Code 1298
by the chief of the division of wildlife. 1299

(b) The person is on or in an ~~all-purpose~~ all-terrain 1300
vehicle ~~as defined in section 1531.01 of the Revised Code~~ or a 1301
motor vehicle during the open hunting season for a wild 1302
quadruped or game bird. 1303

(c) The person is on or in an ~~all-purpose~~ all-terrain 1304
vehicle ~~as defined in section 1531.01 of the Revised Code~~ on 1305
private or publicly owned lands or on or in a motor vehicle that 1306
is parked on a road that is owned or administered by the 1307
division of wildlife. 1308

(7) Nothing in this section prohibits or restricts a 1309
person from possessing, storing, or leaving a firearm in a 1310
locked motor vehicle that is parked in the state underground 1311
parking garage at the state capitol building or in the parking 1312
garage at the Riffe center for government and the arts in 1313
Columbus, if the person's transportation and possession of the 1314
firearm in the motor vehicle while traveling to the premises or 1315
facility was not in violation of division (A), (B), (C), (D), or 1316
(E) of this section or any other provision of the Revised Code. 1317

(G) (1) The affirmative defenses authorized in divisions 1318
(D) (1) and (2) of section 2923.12 of the Revised Code are 1319
affirmative defenses to a charge under division (B) or (C) of 1320
this section that involves a firearm other than a handgun. 1321

(2) It is an affirmative defense to a charge under 1322

division (B) or (C) of this section of improperly handling 1323
firearms in a motor vehicle that the actor transported or had 1324
the firearm in the motor vehicle for any lawful purpose and 1325
while the motor vehicle was on the actor's own property, 1326
provided that this affirmative defense is not available unless 1327
the person, immediately prior to arriving at the actor's own 1328
property, did not transport or possess the firearm in a motor 1329
vehicle in a manner prohibited by division (B) or (C) of this 1330
section while the motor vehicle was being operated on a street, 1331
highway, or other public or private property used by the public 1332
for vehicular traffic. 1333

(H) (1) No person who is charged with a violation of 1334
division (B), (C), or (D) of this section shall be required to 1335
obtain a concealed handgun license as a condition for the 1336
dismissal of the charge. 1337

(2) (a) If a person is convicted of, was convicted of, 1338
pleads guilty to, or has pleaded guilty to a violation of 1339
division (E) of this section as it existed prior to September 1340
30, 2011, and the conduct that was the basis of the violation no 1341
longer would be a violation of division (E) of this section on 1342
or after September 30, 2011, or if a person is convicted of, was 1343
convicted of, pleads guilty to, or has pleaded guilty to a 1344
violation of division (E) (1) or (2) of this section as it 1345
existed prior to June 13, 2022, the person may file an 1346
application under section 2953.35 of the Revised Code requesting 1347
the expungement of the record of conviction. 1348

If a person is convicted of, was convicted of, pleads 1349
guilty to, or has pleaded guilty to a violation of division (B) 1350
or (C) of this section as the division existed prior to 1351
September 30, 2011, and if the conduct that was the basis of the 1352

violation no longer would be a violation of division (B) or (C) 1353
of this section on or after September 30, 2011, due to the 1354
application of division (F) (5) of this section as it exists on 1355
and after September 30, 2011, the person may file an application 1356
under section 2953.35 of the Revised Code requesting the 1357
expungement of the record of conviction. 1358

(b) The attorney general shall develop a public media 1359
advisory that summarizes the expungement procedure established 1360
under section 2953.35 of the Revised Code and the offenders 1361
identified in division (H) (2) (a) of this section and those 1362
identified in division (E) (2) of section 2923.12 of the Revised 1363
Code who are authorized to apply for the expungement. Within 1364
thirty days after September 30, 2011, with respect to violations 1365
of division (B), (C), or (E) of this section as they existed 1366
prior to that date, and within thirty days after June 13, 2022, 1367
with respect to a violation of division (E) (1) or (2) of this 1368
section or division (B) (1) of section 2923.12 of the Revised 1369
Code as they existed prior to June 13, 2022, the attorney 1370
general shall provide a copy of the advisory to each daily 1371
newspaper published in this state and each television station 1372
that broadcasts in this state. The attorney general may provide 1373
the advisory in a tangible form, an electronic form, or in both 1374
tangible and electronic forms. 1375

(I) Whoever violates this section is guilty of improperly 1376
handling firearms in a motor vehicle. A violation of division 1377
(A) of this section is a felony of the fourth degree. A 1378
violation of division (C) of this section is a misdemeanor of 1379
the fourth degree. A violation of division (D) of this section 1380
is a felony of the fifth degree or, if the loaded handgun is 1381
concealed on the person's person, a felony of the fourth degree. 1382
A violation of division (E) (1) or (2) of this section is a 1383

misdemeanor of the second degree. A violation of division (E) (4) 1384
of this section is a felony of the fifth degree. A violation of 1385
division (E) (3) or (5) of this section is a misdemeanor of the 1386
first degree or, if the offender previously has been convicted 1387
of or pleaded guilty to a violation of division (E) (3) or (5) of 1388
this section, a felony of the fifth degree. In addition to any 1389
other penalty or sanction imposed for a misdemeanor violation of 1390
division (E) (3) or (5) of this section, the offender's concealed 1391
handgun license shall be suspended pursuant to division (A) (2) 1392
of section 2923.128 of the Revised Code. A violation of division 1393
(B) of this section is a felony of the fourth degree. 1394

(J) If a law enforcement officer stops a motor vehicle for 1395
a traffic stop or any other purpose, if any person in the motor 1396
vehicle surrenders a firearm to the officer, either voluntarily 1397
or pursuant to a request or demand of the officer, and if the 1398
officer does not charge the person with a violation of this 1399
section or arrest the person for any offense, the person is not 1400
otherwise prohibited by law from possessing the firearm, and the 1401
firearm is not contraband, the officer shall return the firearm 1402
to the person at the termination of the stop. If a court orders 1403
a law enforcement officer to return a firearm to a person 1404
pursuant to the requirement set forth in this division, division 1405
(B) of section 2923.163 of the Revised Code applies. 1406

(K) As used in this section: 1407

(1) "Motor vehicle," "street," and "highway" have the same 1408
meanings as in section 4511.01 of the Revised Code. 1409

(2) "Occupied structure" has the same meaning as in 1410
section 2909.01 of the Revised Code. 1411

(3) "Agriculture" has the same meaning as in section 1412

519.01 of the Revised Code. 1413

(4) "Tenant" has the same meaning as in section 1531.01 of 1414
the Revised Code. 1415

(5) (a) "Unloaded" means, with respect to a firearm other 1416
than a firearm described in division (K) (6) of this section, 1417
that no ammunition is in the firearm in question, no magazine or 1418
speed loader containing ammunition is inserted into the firearm 1419
in question, and one of the following applies: 1420

(i) There is no ammunition in a magazine or speed loader 1421
that is in the vehicle in question and that may be used with the 1422
firearm in question. 1423

(ii) Any magazine or speed loader that contains ammunition 1424
and that may be used with the firearm in question is stored in a 1425
compartment within the vehicle in question that cannot be 1426
accessed without leaving the vehicle or is stored in a container 1427
that provides complete and separate enclosure. 1428

(b) For the purposes of division (K) (5) (a) (ii) of this 1429
section, a "container that provides complete and separate 1430
enclosure" includes, but is not limited to, any of the 1431
following: 1432

(i) A package, box, or case with multiple compartments, as 1433
long as the loaded magazine or speed loader and the firearm in 1434
question either are in separate compartments within the package, 1435
box, or case, or, if they are in the same compartment, the 1436
magazine or speed loader is contained within a separate 1437
enclosure in that compartment that does not contain the firearm 1438
and that closes using a snap, button, buckle, zipper, hook and 1439
loop closing mechanism, or other fastener that must be opened to 1440
access the contents or the firearm is contained within a 1441

separate enclosure of that nature in that compartment that does 1442
not contain the magazine or speed loader; 1443

(ii) A pocket or other enclosure on the person of the 1444
person in question that closes using a snap, button, buckle, 1445
zipper, hook and loop closing mechanism, or other fastener that 1446
must be opened to access the contents. 1447

(c) For the purposes of divisions (K) (5) (a) and (b) of 1448
this section, ammunition held in stripper-clips or in en-bloc 1449
clips is not considered ammunition that is loaded into a 1450
magazine or speed loader. 1451

(6) "Unloaded" means, with respect to a firearm employing 1452
a percussion cap, flintlock, or other obsolete ignition system, 1453
when the weapon is uncapped or when the priming charge is 1454
removed from the pan. 1455

(7) "Commercial motor vehicle" has the same meaning as in 1456
division (A) of section 4506.25 of the Revised Code. 1457

(8) "Motor carrier enforcement unit" means the motor 1458
carrier enforcement unit in the department of public safety, 1459
division of state highway patrol, that is created by section 1460
5503.34 of the Revised Code. 1461

(9) "All-terrain vehicle" has the same meaning as in 1462
section 4519.01 of the Revised Code. 1463

(L) Divisions (K) (5) (a) and (b) of this section do not 1464
affect the authority of a person who has been issued a concealed 1465
handgun license that is valid at the time in question to have 1466
one or more magazines or speed loaders containing ammunition 1467
anywhere in a vehicle, without being transported as described in 1468
those divisions, as long as no ammunition is in a firearm, other 1469
than a handgun, in the vehicle other than as permitted under any 1470

other provision of this chapter. A person who has been issued a
concealed handgun license that is valid at the time in question
may have one or more magazines or speed loaders containing
ammunition anywhere in a vehicle without further restriction, as
long as no ammunition is in a firearm, other than a handgun, in
the vehicle other than as permitted under any provision of this
chapter.

Sec. 4501.01. As used in this chapter and Chapters 4503.,
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of
the Revised Code, and in the penal laws, except as otherwise
provided:

(A) "Vehicles" means everything on wheels or runners,
including motorized bicycles, but does not mean electric
personal assistive mobility devices, low-speed micromobility
devices, vehicles that are operated exclusively on rails or
tracks or from overhead electric trolley wires, and vehicles
that belong to any police department, municipal fire department,
or volunteer fire department, or that are used by such a
department in the discharge of its functions.

(B) "Motor vehicle" means any vehicle, including mobile
homes and recreational vehicles, that is propelled or drawn by
power other than muscular power or power collected from overhead
electric trolley wires. "Motor vehicle" does not include utility
vehicles as defined in division (VV) of this section, under-
speed vehicles as defined in division (XX) of this section,
mini-trucks as defined in division (BBB) of this section,
motorized bicycles, electric bicycles, road rollers, traction
engines, power shovels, power cranes, and other equipment used
in construction work and not designed for or employed in general
highway transportation, well-drilling machinery, ditch-digging

machinery, farm machinery, and trailers that are designed and 1501
used exclusively to transport a boat between a place of storage 1502
and a marina, or in and around a marina, when drawn or towed on 1503
a public road or highway for a distance of no more than ten 1504
miles and at a speed of twenty-five miles per hour or less. 1505

(C) "Agricultural tractor" and "traction engine" mean any 1506
self-propelling vehicle that is designed or used for drawing 1507
other vehicles or wheeled machinery, but has no provisions for 1508
carrying loads independently of such other vehicles, and that is 1509
used principally for agricultural purposes. 1510

(D) "Commercial tractor," except as defined in division 1511
(C) of this section, means any motor vehicle that has motive 1512
power and either is designed or used for drawing other motor 1513
vehicles, or is designed or used for drawing another motor 1514
vehicle while carrying a portion of the other motor vehicle or 1515
its load, or both. 1516

(E) "Passenger car" means any motor vehicle that is 1517
designed and used for carrying not more than nine persons and 1518
includes any motor vehicle that is designed and used for 1519
carrying not more than fifteen persons in a ridesharing 1520
arrangement. 1521

(F) "Collector's vehicle" means any motor vehicle or 1522
agricultural tractor or traction engine that is of special 1523
interest, that has a fair market value of one hundred dollars or 1524
more, whether operable or not, and that is owned, operated, 1525
collected, preserved, restored, maintained, or used essentially 1526
as a collector's item, leisure pursuit, or investment, but not 1527
as the owner's principal means of transportation. "Licensed 1528
collector's vehicle" means a collector's vehicle, other than an 1529
agricultural tractor or traction engine, that displays current, 1530

valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

(G) "Historical motor vehicle" means any motor vehicle that is over twenty-five years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for general transportation.

(H) "Noncommercial motor vehicle" means any motor vehicle, including a farm truck as defined in section 4503.04 of the Revised Code, that is designed by the manufacturer to carry a load of no more than one ton and is used exclusively for purposes other than engaging in business for profit.

(I) "Bus" means any motor vehicle that has motor power and is designed and used for carrying more than nine passengers, except any motor vehicle that is designed and used for carrying not more than fifteen passengers in a ridesharing arrangement.

(J) "Commercial car" or "truck" means any motor vehicle that has motor power and is designed and used for carrying merchandise or freight, or that is used as a commercial tractor.

(K) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than fourteen inches in diameter.

(L) "Motorized bicycle" or "moped" means any vehicle that either has two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped

with a helper motor of not more than fifty cubic centimeters 1560
piston displacement that produces no more than one brake 1561
horsepower and is capable of propelling the vehicle at a speed 1562
of no greater than twenty miles per hour on a level surface. 1563
"Motorized bicycle" or "moped" does not include an electric 1564
bicycle. 1565

(M) "Trailer" means any vehicle without motive power that 1566
is designed or used for carrying property or persons wholly on 1567
its own structure and for being drawn by a motor vehicle, and 1568
includes any such vehicle that is formed by or operated as a 1569
combination of a semitrailer and a vehicle of the dolly type 1570
such as that commonly known as a trailer dolly, a vehicle used 1571
to transport agricultural produce or agricultural production 1572
materials between a local place of storage or supply and the 1573
farm when drawn or towed on a public road or highway at a speed 1574
greater than twenty-five miles per hour, and a vehicle that is 1575
designed and used exclusively to transport a boat between a 1576
place of storage and a marina, or in and around a marina, when 1577
drawn or towed on a public road or highway for a distance of 1578
more than ten miles or at a speed of more than twenty-five miles 1579
per hour. "Trailer" does not include a manufactured home or 1580
travel trailer. 1581

(N) "Noncommercial trailer" means any trailer, except a 1582
travel trailer or trailer that is used to transport a boat as 1583
described in division (B) of this section, but, where 1584
applicable, includes a vehicle that is used to transport a boat 1585
as described in division (M) of this section, that has a gross 1586
weight of no more than ten thousand pounds, and that is used 1587
exclusively for purposes other than engaging in business for a 1588
profit, such as the transportation of personal items for 1589
personal or recreational purposes. 1590

(O) "Mobile home" means a building unit or assembly of 1591
closed construction that is fabricated in an off-site facility, 1592
is more than thirty-five body feet in length or, when erected on 1593
site, is three hundred twenty or more square feet, is built on a 1594
permanent chassis, is transportable in one or more sections, and 1595
does not qualify as a manufactured home as defined in division 1596
(C) (4) of section 3781.06 of the Revised Code or as an 1597
industrialized unit as defined in division (C) (3) of section 1598
3781.06 of the Revised Code. 1599

(P) "Semitrailer" means any vehicle of the trailer type 1600
that does not have motive power and is so designed or used with 1601
another and separate motor vehicle that in operation a part of 1602
its own weight or that of its load, or both, rests upon and is 1603
carried by the other vehicle furnishing the motive power for 1604
propelling itself and the vehicle referred to in this division, 1605
and includes, for the purpose only of registration and taxation 1606
under those chapters, any vehicle of the dolly type, such as a 1607
trailer dolly, that is designed or used for the conversion of a 1608
semitrailer into a trailer. 1609

(Q) "Recreational vehicle" means a vehicular portable 1610
structure that meets all of the following conditions: 1611

(1) It is designed for the sole purpose of recreational 1612
travel. 1613

(2) It is not used for the purpose of engaging in business 1614
for profit. 1615

(3) It is not used for the purpose of engaging in 1616
intrastate commerce. 1617

(4) It is not used for the purpose of commerce as defined 1618
in 49 C.F.R. 383.5, as amended. 1619

- (5) It is not regulated by the public utilities commission 1620
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 1621
- (6) It is classed as one of the following: 1622
- (a) "Travel trailer" or "house vehicle" means a nonself- 1623
propelled recreational vehicle that does not exceed an overall 1624
length of forty feet, exclusive of bumper and tongue or 1625
coupling. "Travel trailer" includes a tent-type fold-out camping 1626
trailer as defined in section 4517.01 of the Revised Code. 1627
- (b) "Motor home" means a self-propelled recreational 1628
vehicle that has no fifth wheel and is constructed with 1629
permanently installed facilities for cold storage, cooking and 1630
consuming of food, and for sleeping. 1631
- (c) "Truck camper" means a nonself-propelled recreational 1632
vehicle that does not have wheels for road use and is designed 1633
to be placed upon and attached to a motor vehicle. "Truck 1634
camper" does not include truck covers that consist of walls and 1635
a roof, but do not have floors and facilities enabling them to 1636
be used as a dwelling. 1637
- (d) "Fifth wheel trailer" means a vehicle that is of such 1638
size and weight as to be movable without a special highway 1639
permit, that is constructed with a raised forward section that 1640
allows a bi-level floor plan, and that is designed to be towed 1641
by a vehicle equipped with a fifth-wheel hitch ordinarily 1642
installed in the bed of a truck. 1643
- (e) "Park trailer" means a vehicle that is commonly known 1644
as a park model recreational vehicle, meets the American 1645
national standard institute standard A119.5 (1988) for park 1646
trailers, is built on a single chassis, has a gross trailer area 1647
of four hundred square feet or less when set up, is designed for 1648

seasonal or temporary living quarters, and may be connected to 1649
utilities necessary for the operation of installed features and 1650
appliances. 1651

(R) "Pneumatic tires" means tires of rubber and fabric or 1652
tires of similar material, that are inflated with air. 1653

(S) "Solid tires" means tires of rubber or similar elastic 1654
material that are not dependent upon confined air for support of 1655
the load. 1656

(T) "Solid tire vehicle" means any vehicle that is 1657
equipped with two or more solid tires. 1658

(U) "Farm machinery" means all machines and tools that are 1659
used in the production, harvesting, and care of farm products, 1660
and includes trailers that are used to transport agricultural 1661
produce or agricultural production materials between a local 1662
place of storage or supply and the farm, agricultural tractors, 1663
threshing machinery, hay-baling machinery, corn shellers, 1664
hammermills, and machinery used in the production of 1665
horticultural, agricultural, and vegetable products. 1666

(V) "Owner" includes any person or firm, other than a 1667
manufacturer or dealer, that has title to a motor vehicle, 1668
except that, in sections 4505.01 to 4505.19 of the Revised Code, 1669
"owner" includes in addition manufacturers and dealers. 1670

(W) "Manufacturer" and "dealer" include all persons and 1671
firms that are regularly engaged in the business of 1672
manufacturing, selling, displaying, offering for sale, or 1673
dealing in motor vehicles, at an established place of business 1674
that is used exclusively for the purpose of manufacturing, 1675
selling, displaying, offering for sale, or dealing in motor 1676
vehicles. A place of business that is used for manufacturing, 1677

selling, displaying, offering for sale, or dealing in motor 1678
vehicles shall be deemed to be used exclusively for those 1679
purposes even though snowmobiles or ~~all-purpose~~ all-terrain 1680
vehicles are sold or displayed for sale thereat, even though 1681
farm machinery is sold or displayed for sale thereat, or even 1682
though repair, accessory, gasoline and oil, storage, parts, 1683
service, or paint departments are maintained thereat, or, in any 1684
county having a population of less than seventy-five thousand at 1685
the last federal census, even though a department in a place of 1686
business is used to dismantle, salvage, or rebuild motor 1687
vehicles by means of used parts, if such departments are 1688
operated for the purpose of furthering and assisting in the 1689
business of manufacturing, selling, displaying, offering for 1690
sale, or dealing in motor vehicles. Places of business or 1691
departments in a place of business used to dismantle, salvage, 1692
or rebuild motor vehicles by means of using used parts are not 1693
considered as being maintained for the purpose of assisting or 1694
furthering the manufacturing, selling, displaying, and offering 1695
for sale or dealing in motor vehicles. 1696

(X) "Operator" includes any person who drives or operates 1697
a motor vehicle upon the public highways. 1698

(Y) "Chauffeur" means any operator who operates a motor 1699
vehicle, other than a taxicab, as an employee for hire; or any 1700
operator whether or not the owner of a motor vehicle, other than 1701
a taxicab, who operates such vehicle for transporting, for gain, 1702
compensation, or profit, either persons or property owned by 1703
another. Any operator of a motor vehicle who is voluntarily 1704
involved in a ridesharing arrangement is not considered an 1705
employee for hire or operating such vehicle for gain, 1706
compensation, or profit. 1707

(Z) "State" includes the territories and federal districts 1708
of the United States, and the provinces of Canada. 1709

(AA) "Public roads and highways" for vehicles includes all 1710
public thoroughfares, bridges, and culverts. 1711

(BB) "Manufacturer's number" means the manufacturer's 1712
original serial number that is affixed to or imprinted upon the 1713
chassis or other part of the motor vehicle. 1714

(CC) "Motor number" means the manufacturer's original 1715
number that is affixed to or imprinted upon the engine or motor 1716
of the vehicle. 1717

(DD) "Distributor" means any person who is authorized by a 1718
motor vehicle manufacturer to distribute new motor vehicles to 1719
licensed motor vehicle dealers at an established place of 1720
business that is used exclusively for the purpose of 1721
distributing new motor vehicles to licensed motor vehicle 1722
dealers, except when the distributor also is a new motor vehicle 1723
dealer, in which case the distributor may distribute at the 1724
location of the distributor's licensed dealership. 1725

(EE) "Ridesharing arrangement" means the transportation of 1726
persons in a motor vehicle where the transportation is 1727
incidental to another purpose of a volunteer driver and includes 1728
ridesharing arrangements known as carpools, vanpools, and 1729
buspools. 1730

(FF) "Apportionable vehicle" means any vehicle that is 1731
used or intended for use in two or more international 1732
registration plan member jurisdictions that allocate or 1733
proportionally register vehicles, that is used for the 1734
transportation of persons for hire or designed, used, or 1735
maintained primarily for the transportation of property, and 1736

| | |
|---|--|
| that meets any of the following qualifications: | 1737 |
| (1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds; | 1738 1739 |
| (2) Is a power unit having three or more axles, regardless of the gross vehicle weight; | 1740 1741 |
| (3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds. | 1742 1743 |
| "Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof. | 1744 1745 1746 1747 1748 |
| (GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying motor vehicle at a fixed charge for the vehicle in accordance with the carrier's tariff, lawfully on file with the United States department of transportation, for the purpose of group travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin. | 1749 1750 1751 1752 1753 1754 1755 1756 |
| (HH) "International registration plan" means a reciprocal agreement of member jurisdictions that is endorsed by the American association of motor vehicle administrators, and that promotes and encourages the fullest possible use of the highway system by authorizing apportioned registration of fleets of vehicles and recognizing registration of vehicles apportioned in member jurisdictions. | 1757 1758 1759 1760 1761 1762 1763 |
| (II) "Restricted plate" means a license plate that has a restriction of time, geographic area, mileage, or commodity, and | 1764 1765 |

includes license plates issued to farm trucks under division (J) 1766
of section 4503.04 of the Revised Code. 1767

(JJ) "Gross vehicle weight," with regard to any commercial 1768
car, trailer, semitrailer, or bus that is taxed at the rates 1769
established under section 4503.042 or 4503.65 of the Revised 1770
Code, means the unladen weight of the vehicle fully equipped 1771
plus the maximum weight of the load to be carried on the 1772
vehicle. 1773

(KK) "Combined gross vehicle weight" with regard to any 1774
combination of a commercial car, trailer, and semitrailer, that 1775
is taxed at the rates established under section 4503.042 or 1776
4503.65 of the Revised Code, means the total unladen weight of 1777
the combination of vehicles fully equipped plus the maximum 1778
weight of the load to be carried on that combination of 1779
vehicles. 1780

(LL) "Chauffeured limousine" means a motor vehicle that is 1781
designed to carry nine or fewer passengers and is operated for 1782
hire pursuant to a prearranged contract for the transportation 1783
of passengers on public roads and highways along a route under 1784
the control of the person hiring the vehicle and not over a 1785
defined and regular route. "Prearranged contract" means an 1786
agreement, made in advance of boarding, to provide 1787
transportation from a specific location in a chauffeured 1788
limousine. "Chauffeured limousine" does not include any vehicle 1789
that is used exclusively in the business of funeral directing. 1790

(MM) "Manufactured home" has the same meaning as in 1791
division (C) (4) of section 3781.06 of the Revised Code. 1792

(NN) "Acquired situs," with respect to a manufactured home 1793
or a mobile home, means to become located in this state by the 1794

placement of the home on real property, but does not include the 1795
placement of a manufactured home or a mobile home in the 1796
inventory of a new motor vehicle dealer or the inventory of a 1797
manufacturer, remanufacturer, or distributor of manufactured or 1798
mobile homes. 1799

(OO) "Electronic" includes electrical, digital, magnetic, 1800
optical, electromagnetic, or any other form of technology that 1801
entails capabilities similar to these technologies. 1802

(PP) "Electronic record" means a record generated, 1803
communicated, received, or stored by electronic means for use in 1804
an information system or for transmission from one information 1805
system to another. 1806

(QQ) "Electronic signature" means a signature in 1807
electronic form attached to or logically associated with an 1808
electronic record. 1809

(RR) "Financial transaction device" has the same meaning 1810
as in division (A) of section 113.40 of the Revised Code. 1811

(SS) "Electronic motor vehicle dealer" means a motor 1812
vehicle dealer licensed under Chapter 4517. of the Revised Code 1813
whom the registrar of motor vehicles determines meets the 1814
criteria designated in section 4503.035 of the Revised Code for 1815
electronic motor vehicle dealers and designates as an electronic 1816
motor vehicle dealer under that section. 1817

(TT) "Electric personal assistive mobility device" means a 1818
self-balancing two non-tandem wheeled device that is designed to 1819
transport only one person, has an electric propulsion system of 1820
an average of seven hundred fifty watts, and when ridden on a 1821
paved level surface by an operator who weighs one hundred 1822
seventy pounds has a maximum speed of less than twenty miles per 1823

hour. 1824

(UU) "Limited driving privileges" means the privilege to 1825
operate a motor vehicle that a court grants under section 1826
4510.021 of the Revised Code to a person whose driver's or 1827
commercial driver's license or permit or nonresident operating 1828
privilege has been suspended. 1829

(VV) "Utility vehicle" means a self-propelled vehicle with 1830
not less than four wheels, including a vehicle commonly known as 1831
a side-by-side, designed with a bed, principally for the purpose 1832
of transporting material or cargo in connection with 1833
construction, agricultural, forestry, grounds maintenance, lawn 1834
and garden, materials handling, or similar activitiesprimarily 1835
for off-road use, that has non-straddle seating and a steering 1836
wheel for steering control. 1837

(WW) "Low-speed vehicle" means a three- or four-wheeled 1838
motor vehicle with an attainable speed in one mile on a paved 1839
level surface of more than twenty miles per hour but not more 1840
than twenty-five miles per hour and with a gross vehicle weight 1841
rating less than three thousand pounds. 1842

(XX) "Under-speed vehicle" means a three- or four-wheeled 1843
vehicle, including a vehicle commonly known as a golf cart, with 1844
an attainable speed on a paved level surface of not more than 1845
twenty miles per hour and with a gross vehicle weight rating 1846
less than three thousand pounds. 1847

(YY) "Motor-driven cycle or motor scooter" means any 1848
vehicle designed to travel on not more than three wheels in 1849
contact with the ground, with a seat for the driver and floor 1850
pad for the driver's feet, and is equipped with a motor with a 1851
piston displacement between fifty and one hundred cubic 1852

centimeters piston displacement that produces not more than five 1853
brake horsepower and is capable of propelling the vehicle at a 1854
speed greater than twenty miles per hour on a level surface. 1855

(ZZ) "Motorcycle" means a motor vehicle with motive power 1856
having a seat or saddle for the use of the operator, designed to 1857
travel on not more than three wheels in contact with the ground, 1858
and having no occupant compartment top or occupant compartment 1859
top that can be installed or removed by the user. 1860

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 1861
motive power having a seat or saddle for the use of the 1862
operator, designed to travel on not more than three wheels in 1863
contact with the ground, and having an occupant compartment top 1864
or an occupant compartment top that is installed. 1865

(BBB) "Mini-truck" means a vehicle that has four wheels, 1866
is propelled by an electric motor with a rated power of seven 1867
thousand five hundred watts or less or an internal combustion 1868
engine with a piston displacement capacity of six hundred sixty 1869
cubic centimeters or less, has a total dry weight of nine 1870
hundred to two thousand two hundred pounds, contains an enclosed 1871
cabin and a seat for the vehicle operator, resembles a pickup 1872
truck or van with a cargo area or bed located at the rear of the 1873
vehicle, and was not originally manufactured to meet federal 1874
motor vehicle safety standards. 1875

(CCC) "Autocycle" means a three-wheeled motorcycle that is 1876
manufactured to comply with federal safety requirements for 1877
motorcycles and that is equipped with safety belts, a steering 1878
wheel, and seating that does not require the operator to 1879
straddle or sit astride to ride the motorcycle. 1880

(DDD) "Plug-in hybrid electric motor vehicle" means a 1881

passenger car powered in part by a battery cell energy system 1882
that can be recharged via an external source of electricity. 1883

(EEE) "Hybrid motor vehicle" means a passenger car powered 1884
by an internal propulsion system consisting of both of the 1885
following: 1886

(1) A combustion engine; 1887

(2) A battery cell energy system that cannot be recharged 1888
via an external source of electricity but can be recharged by 1889
other vehicle mechanisms that capture and store electric energy. 1890

(FFF) "Low-speed micromobility device" means a device 1891
weighing less than one hundred pounds that has handlebars, is 1892
propelled by an electric motor or human power, and has an 1893
attainable speed on a paved level surface of not more than 1894
twenty miles per hour when propelled by the electric motor. 1895

(GGG) "Specialty license plate" means a license plate, 1896
authorized by the general assembly, that displays a combination 1897
of words, markings, logos, or other graphic artwork that is in 1898
addition to the words, images, and distinctive numbers and 1899
letters required by section 4503.22 of the Revised Code. 1900

(HHH) "Battery electric motor vehicle" means a passenger 1901
car powered wholly by a battery cell energy system that can be 1902
recharged via an external source of electricity. 1903

(III) "Adaptive mobility vehicle" means either a new 1904
passenger car or bus purchased from a new motor vehicle dealer 1905
or a used passenger car or bus, provided that such passenger car 1906
or bus is designed, modified, or equipped to enable an 1907
individual with a disability to operate or to be transported in 1908
the passenger car or bus, in accordance with 49 C.F.R. part 568 1909
or 595, and contains at least one of the following: 1910

| | |
|--|--------------------------------------|
| (1) An electronic or mechanical lift that enables a person to enter or exit the motor vehicle while occupying a wheelchair or scooter; | 1911 1912 1913 |
| (2) An electronic or mechanical wheelchair ramp; | 1914 |
| (3) A system to secure a wheelchair or scooter in order to allow a person to operate or be transported safely while occupying that wheelchair or scooter. | 1915 1916 1917 |
| Sec. 4501.13. (A) The motorcycle safety and education fund is hereby created in the state treasury. The fund shall consist of the following: | 1918 1919 1920 |
| (1) Six dollars of each registration fee designated for payment to the registrar of motor vehicles in division (A)(1)(b) <u>(A)(2)</u> of section 4503.04 of the Revised Code; | 1921 1922 1923 |
| (2) The tuition fees collected by the director of public safety under section 4508.08 of the Revised Code for the motorcycle safety and education program; | 1924 1925 1926 |
| (3) The fees collected for the initial authorization of a private organization or corporation to offer a nationally recognized motorcycle operator training course or curriculum under section 4508.08 of the Revised Code; | 1927 1928 1929 1930 |
| (4) The fees collected for the initial state certification of an instructor of motorcycle operator training course or curriculum under section 4508.08 of the Revised Code; | 1931 1932 1933 |
| (5) The fees collected for the two-year program evaluation required under division (C) of section 4508.08 of the Revised Code for a private organization or corporation to continue to offer a nationally recognized motorcycle operator training course or curriculum under that section. | 1934 1935 1936 1937 1938 |

All investment earnings of the motorcycle safety and education fund shall be credited to the fund. 1939
1940

(B) The fund shall be used solely to pay part or all of the costs of conducting the motorcycle safety and education program created by section 4508.08 of the Revised Code. 1941
1942
1943

Sec. 4503.01. (A) "Motor vehicle" as defined in section 4505.01 of the Revised Code applies to sections 4503.02 to 4503.10, and 4503.12 to 4503.18 of the Revised Code. ~~For~~ 1944
1945
1946

(B) For the purposes of sections 4503.02 to 4503.04, 4503.10 to 4503.12, 4503.182, 4503.19, 4503.21, 4503.22, and 4503.25 of the Revised Code, the term "motor vehicle" also includes a all of the following: 1947
1948
1949
1950

(1) A motorized bicycle and a or moped; 1951

(2) A motor-driven cycle or motor scooter; 1952

(3) A trailer or semitrailer whose weight is four thousand pounds or less; 1953
1954

(4) An under-speed vehicle when a local authority authorizes its operation on a public street or highway in accordance with section 4511.214 of the Revised Code. 1955
1956
1957

(C) As used in this chapter, "motor vehicle" does not include a concrete pump or a concrete conveyor. 1958
1959

Sec. 4503.038. (A) ~~Not later than ninety days after July 3, 2019, the~~ The registrar of motor vehicles shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a service fee that applies for purposes of sections 4503.03, 4503.036, 4503.042, 4503.10, 4503.102, 4503.12, 4503.182, 4503.24, 4503.44, 4503.65, 4505.061, 4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 4519.56, and 1960
1961
1962
1963
1964
1965
1966

4519.69 of the Revised Code. The service fee shall be five 1967
dollars. 1968

(B) Not later than ninety days after ~~July 3, 2019~~the 1969
effective date of this amendment, the registrar shall adopt 1970
rules in accordance with Chapter 119. of the Revised Code 1971
establishing prorated service fees that apply for purposes of 1972
multi-year registrations authorized under ~~section~~sections 1973
4503.103 and 4519.041 of the Revised Code. 1974

Sec. 4503.04. Except as provided in sections 4503.042 and 1975
4503.65 of the Revised Code for the registration of commercial 1976
cars, trailers, semitrailers, and certain buses, the rates of 1977
the taxes imposed by section 4503.02 of the Revised Code shall 1978
be as follows: 1979

(A) (1) ~~For motor vehicles having three wheels or less, the~~ 1980
~~license tax is:~~ 1981

~~(a)~~ For each motorized bicycle or moped, ten dollars; 1982

~~(b)~~ (2) For each motorcycle, autocycle, cab-enclosed 1983
motorcycle, motor-driven cycle, or motor scooter, fourteen 1984
dollars. 1985

~~(2)~~ (3) For each low-speed, vehicle or under-speed, ~~and~~ 1986
~~utility vehicle, and each mini-truck,~~ ten dollars. 1987

(B) For each passenger car, twenty dollars; 1988

(C) For each manufactured home, each mobile home, and each 1989
travel trailer or house vehicle, ten dollars; 1990

(D) For each noncommercial motor vehicle designed by the 1991
manufacturer to carry a load of no more than three-quarters of 1992
one ton and for each motor home, thirty-five dollars; for each 1993
noncommercial motor vehicle designed by the manufacturer to 1994

| | |
|---|------|
| carry a load of more than three-quarters of one ton, but not more than one ton, seventy dollars; | 1995 |
| | 1996 |
| (E) For each noncommercial trailer, the license tax is: | 1997 |
| (1) Eighty-five cents for each one hundred pounds or part thereof for the first two thousand pounds or part thereof of weight of vehicle fully equipped; | 1998 |
| | 1999 |
| | 2000 |
| (2) One dollar and forty cents for each one hundred pounds or part thereof in excess of two thousand pounds up to and including ten thousand pounds. | 2001 |
| | 2002 |
| | 2003 |
| (F) Notwithstanding its weight, twelve dollars for any: | 2004 |
| (1) Vehicle equipped, owned, and used by a charitable or nonprofit corporation exclusively for the purpose of administering chest x-rays or receiving blood donations; | 2005 |
| | 2006 |
| | 2007 |
| (2) Van used principally for the transportation of persons with disabilities that has been modified by being equipped with adaptive equipment to facilitate the movement of such persons into and out of the van; | 2008 |
| | 2009 |
| | 2010 |
| | 2011 |
| (3) Bus used principally for the transportation of persons with disabilities or persons sixty-five years of age or older. | 2012 |
| | 2013 |
| (G) Notwithstanding its weight, twenty dollars for any bus used principally for the transportation of persons in a ridesharing arrangement. | 2014 |
| | 2015 |
| | 2016 |
| (H) For each transit bus having motor power the license tax is twelve dollars. | 2017 |
| | 2018 |
| "Transit bus" means either a motor vehicle having a seating capacity of more than seven persons which is operated and used by any person in the rendition of a public mass | 2019 |
| | 2020 |
| | 2021 |

transportation service primarily in a municipal corporation or 2022
municipal corporations and provided at least seventy-five per 2023
cent of the annual mileage of such service and use is within 2024
such municipal corporation or municipal corporations or a motor 2025
vehicle having a seating capacity of more than seven persons 2026
which is operated solely for the transportation of persons 2027
associated with a charitable or nonprofit corporation, but does 2028
not mean any motor vehicle having a seating capacity of more 2029
than seven persons when such vehicle is used in a ridesharing 2030
capacity or any bus described by division (F) (3) of this 2031
section. 2032

The application for registration of such transit bus shall 2033
be accompanied by an affidavit prescribed by the registrar of 2034
motor vehicles and signed by the person or an agent of the firm 2035
or corporation operating such bus stating that the bus has a 2036
seating capacity of more than seven persons, and that it is 2037
either to be operated and used in the rendition of a public mass 2038
transportation service and that at least seventy-five per cent 2039
of the annual mileage of such operation and use shall be within 2040
one or more municipal corporations or that it is to be operated 2041
solely for the transportation of persons associated with a 2042
charitable or nonprofit corporation. 2043

The form of the license plate, and the manner of its 2044
attachment to the vehicle, shall be prescribed by the registrar 2045
of motor vehicles. 2046

(I) Except as otherwise provided in division (A) or (J) of 2047
this section, the minimum tax for any vehicle having motor power 2048
is ten dollars and eighty cents, and for each noncommercial 2049
trailer, five dollars. 2050

(J) (1) Except as otherwise provided in division (J) of 2051

this section, for each farm truck, except a noncommercial motor vehicle, that is owned, controlled, or operated by one or more farmers exclusively in farm use as defined in this section, and not for commercial purposes, and provided that at least seventy-five per cent of such farm use is by or for the one or more owners, controllers, or operators of the farm in the operation of which a farm truck is used, the license tax is five dollars plus:

(a) Fifty cents per one hundred pounds or part thereof for the first three thousand pounds;

(b) Seventy cents per one hundred pounds or part thereof in excess of three thousand pounds up to and including four thousand pounds;

(c) Ninety cents per one hundred pounds or part thereof in excess of four thousand pounds up to and including six thousand pounds;

(d) Two dollars for each one hundred pounds or part thereof in excess of six thousand pounds up to and including ten thousand pounds;

(e) Two dollars and twenty-five cents for each one hundred pounds or part thereof in excess of ten thousand pounds;

(f) The minimum license tax for any farm truck shall be twelve dollars.

(2) The owner of a farm truck may register the truck for a period of one-half year by paying one-half the registration tax imposed on the truck under this chapter and one-half the amount of any tax imposed on the truck under Chapter 4504. of the Revised Code.

(3) A farm bus may be registered for a period of three 2080
hundred ten days from the date of issue of the license plates 2081
for the bus, for a fee of ten dollars, provided such license 2082
plates shall not be issued for more than one such period in any 2083
calendar year. Such use does not include the operation of trucks 2084
by commercial processors of agricultural products. 2085

(4) License plates for farm trucks and for farm buses 2086
shall have some distinguishing marks, letters, colors, or other 2087
characteristics to be determined by the director of public 2088
safety. 2089

(5) Every person registering a farm truck or bus under 2090
this section shall furnish an affidavit certifying that the 2091
truck or bus licensed to that person is to be so used as to meet 2092
the requirements necessary for the farm truck or farm bus 2093
classification. 2094

Any farmer may use a truck owned by the farmer for 2095
commercial purposes by paying the difference between the 2096
commercial truck registration fee and the farm truck 2097
registration fee for the remaining part of the registration 2098
period for which the truck is registered. Such remainder shall 2099
be calculated from the beginning of the semiannual period in 2100
which application for such commercial license is made. 2101

Taxes at the rates provided in this section are in lieu of 2102
all taxes on or with respect to the ownership of such motor 2103
vehicles, except as provided in sections 4503.042, 4503.06, and 2104
4503.65 of the Revised Code. 2105

(K) Other than trucks registered under the international 2106
registration plan in another jurisdiction and for which this 2107
state has received an apportioned registration fee, the license 2108

tax for each truck which is owned, controlled, or operated by a 2109
nonresident, and licensed in another state, and which is used 2110
exclusively for the transportation of nonprocessed agricultural 2111
products intrastate, from the place of production to the place 2112
of processing, is twenty-four dollars. 2113

"Truck," as used in this division, means any pickup truck, 2114
straight truck, semitrailer, or trailer other than a travel 2115
trailer. Nonprocessed agricultural products, as used in this 2116
division, does not include livestock or grain. 2117

A license issued under this division shall be issued for a 2118
period of one hundred thirty days in the same manner in which 2119
all other licenses are issued under this section, provided that 2120
no truck shall be so licensed for more than one one-hundred- 2121
thirty-day period during any calendar year. 2122

The license issued pursuant to this division shall consist 2123
of a windshield decal to be designed by the director of public 2124
safety. 2125

Every person registering a truck under this division shall 2126
furnish an affidavit certifying that the truck licensed to the 2127
person is to be used exclusively for the purposes specified in 2128
this division. 2129

(L) Every person registering a motor vehicle as a 2130
noncommercial motor vehicle as defined in section 4501.01 of the 2131
Revised Code, or registering a trailer as a noncommercial 2132
trailer as defined in that section, shall furnish an affidavit 2133
certifying that the motor vehicle or trailer so licensed to the 2134
person is to be so used as to meet the requirements necessary 2135
for the noncommercial vehicle classification. 2136

(M) Every person registering a van or bus as provided in 2137

divisions (F) (2) and (3) of this section shall furnish a 2138
notarized statement certifying that the van or bus licensed to 2139
the person is to be used for the purposes specified in those 2140
divisions. The form of the license plate issued for such motor 2141
vehicles shall be prescribed by the registrar. 2142

(N) Every person registering as a passenger car a motor 2143
vehicle designed and used for carrying more than nine but not 2144
more than fifteen passengers, and every person registering a bus 2145
as provided in division (G) of this section, shall furnish an 2146
affidavit certifying that the vehicle so licensed to the person 2147
is to be used in a ridesharing arrangement and that the person 2148
will have in effect whenever the vehicle is used in a 2149
ridesharing arrangement a policy of liability insurance with 2150
respect to the motor vehicle in amounts and coverages no less 2151
than those required by section 4509.79 of the Revised Code. The 2152
form of the license plate issued for such a motor vehicle shall 2153
be prescribed by the registrar. 2154

(O) (1) If an application for registration renewal is not 2155
applied for prior to the expiration date of the registration or 2156
within thirty days after that date, the registrar or deputy 2157
registrar shall collect a fee of ten dollars for the issuance of 2158
the vehicle registration. For any motor vehicle that is used on 2159
a seasonal basis, whether used for general transportation or 2160
not, and that has not been used on the public roads or highways 2161
since the expiration of the registration, the registrar or 2162
deputy registrar shall waive the fee established under this 2163
division if the application is accompanied by supporting 2164
evidence of seasonal use as the registrar may require. The 2165
registrar or deputy registrar may waive the fee for other good 2166
cause shown if the application is accompanied by supporting 2167
evidence as the registrar may require. The fee shall be in 2168

addition to all other fees established by this section. A deputy registrar shall retain fifty cents of the fee and shall transmit the remaining amount to the registrar at the time and in the manner provided by section 4503.10 of the Revised Code. The registrar shall deposit all moneys received under this division into the public safety - highway purposes fund established in section 4501.06 of the Revised Code.

(2) Division (O)(1) of this section does not apply to a farm truck or farm bus registered under division (J) of this section.

(P) As used in this section:

(1) "Van" means any motor vehicle having a single rear axle and an enclosed body without a second seat.

(2) "Person with a disability" means any person who has lost the use of one or both legs, or one or both arms, or is blind, deaf, or unable to move about without the aid of crutches or a wheelchair.

(3) "Farm truck" means a truck used in the transportation from the farm of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm.

(4) "Farm bus" means a bus used only for the transportation of agricultural employees and used only in the

transportation of such employees as are necessary in the 2198
operation of the farm. 2199

(5) "Farm supplies" includes fuel used exclusively in the 2200
operation of a farm, including one or more homes located on and 2201
used in the operation of one or more farms, and furniture and 2202
other things used in and around such homes. 2203

Sec. 4503.10. (A) ~~The owner of every snowmobile, off-~~ 2204
~~highway motorcycle, and all purpose vehicle required to be~~ 2205
~~registered under section 4519.02 of the Revised Code shall file~~ 2206
~~an application for registration under section 4519.03 of the~~ 2207
~~Revised Code. The owner of a motor vehicle, other than a~~ 2208
~~snowmobile, off-highway motorcycle, or all-purpose vehicle, that~~ 2209
~~is not designed and constructed by the manufacturer for~~ 2210
~~operation on a street or highway may not register it under this~~ 2211
~~chapter except upon certification of inspection pursuant to~~ 2212
~~section 4513.02 of the Revised Code by the sheriff, or the chief~~ 2213
~~of police of the municipal corporation or township, with~~ 2214
~~jurisdiction over the political subdivision in which the owner~~ 2215
~~of the motor vehicle resides. Except as provided in division (L)~~ 2216
~~of this section and in sections 4503.103 and 4503.107 of the~~ 2217
~~Revised Code, every owner of every other a motor vehicle not~~ 2218
~~previously described in this section and every person mentioned~~ 2219
as owner in the last certificate of title of a motor vehicle 2220
that is operated or driven upon the public roads or highways 2221
shall ~~cause to be filed~~ file each year, by mail or otherwise, in 2222
the office of the registrar of motor vehicles or a deputy 2223
registrar, a written or electronic application or a preprinted 2224
registration renewal notice issued under section 4503.102 of the 2225
Revised Code, ~~the~~. The registrar shall prescribe the form of 2226
~~which shall be prescribed by the registrar,~~ application for 2227
registration for the following registration year, ~~which shall~~ 2228

~~begin~~. The registration year begins on the first day of January 2229
of every calendar year and ~~end~~ends on the thirty-first day of 2230
December in the same year. ~~Applications~~An applicant shall file 2231
an application for registration and registration renewal ~~notices~~ 2232
~~shall be filed~~notice ~~at the times~~a time established by the 2233
registrar pursuant to section 4503.101 of the Revised Code. A 2234
motor vehicle owner also may elect to apply for or renew a motor 2235
vehicle registration by electronic means using an electronic 2236
signature in accordance with rules adopted by the registrar. 2237
Except as provided in division (J) of this section, ~~applications~~ 2238
an applicant shall apply for registration ~~shall be made on~~ 2239
blanks furnished by the registrar for that purpose, containing 2240
the following information: 2241

(1) A brief description of the motor vehicle to be 2242
registered, including the year, make, model, and vehicle 2243
identification number, and, in the case of commercial cars, the 2244
gross weight of the vehicle fully equipped computed in the 2245
manner prescribed in section 4503.08 of the Revised Code; 2246

(2) The name and residence address of the owner, and the 2247
township and municipal corporation in which the owner resides; 2248

(3) The district of registration, which shall be 2249
determined as follows: 2250

(a) In case the motor vehicle to be registered is used for 2251
hire or principally in connection with any established business 2252
or branch business, conducted at a particular place, the 2253
district of registration is the municipal corporation in which 2254
that place is located or, if not located in any municipal 2255
corporation, the county and township in which that place is 2256
located. 2257

(b) In case the vehicle is not so used, the district of registration is the municipal corporation or county in which the owner resides at the time of making the application.

(4) Whether the motor vehicle is a new or used motor vehicle;

(5) The date of purchase of the motor vehicle;

(6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding registration year and during the preceding period of the current registration year, have been paid. Each application for registration shall be signed by the owner, either manually or by electronic signature, or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature. If the owner elects to apply for or renew the motor vehicle registration with the registrar by electronic means, the owner's manual signature is not required.

(7) The owner's social security number, driver's license number, or state identification number, or, where a motor vehicle to be registered is used for hire or principally in connection with any established business, the owner's federal taxpayer identification number. The bureau of motor vehicles shall retain in its records all social security numbers provided under this section, but the bureau shall not place social security numbers on motor vehicle certificates of registration.

(8) Whether the applicant wishes to certify willingness to make an anatomical gift if an applicant has not so certified under section 2108.05 of the Revised Code. The applicant's response shall not be considered in the decision of whether to

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| approve the application for registration. | 2287 |
| (B) (1) When an applicant first registers a motor vehicle | 2288 |
| in the applicant's name, the applicant shall provide proof of | 2289 |
| ownership of that motor vehicle. Proof of ownership may include | 2290 |
| any of the following: | 2291 |
| (a) The applicant may present for inspection a physical | 2292 |
| certificate of title or memorandum certificate showing title to | 2293 |
| the motor vehicle to be registered in the name of the applicant. | 2294 |
| (b) The applicant may present for inspection an electronic | 2295 |
| certificate of title for the applicant's motor vehicle in a | 2296 |
| manner prescribed by rules adopted by the registrar. | 2297 |
| (c) The registrar or deputy registrar may electronically | 2298 |
| confirm the applicant's ownership of the motor vehicle. | 2299 |
| An applicant is not required to present a certificate of | 2300 |
| title to an electronic motor vehicle dealer acting as a limited | 2301 |
| authority deputy registrar in accordance with rules adopted by | 2302 |
| the registrar. | 2303 |
| (2) When a motor vehicle inspection and maintenance | 2304 |
| program is in effect under section 3704.14 of the Revised Code | 2305 |
| and rules adopted under it, each application for registration | 2306 |
| for a vehicle required to be inspected under that section and | 2307 |
| those rules shall be accompanied by an inspection certificate | 2308 |
| for the motor vehicle issued in accordance with that section. | 2309 |
| (3) An application for registration shall be refused if | 2310 |
| any of the following applies: | 2311 |
| (a) The application is not in proper form. | 2312 |
| (b) The application is prohibited from being accepted by | 2313 |
| division (D) of section 2935.27, division (A) of section | 2314 |

2937.221, division (A) of section 4503.13, division (B) of 2315
section 4510.22, division (B)(1) of section 4521.10, or division 2316
(B) of section 5537.041 of the Revised Code. 2317

(c) Proof of ownership is required but is not presented or 2318
confirmed in accordance with division (B)(1) of this section. 2319

(d) All registration and transfer fees for the motor 2320
vehicle, for the preceding year or the preceding period of the 2321
current registration year, have not been paid. 2322

(e) The owner or lessee does not have an inspection 2323
certificate for the motor vehicle as provided in section 3704.14 2324
of the Revised Code, and rules adopted under it, if that section 2325
is applicable. 2326

(4) This section does not require the payment of license 2327
or registration taxes on a motor vehicle for any preceding year, 2328
or for any preceding period of a year, if the motor vehicle was 2329
not taxable for that preceding year or period under sections 2330
4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. 2331
of the Revised Code. 2332

(5) When a certificate of registration is issued upon the 2333
first registration of a motor vehicle by or on behalf of the 2334
owner, the official issuing the certificate shall indicate the 2335
issuance with a stamp on the certificate of title or memorandum 2336
certificate or, in the case of an electronic certificate of 2337
title or electronic verification of ownership, an electronic 2338
stamp or other notation as specified in rules adopted by the 2339
registrar, and with a stamp on the inspection certificate for 2340
the motor vehicle, if any. 2341

(6) The official also shall indicate, by a stamp or by 2342
other means the registrar prescribes, on the registration 2343

certificate issued upon the first registration of a motor 2344
vehicle by or on behalf of the owner the odometer reading of the 2345
motor vehicle as shown in the odometer statement included in or 2346
attached to the certificate of title. Upon each subsequent 2347
registration of the motor vehicle by or on behalf of the same 2348
owner, the official also shall so indicate the odometer reading 2349
of the motor vehicle as shown on the immediately preceding 2350
certificate of registration. 2351

(7) The registrar shall include in the permanent 2352
registration record of any vehicle required to be inspected 2353
under section 3704.14 of the Revised Code the inspection 2354
certificate number from the inspection certificate that is 2355
presented at the time of registration of the vehicle as required 2356
under this division. 2357

(C) (1) Except as otherwise provided in division (C) (1) of 2358
this section, the registrar and each deputy registrar shall 2359
collect an additional fee of eleven dollars for each application 2360
for registration and registration renewal received. For vehicles 2361
specified in divisions (A) (1) to (21) of section 4503.042 of the 2362
Revised Code, the registrar and deputy registrar shall collect 2363
an additional fee of thirty dollars for each application for 2364
registration and registration renewal received. No additional 2365
fee shall be charged for vehicles registered under section 2366
4503.65 of the Revised Code. The additional fee is for the 2367
purpose of defraying the department of public safety's costs 2368
associated with the administration and enforcement of the motor 2369
vehicle and traffic laws of Ohio. Each deputy registrar shall 2370
transmit the fees collected under divisions (C) (1) and (3) of 2371
this section in the time and manner provided in this section. 2372
The registrar shall deposit all moneys received under division 2373
(C) (1) of this section into the public safety - highway purposes 2374

fund established in section 4501.06 of the Revised Code. 2375

(2) In addition, a charge of twenty-five cents shall be 2376
made for each reflectorized safety license plate issued, and a 2377
single charge of twenty-five cents shall be made for each county 2378
identification sticker or each set of county identification 2379
stickers issued, as the case may be, to cover the cost of 2380
producing the license plates and stickers, including material, 2381
manufacturing, and administrative costs. Those fees shall be in 2382
addition to the license tax. If the total cost of producing the 2383
plates is less than twenty-five cents per plate, or if the total 2384
cost of producing the stickers is less than twenty-five cents 2385
per sticker or per set issued, any excess moneys accruing from 2386
the fees shall be distributed in the same manner as provided by 2387
section 4501.04 of the Revised Code for the distribution of 2388
license tax moneys. If the total cost of producing the plates 2389
exceeds twenty-five cents per plate, or if the total cost of 2390
producing the stickers exceeds twenty-five cents per sticker or 2391
per set issued, the difference shall be paid from the license 2392
tax moneys collected pursuant to section 4503.02 of the Revised 2393
Code. 2394

(3) The registrar and each deputy registrar shall collect 2395
the following additional fee, as applicable, for each 2396
application for registration or registration renewal received 2397
for any hybrid motor vehicle, plug-in hybrid electric motor 2398
vehicle, or battery electric motor vehicle: 2399

(a) One hundred dollars for a hybrid motor vehicle; 2400

(b) One hundred fifty dollars for a plug-in hybrid 2401
electric motor vehicle; 2402

(c) Two hundred dollars for a battery electric motor 2403

vehicle. 2404

Each fee imposed under this division shall be prorated 2405
based on the number of months for which the vehicle is 2406
registered. The registrar shall transmit all money arising from 2407
each fee to the treasurer of state for distribution in 2408
accordance with division (E) of section 5735.051 of the Revised 2409
Code, subject to division (D) of section 5735.05 of the Revised 2410
Code. 2411

(D) Each deputy registrar shall be allowed a fee equal to 2412
the amount established under section 4503.038 of the Revised 2413
Code for each application for registration and registration 2414
renewal notice the deputy registrar receives, which shall be for 2415
the purpose of compensating the deputy registrar for the deputy 2416
registrar's services, and such office and rental expenses, as 2417
may be necessary for the proper discharge of the deputy 2418
registrar's duties in the receiving of applications and renewal 2419
notices and the issuing of registrations. 2420

(E) Upon the certification of the registrar, the county 2421
sheriff or local police officials shall recover license plates 2422
erroneously or fraudulently issued. 2423

(F) Each deputy registrar, upon receipt of any application 2424
for registration or registration renewal notice, together with 2425
the license fee and any local motor vehicle license tax levied 2426
pursuant to Chapter 4504. of the Revised Code, shall transmit 2427
that fee and tax, if any, in the manner provided in this 2428
section, together with the original and duplicate copy of the 2429
application, to the registrar. The registrar, subject to the 2430
approval of the director of public safety, may deposit the funds 2431
collected by those deputies in a local bank or depository to the 2432
credit of the "state of Ohio, bureau of motor vehicles." Where a 2433

local bank or depository has been designated by the registrar, 2434
each deputy registrar shall deposit all moneys collected by the 2435
deputy registrar into that bank or depository not more than one 2436
business day after their collection and shall make reports to 2437
the registrar of the amounts so deposited, together with any 2438
other information, some of which may be prescribed by the 2439
treasurer of state, as the registrar may require and as 2440
prescribed by the registrar by rule. The registrar, within three 2441
days after receipt of notification of the deposit of funds by a 2442
deputy registrar in a local bank or depository, shall draw on 2443
that account in favor of the treasurer of state. The registrar, 2444
subject to the approval of the director and the treasurer of 2445
state, may make reasonable rules necessary for the prompt 2446
transmittal of fees and for safeguarding the interests of the 2447
state and of counties, townships, municipal corporations, and 2448
transportation improvement districts levying local motor vehicle 2449
license taxes. The registrar may pay service charges usually 2450
collected by banks and depositories for such service. If deputy 2451
registrars are located in communities where banking facilities 2452
are not available, they shall transmit the fees forthwith, by 2453
money order or otherwise, as the registrar, by rule approved by 2454
the director and the treasurer of state, may prescribe. The 2455
registrar may pay the usual and customary fees for such service. 2456

(G) This section does not prevent any person from making 2457
an application for a motor vehicle license directly to the 2458
registrar by mail, by electronic means, or in person at any of 2459
the registrar's offices, upon payment of a service fee equal to 2460
the amount established under section 4503.038 of the Revised 2461
Code for each application. 2462

(H) No person shall make a false statement as to the 2463
district of registration in an application required by division 2464

(A) of this section. Violation of this division is falsification 2465
under section 2921.13 of the Revised Code and punishable as 2466
specified in that section. 2467

(I)(1) Where applicable, the requirements of division (B) 2468
of this section relating to the presentation of an inspection 2469
certificate issued under section 3704.14 of the Revised Code and 2470
rules adopted under it for a motor vehicle, the refusal of a 2471
license for failure to present an inspection certificate, and 2472
the stamping of the inspection certificate by the official 2473
issuing the certificate of registration apply to the 2474
registration of and issuance of license plates for a motor 2475
vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 2476
4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 2477
4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised 2478
Code. 2479

(2)(a) The registrar shall adopt rules ensuring that each 2480
owner registering a motor vehicle in a county where a motor 2481
vehicle inspection and maintenance program is in effect under 2482
section 3704.14 of the Revised Code and rules adopted under it 2483
receives information about the requirements established in that 2484
section and those rules and about the need in those counties to 2485
present an inspection certificate with an application for 2486
registration or preregistration. 2487

(b) Upon request, the registrar shall provide the director 2488
of environmental protection, or any person that has been awarded 2489
a contract under section 3704.14 of the Revised Code, an on-line 2490
computer data link to registration information for all passenger 2491
cars, noncommercial motor vehicles, and commercial cars that are 2492
subject to that section. The registrar also shall provide to the 2493
director of environmental protection a magnetic data tape 2494

containing registration information regarding passenger cars, 2495
noncommercial motor vehicles, and commercial cars for which a 2496
multi-year registration is in effect under section 4503.103 of 2497
the Revised Code or rules adopted under it, including, without 2498
limitation, the date of issuance of the multi-year registration, 2499
the registration deadline established under rules adopted under 2500
section 4503.101 of the Revised Code that was applicable in the 2501
year in which the multi-year registration was issued, and the 2502
registration deadline for renewal of the multi-year 2503
registration. 2504

(J) Subject to division (K) of this section, application 2505
for registration under the international registration plan, as 2506
set forth in sections 4503.60 to 4503.66 of the Revised Code, 2507
shall be made to the registrar on forms furnished by the 2508
registrar. In accordance with international registration plan 2509
guidelines and pursuant to rules adopted by the registrar, the 2510
forms shall include the following: 2511

(1) A uniform mileage schedule; 2512

(2) The gross vehicle weight of the vehicle or combined 2513
gross vehicle weight of the combination vehicle as declared by 2514
the registrant; 2515

(3) Any other information the registrar requires by rule. 2516

(K) The registrar shall determine the feasibility of 2517
implementing an electronic commercial fleet licensing and 2518
management program that will enable the owners of commercial 2519
tractors, commercial trailers, and commercial semitrailers to 2520
conduct electronic transactions by July 1, 2010, or sooner. If 2521
the registrar determines that implementing such a program is 2522
feasible, the registrar shall adopt new rules under this 2523

division or amend existing rules adopted under this division as 2524
necessary in order to respond to advances in technology. 2525

If international registration plan guidelines and 2526
provisions allow member jurisdictions to permit applications for 2527
registrations under the international registration plan to be 2528
made via the internet, the rules the registrar adopts under this 2529
division shall permit such action. 2530

(L) The owner of every snowmobile, off-highway motorcycle, 2531
mini-truck, utility vehicle, and all-terrain vehicle required to 2532
be registered under section 4519.02 of the Revised Code shall 2533
file an application for registration under section 4519.03 of 2534
the Revised Code. The owner of a motor vehicle, other than a 2535
snowmobile, off-highway motorcycle, mini-truck, utility vehicle, 2536
and all-terrain vehicle, that is not designed and constructed by 2537
the manufacturer for operation on a street or highway may not 2538
register it under this chapter except upon certification of 2539
inspection pursuant to section 4513.02 of the Revised Code by 2540
the sheriff, or the chief of police of the municipal corporation 2541
or township, with jurisdiction over the political subdivision in 2542
which the owner of the motor vehicle resides. 2543

Sec. 4503.191. (A) (1) The identification license plate 2544
shall be issued for a multi-year period as determined by the 2545
director of public safety, and, except as provided in division 2546
(A) (3) of this section, shall be accompanied by a validation 2547
sticker, to be attached to the license plate. Except as provided 2548
in divisions (A) (2) and (3) of this section, the validation 2549
sticker shall indicate the expiration of the registration period 2550
to which the motor vehicle for which the license plate is issued 2551
is assigned, in accordance with rules adopted by the registrar 2552
of motor vehicles. During each succeeding year of the multi-year 2553

period following the issuance of the plate and validation 2554
sticker, upon the filing of an application for registration and 2555
the payment of the tax therefor, a validation sticker alone 2556
shall be issued. The validation stickers required under this 2557
section shall be of different colors or shades each year, the 2558
new colors or shades to be selected by the director. 2559

(2) (a) The director shall develop a universal validation 2560
sticker that may be issued to any owner of five hundred or more 2561
passenger vehicles, so that a sticker issued to the owner may be 2562
placed on any passenger vehicle in that owner's fleet. Beginning 2563
January 1, 2019, the universal validation sticker shall not have 2564
an expiration date on it and shall not need replaced at the time 2565
of registration, except in the event of the loss, mutilation, or 2566
destruction of the validation sticker. The director may 2567
establish and charge an additional fee of not more than one 2568
dollar per registration to compensate for necessary costs of the 2569
universal validation sticker program. The additional fee shall 2570
be credited to the public safety - highway purposes fund created 2571
in section 4501.06 of the Revised Code. The director shall 2572
select the color or shade of the universal validation sticker. 2573

(b) A validation sticker issued for an ~~all-purpose all-~~ 2574
terrain vehicle, mini-truck, or utility vehicle that is 2575
registered under Chapter 4519. of the Revised Code, for a 2576
noncommercial trailer that is permanently registered under 2577
section 4503.107 of the Revised Code, or for a trailer or 2578
semitrailer that is permanently registered under division (A) (2) 2579
of section 4503.103 of the Revised Code or is registered for any 2580
number of succeeding registration years may indicate the 2581
expiration of the registration period, if any, by any manner 2582
determined by the registrar by rule. 2583

(3) No validation sticker shall be issued, and a 2584
validation sticker is not required for display, on the license 2585
plate of a nonapportioned commercial tractor or any apportioned 2586
motor vehicle. 2587

(B) Identification license plates shall be produced by 2588
Ohio penal industries. Validation stickers and county 2589
identification stickers shall be produced by Ohio penal 2590
industries unless the registrar adopts rules expressly 2591
permitting the registrar or deputy registrars to provide for the 2592
printing or production of the stickers. 2593

Sec. 4503.312. As used in this section: 2594

(A) "Utility trailer" means any trailer, except a travel 2595
trailer or trailer for transporting watercraft, having a gross 2596
weight of less than four thousand pounds. 2597

(B) "Snowmobile" and "~~all-purpose~~ all-terrain vehicle" 2598
have the same meanings as in section 4519.01 of the Revised 2599
Code. 2600

(C) "Distributor" means any person authorized by a 2601
manufacturer of utility trailers or trailers for transporting 2602
motorcycles, snowmobiles, or ~~all-purpose~~ all-terrain vehicles to 2603
distribute new trailers to persons for purposes of resale. 2604

A manufacturer, distributor, or retail seller of utility 2605
trailers or trailers for transporting motorcycles, snowmobiles, 2606
or ~~all-purpose~~ all-terrain vehicles may apply for registration 2607
with the registrar of motor vehicles for each place in this 2608
state where the manufacturer, distributor, or retail seller 2609
carries on the business of manufacturing, distributing, or 2610
selling at retail such trailers. Applications for annual 2611
registration shall be made at the time provided for payment of 2612

the tax imposed by section 4503.09 of the Revised Code; shall be 2613
in the manner to be prescribed by the registrar; and shall be 2614
accompanied by an affidavit certifying that the applicant is a 2615
manufacturer, distributor, or retail seller of utility trailers 2616
or trailers for transporting motorcycles, snowmobiles, or ~~all-~~ 2617
~~purpose~~-all-terrain vehicles. The fee for such registration 2618
shall be twenty-five dollars and shall not be reduced when the 2619
registration is for a part of a year. 2620

Upon the filing of the application and affidavit, and 2621
payment of the fee and appropriate postage as required by the 2622
registrar, the registrar shall assign to the applicant a 2623
distinctive number which shall be displayed on the rear of each 2624
trailer when it is operated on the public highway. Any trailer 2625
for transporting motorcycles, snowmobiles, or ~~all-purpose~~-all- 2626
terrain vehicles that is not loaded may be operated on the 2627
public highway until it is sold or transferred; and any utility 2628
trailer that is not loaded, or that is being used to transport 2629
another utility trailer for purposes of demonstration or 2630
delivery, may be operated on the public highway until it is sold 2631
or transferred. 2632

At the time the registrar assigns the distinctive number, 2633
the registrar shall furnish one license plate with the number 2634
thereon. The manufacturer, distributor, or retail seller may 2635
procure a reasonable number of additional registration 2636
certificates upon the payment of a fee of five dollars and 2637
postage. With each additional registration certificate, the 2638
registrar shall furnish one license plate with the same number 2639
provided in the original registration certificate, and shall add 2640
thereto such special designation as necessary to distinguish one 2641
license plate from another. All license plates furnished by the 2642
registrar pursuant to this section shall be so marked as to be 2643

distinguishable from license plates issued to dealers in or 2644
manufacturers of motor vehicles or trailers for transporting 2645
watercraft. 2646

The fees collected by the registrar pursuant to this 2647
section shall be paid into the public safety - highway purposes 2648
fund established by section 4501.06 of the Revised Code and used 2649
for the purposes described in that section. 2650

Sec. 4504.01. As used in this chapter: 2651

(A) "Motor vehicle" means all vehicles included within the 2652
definition of motor vehicle in ~~sections 4501.01 and 4505.01~~ 2653
divisions (A) and (B) of section 4503.01 of the Revised Code ~~and~~ 2654
~~also includes motorized bicycles.~~ "Motor vehicle" does not 2655
include a concrete pump or a concrete conveyor. 2656

(B) "County motor vehicle license tax" means a tax imposed 2657
by a county pursuant to this chapter. 2658

(C) "Township motor vehicle license tax" means a tax 2659
imposed by a township pursuant to this chapter. 2660

(D) "Municipal motor vehicle license tax" means a tax 2661
imposed by a municipal corporation pursuant to this chapter. 2662

(E) "Registrar" means the registrar of motor vehicles as 2663
provided in section 4501.02 of the Revised Code. 2664

(F) "Deputy registrar" means any deputy appointed by the 2665
registrar of motor vehicles pursuant to sections 4501.02 and 2666
4503.03 of the Revised Code. 2667

Sec. 4505.01. (A) As used in this chapter: 2668

"All-terrain vehicle" has the same meaning as in section 2669
4519.01 of the Revised Code. 2670

"Buyer" and "transferee" mean the applicant for a certificate of title. 2671
2672

"Certificate of title" and "title" include an electronic certificate of title, unless otherwise specified. 2673
2674

"Electronic certificate of title" means an electronic record stored in the automated title processing system that establishes ownership of a motor vehicle and any security interests that exist on that motor vehicle. 2675
2676
2677
2678

"Lien" includes, unless the context requires a different meaning, a security interest in a motor vehicle. 2679
2680

"Manufactured home" has the same meaning as section 3781.06 of the Revised Code. 2681
2682

"Manufactured housing dealer," "manufactured housing broker," and "manufactured housing salesperson" have the same meanings as in section 4781.01 of the Revised Code. 2683
2684
2685

"Mini-truck" has the same meaning as in section 4519.01 of the Revised Code. 2686
2687

"Mobile home" has the same meaning as in section 4501.01 of the Revised Code. 2688
2689

"Motor vehicle" includes manufactured homes, mobile homes, recreational vehicles, and trailers and semitrailers whose weight exceeds four thousand pounds. "Motor vehicle" does not include an off-highway motorcycle, all-terrain vehicle, snowmobile, utility vehicle, or mini-truck. 2690
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"Motor vehicle dealer" and "dealer" have the same meaning as in section 4517.01 of the Revised Code and includes manufactured housing dealers. 2695
2696
2697

"Motor vehicle salesperson" includes manufactured housing salespersons. 2698
2699

"Off-highway motorcycle" has the same meaning as in section 4519.01 of the Revised Code. 2700
2701

"Resident" means any person who either maintains their principal residence in this state or is determined by the registrar of motor vehicles to be a permanent or temporary resident in accordance with the standards adopted by the registrar under section 4507.01 of the Revised Code. 2702
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"Signature" includes an electronic signature as defined by section 1306.01 of the Revised Code. 2707
2708

"Snowmobile" has the same meaning as in section 4519.01 of the Revised Code. 2709
2710

"Utility vehicle" has the same meaning as in 4501.01 of the Revised Code. 2711
2712

(B) The various certificates, applications, and assignments necessary to provide certificates of title for manufactured homes, mobile homes, recreational vehicles, and trailers and semitrailers whose weight exceeds four thousand pounds, shall be made upon forms prescribed by the registrar of motor vehicles. 2713
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Sec. 4505.06. (A) (1) Application for a certificate of title shall be made in a form prescribed by the registrar of motor vehicles and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of any court of common pleas. An application for a certificate of title may be filed electronically by any electronic means approved by the registrar in any county with the clerk of the court of common pleas of 2719
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that county. Any payments required by this chapter shall be 2727
considered as accompanying any electronically transmitted 2728
application when payment actually is received by the clerk. 2729
Payment of any fee or taxes may be made by electronic transfer 2730
of funds. 2731

(2) The application for a certificate of title shall be 2732
accompanied by the fee prescribed in section 4505.09 of the 2733
Revised Code. The fee shall be retained by the clerk who issues 2734
the certificate of title and shall be distributed in accordance 2735
with that section. If a clerk of a court of common pleas, other 2736
than the clerk of the court of common pleas of an applicant's 2737
county of residence, issues a certificate of title to the 2738
applicant, the clerk shall transmit data related to the 2739
transaction to the automated title processing system. 2740

(3) If a certificate of title previously has been issued 2741
for a motor vehicle in this state, the application for a 2742
certificate of title also shall be accompanied by that 2743
certificate of title duly assigned, unless otherwise provided in 2744
this chapter. If a certificate of title previously has not been 2745
issued for the motor vehicle in this state, the application, 2746
unless otherwise provided in this chapter, shall be accompanied 2747
by a manufacturer's or importer's certificate or by a 2748
certificate of title of another state from which the motor 2749
vehicle was brought into this state. If the application refers 2750
to a motor vehicle last previously registered in another state, 2751
the application also shall be accompanied by the physical 2752
inspection certificate required by section 4505.061 of the 2753
Revised Code. If the application is made by two persons 2754
regarding a motor vehicle in which they wish to establish joint 2755
ownership with right of survivorship, they may do so as provided 2756
in section 2131.12 of the Revised Code. If the applicant 2757

requests a designation of the motor vehicle in beneficiary form 2758
so that upon the death of the owner of the motor vehicle, 2759
ownership of the motor vehicle will pass to a designated 2760
transfer-on-death beneficiary or beneficiaries, the applicant 2761
may do so as provided in section 2131.13 of the Revised Code. A 2762
person who establishes ownership of a motor vehicle that is 2763
transferable on death in accordance with section 2131.13 of the 2764
Revised Code may terminate that type of ownership or change the 2765
designation of the transfer-on-death beneficiary or 2766
beneficiaries by applying for a certificate of title pursuant to 2767
this section. The clerk shall retain the evidence of title 2768
presented by the applicant and on which the certificate of title 2769
is issued, except that, if an application for a certificate of 2770
title is filed electronically by an electronic motor vehicle 2771
dealer on behalf of the purchaser of a motor vehicle, the clerk 2772
shall retain the completed electronic record to which the dealer 2773
converted the certificate of title application and other 2774
required documents. The registrar, after consultation with the 2775
attorney general, shall adopt rules that govern the location at 2776
which, and the manner in which, are stored the actual 2777
application and all other documents relating to the transfer of 2778
a motor vehicle when an electronic motor vehicle dealer files 2779
the application for a certificate of title electronically on 2780
behalf of the purchaser. Not later than December 31, 2017, the 2781
registrar shall arrange for a service that enables all 2782
electronic motor vehicle dealers to file applications for 2783
certificates of title on behalf of purchasers of motor vehicles 2784
electronically by transferring the applications directly from 2785
the computer systems of the dealers to the clerk. 2786

The clerk shall use reasonable diligence in ascertaining 2787
whether or not the facts in the application for a certificate of 2788

title are true by checking the application and documents 2789
accompanying it or the electronic record to which a dealer 2790
converted the application and accompanying documents with the 2791
records of motor vehicles in the clerk's office. If the clerk is 2792
satisfied that the applicant is the owner of the motor vehicle 2793
and that the application is in the proper form, the clerk, 2794
within five business days after the application is filed and 2795
except as provided in section 4505.021 of the Revised Code, 2796
shall issue a physical certificate of title over the clerk's 2797
signature and sealed with the clerk's seal, unless the applicant 2798
specifically requests the clerk not to issue a physical 2799
certificate of title and instead to issue an electronic 2800
certificate of title. For purposes of the transfer of a 2801
certificate of title, if the clerk is satisfied that the secured 2802
party has duly discharged a lien notation but has not canceled 2803
the lien notation with a clerk, the clerk may cancel the lien 2804
notation on the automated title processing system and notify the 2805
clerk of the county of origin. 2806

(4) In the case of the sale of a motor vehicle to a 2807
general buyer or user by a dealer, by a motor vehicle leasing 2808
dealer selling the motor vehicle to the lessee or, in a case in 2809
which the leasing dealer subleased the motor vehicle, the 2810
sublessee, at the end of the lease agreement or sublease 2811
agreement, or by a manufactured housing broker, the certificate 2812
of title shall be obtained in the name of the buyer by the 2813
dealer, leasing dealer, or manufactured housing broker, as the 2814
case may be, upon application signed by the buyer. The 2815
certificate of title shall be issued, or the process of entering 2816
the certificate of title application information into the 2817
automated title processing system if a physical certificate of 2818
title is not to be issued shall be completed, within five 2819

business days after the application for title is filed with the clerk. If the buyer of the motor vehicle previously leased the motor vehicle and is buying the motor vehicle at the end of the lease pursuant to that lease, the certificate of title shall be obtained in the name of the buyer by the motor vehicle leasing dealer who previously leased the motor vehicle to the buyer or by the motor vehicle leasing dealer who subleased the motor vehicle to the buyer under a sublease agreement.

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

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

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

(iii) A motor vehicle dealer or motor vehicle leasing dealer is liable to a secured party for a late fee of ten dollars per day for each certificate of title application and payment of the applicable tax that is submitted to a clerk more than seven business days but less than twenty-one days after the later of the delivery of the motor vehicle to the buyer or the date the dealer or leasing dealer obtains the manufacturer's or importer's certificate, or certificate of title issued in the name of the dealer or leasing dealer, for the motor vehicle and, from then on, twenty-five dollars per day until the application and applicable tax are submitted to a clerk.

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

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

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

(i) If a certificate of title for the used manufactured home or used mobile home was issued to the motor vehicle dealer prior to the sale of the manufactured or mobile home to the purchaser, the application for certificate of title shall be filed within thirty days after the date on which an occupancy permit for the manufactured or mobile home is delivered to the

purchaser by the appropriate legal authority. 2880

(ii) If the motor vehicle dealer has been designated by a 2881
secured party to display the manufactured or mobile home for 2882
sale, or to sell the manufactured or mobile home under section 2883
4505.20 of the Revised Code, but the certificate of title has 2884
not been transferred by the secured party to the motor vehicle 2885
dealer, and the dealer has complied with the requirements of 2886
division (A) of section 4505.181 of the Revised Code, the 2887
application for certificate of title shall be filed within 2888
thirty days after the date on which the motor vehicle dealer 2889
obtains the certificate of title for the home from the secured 2890
party or the date on which an occupancy permit for the 2891
manufactured or mobile home is delivered to the purchaser by the 2892
appropriate legal authority, whichever occurs later. 2893

(6) If an application for a certificate of title is not 2894
filed within the period specified in division (A) (5) (b), (c), or 2895
(d) of this section, the clerk shall collect a fee of five 2896
dollars for the issuance of the certificate, except that no such 2897
fee shall be required from a motor vehicle salvage dealer, as 2898
defined in division (A) of section 4738.01 of the Revised Code, 2899
who immediately surrenders the certificate of title for 2900
cancellation. The fee shall be in addition to all other fees 2901
established by this chapter, and shall be retained by the clerk. 2902
The registrar shall provide, on the certificate of title form 2903
prescribed by section 4505.07 of the Revised Code, language 2904
necessary to give evidence of the date on which the assignment 2905
or delivery of the motor vehicle was made. 2906

(7) As used in division (A) of this section, "lease 2907
agreement," "lessee," and "sublease agreement" have the same 2908
meanings as in section 4505.04 of the Revised Code and "new 2909

manufactured home," "used manufactured home," and "used mobile
home" have the same meanings as in section 5739.0210 of the
Revised Code.

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

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

A clerk, however, may retain from the taxes paid to the
clerk an amount equal to the poundage fees associated with
certificates of title issued by other clerks of courts of common
pleas to applicants who reside in the first clerk's county. The
registrar, in consultation with the tax commissioner and the

clerks of the courts of common pleas, shall develop a report 2940
from the automated title processing system that informs each 2941
clerk of the amount of the poundage fees that the clerk is 2942
permitted to retain from those taxes because of certificates of 2943
title issued by the clerks of other counties to applicants who 2944
reside in the first clerk's county. 2945

(3) In the case of casual sales of motor vehicles, as 2946
defined in section 4517.01 of the Revised Code, the price for 2947
the purpose of determining the tax shall be the purchase price 2948
on the assigned certificate of title, or assignment form 2949
prescribed by the registrar, executed by the seller and filed 2950
with the clerk by the buyer on a form to be prescribed by the 2951
registrar, which shall be prima-facie evidence of the amount for 2952
the determination of the tax. 2953

(4) Each county clerk shall forward to the registrar of 2954
motor vehicles all sales and use tax collections resulting from 2955
sales of motor vehicles, off-highway motorcycles, and ~~all-~~ 2956
~~purpose-all-terrain~~ vehicles during a calendar week on or before 2957
the Friday following the close of that week. If, on any Friday, 2958
the offices of the clerk of courts or the state are not open for 2959
business, the tax shall be forwarded to the registrar on or 2960
before the next day on which the offices are open. Every 2961
remittance of tax under division (B) (4) of this section shall be 2962
accompanied by a remittance report in such form as the tax 2963
commissioner prescribes. Upon receipt of a tax remittance and 2964
remittance report, the registrar shall date stamp the report and 2965
forward it to the tax commissioner. If the tax due for any week 2966
is not remitted by a clerk of courts as required under division 2967
(B) (4) of this section, the commissioner may require the clerk 2968
to forfeit the poundage fees for the sales made during that 2969
week. The registrar may require the clerks of courts to transmit 2970

tax collections and remittance reports electronically. 2971

(C) (1) If the transferor indicates on the certificate of 2972
title that the odometer reflects mileage in excess of the 2973
designed mechanical limit of the odometer, the clerk shall enter 2974
the phrase "exceeds mechanical limits" following the mileage 2975
designation. If the transferor indicates on the certificate of 2976
title that the odometer reading is not the actual mileage, the 2977
clerk shall enter the phrase "nonactual: warning - odometer 2978
discrepancy" following the mileage designation. The clerk shall 2979
use reasonable care in transferring the information supplied by 2980
the transferor, but is not liable for any errors or omissions of 2981
the clerk or those of the clerk's deputies in the performance of 2982
the clerk's duties created by this chapter. 2983

The registrar shall prescribe an affidavit in which the 2984
transferor shall swear to the true selling price and, except as 2985
provided in this division, the true odometer reading of the 2986
motor vehicle. The registrar may prescribe an affidavit in which 2987
the seller and buyer provide information pertaining to the 2988
odometer reading of the motor vehicle in addition to that 2989
required by this section, as such information may be required by 2990
the United States secretary of transportation by rule prescribed 2991
under authority of subchapter IV of the "Motor Vehicle 2992
Information and Cost Savings Act," 86 Stat. 961 (1972), 15 2993
U.S.C. 1981. 2994

(2) Division (C) (1) of this section does not require the 2995
giving of information concerning the odometer and odometer 2996
reading of a motor vehicle when ownership of a motor vehicle is 2997
being transferred as a result of a bequest, under the laws of 2998
intestate succession, to a survivor pursuant to section 2106.18, 2999
2131.12, or 4505.10 of the Revised Code, to a transfer-on-death 3000

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 more than sixteen thousand pounds.

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

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

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

reside in the first clerk's county. 3031

When the vendor is not regularly engaged in the business 3032
of selling motor vehicles, the vendor shall not be required to 3033
purchase a vendor's license or make reports concerning those 3034
sales. 3035

(E) The clerk shall accept any payment of a tax in cash, 3036
or by cashier's check, certified check, draft, money order, or 3037
teller check issued by any insured financial institution payable 3038
to the clerk and submitted with an application for a certificate 3039
of title under division (B) or (D) of this section. The clerk 3040
also may accept payment of the tax by corporate, business, or 3041
personal check, credit card, electronic transfer or wire 3042
transfer, debit card, or any other accepted form of payment made 3043
payable to the clerk. The clerk may require bonds, guarantees, 3044
or letters of credit to ensure the collection of corporate, 3045
business, or personal checks. Any service fee charged by a third 3046
party to a clerk for the use of any form of payment may be paid 3047
by the clerk from the certificate of title administration fund 3048
created in section 325.33 of the Revised Code, or may be 3049
assessed by the clerk upon the applicant as an additional fee. 3050
Upon collection, the additional fees shall be paid by the clerk 3051
into that certificate of title administration fund. 3052

The clerk shall make a good faith effort to collect any 3053
payment of taxes due but not made because the payment was 3054
returned or dishonored, but the clerk is not personally liable 3055
for the payment of uncollected taxes or uncollected fees. The 3056
clerk shall notify the tax commissioner of any such payment of 3057
taxes that is due but not made and shall furnish the information 3058
to the commissioner that the commissioner requires. The clerk 3059
shall deduct the amount of taxes due but not paid from the 3060

clerk's periodic remittance of tax payments, in accordance with 3061
procedures agreed upon by the tax commissioner. The commissioner 3062
may collect taxes due by assessment in the manner provided in 3063
section 5739.13 of the Revised Code. 3064

Any person who presents payment that is returned or 3065
dishonored for any reason is liable to the clerk for payment of 3066
a penalty over and above the amount of the taxes due. The clerk 3067
shall determine the amount of the penalty, and the penalty shall 3068
be no greater than that amount necessary to compensate the clerk 3069
for banking charges, legal fees, or other expenses incurred by 3070
the clerk in collecting the returned or dishonored payment. The 3071
remedies and procedures provided in this section are in addition 3072
to any other available civil or criminal remedies. Subsequently 3073
collected penalties, poundage fees, and title fees, less any 3074
title fee due the state, from returned or dishonored payments 3075
collected by the clerk shall be paid into the certificate of 3076
title administration fund. Subsequently collected taxes, less 3077
poundage fees, shall be sent by the clerk to the registrar of 3078
motor vehicles at the next scheduled periodic remittance of tax 3079
payments, with information as the commissioner may require. The 3080
clerk may abate all or any part of any penalty assessed under 3081
this division. 3082

(F) In the following cases, the clerk shall accept for 3083
filing an application and shall issue a certificate of title 3084
without requiring payment or evidence of payment of the tax: 3085

(1) When the purchaser is this state or any of its 3086
political subdivisions, a church, or an organization whose 3087
purchases are exempted by section 5739.02 of the Revised Code; 3088

(2) When the transaction in this state is not a retail 3089
sale as defined by section 5739.01 of the Revised Code; 3090

(3) When the purchase is outside this state or in interstate commerce and the purpose of the purchaser is not to use, store, or consume within the meaning of section 5741.01 of the Revised Code;

(4) When the purchaser is the federal government;

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

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

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

(H) For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the clerk shall accept for filing, pursuant to Chapter 5739. of the Revised Code, an application for a certificate of title for a manufactured home

or mobile home without requiring payment of any tax pursuant to 3120
section 5739.02, 5741.021, 5741.022, or 5741.023 of the Revised 3121
Code, or a receipt issued by the tax commissioner showing 3122
payment of the tax. For sales of manufactured homes or mobile 3123
homes occurring on or after January 1, 2000, the applicant shall 3124
pay to the clerk an additional fee of five dollars for each 3125
certificate of title issued by the clerk for a manufactured or 3126
mobile home pursuant to division (H) of section 4505.11 of the 3127
Revised Code and for each certificate of title issued upon 3128
transfer of ownership of the home. The clerk shall credit the 3129
fee to the county certificate of title administration fund, and 3130
the fee shall be used to pay the expenses of archiving those 3131
certificates pursuant to division (A) of section 4505.08 and 3132
division (H) (3) of section 4505.11 of the Revised Code. The tax 3133
commissioner shall administer any tax on a manufactured or 3134
mobile home pursuant to Chapters 5739. and 5741. of the Revised 3135
Code. 3136

(I) Every clerk shall have the capability to transact by 3137
electronic means all procedures and transactions relating to the 3138
issuance of motor vehicle certificates of title that are 3139
described in the Revised Code as being accomplished by 3140
electronic means. 3141

Sec. 4505.09. (A) (1) The clerk of a court of common pleas 3142
shall charge and retain fees as follows: 3143

(a) Five dollars for each certificate of title that is not 3144
applied for within thirty days after the later of the assignment 3145
or delivery of the motor vehicle described in it. The entire fee 3146
shall be retained by the clerk. 3147

(b) Fifteen dollars for each certificate of title or 3148
duplicate certificate of title including the issuance of a 3149

memorandum certificate of title, or authorization to print a 3150
non-negotiable evidence of ownership described in division (G) 3151
of section 4505.08 of the Revised Code, non-negotiable evidence 3152
of ownership printed by the clerk under division (H) of that 3153
section, and notation of any lien on a certificate of title that 3154
is applied for at the same time as the certificate of title. The 3155
clerk shall retain eleven dollars and fifty cents of that fee 3156
for each certificate of title when there is a notation of a lien 3157
or security interest on the certificate of title, twelve dollars 3158
and twenty-five cents when there is no lien or security interest 3159
noted on the certificate of title, and eleven dollars and fifty 3160
cents for each duplicate certificate of title. 3161

(c) Four dollars and fifty cents for each certificate of 3162
title with no security interest noted that is issued to a 3163
licensed motor vehicle dealer for resale purposes and, in 3164
addition, a separate fee of fifty cents. The clerk shall retain 3165
two dollars and twenty-five cents of that fee. 3166

(d) Five dollars for each memorandum certificate of title 3167
or non-negotiable evidence of ownership that is applied for 3168
separately. The clerk shall retain that entire fee. 3169

(2) The fees that are not retained by the clerk shall be 3170
paid to the registrar of motor vehicles by monthly returns, 3171
which shall be forwarded to the registrar not later than the 3172
fifth day of the month next succeeding that in which the 3173
certificate is issued or that in which the registrar is notified 3174
of a lien or cancellation of a lien. 3175

(B) (1) The registrar shall pay twenty-five cents of the 3176
amount received for each certificate of title issued to a motor 3177
vehicle dealer for resale, one dollar for certificates of title 3178
issued with a lien or security interest noted on the certificate 3179

of title, and twenty-five cents for each certificate of title 3180
with no lien or security interest noted on the certificate of 3181
title into the public safety - highway purposes fund established 3182
in section 4501.06 of the Revised Code. 3183

(2) Fifty cents of the amount received for each 3184
certificate of title shall be paid by the registrar as follows: 3185

(a) Four cents shall be paid into the state treasury to 3186
the credit of the motor vehicle dealers board fund, which is 3187
hereby created. All investment earnings of the fund shall be 3188
credited to the fund. The moneys in the motor vehicle dealers 3189
board fund shall be used by the motor vehicle dealers board 3190
created under section 4517.30 of the Revised Code, together with 3191
other moneys appropriated to it, in the exercise of its powers 3192
and the performance of its duties under Chapter 4517. of the 3193
Revised Code, except that the director of budget and management 3194
may transfer excess money from the motor vehicle dealers board 3195
fund to the public safety - highway purposes fund if the 3196
registrar determines that the amount of money in the motor 3197
vehicle dealers board fund, together with other moneys 3198
appropriated to the board, exceeds the amount required for the 3199
exercise of its powers and the performance of its duties under 3200
Chapter 4517. of the Revised Code and requests the director to 3201
make the transfer. 3202

(b) Thirty-one cents shall be paid into the highway 3203
operating fund created by section 5735.051 of the Revised Code. 3204

(c) Fifteen cents shall be paid into the state treasury to 3205
the credit of the motor vehicle sales audit fund, which is 3206
hereby created. The moneys in the fund shall be used by the tax 3207
commissioner together with other funds available to the 3208
commissioner to conduct a continuing investigation of sales and 3209

use tax returns filed for motor vehicles in order to determine 3210
if sales and use tax liability has been satisfied. The 3211
commissioner shall refer cases of apparent violations of section 3212
2921.13 of the Revised Code made in connection with the titling 3213
or sale of a motor vehicle and cases of any other apparent 3214
violations of the sales or use tax law to the appropriate county 3215
prosecutor whenever the commissioner considers it advisable. 3216

(3) Two dollars of the amount received by the registrar 3217
under divisions (A) (1) (a), (b), and (d) of this section and one 3218
dollar and fifty cents of the amount received by the registrar 3219
under division (A) (1) (c) of this section for each certificate of 3220
title shall be paid into the state treasury to the credit of the 3221
automated title processing fund, which is hereby created and 3222
which shall consist of moneys collected under division (B) (3) of 3223
this section and under sections 1548.10 and 4519.59 of the 3224
Revised Code. All investment earnings of the fund shall be 3225
credited to the fund. The moneys in the fund shall be used as 3226
follows: 3227

(a) Except for moneys collected under section 1548.10 of 3228
the Revised Code, moneys collected under division (B) (3) of this 3229
section shall be used to implement and maintain an automated 3230
title processing system for the issuance of motor vehicle, off- 3231
highway motorcycle, and ~~all-purpose~~ all-terrain vehicle 3232
certificates of title in the offices of the clerks of the courts 3233
of common pleas. Those moneys also shall be used to pay expenses 3234
that arise as a result of enabling electronic motor vehicle 3235
dealers to directly transfer applications for certificates of 3236
title under division (A) (3) of section 4505.06 of the Revised 3237
Code. 3238

(b) Moneys collected under section 1548.10 of the Revised 3239

Code shall be used to issue marine certificates of title in the 3240
offices of the clerks of the courts of common pleas as provided 3241
in Chapter 1548. of the Revised Code. 3242

(4) The registrar shall pay the fifty-cent separate fee 3243
collected from a licensed motor vehicle dealer under division 3244
(A) (1) (c) of this section into the title defect recision fund 3245
created by section 1345.52 of the Revised Code. 3246

(C) (1) The automated title processing board is hereby 3247
created consisting of the registrar or the registrar's 3248
representative, a person selected by the registrar, the 3249
president of the Ohio clerks of court association or the 3250
president's representative, and two clerks of courts of common 3251
pleas appointed by the governor. The director of budget and 3252
management or the director's designee, the chief of the division 3253
of parks and watercraft in the department of natural resources 3254
or the chief's designee, and the tax commissioner or the 3255
commissioner's designee shall be nonvoting members of the board. 3256
The purpose of the board is to facilitate the operation and 3257
maintenance of an automated title processing system and approve 3258
the procurement of automated title processing system equipment 3259
and ribbons, cartridges, or other devices necessary for the 3260
operation of that equipment. Voting members of the board, 3261
excluding the registrar or the registrar's representative, shall 3262
serve without compensation, but shall be reimbursed for travel 3263
and other necessary expenses incurred in the conduct of their 3264
official duties. The registrar or the registrar's representative 3265
shall receive neither compensation nor reimbursement as a board 3266
member. 3267

(2) The automated title processing board shall determine 3268
each of the following: 3269

(a) The automated title processing equipment and 3270
certificates of title requirements for each county; 3271

(b) The payment of expenses that may be incurred by the 3272
counties in implementing an automated title processing system; 3273

(c) The repayment to the counties for existing title 3274
processing equipment; 3275

(d) With the approval of the director of public safety, 3276
the award of grants from the automated title processing fund to 3277
the clerk of courts of any county who employs a person who 3278
assists with the design of, updates to, tests of, installation 3279
of, or any other activity related to, an automated title 3280
processing system. Any grant awarded under division (C) (2) (d) of 3281
this section shall be deposited into the appropriate county 3282
certificate of title administration fund created under section 3283
325.33 of the Revised Code and shall not be used to supplant any 3284
other funds. 3285

(3) The registrar shall purchase, lease, or otherwise 3286
acquire any automated title processing equipment and 3287
certificates of title that the board determines are necessary 3288
from moneys in the automated title processing fund established 3289
by division (B) (3) of this section. 3290

(D) All counties shall conform to the requirements of the 3291
registrar regarding the operation of their automated title 3292
processing system for motor vehicle titles, certificates of 3293
title for off-highway motorcycles and ~~all-purpose all-terrain~~ 3294
vehicles, certificates of title for snowmobiles, utility 3295
vehicles, and mini-trucks, and certificates of title for 3296
watercraft and outboard motors. 3297

Sec. 4505.11. ~~This section shall also apply to all-purpose~~ 3298

~~vehicles and off-highway motorcycles as defined in section 3299
4519.01 of the Revised Code. 3300~~

(A) Each owner of a motor vehicle and each person 3301
mentioned as owner in the last certificate of title, when the 3302
motor vehicle is dismantled, destroyed, or changed in such 3303
manner that it loses its character as a motor vehicle, or 3304
changed in such manner that it is not the motor vehicle 3305
described in the certificate of title, shall surrender the 3306
certificate of title to that motor vehicle to a clerk of a court 3307
of common pleas, and the clerk, with the consent of any holders 3308
of any liens noted on the certificate of title, then shall enter 3309
a cancellation upon the clerk's records and shall notify the 3310
registrar of motor vehicles of the cancellation. 3311

Upon the cancellation of a certificate of title in the 3312
manner prescribed by this section, any clerk and the registrar 3313
of motor vehicles may cancel and destroy all certificates and 3314
all memorandum certificates in that chain of title. 3315

(B) (1) If an Ohio certificate of title, salvage 3316
certificate of title, or assignment form as prescribed by the 3317
registrar for a motor vehicle is assigned to a salvage dealer, 3318
the dealer is not required to obtain an Ohio certificate of 3319
title or a salvage certificate of title to the motor vehicle in 3320
the dealer's own name if the dealer dismantles or destroys the 3321
motor vehicle, indicates the number of the dealer's motor 3322
vehicle salvage dealer's license on it, marks "FOR DESTRUCTION" 3323
across the face of the certificate of title, salvage certificate 3324
of title, or assignment form and surrenders the certificate of 3325
title, salvage certificate of title, or assignment form to a 3326
clerk of a court of common pleas as provided in division (A) of 3327
this section. If the salvage dealer retains the motor vehicle 3328

for resale, the dealer shall make application for a salvage certificate of title to the motor vehicle in the dealer's own name as provided in division (C)(1) of this section.

(2) At the time any salvage motor vehicle is sold at auction or through a pool, the salvage motor vehicle auction or salvage motor vehicle pool shall give a copy of the salvage certificate of title, certificate of title, or assignment form marked "FOR DESTRUCTION" to the purchaser.

(C)(1) When an insurance company declares it economically impractical to repair such a motor vehicle and has paid an agreed price for the purchase of the motor vehicle to any insured or claimant owner, the insurance company shall proceed as follows:

(a) If an insurance company receives the certificate of title and the motor vehicle, within thirty business days, the insurance company shall deliver the certificate of title to a clerk of a court of common pleas and shall make application for a salvage certificate of title. This certificate of title, any supporting power of attorney, or application for a salvage certificate of title shall be exempt from the requirements of notarization and verification as described in this chapter and in section 1337.25 of the Revised Code, and may be signed electronically.

(b) If an insurance company obtains possession of the motor vehicle and a physical certificate of title was issued for the vehicle but the insurance company is unable to obtain the properly endorsed certificate of title for the motor vehicle within thirty business days following the vehicle's owner or lienholder's acceptance of the insurance company's payment for the vehicle, the insurance company may apply to the clerk of a

court of common pleas for a salvage certificate of title without 3359
delivering the certificate of title for the motor vehicle. The 3360
application, which may be signed electronically, shall be 3361
accompanied by evidence that the insurance company has paid a 3362
total loss claim on the vehicle, a copy of the written request 3363
for the certificate of title from the insurance company or its 3364
designee, and proof that the request was delivered by a 3365
nationally recognized courier service to the last known address 3366
of the owner of the vehicle and any known lienholder, to obtain 3367
the certificate of title. 3368

(c) If an insurance company obtains possession of the 3369
motor vehicle and a physical certificate of title was not issued 3370
for the vehicle, the insurance company may apply to the clerk of 3371
a court of common pleas for a salvage certificate of title 3372
without delivering a certificate of title for the motor vehicle. 3373
The application shall be accompanied by the electronic 3374
certificate of title control number and a properly executed 3375
power of attorney, or other appropriate document, from the owner 3376
of the motor vehicle authorizing the insurance company to apply 3377
for a salvage certificate of title. The application for a 3378
salvage certificate of title, any supporting power of attorney, 3379
and any other appropriate document shall be exempt from the 3380
requirements of notarization and verification as described in 3381
this chapter and in section 1337.25 of the Revised Code, and may 3382
be signed electronically. 3383

(d) Upon receipt of a properly completed application for a 3384
salvage certificate of title as described in division (C) (1) (a), 3385
(b), or (c) or (C) (2) of this section, the clerk shall issue the 3386
salvage certificate of title on a form, prescribed by the 3387
registrar, that shall be easily distinguishable from the 3388
original certificate of title and shall bear the same 3389

information as the original certificate of title except that it 3390
may bear a different number than that of the original 3391
certificate of title. The salvage certificate of title shall 3392
include the following notice in bold lettering: 3393

"SALVAGE MOTOR VEHICLE - PURSUANT TO R.C. 4738.01." 3394

Except as provided in division (C) (3) of this section, the 3395
salvage certificate of title shall be assigned by the insurance 3396
company to a salvage dealer or any other person for use as 3397
evidence of ownership upon the sale or other disposition of the 3398
motor vehicle, and the salvage certificate of title shall be 3399
transferable to any other person. The clerk shall charge a fee 3400
of four dollars for the cost of processing each salvage 3401
certificate of title. 3402

(2) If an insurance company requests that a salvage motor 3403
vehicle auction take possession of a motor vehicle that is the 3404
subject of an insurance claim, and subsequently the insurance 3405
company denies coverage with respect to the motor vehicle or 3406
does not otherwise take ownership of the motor vehicle, the 3407
salvage motor vehicle auction may proceed as follows. After the 3408
salvage motor vehicle auction has possession of the motor 3409
vehicle for forty-five days, it may apply to the clerk of a 3410
court of common pleas for a salvage certificate of title without 3411
delivering the certificate of title for the motor vehicle. The 3412
application shall be accompanied by a copy of the written 3413
request that the vehicle be removed from the facility on the 3414
salvage motor vehicle auction's letterhead, and proof that the 3415
request was delivered by a nationally recognized courier service 3416
to the last known address of the owner of the vehicle and any 3417
known lienholder, requesting that the vehicle be removed from 3418
the facility of the salvage motor vehicle auction. Upon receipt 3419

of a properly completed application, the clerk shall follow the 3420
process as described in division (C) (1) (d) of this section. The 3421
salvage certificate of title so issued shall be free and clear 3422
of all liens. 3423

(3) If an insurance company considers a motor vehicle as 3424
described in division (C) (1) (a), (b), or (c) of this section to 3425
be impossible to restore for highway operation, the insurance 3426
company may assign the certificate of title to the motor vehicle 3427
to a salvage dealer or scrap metal processing facility and send 3428
the assigned certificate of title to the clerk of the court of 3429
common pleas of any county. The insurance company shall mark the 3430
face of the certificate of title "FOR DESTRUCTION" and shall 3431
deliver a photocopy of the certificate of title to the salvage 3432
dealer or scrap metal processing facility for its records. 3433

(4) If an insurance company declares it economically 3434
impractical to repair a motor vehicle, agrees to pay to the 3435
insured or claimant owner an amount in settlement of a claim 3436
against a policy of motor vehicle insurance covering the motor 3437
vehicle, and agrees to permit the insured or claimant owner to 3438
retain possession of the motor vehicle, the insurance company 3439
shall not pay the insured or claimant owner any amount in 3440
settlement of the insurance claim until the owner obtains a 3441
salvage certificate of title to the vehicle and furnishes a copy 3442
of the salvage certificate of title to the insurance company. 3443

(D) When a self-insured organization, rental or leasing 3444
company, or secured creditor becomes the owner of a motor 3445
vehicle that is burned, damaged, or dismantled and is determined 3446
to be economically impractical to repair, the self-insured 3447
organization, rental or leasing company, or secured creditor 3448
shall do one of the following: 3449

(1) Mark the face of the certificate of title to the motor vehicle, or assignment form as prescribed by the registrar, "FOR DESTRUCTION" and surrender the certificate of title or assignment form to a clerk of a court of common pleas for cancellation as described in division (A) of this section. The self-insured organization, rental or leasing company, or secured creditor then shall deliver the motor vehicle, together with a photocopy of the certificate of title or assignment form, to a salvage dealer or scrap metal processing facility and shall cause the motor vehicle to be dismantled, flattened, crushed, or destroyed.

(2) Obtain a salvage certificate of title to the motor vehicle in the name of the self-insured organization, rental or leasing company, or secured creditor, as provided in division (C) (1) of this section, and then sell or otherwise dispose of the motor vehicle. If the motor vehicle is sold, the self-insured organization, rental or leasing company, or secured creditor shall obtain a salvage certificate of title to the motor vehicle in the name of the purchaser from a clerk of a court of common pleas.

(E) If a motor vehicle titled with a salvage certificate of title is restored for operation upon the highways, application shall be made to a clerk of a court of common pleas for a certificate of title. Upon inspection by the state highway patrol, which shall include establishing proof of ownership and an inspection of the motor number and vehicle identification number of the motor vehicle and of documentation or receipts for the materials used in restoration by the owner of the motor vehicle being inspected, which documentation or receipts shall be presented at the time of inspection, the clerk, upon surrender of the salvage certificate of title, shall issue a

certificate of title for a fee prescribed by the registrar. The 3481
certificate of title shall be in the same form as the original 3482
certificate of title and shall bear the words "REBUILT SALVAGE" 3483
in black boldface letters on its face. Every subsequent 3484
certificate of title, memorandum certificate of title, or 3485
duplicate certificate of title issued for the motor vehicle also 3486
shall bear the words "REBUILT SALVAGE" in black boldface letters 3487
on its face. The exact location on the face of the certificate 3488
of title of the words "REBUILT SALVAGE" shall be determined by 3489
the registrar, who shall develop an automated procedure within 3490
the automated title processing system to comply with this 3491
division. The clerk shall use reasonable care in performing the 3492
duties imposed on the clerk by this division in issuing a 3493
certificate of title pursuant to this division, but the clerk is 3494
not liable for any of the clerk's errors or omissions or those 3495
of the clerk's deputies, or the automated title processing 3496
system in the performance of those duties. A fee of fifty 3497
dollars shall be assessed by the state highway patrol for each 3498
inspection made pursuant to this division and shall be deposited 3499
into the public safety - highway purposes fund established by 3500
section 4501.06 of the Revised Code. 3501

(F) No person shall operate upon the highways in this 3502
state a motor vehicle, title to which is evidenced by a salvage 3503
certificate of title, except to deliver the motor vehicle 3504
pursuant to an appointment for an inspection under this section. 3505

(G) No motor vehicle the certificate of title or 3506
assignment form to which has been marked "FOR DESTRUCTION" and 3507
surrendered to a clerk of a court of common pleas shall be used 3508
for anything except parts and scrap metal. 3509

(H) (1) Except as otherwise provided in this division, an 3510

owner of a manufactured or mobile home that will be taxed as 3511
real property pursuant to division (B) of section 4503.06 of the 3512
Revised Code shall surrender the certificate of title to the 3513
auditor of the county containing the taxing district in which 3514
the home is located. An owner whose home qualifies for real 3515
property taxation under divisions (B)(1)(a) and (b) of section 3516
4503.06 of the Revised Code shall surrender the certificate 3517
within fifteen days after the home meets the conditions 3518
specified in those divisions. The auditor shall deliver the 3519
certificate of title to the clerk of the court of common pleas 3520
who issued it. 3521

(2) If the certificate of title for a manufactured or 3522
mobile home that is to be taxed as real property is held by a 3523
lienholder, the lienholder shall surrender the certificate of 3524
title to the auditor of the county containing the taxing 3525
district in which the home is located, and the auditor shall 3526
deliver the certificate of title to the clerk of the court of 3527
common pleas who issued it. The lienholder shall surrender the 3528
certificate within thirty days after both of the following have 3529
occurred: 3530

(a) The homeowner has provided written notice to the 3531
lienholder requesting that the certificate of title be 3532
surrendered to the auditor of the county containing the taxing 3533
district in which the home is located. 3534

(b) The homeowner has either paid the lienholder the 3535
remaining balance owed to the lienholder, or, with the 3536
lienholder's consent, executed and delivered to the lienholder a 3537
mortgage on the home and land on which the home is sited in the 3538
amount of the remaining balance owed to the lienholder. 3539

(3) Upon the delivery of a certificate of title by the 3540

county auditor to the clerk, the clerk shall inactivate it and 3541
maintain it in the automated title processing system for a 3542
period of thirty years. 3543

(4) Upon application by the owner of a manufactured or 3544
mobile home that is taxed as real property pursuant to division 3545
(B) of section 4503.06 of the Revised Code and that no longer 3546
satisfies divisions (B) (1) (a) and (b) or divisions (B) (2) (a) and 3547
(b) of that section, the clerk shall reactivate the record of 3548
the certificate of title that was inactivated under division (H) 3549
(3) of this section and shall issue a new certificate of title, 3550
but only if the application contains or has attached to it all 3551
of the following: 3552

(a) An endorsement of the county treasurer that all real 3553
property taxes charged against the home under Title LVIII of the 3554
Revised Code and division (B) of section 4503.06 of the Revised 3555
Code for all preceding tax years have been paid; 3556

(b) An endorsement of the county auditor that the home 3557
will be removed from the real property tax list; 3558

(c) Proof that there are no outstanding mortgages or other 3559
liens on the home or, if there are such mortgages or other 3560
liens, that the mortgagee or lienholder has consented to the 3561
reactivation of the certificate of title. 3562

(I) (1) Whoever violates division (F) of this section shall 3563
be fined not more than two thousand dollars, imprisoned not more 3564
than one year, or both. 3565

(2) Whoever violates division (G) of this section shall be 3566
fined not more than one thousand dollars, imprisoned not more 3567
than six months, or both. 3568

Sec. 4510.036. (A) The bureau of motor vehicles shall 3569

record within ten days of conviction or bail forfeiture and 3570
shall keep at its main office, all abstracts received under this 3571
section or section 4510.03, 4510.031, 4510.032, or 4510.034 of 3572
the Revised Code and shall maintain records of convictions and 3573
bond forfeitures for any violation of a state law or a municipal 3574
ordinance regulating the operation of vehicles, streetcars, and 3575
trackless trolleys on highways and streets, except a violation 3576
related to parking a motor vehicle. 3577

(B) Every court of record or mayor's court before which a 3578
person is charged with a violation for which points are 3579
chargeable by this section shall assess and transcribe to the 3580
abstract of conviction that is furnished by the bureau to the 3581
court the number of points chargeable by this section in the 3582
correct space assigned on the reporting form. A United States 3583
district court that has jurisdiction within this state and 3584
before which a person is charged with a violation for which 3585
points are chargeable by this section may assess and transcribe 3586
to the abstract of conviction report that is furnished by the 3587
bureau the number of points chargeable by this section in the 3588
correct space assigned on the reporting form. If the federal 3589
court so assesses and transcribes the points chargeable for the 3590
offense and furnishes the report to the bureau, the bureau shall 3591
record the points in the same manner as those assessed and 3592
transcribed by a court of record or mayor's court. 3593

(C) A court shall assess the following points for an 3594
offense based on the following formula: 3595

(1) Aggravated vehicular homicide, vehicular homicide, 3596
vehicular manslaughter, aggravated vehicular assault, or 3597
vehicular assault when the offense involves the operation of a 3598
vehicle, streetcar, or trackless trolley on a highway or street 3599

| | |
|---|------|
| _____ 6 points | 3600 |
| (2) A violation of section 2921.331 of the Revised Code or | 3601 |
| any ordinance prohibiting the willful <u>purposeful</u> fleeing or | 3602 |
| eluding of a law enforcement officer _____ 6 points | 3603 |
| (3) A violation of section 4549.02 or 4549.021 of the | 3604 |
| Revised Code or any ordinance requiring the driver of a vehicle | 3605 |
| to stop and disclose identity at the scene of an accident | 3606 |
| _____ 6 points | 3607 |
| (4) A violation of section 4511.251 of the Revised Code or | 3608 |
| any ordinance prohibiting street racing, stunt driving, or | 3609 |
| street takeover _____ 6 points | 3610 |
| (5) A violation of section 4510.037 of the Revised Code or | 3611 |
| any ordinance prohibiting the operation of a motor vehicle while | 3612 |
| the driver's or commercial driver's license is under a twelve- | 3613 |
| point suspension _____ 6 points | 3614 |
| (6) A violation of section 4510.14 of the Revised Code, or | 3615 |
| any ordinance prohibiting the operation of a motor vehicle upon | 3616 |
| the public roads or highways within this state while the | 3617 |
| driver's or commercial driver's license of the person is under | 3618 |
| suspension and the suspension was imposed under section 4511.19, | 3619 |
| 4511.191, or 4511.196 of the Revised Code or section 4510.07 of | 3620 |
| the Revised Code due to a conviction for a violation of a | 3621 |
| municipal OVI ordinance or any ordinance prohibiting the | 3622 |
| operation of a motor vehicle while the driver's or commercial | 3623 |
| driver's license is under suspension for an OVI offense | 3624 |
| _____ 6 points | 3625 |
| (7) A violation of division (A) of section 4511.19 of the | 3626 |
| Revised Code, any ordinance prohibiting the operation of a | 3627 |
| vehicle while under the influence of alcohol, a drug of abuse, | 3628 |

or a combination of them, or any ordinance substantially 3629
equivalent to division (A) of section 4511.19 of the Revised 3630
Code prohibiting the operation of a vehicle with a prohibited 3631
concentration of alcohol, a controlled substance, or a 3632
metabolite of a controlled substance in the whole blood, blood 3633
serum or plasma, breath, or urine _____ 6 points 3634

(8) A violation of section 2913.03 of the Revised Code 3635
that does not involve an aircraft or motorboat or any ordinance 3636
prohibiting the operation of a vehicle without the consent of 3637
the owner _____ 6 points 3638

(9) Any offense under the motor vehicle laws of this state 3639
that is a felony, or any other felony in the commission of which 3640
a motor vehicle was used _____ 6 points 3641

(10) A violation of division (B) of section 4511.19 of the 3642
Revised Code or any ordinance substantially equivalent to that 3643
division prohibiting the operation of a vehicle with a 3644
prohibited concentration of alcohol in the whole blood, blood 3645
serum or plasma, breath, or urine _____ 4 points 3646

(11) A violation of section 4511.20 of the Revised Code or 3647
any ordinance prohibiting the operation of a motor vehicle in 3648
willful or wanton disregard of the safety of persons or property 3649
_____ 4 points 3650

(12) A violation of any law or ordinance pertaining to 3651
speed: 3652

(a) Notwithstanding divisions (C) (12) (b) and (c) of this 3653
section, when the speed exceeds the lawful speed limit by thirty 3654
miles per hour or more _____ 4 points 3655

(b) When the speed exceeds the lawful speed limit of 3656
fifty-five miles per hour or more by more than ten miles per 3657

| | |
|---|------------------------------|
| hour _____ 2 points | 3658 |
| (c) When the speed exceeds the lawful speed limit of less than fifty-five miles per hour by more than five miles per hour _____ 2 points | 3659 3660 3661 |
| (d) When the speed does not exceed the amounts set forth in divisions (C) (12) (a), (b), or (c) of this section _____ 0 points | 3662 3663 3664 |
| (13) A violation of division (A) of section 4511.204 of the Revised Code or any substantially similar municipal ordinance: | 3665 3666 3667 |
| (a) For a first offense within any two-year period _____ 2 points | 3668 3669 |
| (b) For a second offense within any two-year period _____ 3 points | 3670 3671 |
| (c) For a third or subsequent offense within any two-year period _____ 4 points. | 3672 3673 |
| (14) Operating a motor vehicle in violation of a restriction imposed by the registrar _____ 2 points | 3674 3675 |
| (15) A violation of section 4510.11, 4510.111, 4510.16, or 4510.21 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under suspension _____ 2 points | 3676 3677 3678 3679 |
| (16) With the exception of violations under section 4510.12 of the Revised Code where no points shall be assessed, all other moving violations reported under this section _____ 2 points | 3680 3681 3682 3683 |
| (D) Upon receiving notification from the proper court, | 3684 |

including a United States district court that has jurisdiction 3685
within this state, the bureau shall delete any points entered 3686
for a bond forfeiture if the driver is acquitted of the offense 3687
for which bond was posted. 3688

(E) If a person is convicted of or forfeits bail for two 3689
or more offenses arising out of the same facts and points are 3690
chargeable for each of the offenses, points shall be charged for 3691
only the conviction or bond forfeiture for which the greater 3692
number of points is chargeable, and, if the number of points 3693
chargeable for each offense is equal, only one offense shall be 3694
recorded, and points shall be charged only for that offense. 3695

Sec. 4511.01. As used in this chapter and in Chapter 4513. 3696
of the Revised Code: 3697

(A) "Vehicle" means every device, including a motorized 3698
bicycle and an electric bicycle, in, upon, or by which any 3699
person or property may be transported or drawn upon a highway, 3700
except that "vehicle" does not include any motorized wheelchair, 3701
any electric personal assistive mobility device, any low-speed 3702
micromobility device, any personal delivery device as defined in 3703
section 4511.513 of the Revised Code, any device that is moved 3704
by power collected from overhead electric trolley wires or that 3705
is used exclusively upon stationary rails or tracks, or any 3706
device, other than a bicycle, that is moved by human power. 3707

(B) "Motor vehicle" means every vehicle propelled or drawn 3708
by power other than muscular power or power collected from 3709
overhead electric trolley wires, except motorized bicycles, 3710
electric bicycles, road rollers, traction engines, power 3711
shovels, power cranes, and other equipment used in construction 3712
work and not designed for or employed in general highway 3713
transportation, hole-digging machinery, well-drilling machinery, 3714

ditch-digging machinery, farm machinery, and trailers designed 3715
and used exclusively to transport a boat between a place of 3716
storage and a marina, or in and around a marina, when drawn or 3717
towed on a street or highway for a distance of no more than ten 3718
miles and at a speed of twenty-five miles per hour or less. 3719

(C) "Motorcycle" means every motor vehicle, other than a 3720
tractor, having a seat or saddle for the use of the operator and 3721
designed to travel on not more than three wheels in contact with 3722
the ground, including, but not limited to, motor vehicles known 3723
as "motor-driven cycle," "motor scooter," "autocycle," "cab- 3724
enclosed motorcycle," or "motorcycle" without regard to weight 3725
or brake horsepower. 3726

(D) "Emergency vehicle" means emergency vehicles of 3727
municipal, township, or county departments or public utility 3728
corporations when identified as such as required by law, the 3729
director of public safety, or local authorities, and motor 3730
vehicles when commandeered by a police officer. 3731

(E) "Public safety vehicle" means any of the following: 3732

(1) Ambulances, including private ambulance companies 3733
under contract to a municipal corporation, township, or county, 3734
and private ambulances and nontransport vehicles bearing license 3735
plates issued under section 4503.49 of the Revised Code; 3736

(2) Motor vehicles used by public law enforcement officers 3737
or other persons sworn to enforce the criminal and traffic laws 3738
of the state; 3739

(3) Any motor vehicle when properly identified as required 3740
by the director of public safety, when used in response to fire 3741
emergency calls or to provide emergency medical service to ill 3742
or injured persons, and when operated by a duly qualified person 3743

who is a member of a volunteer rescue service or a volunteer 3744
fire department, and who is on duty pursuant to the rules or 3745
directives of that service. The state fire marshal shall be 3746
designated by the director of public safety as the certifying 3747
agency for all public safety vehicles described in division (E) 3748
(3) of this section. 3749

(4) Vehicles used by fire departments, including motor 3750
vehicles when used by volunteer fire fighters responding to 3751
emergency calls in the fire department service when identified 3752
as required by the director of public safety. 3753

Any vehicle used to transport or provide emergency medical 3754
service to an ill or injured person, when certified as a public 3755
safety vehicle, shall be considered a public safety vehicle when 3756
transporting an ill or injured person to a hospital regardless 3757
of whether such vehicle has already passed a hospital. 3758

(5) Vehicles used by the motor carrier enforcement unit 3759
for the enforcement of orders and rules of the public utilities 3760
commission as specified in section 5503.34 of the Revised Code. 3761

(F) "School bus" means every bus designed for carrying 3762
more than nine passengers that is owned by a public, private, or 3763
governmental agency or institution of learning and operated for 3764
the transportation of children to or from a school session or a 3765
school function, or owned by a private person and operated for 3766
compensation for the transportation of children to or from a 3767
school session or a school function, provided "school bus" does 3768
not include a bus operated by a municipally owned transportation 3769
system, a mass transit company operating exclusively within the 3770
territorial limits of a municipal corporation, or within such 3771
limits and the territorial limits of municipal corporations 3772
immediately contiguous to such municipal corporation, nor a 3773

common passenger carrier certified by the public utilities 3774
commission unless such bus is devoted exclusively to the 3775
transportation of children to and from a school session or a 3776
school function, and "school bus" does not include a van or bus 3777
used by a licensed child care center or type A family child care 3778
home to transport children from the child care center or type A 3779
family child care home to a school if the van or bus does not 3780
have more than fifteen children in the van or bus at any time. 3781

(G) "Bicycle" means every device, other than a device that 3782
is designed solely for use as a play vehicle by a child, that is 3783
propelled solely by human power upon which a person may ride, 3784
and that has two or more wheels, any of which is more than 3785
fourteen inches in diameter. 3786

(H) "Motorized bicycle" or "moped" means any vehicle 3787
having either two tandem wheels or one wheel in the front and 3788
two wheels in the rear, that may be pedaled, and that is 3789
equipped with a helper motor of not more than fifty cubic 3790
centimeters piston displacement that produces not more than one 3791
brake horsepower and is capable of propelling the vehicle at a 3792
speed of not greater than twenty miles per hour on a level 3793
surface. "Motorized bicycle" or "moped" does not include an 3794
electric bicycle. 3795

(I) "Commercial tractor" means every motor vehicle having 3796
motive power designed or used for drawing other vehicles and not 3797
so constructed as to carry any load thereon, or designed or used 3798
for drawing other vehicles while carrying a portion of such 3799
other vehicles, or load thereon, or both. 3800

(J) "Agricultural tractor" means every self-propelling 3801
vehicle designed or used for drawing other vehicles or wheeled 3802
machinery but having no provision for carrying loads 3803

independently of such other vehicles, and used principally for 3804
agricultural purposes. 3805

(K) "Truck" means every motor vehicle, except trailers and 3806
semitrailers, designed and used to carry property. 3807

(L) "Bus" means every motor vehicle designed for carrying 3808
more than nine passengers and used for the transportation of 3809
persons other than in a ridesharing arrangement, and every motor 3810
vehicle, automobile for hire, or funeral car, other than a 3811
taxicab or motor vehicle used in a ridesharing arrangement, 3812
designed and used for the transportation of persons for 3813
compensation. 3814

(M) "Trailer" means every vehicle designed or used for 3815
carrying persons or property wholly on its own structure and for 3816
being drawn by a motor vehicle, including any such vehicle when 3817
formed by or operated as a combination of a "semitrailer" and a 3818
vehicle of the dolly type, such as that commonly known as a 3819
"trailer dolly," a vehicle used to transport agricultural 3820
produce or agricultural production materials between a local 3821
place of storage or supply and the farm when drawn or towed on a 3822
street or highway at a speed greater than twenty-five miles per 3823
hour, and a vehicle designed and used exclusively to transport a 3824
boat between a place of storage and a marina, or in and around a 3825
marina, when drawn or towed on a street or highway for a 3826
distance of more than ten miles or at a speed of more than 3827
twenty-five miles per hour. 3828

(N) "Semitrailer" means every vehicle designed or used for 3829
carrying persons or property with another and separate motor 3830
vehicle so that in operation a part of its own weight or that of 3831
its load, or both, rests upon and is carried by another vehicle. 3832

(O) "Pole trailer" means every trailer or semitrailer 3833
attached to the towing vehicle by means of a reach, pole, or by 3834
being boomed or otherwise secured to the towing vehicle, and 3835
ordinarily used for transporting long or irregular shaped loads 3836
such as poles, pipes, or structural members capable, generally, 3837
of sustaining themselves as beams between the supporting 3838
connections. 3839

(P) "Railroad" means a carrier of persons or property 3840
operating upon rails placed principally on a private right-of- 3841
way. 3842

(Q) "Railroad train" means a steam engine or an electric 3843
or other motor, with or without cars coupled thereto, operated 3844
by a railroad. 3845

(R) "Streetcar" means a car, other than a railroad train, 3846
for transporting persons or property, operated upon rails 3847
principally within a street or highway. 3848

(S) "Trackless trolley" means every car that collects its 3849
power from overhead electric trolley wires and that is not 3850
operated upon rails or tracks. 3851

(T) "Explosives" means any chemical compound or mechanical 3852
mixture that is intended for the purpose of producing an 3853
explosion that contains any oxidizing and combustible units or 3854
other ingredients in such proportions, quantities, or packing 3855
that an ignition by fire, by friction, by concussion, by 3856
percussion, or by a detonator of any part of the compound or 3857
mixture may cause such a sudden generation of highly heated 3858
gases that the resultant gaseous pressures are capable of 3859
producing destructive effects on contiguous objects, or of 3860
destroying life or limb. Manufactured articles shall not be held 3861

to be explosives when the individual units contain explosives in 3862
such limited quantities, of such nature, or in such packing, 3863
that it is impossible to procure a simultaneous or a destructive 3864
explosion of such units, to the injury of life, limb, or 3865
property by fire, by friction, by concussion, by percussion, or 3866
by a detonator, such as fixed ammunition for small arms, 3867
firecrackers, or safety fuse matches. 3868

(U) "Flammable liquid" means any liquid that has a flash 3869
point of seventy degrees fahrenheit, or less, as determined by a 3870
tagliabue or equivalent closed cup test device. 3871

(V) "Gross weight" means the weight of a vehicle plus the 3872
weight of any load thereon. 3873

(W) "Person" means every natural person, firm, co- 3874
partnership, association, or corporation. 3875

(X) "Pedestrian" means any natural person afoot. 3876
"Pedestrian" includes a personal delivery device as defined in 3877
section 4511.513 of the Revised Code unless the context clearly 3878
suggests otherwise. 3879

(Y) "Driver or operator" means every person who drives or 3880
is in actual physical control of a vehicle, trackless trolley, 3881
or streetcar. 3882

(Z) "Police officer" means every officer authorized to 3883
direct or regulate traffic, or to make arrests for violations of 3884
traffic regulations. 3885

(AA) "Local authorities" means every county, municipal, 3886
and other local board or body having authority to adopt police 3887
regulations under the constitution and laws of this state. 3888

(BB) "Street" or "highway" means the entire width between 3889

the boundary lines of every way open to the use of the public as 3890
a thoroughfare for purposes of vehicular travel. 3891

(CC) "Controlled-access highway" means every street or 3892
highway in respect to which owners or occupants of abutting 3893
lands and other persons have no legal right of access to or from 3894
the same except at such points only and in such manner as may be 3895
determined by the public authority having jurisdiction over such 3896
street or highway. 3897

(DD) "Private road or driveway" means every way or place 3898
in private ownership used for vehicular travel by the owner and 3899
those having express or implied permission from the owner but 3900
not by other persons. 3901

(EE) "Roadway" means that portion of a highway improved, 3902
designed, or ordinarily used for vehicular travel, except the 3903
berm or shoulder. If a highway includes two or more separate 3904
roadways the term "roadway" means any such roadway separately 3905
but not all such roadways collectively. 3906

(FF) "Sidewalk" means that portion of a street between the 3907
curb lines, or the lateral lines of a roadway, and the adjacent 3908
property lines, intended for the use of pedestrians. 3909

(GG) "Laned highway" means a highway the roadway of which 3910
is divided into two or more clearly marked lanes for vehicular 3911
traffic. 3912

(HH) "Through highway" means every street or highway as 3913
provided in section 4511.65 of the Revised Code. 3914

(II) "State highway" means a highway under the 3915
jurisdiction of the department of transportation, outside the 3916
limits of municipal corporations, provided that the authority 3917
conferred upon the director of transportation in section 5511.01 3918

of the Revised Code to erect state highway route markers and 3919
signs directing traffic shall not be modified by sections 3920
4511.01 to 4511.79 and 4511.99 of the Revised Code. 3921

(JJ) "State route" means every highway that is designated 3922
with an official state route number and so marked. 3923

(KK) "Intersection" means: 3924

(1) The area embraced within the prolongation or 3925
connection of the lateral curb lines, or, if none, the lateral 3926
boundary lines of the roadways of two highways that join one 3927
another at, or approximately at, right angles, or the area 3928
within which vehicles traveling upon different highways that 3929
join at any other angle might come into conflict. The junction 3930
of an alley or driveway with a roadway or highway does not 3931
constitute an intersection unless the roadway or highway at the 3932
junction is controlled by a traffic control device. 3933

(2) If a highway includes two roadways that are thirty 3934
feet or more apart, then every crossing of each roadway of such 3935
divided highway by an intersecting highway constitutes a 3936
separate intersection. If both intersecting highways include two 3937
roadways thirty feet or more apart, then every crossing of any 3938
two roadways of such highways constitutes a separate 3939
intersection. 3940

(3) At a location controlled by a traffic control signal, 3941
regardless of the distance between the separate intersections as 3942
described in division (KK) (2) of this section: 3943

(a) If a stop line, yield line, or crosswalk has not been 3944
designated on the roadway within the median between the separate 3945
intersections, the two intersections and the roadway and median 3946
constitute one intersection. 3947

(b) Where a stop line, yield line, or crosswalk line is 3948
designated on the roadway on the intersection approach, the area 3949
within the crosswalk and any area beyond the designated stop 3950
line or yield line constitute part of the intersection. 3951

(c) Where a crosswalk is designated on a roadway on the 3952
departure from the intersection, the intersection includes the 3953
area that extends to the far side of the crosswalk. 3954

(LL) "Crosswalk" means: 3955

(1) That part of a roadway at intersections ordinarily 3956
included within the real or projected prolongation of property 3957
lines and curb lines or, in the absence of curbs, the edges of 3958
the traversable roadway; 3959

(2) Any portion of a roadway at an intersection or 3960
elsewhere, distinctly indicated for pedestrian crossing by lines 3961
or other markings on the surface; 3962

(3) Notwithstanding divisions (LL) (1) and (2) of this 3963
section, there shall not be a crosswalk where local authorities 3964
have placed signs indicating no crossing. 3965

(MM) "Safety zone" means the area or space officially set 3966
apart within a roadway for the exclusive use of pedestrians and 3967
protected or marked or indicated by adequate signs as to be 3968
plainly visible at all times. 3969

(NN) "Business district" means the territory fronting upon 3970
a street or highway, including the street or highway, between 3971
successive intersections within municipal corporations where 3972
fifty per cent or more of the frontage between such successive 3973
intersections is occupied by buildings in use for business, or 3974
within or outside municipal corporations where fifty per cent or 3975
more of the frontage for a distance of three hundred feet or 3976

more is occupied by buildings in use for business, and the 3977
character of such territory is indicated by official traffic 3978
control devices. 3979

(OO) "Residence district" means the territory, not 3980
comprising a business district, fronting on a street or highway, 3981
including the street or highway, where, for a distance of three 3982
hundred feet or more, the frontage is improved with residences 3983
or residences and buildings in use for business. 3984

(PP) "Urban district" means the territory contiguous to 3985
and including any street or highway which is built up with 3986
structures devoted to business, industry, or dwelling houses 3987
situated at intervals of less than one hundred feet for a 3988
distance of a quarter of a mile or more, and the character of 3989
such territory is indicated by official traffic control devices. 3990

(QQ) "Traffic control device" means a flagger, sign, 3991
signal, marking, or other device used to regulate, warn, or 3992
guide traffic, placed on, over, or adjacent to a street, 3993
highway, private road open to public travel, pedestrian 3994
facility, or shared-use path by authority of a public agency or 3995
official having jurisdiction, or, in the case of a private road 3996
open to public travel, by authority of the private owner or 3997
private official having jurisdiction. 3998

(RR) "Traffic control signal" means any highway traffic 3999
signal by which traffic is alternately directed to stop and 4000
permitted to proceed. 4001

(SS) "Railroad sign or signal" means any sign, signal, or 4002
device erected by authority of a public body or official or by a 4003
railroad and intended to give notice of the presence of railroad 4004
tracks or the approach of a railroad train. 4005

(TT) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trackless trolleys, and other devices, either singly or together, while using for purposes of travel any highway or private road open to public travel.

(UU) "Right-of-way" means either of the following, as the context requires:

(1) The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the legislative authority of the

municipal corporation in which such street or highway is located. 4035
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(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access. 4037
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(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade. 4040
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(AAA) "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited. 4043
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(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected. 4046
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(CCC) "Arterial street" means any United States or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. 4048
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(DDD) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools. 4053
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(EEE) "Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a person with a disability and that is incapable of a speed in excess of eight miles per hour. 4058
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(FFF) "Child care center" and "type A family child care 4062

home" have the same meanings as in section 5104.01 of the Revised Code.

(GGG) "Multi-wheel agricultural tractor" means a type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.

(HHH) "Operate" means to cause or have caused movement of a vehicle, streetcar, or trackless trolley.

(III) "Predicate motor vehicle or traffic offense" means any of the following:

(1) A violation of section 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.214, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, ~~or~~ 4511.84, 4519.401, 4519.402, 4519.403, or 4519.41 of the Revised Code;

(2) A violation of division (A) (2) of section 4511.17, divisions (A) to (D) of section 4511.51, or division (A) of section 4511.74 of the Revised Code;

(3) A violation of any provision of sections 4511.01 to

4511.76 of the Revised Code for which no penalty otherwise is 4092
provided in the section that contains the provision violated; 4093

~~(4) A violation of section 4511.214 of the Revised Code;~~ 4094

~~(5)~~ A violation of a municipal ordinance that is 4095
substantially similar to any section or provision set forth or 4096
described in division (III) (1), (2), or (3), ~~or~~ (4) of this 4097
section. 4098

(JJJ) "Road service vehicle" means wreckers, utility 4099
repair vehicles, and state, county, and municipal service 4100
vehicles equipped with visual signals by means of flashing, 4101
rotating, or oscillating lights. 4102

(KKK) "Beacon" means a highway traffic signal with one or 4103
more signal sections that operate in a flashing mode. 4104

(LLL) "Hybrid beacon" means a type of beacon that is 4105
intentionally placed in a dark mode between periods of operation 4106
where no indications are displayed and, when in operation, 4107
displays both steady and flashing traffic control signal 4108
indications. 4109

(MMM) "Highway traffic signal" means a power-operated 4110
traffic control device by which traffic is warned or directed to 4111
take some specific action. "Highway traffic signal" does not 4112
include a power-operated sign, steadily illuminated pavement 4113
marker, warning light, or steady burning electric lamp. 4114

(NNN) "Median" means the area between two roadways of a 4115
divided highway, measured from edge of traveled way to edge of 4116
traveled way, but excluding turn lanes. The width of a median 4117
may be different between intersections, between interchanges, 4118
and at opposite approaches of the same intersection. 4119

(OOO) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.

(PPP) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use.

(QQQ) "Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.

(RRR) "Waste collection vehicle" means a vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

(SSS) "Electric bicycle" means a "class 1 electric

bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle" as defined in this section. 4150
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(TTT) "Class 1 electric bicycle" means a bicycle that is 4152
equipped with fully operable pedals and an electric motor of 4153
less than seven hundred fifty watts that provides assistance 4154
only when the rider is pedaling and ceases to provide assistance 4155
when the bicycle reaches the speed of twenty miles per hour. 4156

(UUU) "Class 2 electric bicycle" means a bicycle that is 4157
equipped with fully operable pedals and an electric motor of 4158
less than seven hundred fifty watts that may provide assistance 4159
regardless of whether the rider is pedaling and is not capable 4160
of providing assistance when the bicycle reaches the speed of 4161
twenty miles per hour. 4162

(VVV) "Class 3 electric bicycle" means a bicycle that is 4163
equipped with fully operable pedals and an electric motor of 4164
less than seven hundred fifty watts that provides assistance 4165
only when the rider is pedaling and ceases to provide assistance 4166
when the bicycle reaches the speed of twenty-eight miles per 4167
hour. 4168

(WWW) "Low-speed micromobility device" means a device 4169
weighing less than one hundred pounds that has handlebars, is 4170
propelled by an electric motor or human power, and has an 4171
attainable speed on a paved level surface of not more than 4172
twenty miles per hour when propelled by the electric motor. 4173

(XXX) "Natural resources officer" means an officer 4174
appointed pursuant to section 1501.24 of the Revised Code. 4175

(YYY) "Wildlife officer" means an officer designated 4176
pursuant to section 1531.13 of the Revised Code. 4177

Sec. 4511.214. (A) (1) No person shall operate a low-speed 4178

vehicle upon any street or highway having an established speed 4179
limit greater than thirty-five miles per hour. 4180

(2) No person shall operate an under-speed ~~or utility~~ 4181
~~vehicle or a mini-truck~~ upon any street or highway ~~except as~~ 4182
~~follows:~~ 4183

~~(a) Upon a street or highway~~ having an established speed 4184
limit ~~not~~ greater than thirty-five miles per hour ~~and only~~. No 4185
person shall operate an under-speed vehicle upon such streets or 4186
highways ~~where~~ unless a local authority has granted permission 4187
for such operation in accordance with division (C) of this 4188
~~section 4511.215 of the Revised Code;~~ 4189

~~(b) A state park or political subdivision employee or~~ 4190
~~volunteer operating a utility vehicle exclusively within the~~ 4191
~~boundaries of state parks or political subdivision parks for the~~ 4192
~~operation or maintenance of state or political subdivision park-~~ 4193
~~facilities.~~ 4194

(3) No person shall operate a motor-driven cycle or motor 4195
scooter upon any street or highway having an established speed 4196
limit greater than forty-five miles per hour. 4197

~~(B) This section does not prohibit either of the~~ 4198
~~following:~~ 4199

~~(1) (B) (1) A person operating~~ may operate a low-speed 4200
~~vehicle, or an under-speed, or utility vehicle or a mini-truck~~ 4201
~~from proceeding~~ across an intersection of a street or highway 4202
having a speed limit greater than thirty-five miles per hour; 4203

(2) A person ~~operating~~ may operate a motor-driven cycle or 4204
motor scooter ~~from proceeding~~ across an intersection of a street 4205
or highway having a speed limit greater than forty-five miles 4206
per hour. 4207

(C) ~~Nothing in this section shall prevent a~~ By ordinance 4208
or resolution, a local authority may authorize the operation of 4209
under-speed vehicles on a public street or highway under its 4210
jurisdiction. A local authority that authorizes the operation of 4211
under-speed vehicles shall do all of the following: 4212

(1) Limit the operation of those vehicles to streets and 4213
highways having an established speed limit not greater than 4214
thirty-five miles per hour; 4215

(2) Require the vehicle owner who wishes to operate the 4216
under-speed vehicle on the public streets or highways to submit 4217
the vehicle to an inspection conducted by a local law 4218
enforcement agency that complies with inspection requirements 4219
established by the department of public safety under section 4220
4513.02 of the Revised Code; 4221

(3) Permit the operation on public streets or highways of 4222
only those vehicles that successfully pass the required vehicle 4223
inspection, are registered in accordance with Chapter 4503. of 4224
the Revised Code, and are titled in accordance with Chapter 4225
4505. of the Revised Code; 4226

(4) Notify the director of public safety, in a manner the 4227
director determines, of the authorization for the operation of 4228
under-speed vehicles. 4229

(D) A local authority ~~from adopting~~ may adopt more 4230
stringent local ordinances, resolutions, or regulations 4231
governing the operation of a low-speed vehicle ~~or a mini-truck,~~ 4232
~~or an~~ under-speed vehicle, a motor-driven cycle, or a motor 4233
scooter. 4234

~~(D)~~ (E) Except as otherwise provided in this division, 4235
whoever violates division (A) of this section is guilty of a 4236

minor misdemeanor. If within one year of the offense, the 4237
offender previously has been convicted of or pleaded guilty to 4238
one predicate motor vehicle or traffic offense, whoever violates 4239
this section is guilty of a misdemeanor of the fourth degree. If 4240
within one year of the offense, the offender previously has been 4241
convicted of two or more predicate motor vehicle or traffic 4242
offenses, whoever violates this section is guilty of a 4243
misdemeanor of the third degree. 4244

Sec. 4511.713. (A) No person shall operate a motor 4245
vehicle, snowmobile, or ~~all-purpose~~ all-terrain vehicle upon any 4246
path set aside for the exclusive use of bicycles, when an 4247
appropriate sign giving notice of such use is posted on the 4248
path. 4249

Nothing in this section shall be construed to affect any 4250
rule of the director of natural resources governing the 4251
operation of motor vehicles, snowmobiles, ~~all-purpose~~ all-
terrain vehicles, and bicycles on lands under the director's 4252
jurisdiction. 4253
4254

(B) Except as otherwise provided in this division, whoever 4255
violates this section is guilty of a minor misdemeanor. If, 4256
within one year of the offense, the offender previously has been 4257
convicted of or pleaded guilty to one predicate motor vehicle or 4258
traffic offense, whoever violates this section is guilty of a 4259
misdemeanor of the fourth degree. If, within one year of the 4260
offense, the offender previously has been convicted of two or 4261
more predicate motor vehicle or traffic offenses, whoever 4262
violates this section is guilty of a misdemeanor of the third 4263
degree. 4264

If the offender commits the offense while distracted and 4265
the distracting activity is a contributing factor to the 4266

commission of the offense, the offender is subject to the 4267
additional fine established under section 4511.991 of the 4268
Revised Code. 4269

Sec. 4513.02. (A) No person shall drive or move, or cause 4270
or knowingly permit to be driven or moved, on any highway any 4271
vehicle or combination of vehicles which is in such unsafe 4272
condition as to endanger any person. 4273

(B) When directed by any state highway patrol trooper, the 4274
operator of any motor vehicle shall stop and submit such motor 4275
vehicle to an inspection under division (B)(1) or (2) of this 4276
section, as appropriate, and such tests as are necessary. 4277

(1) Any motor vehicle not subject to inspection by the 4278
public utilities commission shall be inspected and tested to 4279
determine whether it is unsafe or not equipped as required by 4280
law, or that its equipment is not in proper adjustment or 4281
repair, or in violation of the equipment provisions of Chapter 4282
4513. of the Revised Code. 4283

Such inspection shall be made with respect to the brakes, 4284
lights, turn signals, steering, horns and warning devices, 4285
glass, mirrors, exhaust system, windshield wipers, tires, and 4286
such other items of equipment as designated by the 4287
superintendent of the state highway patrol by rule or regulation 4288
adopted pursuant to sections 119.01 to 119.13 of the Revised 4289
Code. 4290

Upon determining that a motor vehicle is in safe operating 4291
condition and its equipment in conformity with Chapter 4513. of 4292
the Revised Code, the inspecting officer shall issue to the 4293
operator an official inspection sticker, which shall be in such 4294
form as the superintendent prescribes except that its color 4295

shall vary from year to year. 4296

(2) Any motor vehicle subject to inspection by the public 4297
utilities commission shall be inspected and tested in accordance 4298
with rules adopted by the commission. Upon determining that the 4299
vehicle and operator are in compliance with rules adopted by the 4300
commission, the inspecting officer shall issue to the operator 4301
an appropriate official inspection sticker. 4302

(C) The superintendent of the state highway patrol, 4303
pursuant to sections 119.01 to 119.13 of the Revised Code, shall 4304
determine and promulgate standards for any inspection program 4305
conducted by a political subdivision of this state. These 4306
standards shall exempt licensed collector's vehicles and 4307
historical motor vehicles from inspection. Any motor vehicle 4308
bearing a valid certificate of inspection issued by another 4309
state or a political subdivision of this state whose inspection 4310
program conforms to the superintendent's standards, and any 4311
licensed collector's vehicle or historical motor vehicle which 4312
is not in a condition which endangers the safety of persons or 4313
property, shall be exempt from the tests provided in division 4314
(B) of this section. 4315

(D) Every person, firm, association, or corporation that, 4316
in the conduct of its business, owns and operates not less than 4317
fifteen motor vehicles in this state that are not subject to 4318
regulation by the public utilities commission and that, for the 4319
purpose of storing, repairing, maintaining, and servicing such 4320
motor vehicles, equips and operates one or more service 4321
departments within this state, may file with the superintendent 4322
of the state highway patrol applications for permits for such 4323
service departments as official inspection stations for its own 4324
motor vehicles. Upon receiving an application for each such 4325

service department, and after determining that it is properly 4326
equipped and has competent personnel to perform the inspections 4327
referred to in this section, the superintendent shall issue the 4328
necessary inspection stickers and permit to operate as an 4329
official inspection station. Any such person who has had one or 4330
more service departments so designated as official inspection 4331
stations may have motor vehicles that are owned and operated by 4332
the person and that are not subject to regulation by the public 4333
utilities commission, excepting private passenger cars owned by 4334
the person or the person's employees, inspected at such service 4335
department; and any motor vehicle bearing a valid certificate of 4336
inspection issued by such service department shall be exempt 4337
from the tests provided in division (B) of this section. 4338

No permit for an official inspection station shall be 4339
assigned or transferred or used at any location other than 4340
therein designated, and every such permit shall be posted in a 4341
conspicuous place at the location designated. 4342

If a person, firm, association, or corporation owns and 4343
operates fifteen or more motor vehicles in the conduct of 4344
business and is subject to regulation by the public utilities 4345
commission, that person, firm, association, or corporation is 4346
not eligible to apply to the superintendent for permits to 4347
enable any of its service departments to serve as official 4348
inspection stations for its own motor vehicles. 4349

(E) When any motor vehicle is found to be unsafe for 4350
operation, the inspecting officer may order it removed from the 4351
highway and not operated, except for purposes of removal and 4352
repair, until it has been repaired pursuant to a repair order as 4353
provided in division (F) of this section. 4354

(F) When any motor vehicle is found to be defective or in 4355

violation of Chapter 4513. of the Revised Code, the inspecting 4356
officer may issue a repair order, in such form and containing 4357
such information as the superintendent shall prescribe, to the 4358
owner or operator of the motor vehicle. The owner or operator 4359
shall thereupon obtain such repairs as are required and shall, 4360
as directed by the inspecting officer, return the repair order 4361
together with proof of compliance with its provisions. When any 4362
motor vehicle or operator subject to rules of the public 4363
utilities commission fails the inspection, the inspecting 4364
officer shall issue an appropriate order to obtain compliance 4365
with such rules. 4366

(G) Sections 4513.01 to 4513.37 of the Revised Code, with 4367
respect to equipment on vehicles, do not apply to implements of 4368
husbandry, road machinery, road rollers, or agricultural 4369
tractors except as made applicable to such articles of 4370
machinery. 4371

(H) A local law enforcement agency conducting an 4372
inspection on an under-speed vehicle in accordance with section 4373
4511.214 of the Revised Code or on a mini-truck, utility 4374
vehicle, all-terrain vehicle, off-highway motorcycle, or 4375
snowmobile in accordance with sections 4519.401 to 4519.41 of 4376
the Revised Code may charge the owner of the motorcycle or 4377
vehicle a one-time fee of ten dollars for the completion of the 4378
inspection. The agency that conducts the inspection shall retain 4379
the fee to offset the costs to the agency of conducting the 4380
inspection. 4381

(I) Whoever violates this section is guilty of a minor 4382
misdemeanor. 4383

Sec. 4513.221. (A) The board of county commissioners of 4384
any county, and the board of township trustees of any township 4385

subject to section 505.17 of the Revised Code, may regulate 4386
passenger car and motorcycle noise on streets and highways under 4387
their jurisdiction. Such regulations shall include maximum 4388
permissible noise limits measured in decibels, subject to the 4389
requirements of this section. 4390

(B) Regulations establishing maximum permissible noise 4391
limits measured in decibels shall prohibit the operation, within 4392
the speed limits specified herein, of a passenger car or 4393
motorcycle of a type subject to registration at any time or 4394
under any condition of load, acceleration, or deceleration in 4395
such manner as to exceed the following maximum noise limits, 4396
based on a distance of not less than fifty feet from the center 4397
of the line of travel: 4398

(1) For passenger cars: 4399

(a) When operated at a speed of thirty-five miles per hour 4400
or less, a maximum noise limit of seventy decibels; 4401

(b) When operated at a speed of more than thirty-five 4402
miles per hour, a maximum noise limit of seventy-nine decibels. 4403

(2) For motorcycles: 4404

(a) When operated at a speed of thirty-five miles per hour 4405
or less, a maximum noise limit of eighty-two decibels; 4406

(b) When operated at a speed of more than thirty-five 4407
miles per hour, a maximum noise limit of eighty-six decibels. 4408

(C) Maximum noise limits established pursuant to division 4409
(B) of this section shall be measured on the "A" scale of a 4410
standard sound level meter meeting the applicable requirements 4411
for a type 2 sound level meter as defined in American national 4412
standards institute standard S1.4 - 1983, or the most recent 4413

revision thereof. Measurement practices shall be in substantial 4414
conformity with standards and recommended practice established 4415
by the society of automotive engineers, including SAE standard J 4416
986 A NOV81, SAE standard J 366 MAR85, SAE standard J 331 A, and 4417
such other standards and practices as may be approved by the 4418
federal government. 4419

(D) No regulation enacted under division (B) of this 4420
section shall be effective until signs giving notice of the 4421
regulation are posted upon or at the entrance to the highway or 4422
part thereof affected, as may be most appropriate. 4423

(E) A board of county commissioners of any county may 4424
regulate noise from passenger cars, motorcycles, or other 4425
devices using internal combustion engines in the unincorporated 4426
area of the county, and a board of township trustees may 4427
regulate such noise in the unincorporated area of the township, 4428
in any of the following ways: 4429

(1) By prohibiting operating or causing to be operated any 4430
motor vehicle, agricultural tractor, motorcycle, ~~all-purpose-~~ 4431
all-terrain vehicle, or snowmobile not equipped with a factory- 4432
installed muffler or equivalent muffler in good working order 4433
and in constant operation; 4434

(2) By prohibiting the removing or rendering inoperative, 4435
or causing to be removed or rendered inoperative, other than for 4436
purposes of maintenance, repair, or replacement, of any muffler; 4437

(3) By prohibiting the discharge into the open air of 4438
exhaust of any stationary or portable internal combustion engine 4439
except through a factory-installed muffler or equivalent muffler 4440
in good working order and in constant operation; 4441

(4) By prohibiting racing the motor of any vehicle 4442

described in division (E) (1) of this section in such a manner 4443
that the exhaust system emits a loud, cracking, or chattering 4444
noise unusual to its normal operation. 4445

(F) Whoever violates any maximum noise limit established 4446
as provided in division (B) of this section or any of the 4447
prohibitions authorized in division (E) of this section is 4448
guilty of a minor misdemeanor. Fines collected under this 4449
section by the county shall be paid into the county general 4450
fund, and such fines collected by the township shall be paid 4451
into the township general fund. 4452

No regulation adopted under this section shall apply to 4453
commercial racetrack operations. 4454

Sec. 4513.263. (A) As used in this section ~~and in section~~ 4455
~~4513.99 of the Revised Code:~~ 4456

(1) "Automobile" means any commercial tractor, passenger 4457
car, commercial car, or truck that is required to be factory- 4458
equipped with an occupant restraining device for the operator or 4459
any passenger by regulations adopted by the United States 4460
secretary of transportation pursuant to the ~~"National Traffic-~~ 4461
~~and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A.~~ 4462
~~1392~~ and the national highway traffic safety administration. 4463
"Automobile" does not include a utility vehicle. 4464

(2) "Occupant restraining device" means a seat safety 4465
belt, shoulder belt, harness, or other safety device for 4466
restraining a person who is an operator of or passenger in an 4467
automobile and that satisfies the minimum federal vehicle safety 4468
standards established by the United States department of 4469
transportation. 4470

(3) "Passenger" means any person in an automobile, other 4471

than its operator, who is occupying a seating position for which 4472
an occupant restraining device is provided. 4473

(4) "Commercial tractor," "passenger car," and "commercial 4474
car" have the same meanings as in section 4501.01 of the Revised 4475
Code. 4476

(5) "Vehicle" and "motor vehicle," as used in the 4477
definitions of the terms set forth in division (A)(4) of this 4478
section, have the same meanings as in section 4511.01 of the 4479
Revised Code. 4480

(6) "Tort action" means a civil action for damages for 4481
injury, death, or loss to person or property. "Tort action" 4482
includes a product liability claim, as defined in section 4483
2307.71 of the Revised Code, and an asbestos claim, as defined 4484
in section 2307.91 of the Revised Code, but does not include a 4485
civil action for damages for breach of contract or another 4486
agreement between persons. 4487

(B) No person shall do any of the following: 4488

(1) Operate an automobile on any street or highway unless 4489
that person is wearing all of the available elements of a 4490
properly adjusted occupant restraining device, or operate a 4491
school bus that has an occupant restraining device installed for 4492
use in its operator's seat unless that person is wearing all of 4493
the available elements of the device, as properly adjusted; 4494

(2) Operate an automobile on any street or highway unless 4495
each passenger in the automobile who is subject to the 4496
requirement set forth in division (B)(3) of this section is 4497
wearing all of the available elements of a properly adjusted 4498
occupant restraining device; 4499

(3) Occupy, as a passenger, a seating position on the 4500

front seat of an automobile being operated on any street or 4501
highway unless that person is wearing all of the available 4502
elements of a properly adjusted occupant restraining device; 4503

(4) Operate a taxicab on any street or highway unless all 4504
factory-equipped occupant restraining devices in the taxicab are 4505
maintained in usable form. 4506

(C) (1) Division (B) (3) of this section does not apply to a 4507
person who is required by section 4511.81 of the Revised Code to 4508
be secured in a child restraint device or booster seat. 4509

(2) Division (B) (1) of this section does not apply to a 4510
person who is an employee of the United States postal service or 4511
of a newspaper home delivery service, during any period in which 4512
the person is engaged in the operation of an automobile to 4513
deliver mail or newspapers to addressees. 4514

(3) Divisions (B) (1) and (3) of this section do not apply 4515
to a person who has an affidavit signed by a physician licensed 4516
to practice in this state under Chapter 4731. of the Revised 4517
Code or a chiropractor licensed to practice in this state under 4518
Chapter 4734. of the Revised Code that states the following: 4519

(a) That the person has a physical impairment that makes 4520
use of an occupant restraining device impossible or impractical; 4521

(b) Whether the physical impairment is temporary, 4522
permanent, or reasonably expected to be permanent; 4523

(c) If the physical impairment is temporary, how long the 4524
physical impairment is expected to make the use of an occupant 4525
restraining device impossible or impractical. 4526

(4) Divisions (B) (1) and (3) of this section do not apply 4527
to a person who has registered with the registrar of motor 4528

vehicles in accordance with division (C) (5) of this section. 4529

(5) A person who has received an affidavit under division 4530
(C) (3) of this section stating that the person has a permanent 4531
or reasonably expected to be permanent physical impairment that 4532
makes use of an occupant restraining device impossible or 4533
impracticable may register with the registrar attesting to that 4534
fact. Upon such registration, the registrar shall make that 4535
information available in the law enforcement automated data 4536
system. A person included in the database under division (C) (5) 4537
of this section is not required to have the affidavit obtained 4538
in accordance with division (C) (3) of this section in their 4539
possession while operating or occupying an automobile. 4540

(6) A physician or chiropractor who issues an affidavit 4541
for the purposes of division (C) (3) or (4) of this section is 4542
immune from civil liability arising from any injury or death 4543
sustained by the person who was issued the affidavit due to the 4544
failure of the person to wear an occupant restraining device 4545
unless the physician or chiropractor, in issuing the affidavit, 4546
acted in a manner that constituted willful, wanton, or reckless 4547
misconduct. 4548

(7) The registrar shall adopt rules in accordance with 4549
Chapter 119. of the Revised Code establishing a process for a 4550
person to be included in the database under division (C) (5) of 4551
this section. The information provided and included in the 4552
database under division (C) (5) of this section is not a public 4553
record subject to inspection or copying under section 149.43 of 4554
the Revised Code. 4555

(D) Notwithstanding any provision of law to the contrary, 4556
no law enforcement officer shall cause an operator of an 4557
automobile being operated on any street or highway to stop the 4558

automobile for the sole purpose of determining whether a 4559
violation of division (B) of this section has been or is being 4560
committed or for the sole purpose of issuing a ticket, citation, 4561
or summons for a violation of that nature or causing the arrest 4562
of or commencing a prosecution of a person for a violation of 4563
that nature, and no law enforcement officer shall view the 4564
interior or visually inspect any automobile being operated on 4565
any street or highway for the sole purpose of determining 4566
whether a violation of that nature has been or is being 4567
committed. 4568

~~(E)~~ (E) (1) All fines collected for violations of division 4569
(B) of this section, or for violations of any ordinance or 4570
resolution of a political subdivision that is substantively 4571
comparable to that division, shall be forwarded to the treasurer 4572
of state for deposit into the state treasury to the credit of 4573
the trauma and emergency medical services fund, which is hereby 4574
created. ~~In addition, the~~ 4575

(2) The trauma and emergency medical services fund shall 4576
also consist of all of the following which shall be deposited 4577
into the fund: 4578

(a) The portion of the driver's license reinstatement fee 4579
described in division (F) (2) (g) of section 4511.191 of the 4580
Revised Code, ~~plus all;~~ 4581

(b) All fines imposed under section 4519.23 of the Revised 4582
Code; 4583

(c) All fees collected under section 4765.11 of the 4584
Revised Code, ~~plus all;~~ 4585

(d) All fines imposed under section 4765.55 of the Revised 4586
Code, ~~plus the;~~ 4587

(e) All fees and other moneys specified in section 4766.05 4588
of the Revised Code, ~~and plus five;~~ 4589

(f) Five per cent of fines and moneys arising from bail 4590
forfeitures as directed by section 5503.04 of the Revised Code, ~~—~~ 4591
~~also shall be deposited into the trauma and emergency medical—~~ 4592
~~services fund. All—~~ 4593

(3) All money deposited into the trauma and emergency 4594
medical services fund shall be used by the department of public 4595
safety for the administration and operation of the division of 4596
emergency medical services and the state board of emergency 4597
medical, fire, and transportation services, and by the state 4598
board of emergency medical, fire, and transportation services to 4599
make grants, in accordance with section 4765.07 of the Revised 4600
Code and rules the board adopts under section 4765.11 of the 4601
Revised Code. ~~The—~~ 4602

(4) The director of budget and management may transfer 4603
excess money from the trauma and emergency medical services fund 4604
to the public safety - highway purposes fund established in 4605
section 4501.06 of the Revised Code if the director of public 4606
safety determines that the amount of money in the trauma and 4607
emergency medical services fund exceeds the amount required to 4608
cover such costs incurred by the emergency medical services 4609
agency and the grants made by the state board of emergency 4610
medical, fire, and transportation services and requests the 4611
director of budget and management to make the transfer. 4612

(F) (1) Subject to division (F) (2) of this section, the 4613
failure of a person to wear all of the available elements of a 4614
properly adjusted occupant restraining device in violation of 4615
division (B) (1) or (3) of this section or the failure of a 4616
person to ensure that each minor who is a passenger of an 4617

automobile being operated by that person is wearing all of the 4618
available elements of a properly adjusted occupant restraining 4619
device in violation of division (B) (2) of this section shall not 4620
be considered or used by the trier of fact in a tort action as 4621
evidence of negligence or contributory negligence. But, the 4622
trier of fact may determine based on evidence admitted 4623
consistent with the Ohio Rules of Evidence that the failure 4624
contributed to the harm alleged in the tort action and may 4625
diminish a recovery of compensatory damages that represents 4626
noneconomic loss, as defined in section 2307.011 of the Revised 4627
Code, in a tort action that could have been recovered but for 4628
the plaintiff's failure to wear all of the available elements of 4629
a properly adjusted occupant restraining device. Evidence of 4630
that failure shall not be used as a basis for a criminal 4631
prosecution of the person other than a prosecution for a 4632
violation of this section; and shall not be admissible as 4633
evidence in a criminal action involving the person other than a 4634
prosecution for a violation of this section. 4635

(2) If, at the time of an accident involving a passenger 4636
car equipped with occupant restraining devices, any occupant of 4637
the passenger car who sustained injury or death was not wearing 4638
an available occupant restraining device, was not wearing all of 4639
the available elements of such a device, or was not wearing such 4640
a device as properly adjusted, then, consistent with the Rules 4641
of Evidence, the fact that the occupant was not wearing the 4642
available occupant restraining device, was not wearing all of 4643
the available elements of such a device, or was not wearing such 4644
a device as properly adjusted is admissible in evidence in 4645
relation to any claim for relief in a tort action to the extent 4646
that the claim for relief satisfies all of the following: 4647

(a) It seeks to recover damages for injury or death to the 4648

occupant. 4649

(b) The defendant in question is the manufacturer, 4650
designer, distributor, or seller of the passenger car. 4651

(c) The claim for relief against the defendant in question 4652
is that the injury or death sustained by the occupant was 4653
enhanced or aggravated by some design defect in the passenger 4654
car or that the passenger car was not crashworthy. 4655

(G) (1) Whoever violates division (B) (1) of this section 4656
shall be fined thirty dollars. 4657

(2) Whoever violates division (B) (3) of this section shall 4658
be fined twenty dollars. 4659

(3) Except as otherwise provided in this division, whoever 4660
violates division (B) (4) of this section is guilty of a minor 4661
misdemeanor. If the offender previously has been convicted of or 4662
pleaded guilty to a violation of division (B) (4) of this 4663
section, whoever violates division (B) (4) of this section is 4664
guilty of a misdemeanor of the third degree. 4665

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of 4666
the Revised Code: 4667

(A) "Persons" includes individuals, partnerships, 4668
associations, joint stock companies, corporations, sole 4669
proprietorships, limited liability companies, limited liability 4670
partnerships, business trusts, and any other legally recognized 4671
business entities or any combinations of individuals. 4672

(B) "Motor vehicle" means motor vehicle as defined in 4673
section 4501.01 of the Revised Code and also includes "~~all-~~ 4674
~~purpose~~ all-terrain vehicle" and "off-highway motorcycle" as 4675
those terms are defined in section 4519.01 of the Revised Code. 4676

"Motor vehicle" does not include a snowmobile as defined in 4677
section 4519.01 of the Revised Code or manufactured and mobile 4678
homes. 4679

(C) "New motor vehicle" means a motor vehicle, the legal 4680
title to which has never been transferred by a manufacturer, 4681
remanufacturer, distributor, or dealer to an ultimate purchaser. 4682

(D) "Ultimate purchaser" means, with respect to any new 4683
motor vehicle, the first person, other than a dealer purchasing 4684
in the capacity of a dealer, who in good faith purchases such 4685
new motor vehicle for purposes other than resale. 4686

(E) "Business" includes any activities engaged in by any 4687
person for the object of gain, benefit, or advantage either 4688
direct or indirect, including activities conducted through the 4689
internet or another computer network. 4690

(F) "Engaging in business" means commencing, conducting, 4691
or continuing in business, or liquidating a business when the 4692
liquidator thereof holds self out to be conducting such 4693
business; making a casual sale or otherwise making transfers in 4694
the ordinary course of business when the transfers are made in 4695
connection with the disposition of all or substantially all of 4696
the transferor's assets is not engaging in business. 4697

(G) "Retail sale" or "selling at retail" means the act or 4698
attempted act of selling, bartering, exchanging, or otherwise 4699
disposing of a motor vehicle, including through use of the 4700
internet or another computer network, to an ultimate purchaser. 4701

(H) "Retail installment contract" includes any contract in 4702
the form of a note, chattel mortgage, conditional sales 4703
contract, lease, agreement, or other instrument payable in one 4704
or more installments over a period of time and arising out of 4705

the retail sale of a motor vehicle. 4706

(I) "Farm machinery" means all machines and tools used in 4707
the production, harvesting, and care of farm products. 4708

(J) "Dealer" or "motor vehicle dealer" means any new motor 4709
vehicle dealer, any motor vehicle leasing dealer, any adaptive 4710
mobility dealer, and any used motor vehicle dealer. 4711

(K) "New motor vehicle dealer" means any person engaged in 4712
the business of selling at retail, displaying, offering for 4713
sale, or dealing in new motor vehicles pursuant to a contract or 4714
agreement entered into with the manufacturer, remanufacturer, or 4715
distributor of the motor vehicles. 4716

(L) "Used motor vehicle dealer" means any person engaged 4717
in the business of selling, displaying, offering for sale, or 4718
dealing in used motor vehicles, at retail or wholesale, but does 4719
not mean any new motor vehicle dealer selling, displaying, 4720
offering for sale, or dealing in used motor vehicles 4721
incidentally to engaging in the business of selling, displaying, 4722
offering for sale, or dealing in new motor vehicles, any person 4723
engaged in the business of dismantling, salvaging, or rebuilding 4724
motor vehicles by means of using used parts, or any public 4725
officer performing official duties. 4726

(M) "Motor vehicle leasing dealer" means any person 4727
engaged in the business of regularly making available, offering 4728
to make available, or arranging for another person to use a 4729
motor vehicle pursuant to a bailment, lease, sublease, or other 4730
contractual arrangement under which a charge is made for its use 4731
at a periodic rate for a term of thirty days or more, and title 4732
to the motor vehicle is in and remains in the motor vehicle 4733
leasing dealer who originally leases it, irrespective of whether 4734

or not the motor vehicle is the subject of a later sublease, and 4735
not in the user, including any financial institution acting as a 4736
lessor for a lease or sublease. "Motor vehicle leasing dealer" 4737
does not include a new motor vehicle dealer that is not the 4738
lessor and that only assists in arranging a lease on the 4739
lessor's behalf or a manufacturer or its affiliate leasing to 4740
its employees or to dealers. 4741

(N) "Salesperson" means any person employed by a dealer to 4742
sell, display, and offer for sale, or deal in motor vehicles for 4743
a commission, compensation, or other valuable consideration, but 4744
does not mean any public officer performing official duties. 4745

(O) "Casual sale" means any transfer of a motor vehicle by 4746
a person other than a new motor vehicle dealer, used motor 4747
vehicle dealer, adaptive mobility dealer, motor vehicle salvage 4748
dealer, as defined in division (A) of section 4738.01 of the 4749
Revised Code, salesperson, motor vehicle auction owner, 4750
manufacturer, or distributor acting in the capacity of a dealer, 4751
salesperson, auction owner, manufacturer, or distributor, to a 4752
person who purchases the motor vehicle for use as a consumer. 4753

(P) "Motor vehicle auction owner" means any person who is 4754
engaged wholly or in part in the business of auctioning motor 4755
vehicles, but does not mean a construction equipment auctioneer 4756
or a construction equipment auction licensee. 4757

(Q) "Manufacturer" means a person who manufactures, 4758
assembles, or imports motor vehicles, including motor homes, but 4759
does not mean a person who only assembles or installs a body, 4760
special equipment unit, finishing trim, or accessories on a 4761
motor vehicle chassis supplied by a manufacturer or distributor. 4762

(R) "Tent-type fold-out camping trailer" means any vehicle 4763

intended to be used, when stationary, as a temporary shelter 4764
with living and sleeping facilities, and that is subject to the 4765
following properties and limitations: 4766

(1) A minimum of twenty-five per cent of the fold-out 4767
portion of the top and sidewalls combined must be constructed of 4768
canvas, vinyl, or other fabric, and form an integral part of the 4769
shelter. 4770

(2) When folded, the unit must not exceed: 4771

(a) Fifteen feet in length, exclusive of bumper and 4772
tongue; 4773

(b) Sixty inches in height from the point of contact with 4774
the ground; 4775

(c) Eight feet in width; 4776

(d) One ton gross weight at time of sale. 4777

(S) "Distributor" means any person authorized by a motor 4778
vehicle manufacturer to distribute new motor vehicles to 4779
licensed new motor vehicle dealers, but does not mean a person 4780
who only assembles or installs a body, special equipment unit, 4781
finishing trim, or accessories on a motor vehicle chassis 4782
supplied by a manufacturer or distributor. 4783

(T) "Flea market" means a market place, other than a 4784
dealer's location licensed under this chapter, where a space or 4785
location is provided for a fee or compensation to a seller to 4786
exhibit and offer for sale or trade, motor vehicles to the 4787
general public. 4788

(U) "Franchise" means any written agreement, contract, or 4789
understanding between any motor vehicle manufacturer or 4790
remanufacturer engaged in commerce and any new motor vehicle 4791

dealer that purports to fix the legal rights and liabilities of 4792
the parties to such agreement, contract, or understanding. 4793

(V) "Franchisee" means a person who receives new motor 4794
vehicles from the franchisor under a franchise agreement and who 4795
offers, sells, and provides service for such new motor vehicles 4796
to the general public. 4797

(W) "Franchisor" means a new motor vehicle manufacturer, 4798
remanufacturer, or distributor who supplies new motor vehicles 4799
under a franchise agreement to a franchisee. 4800

(X) "Dealer organization" means a state or local trade 4801
association the membership of which is comprised predominantly 4802
of new motor vehicle dealers. 4803

(Y) "Factory representative" means a representative 4804
employed by a manufacturer, remanufacturer, or by a factory 4805
branch primarily for the purpose of promoting the sale of its 4806
motor vehicles, parts, or accessories to dealers or for 4807
supervising or contacting its dealers or prospective dealers. 4808

(Z) "Administrative or executive management" means those 4809
individuals who are not subject to federal wage and hour laws. 4810

(AA) "Good faith" means honesty in the conduct or 4811
transaction concerned and the observance of reasonable 4812
commercial standards of fair dealing in the trade as is defined 4813
in section 1301.201 of the Revised Code, including, but not 4814
limited to, the duty to act in a fair and equitable manner so as 4815
to guarantee freedom from coercion, intimidation, or threats of 4816
coercion or intimidation; provided however, that recommendation, 4817
endorsement, exposition, persuasion, urging, or argument shall 4818
not be considered to constitute a lack of good faith. 4819

(BB) "Coerce" means to compel or attempt to compel by 4820

failing to act in good faith or by threat of economic harm, 4821
breach of contract, or other adverse consequences. Coerce does 4822
not mean to argue, urge, recommend, or persuade. 4823

(CC) "Relevant market area" means any area within a radius 4824
of ten miles from the site of a potential new dealership, except 4825
that for manufactured home or recreational vehicle dealerships 4826
the radius shall be twenty-five miles. The ten-mile radius shall 4827
be measured from the dealer's established place of business that 4828
is used exclusively for the purpose of selling, displaying, 4829
offering for sale, or dealing in motor vehicles. 4830

(DD) "Wholesale" or "at wholesale" means the act or 4831
attempted act of selling, bartering, exchanging, or otherwise 4832
disposing of a motor vehicle to a transferee for the purpose of 4833
resale and not for ultimate consumption by that transferee. 4834

(EE) "Motor vehicle wholesaler" means any person licensed 4835
as a dealer under the laws of another state and engaged in the 4836
business of selling, displaying, or offering for sale used motor 4837
vehicles, at wholesale, but does not mean any motor vehicle 4838
dealer as defined in this section. 4839

(FF) (1) "Remanufacturer" means a person who assembles or 4840
installs passenger seating, walls, a roof elevation, or a body 4841
extension on a conversion van with the motor vehicle chassis 4842
supplied by a manufacturer or distributor, a person who modifies 4843
a truck chassis supplied by a manufacturer or distributor for 4844
use as a public safety or public service vehicle, a person who 4845
modifies a motor vehicle chassis supplied by a manufacturer or 4846
distributor for use as a limousine or hearse, or a person who 4847
modifies an incomplete motor vehicle cab and chassis supplied by 4848
a new motor vehicle dealer or distributor for use as a tow 4849
truck, but does not mean either of the following: 4850

(a) A person who assembles or installs passenger seating, 4851
a roof elevation, or a body extension on a recreational vehicle 4852
as defined in division (Q) and referred to in division (B) of 4853
section 4501.01 of the Revised Code; 4854

(b) An adaptive mobility dealer. 4855

(2) For the purposes of division (FF)(1) of this section, 4856
"public safety vehicle or public service vehicle" means a fire 4857
truck, ambulance, school bus, street sweeper, garbage packing 4858
truck, or cement mixer, or a mobile self-contained facility 4859
vehicle. 4860

(3) For the purposes of division (FF)(1) of this section, 4861
"limousine" means a motor vehicle, designed only for the purpose 4862
of carrying nine or fewer passengers, that a person modifies by 4863
cutting the original chassis, lengthening the wheelbase by forty 4864
inches or more, and reinforcing the chassis in such a way that 4865
all modifications comply with all applicable federal motor 4866
vehicle safety standards. No person shall qualify as or be 4867
deemed to be a remanufacturer who produces limousines unless the 4868
person has a written agreement with the manufacturer of the 4869
chassis the person utilizes to produce the limousines to 4870
complete properly the remanufacture of the chassis into 4871
limousines. 4872

(4) For the purposes of division (FF)(1) of this section, 4873
"hearse" means a motor vehicle, designed only for the purpose of 4874
transporting a single casket, that is equipped with a 4875
compartment designed specifically to carry a single casket that 4876
a person modifies by cutting the original chassis, lengthening 4877
the wheelbase by ten inches or more, and reinforcing the chassis 4878
in such a way that all modifications comply with all applicable 4879
federal motor vehicle safety standards. No person shall qualify 4880

as or be deemed to be a remanufacturer who produces hearses 4881
unless the person has a written agreement with the manufacturer 4882
of the chassis the person utilizes to produce the hearses to 4883
complete properly the remanufacture of the chassis into hearses. 4884

(5) For the purposes of division (FF)(1) of this section, 4885
"mobile self-contained facility vehicle" means a mobile 4886
classroom vehicle, mobile laboratory vehicle, bookmobile, 4887
bloodmobile, testing laboratory, and mobile display vehicle, 4888
each of which is designed for purposes other than for passenger 4889
transportation and other than the transportation or displacement 4890
of cargo, freight, materials, or merchandise. A vehicle is 4891
remanufactured into a mobile self-contained facility vehicle in 4892
part by the addition of insulation to the body shell, and 4893
installation of all of the following: a generator, electrical 4894
wiring, plumbing, holding tanks, doors, windows, cabinets, 4895
shelving, and heating, ventilating, and air conditioning 4896
systems. 4897

(6) For the purposes of division (FF)(1) of this section, 4898
"tow truck" means both of the following: 4899

(a) An incomplete cab and chassis that are purchased by a 4900
remanufacturer from a new motor vehicle dealer or distributor of 4901
the cab and chassis and on which the remanufacturer then 4902
installs in a permanent manner a wrecker body it purchases from 4903
a manufacturer or distributor of wrecker bodies, installs an 4904
emergency flashing light pylon and emergency lights upon the 4905
mast of the wrecker body or rooftop, and installs such other 4906
related accessories and equipment, including push bumpers, front 4907
grille guards with pads and other custom-ordered items such as 4908
painting, special lettering, and safety striping so as to create 4909
a complete motor vehicle capable of lifting and towing another 4910

motor vehicle. 4911

(b) An incomplete cab and chassis that are purchased by a 4912
remanufacturer from a new motor vehicle dealer or distributor of 4913
the cab and chassis and on which the remanufacturer then 4914
installs in a permanent manner a car carrier body it purchases 4915
from a manufacturer or distributor of car carrier bodies, 4916
installs an emergency flashing light pylon and emergency lights 4917
upon the rooftop, and installs such other related accessories 4918
and equipment, including push bumpers, front grille guards with 4919
pads and other custom-ordered items such as painting, special 4920
lettering, and safety striping. 4921

As used in division (FF) (6) (b) of this section, "car 4922
carrier body" means a mechanical or hydraulic apparatus capable 4923
of lifting and holding a motor vehicle on a flat level surface 4924
so that one or more motor vehicles can be transported, once the 4925
car carrier is permanently installed upon an incomplete cab and 4926
chassis. 4927

(GG) "Operate as a new motor vehicle dealership" means 4928
engaging in activities such as displaying, offering for sale, 4929
and selling new motor vehicles at retail, operating a service 4930
facility to perform repairs and maintenance on motor vehicles, 4931
offering for sale and selling motor vehicle parts at retail, and 4932
conducting all other acts that are usual and customary to the 4933
operation of a new motor vehicle dealership. For the purposes of 4934
this chapter only, possession of either a valid new motor 4935
vehicle dealer franchise agreement or a new motor vehicle 4936
dealers license, or both of these items, is not evidence that a 4937
person is operating as a new motor vehicle dealership. 4938

(HH) "Outdoor power equipment" means garden and small 4939
utility tractors, walk-behind and riding mowers, chainsaws, and 4940

tillers. 4941

(II) "Remote service facility" means premises that are 4942
separate from a licensed new motor vehicle dealer's sales 4943
facility by not more than one mile and that are used by the 4944
dealer to perform repairs, warranty work, recall work, and 4945
maintenance on motor vehicles pursuant to a franchise agreement 4946
entered into with a manufacturer of motor vehicles. A remote 4947
service facility shall be deemed to be part of the franchise 4948
agreement and is subject to all the rights, duties, obligations, 4949
and requirements of Chapter 4517. of the Revised Code that 4950
relate to the performance of motor vehicle repairs, warranty 4951
work, recall work, and maintenance work by new motor vehicle 4952
dealers. 4953

(JJ) "Recreational vehicle" has the same meaning as in 4954
section 4501.01 of the Revised Code. 4955

(KK) "Construction equipment auctioneer" means a person 4956
who holds both a valid auction firm license issued under Chapter 4957
4707. of the Revised Code and a valid construction equipment 4958
auction license issued under this chapter. 4959

(LL) "Large construction or transportation equipment" 4960
means vehicles having a gross vehicle weight rating of more than 4961
ten thousand pounds and includes road rollers, traction engines, 4962
power shovels, power cranes, commercial cars and trucks, or farm 4963
trucks, and other similar vehicles obtained primarily from the 4964
construction, mining, transportation or farming industries. 4965

(MM) "Local market conditions" includes, but is not 4966
limited to: 4967

(1) Demographics in the franchisee's area; 4968

(2) Geographical and market characteristics in the 4969

| | |
|--|------------------------------|
| franchisee's area; | 4970 |
| (3) Local economic circumstances; | 4971 |
| (4) The proximity of other motor vehicle dealers of the same line-make; | 4972 4973 |
| (5) The proximity of motor vehicle manufacturing facilities; | 4974 4975 |
| (6) The buying patterns of motor vehicle purchasers; | 4976 |
| (7) Customer drive time and drive distance. | 4977 |
| (NN) "Established place of business" means a permanent, enclosed building or structure that meets all of the following requirements: | 4978 4979 4980 |
| (1) It is either owned, leased, or rented by the motor vehicle dealer. | 4981 4982 |
| (2) It meets local zoning or municipal requirements. | 4983 |
| (3) It is regularly occupied by at least one person. | 4984 |
| (4) It is easily accessible to the public. | 4985 |
| (5) The records and files necessary to conduct the business are generally kept and maintained at the location or are readily accessible and available for reasonable inspection from the location. | 4986 4987 4988 4989 |
| "Established place of business" does not mean a residence, tent, temporary stand, storage shed, lot, or any temporary quarters, unless authorized by the registrar of motor vehicles. | 4990 4991 4992 |
| (OO) "Adaptive mobility dealer" means any person engaged in the business of all of the following: | 4993 4994 |
| (1) Selling at retail, displaying, offering for sale, | 4995 |

| | |
|---|------|
| delivering, and dealing in adaptive mobility vehicles; | 4996 |
| (2) Selling and installing adaptive mobility equipment, | 4997 |
| related accessories, and other goods and services to meet the | 4998 |
| automotive adaptive mobility needs of drivers and passengers | 4999 |
| with disabilities; | 5000 |
| (3) Providing maintenance and repair services for adaptive | 5001 |
| mobility vehicles and adaptive mobility equipment. | 5002 |
| (PP) "Adaptive mobility equipment" means the mechanical or | 5003 |
| electronic devices or parts that are designed to facilitate the | 5004 |
| use of a motor vehicle by a person who is aging or a person with | 5005 |
| disabilities, in accordance with 49 C.F.R. part 571, and that | 5006 |
| are permanently attached to or incorporated into the motor | 5007 |
| vehicle. | 5008 |
| Sec. 4519.01. As used in this chapter: | 5009 |
| (A) "Snowmobile" means any self-propelled vehicle designed | 5010 |
| primarily for use on snow or ice, and steered by skis, runners, | 5011 |
| or caterpillar treads. | 5012 |
| (B) "All-purpose-All-terrain vehicle" means any a self- | 5013 |
| propelled vehicle <u>with three or four wheels,</u> designed primarily | 5014 |
| for cross-country travel on land and water, or on more than one- | 5015 |
| type of terrain, and steered by wheels or caterpillar treads, or | 5016 |
| any combination thereof, including vehicles that operate on a | 5017 |
| cushion of air, vehicles commonly known as all-terrain vehicles, | 5018 |
| all-season vehicles, mini-bikes, and trail bikes. "All-purpose | 5019 |
| vehicle" does not include a utility vehicle as defined in- | 5020 |
| section 4501.01 of the Revised Code or any vehicle principally- | 5021 |
| used in playing golf, any motor vehicle or aircraft required to- | 5022 |
| be registered under Chapter 4503. or 4561. of the Revised Code, | 5023 |
| and any vehicle excepted from definition as a motor vehicle by- | 5024 |

~~division (B) of section 4501.01 of the Revised Code~~off-road use, 5025
that has a seat designed to be straddled by the operator and 5026
handlebars for steering control. 5027

(C) "Owner" means any person or firm, other than a 5028
lienholder or dealer, having title to a snowmobile, off-highway 5029
motorcycle, mini-truck, utility vehicle, or all-purpose-all- 5030
terrain vehicle, or other right to the possession thereof. 5031

(D) "Operator" means any person who operates or is in 5032
actual physical control of a snowmobile, off-highway motorcycle, 5033
mini-truck, utility vehicle, or all-purpose-all-terrain vehicle. 5034

(E) "Dealer" means any person or firm engaged in the 5035
business of manufacturing or selling snowmobiles, off-highway 5036
motorcycles, or all-purpose-all-terrain vehicles at wholesale or 5037
retail, or who rents, leases, or otherwise furnishes 5038
snowmobiles, off-highway motorcycles, or all-purpose-all-terrain 5039
vehicles for hire. 5040

(F) "Street or highway" has the same meaning as in section 5041
4511.01 of the Revised Code. 5042

(G) "Limited access highway" and "freeway" have the same 5043
meanings as in section 5511.02 of the Revised Code. 5044

(H) "Interstate highway" means any part of the interstate 5045
system of highways as defined in subsection (e), 90 Stat. 431 5046
(1976), 23 U.S.C.A. 103, as amended. 5047

(I) "Off-highway motorcycle" means every motorcycle, as 5048
defined in section 4511.01 of the Revised Code, that is designed 5049
to be operated primarily on lands other than a street or 5050
highway. 5051

(J) "Electronic" and "electronic record" have the same 5052

meanings as in section 4501.01 of the Revised Code. 5053

(K) "Electronic dealer" means a dealer whom the registrar 5054
of motor vehicles designates under section 4519.511 of the 5055
Revised Code. 5056

(L) "Mini-truck" means a vehicle that has four wheels, is 5057
propelled by an electric motor with a rated power of seven 5058
thousand five hundred watts or less or an internal combustion 5059
engine with a piston displacement capacity of six hundred sixty 5060
cubic centimeters or less, has a total dry weight of nine 5061
hundred to two thousand two hundred pounds, contains an enclosed 5062
cabin and a seat for the vehicle operator, resembles a pickup 5063
truck or van with a cargo area or bed located at the rear of the 5064
vehicle, and was not originally manufactured to meet federal 5065
motor vehicle safety standards. 5066

(M) "State highway" and "state route" have the same 5067
meanings as in section 4511.01 of the Revised Code. 5068

(N) "Proof of financial responsibility" has the same 5069
meaning as in section 4509.01 of the Revised Code. 5070

(O) "Utility vehicle" has the same meaning as in section 5071
4501.01 of the Revised Code. 5072

(P) "Local authority" means either of the following: 5073

(1) The legislative authority of a municipal corporation 5074
acting on behalf of that municipal corporation; 5075

(2) The board of county commissioners acting on behalf of 5076
that county or on behalf of a township within that county. 5077

(Q) "Predicate motor vehicle or traffic offense" has the 5078
same meaning as in section 4511.01 of the Revised Code. 5079

Sec. 4519.02. ~~(A)(1)~~ (A) Except as provided in divisions 5080
(B), (C), ~~and (D)~~, and (E) of this section, no person shall 5081
operate any snowmobile, off-highway motorcycle, mini-truck, 5082
utility vehicle, or ~~all-purpose all-terrain~~ vehicle within this 5083
state unless the ~~snowmobile, off-highway motorcycle, or all-~~ 5084
~~purpose~~ vehicle is registered and numbered in accordance with 5085
sections 4519.03 and 4519.04 of the Revised Code. 5086

~~(2) Except as provided in section 4511.215 of the Revised~~ 5087
~~Code, no registration is required for a mini-truck that is~~ 5088
~~operated within this state. A mini-truck may be operated only in~~ 5089
~~accordance with that section and section 4519.401 of the Revised~~ 5090
~~Code.~~ 5091

~~(B)(1)~~ (B) No registration is required for a snowmobile ~~or~~ 5092
, off-highway motorcycle, mini-truck, utility vehicle, or all- 5093
terrain vehicle that is operated exclusively upon lands owned by 5094
the its owner ~~of the snowmobile or off-highway motoreyele,~~ or on 5095
lands to which the its owner ~~of the snowmobile or off-highway-~~ 5096
~~motoreyele~~ has a contractual right. 5097

~~(2) No registration is required for an all-purpose vehicle~~ 5098
~~that is used primarily for agricultural purposes when the owner~~ 5099
~~qualifies for the current agricultural use valuation tax credit,~~ 5100
~~unless it is to be used on any public land, trail, or right-of-~~ 5101
~~way.~~ 5102

~~(3) Any all-purpose vehicle exempted from registration~~ 5103
~~under division (B)(2) of this section and operated for~~ 5104
~~agricultural purposes may use public roads and rights-of-way~~ 5105
~~when traveling from one farm field to another, when such use~~ 5106
~~does not violate section 4519.41 of the Revised Code.~~ 5107

~~(4) No registration is required for a snowmobile or all-~~ 5108

~~purpose vehicle that is operated on a state highway as~~ 5109
~~authorized by division (F) of section 4519.41 of the Revised~~ 5110
~~Code.~~ 5111

(C) No registration is required for a snowmobile, off- 5112
highway motorcycle, mini-truck, utility vehicle, or ~~all-purpose-~~ 5113
all-terrain vehicle owned and used in this state by a resident 5114
of another state ~~whenever~~ if that state has in effect a 5115
registration law similar to this chapter and the ~~snowmobile,~~ 5116
~~off-highway motorcycle,~~ or ~~all-purpose~~ vehicle is properly 5117
registered under that state's law. Any snowmobile, off-highway 5118
motorcycle, mini-truck, utility vehicle, or ~~all-purpose~~ all- 5119
terrain vehicle owned and used in this state by a resident of a 5120
state not having a registration law similar to this chapter 5121
shall comply with section 4519.09 of the Revised Code. 5122

(D) No registration is required for a snowmobile, off- 5123
highway motorcycle, mini-truck, utility vehicle, or ~~all-purpose-~~ 5124
all-terrain vehicle owned and used in this state by the United 5125
States, another state, or a political subdivision thereof, but 5126
the ~~snowmobile, off-highway motorcycle,~~ or ~~all-purpose~~ vehicle 5127
shall display the name of the owner thereon. If such a vehicle 5128
or motorcycle is registered, the registration shall be free of 5129
charge in accordance with section 4519.08 of the Revised Code. 5130

(E) No registration is required for a snowmobile that is 5131
operated on a state highway as authorized by division (A) (6) of 5132
section 4519.41 of the Revised Code, provided all other uses of 5133
the snowmobile would not require registration. 5134

(F) The owner or operator of any ~~all-purpose~~ all-terrain 5135
vehicle operated or used upon the waters in this state shall 5136
comply with Chapters 1547. and 1548. of the Revised Code 5137
relative to the operation of watercraft. 5138

~~(F)~~-(G) Except as otherwise provided in this division, 5139
whoever violates division (A) of this section shall be fined not 5140
less than fifty dollars but not more than one hundred dollars. 5141

Sec. 4519.03. (A) The owner of every snowmobile, off- 5142
highway motorcycle, mini-truck, utility vehicle, and ~~all-purpose~~ 5143
all-terrain vehicle required to be registered under section 5144
4519.02 of the Revised Code shall file an application for 5145
registration with the registrar of motor vehicles or a deputy 5146
registrar, on blanks furnished by the registrar for that purpose 5147
and containing all of the following information: 5148

(1) A brief description of the snowmobile, off-highway 5149
motorcycle, mini-truck, utility vehicle, or ~~all-purpose-all-~~ 5150
terrain vehicle, including the year, make, model, and the 5151
vehicle identification number; 5152

(2) The name, residence, and business address of the 5153
owner; 5154

(3) A statement that the snowmobile, off-highway 5155
motorcycle, mini-truck, utility vehicle, or ~~all-purpose-all-~~ 5156
terrain vehicle is equipped as required by section 4519.20 of 5157
the Revised Code and any rule adopted under that section. The 5158
statement shall include a check list of the required equipment 5159
items in the form the registrar shall prescribe; 5160

(4) If the vehicle is an all-terrain vehicle, a mini- 5161
truck, or a utility vehicle, whether that vehicle is used 5162
primarily for agricultural purposes and whether the owner 5163
qualifies for the current agricultural use valuation tax credit. 5164
The owner shall present documentary evidence as required by the 5165
registrar to prove that the owner qualifies for the tax credit. 5166

The application shall be signed by the owner of the 5167

snowmobile, off-highway motorcycle, mini-truck, utility vehicle, 5168
or ~~all-purpose-all-terrain~~ vehicle and shall be accompanied by a 5169
~~fee~~ any applicable taxes and fees as provided in division (C) of 5170
section 4519.04 of the Revised Code. 5171

If the application is not in proper form, or if the 5172
vehicle for which registration is sought does not appear to be 5173
equipped as required by section 4519.20 of the Revised Code or 5174
any rule adopted under that section, the registration shall be 5175
refused, and no registration sticker, license plate, or 5176
validation sticker shall be issued. 5177

(B) ~~No certificate of registration or renewal of a~~ 5178
~~certificate of registration shall be issued for an off-highway~~ 5179
~~motorcycle or all-purpose~~ When an applicant first registers a 5180
snowmobile, off-highway motorcycle, mini-truck, utility vehicle, 5181
or all-terrain vehicle that is required to be registered under 5182
section 4519.02 of the Revised Code in the applicant's name, and 5183
~~no certificate of registration issued under this chapter for an~~ 5184
~~off-highway motorcycle or all-purpose vehicle that is sold or~~ 5185
~~otherwise transferred shall be transferred to the new owner of~~ 5186
~~the off-highway motorcycle or all-purpose vehicle as permitted~~ 5187
~~by division (B) of section 4519.05 of the Revised Code, unless a~~ 5188
~~certificate of title has been issued under this chapter for the~~ 5189
~~motorcycle or vehicle, and the owner or new owner, as the case~~ 5190
~~may be, presents~~ the applicant shall provide proof of ownership 5191
of the motorcycle or vehicle. Proof of ownership may include any 5192
of the following: 5193

(1) The applicant may present for inspection a physical 5194
certificate of title or memorandum certificate of title ~~for~~ 5195
~~inspection at the time the owner or new owner first submits a~~ 5196
~~registration application, registration renewal application, or~~ 5197

~~registration transfer application for the motorcycle or vehicle~~ 5198
~~if a physical certificate of title or memorandum certificate has~~ 5199
~~been issued by a clerk of a court of common pleas~~showing title 5200
~~to the motorcycle or vehicle to be registered in the name of the~~ 5201
~~applicant. If, under sections 4519.512 and 4519.58 of the~~ 5202
~~Revised Code, a clerk instead has issued~~ 5203

(2) The applicant may present for inspection an electronic 5204
certificate of title for the applicant's ~~off-highway motorcycle~~ 5205
~~or all-purpose vehicle, that certificate may be presented for~~ 5206
~~inspection at the time of first registration in a manner~~ 5207
prescribed by rules adopted by the registrar. 5208

(3) The applicant may present for inspection a bill of 5209
sale or other affidavit of ownership if there is no certificate 5210
of title for the motorcycle or vehicle. 5211

(4) The registrar or deputy registrar may electronically 5212
confirm the applicant's ownership of the motorcycle or vehicle. 5213

~~(C) When the owner of an off-highway motorcycle or all-~~ 5214
~~purpose vehicle first registers it in the owner's name, and a~~ 5215
~~certificate of title has been issued for the motorcycle or~~ 5216
~~vehicle, the owner shall present for inspection a physical~~ 5217
~~certificate of title or memorandum certificate of title showing~~ 5218
~~title to the off-highway motorcycle or all-purpose vehicle in~~ 5219
~~the name of the owner if a physical certificate of title or~~ 5220
~~memorandum certificate has been issued by a clerk of a court of~~ 5221
~~common pleas. If, under sections 4519.512 and 4519.58 of the~~ 5222
~~Revised Code, a clerk instead has issued an electronic~~ 5223
~~certificate of title for the applicant's off-highway motorcycle~~ 5224
~~or all-purpose vehicle, that certificate may be presented for~~ 5225
~~inspection at the time of first registration in a manner~~ 5226
prescribed by rules adopted by the registrar. If, when the owner 5227

~~of such an off-highway motorcycle or all-purpose vehicle first~~ 5228
~~makes application to register it in the owner's name, the~~ 5229
registrar or deputy registrar shall refuse an application for 5230
registration if either of the following apply: 5231

(1) The application is not in proper form or the 5232
~~certificate of title or memorandum certificate of title does not~~ 5233
~~accompany the registration or, in the case of an electronic~~ 5234
~~certificate of title is not presented in a manner prescribed by~~ 5235
~~the registrar, the registration shall be refused, and neither a~~ 5236
~~certificate of registration nor a registration sticker, license~~ 5237
~~plate, or validation sticker shall be issued.~~ 5238

(2) Proof of ownership is required but is not presented or 5239
confirmed in accordance with division (B) of this section. ~~When~~ 5240

(D) When a certificate of registration and registration 5241
sticker, license plate, or validation sticker are issued upon 5242
the first registration of a snowmobile, an off-highway 5243
motorcycle, a mini-truck, a utility vehicle, or all-purpose an 5244
all-terrain vehicle by or on behalf of the owner, and if the 5245
motorcycle or vehicle has a certificate of title, the official 5246
issuing them the registration shall indicate the issuance with a 5247
stamp on the certificate of title or memorandum certificate of 5248
title or, in the case of an electronic certificate of title, an 5249
electronic stamp or other notation as specified in rules adopted 5250
by the registrar. 5251

~~(D)~~ (E) (1) Each deputy registrar shall be allowed a fee 5252
equal to the amount established under section 4503.038 of the 5253
Revised Code for each application or renewal application 5254
received by the deputy registrar, which shall be for the purpose 5255
of compensating the deputy registrar for services, and office 5256
and rental expense, as may be necessary for the proper discharge 5257

of the deputy registrar's duties in the receiving of 5258
applications and the issuing of certificates of registration. 5259

(2) Each deputy registrar, upon receipt of any application 5260
for registration, together with the registration fee, shall 5261
transmit the fee, together with the original and duplicate copy 5262
of the application, to the registrar in the manner and at the 5263
times the registrar, subject to the approval of the director of 5264
public safety and the treasurer of state, shall prescribe by 5265
rule. 5266

Sec. 4519.031. The registrar of motor vehicles shall 5267
transmit to the tax commissioner the names, addresses, and any 5268
other information requested by the commissioner, of all persons 5269
who register a snowmobile, off-highway motorcycle, mini-truck, 5270
utility vehicle, or ~~all-purpose all-terrain~~ vehicle under 5271
section 4519.03 of the Revised Code. Such information shall be 5272
transmitted in a form agreed to by the registrar and the 5273
commissioner. 5274

Sec. 4519.04. (A) Upon the filing of an application for 5275
registration of a snowmobile, off-highway motorcycle, mini- 5276
truck, utility vehicle, or ~~all-purpose all-terrain~~ vehicle and 5277
the payment of the tax therefor, the registrar of motor vehicles 5278
or a deputy registrar shall assign to the ~~snowmobile, off-~~ 5279
~~highway motorcycle,~~ or ~~all-purpose~~ vehicle a distinctive number 5280
and issue and deliver to the owner in such manner as the 5281
registrar may select, a certificate of registration, in such 5282
form as the registrar shall prescribe. Any number so assigned to 5283
a snowmobile, off-highway motorcycle, mini-truck, utility 5284
vehicle, or ~~all-purpose all-terrain~~ vehicle shall be a permanent 5285
number, and shall not be issued to any other ~~snowmobile, off-~~ 5286
~~highway motorcycle,~~ or ~~all-purpose~~ vehicle. 5287

(B) (1) In addition to the certificate of registration, the registrar or deputy registrar also shall issue to the owner of a snowmobile or off-highway motorcycle two decal registration stickers. The registrar shall prescribe the color and size of the stickers and the combination of numerals and letters displayed on them. The placement of the decal stickers shall be one on either side of the forward cowling or fuel tank.

(2) ~~The~~ In addition to the certificate of registration, the registrar or deputy registrar also shall issue to the owner of a mini-truck, a utility vehicle, or an all-purpose all-terrain vehicle, ~~in addition to the certificate of registration,~~ one license plate and a validation sticker, or a validation sticker alone when applicable upon a registration renewal. The license plate and validation sticker shall be displayed on the ~~all-purpose mini-truck, utility vehicle, or all-terrain vehicle~~ so that they are distinctly visible, in accordance with such rules as the registrar adopts. The validation sticker shall indicate the expiration date of the registration period of the ~~all-purpose vehicle.~~ During each succeeding registration period following the issuance of the license plate and validation sticker, upon the filing of an application for registration and payment of the ~~fee~~ applicable taxes and fees specified in division (C) of this section, a validation sticker alone shall be issued.

~~(C)~~ (C) (1) Unless previously canceled, each certificate of registration issued for a snowmobile, off-highway motorcycle, or all-purpose all-terrain vehicle expires upon the thirty-first day of December in the third year after the date it is issued. Unless previously canceled and except as provided in section 4519.041 of the Revised Code, each certificate of registration issued for a mini-truck or a utility vehicle expires annually

upon the thirty-first day of December after the date it is 5319
issued. Application for renewal of a certificate may be made not 5320
earlier than ninety days preceding the expiration date, and. 5321

(2) Except as provided in section 4519.08 of the Revised 5322
Code, the application for and renewal of a certificate of 5323
registration for a snowmobile, off-highway motorcycle, or all- 5324
terrain vehicle shall be accompanied by a fee of thirty-one 5325
dollars and twenty-five cents. 5326

~~Notwithstanding section 4519.11 of the Revised Code, of Of~~ 5327
~~each thirty-one dollar and twenty-five-cent fee collected for~~ 5328
~~the registration of an all-purpose vehicle, the registrar shall~~ 5329
retain not more than five dollars to pay for the licensing and 5330
registration costs the bureau of motor vehicles incurs in 5331
registering the ~~all-purpose~~ vehicle. The remainder of the fee 5332
shall be deposited into the state treasury to the credit of the 5333
state recreational vehicle fund created by section 4519.11 of 5334
the Revised Code. 5335

(3) Except as provided in section 4519.041 or 4519.08 of 5336
the Revised Code, the application for and renewal of a 5337
certificate of registration for a mini-truck or utility vehicle 5338
shall be accompanied by the following taxes and fees: 5339

(a) A tax of ten dollars to be deposited into the state 5340
treasury to the credit of the auto registration distribution 5341
fund established in section 4501.03 of the Revised Code; 5342

(b) An additional fee of eleven dollars for the purpose of 5343
defraying the department of public safety's costs associated 5344
with the administration and enforcement of the motor vehicle and 5345
traffic laws of Ohio to be deposited into the public safety - 5346
highway purposes fund established in section 4501.06 of the 5347

Revised Code. 5348

(4) (a) If the owner of a utility vehicle intends to use 5349
the utility vehicle on trails and other similar areas of 5350
operation managed by the department of natural resources and 5351
open to all-terrain vehicles, off-highway motorcycles, 5352
snowmobiles, and utility vehicles, the owner shall pay a fee of 5353
eight dollars and seventy-five cents. The fee shall be deposited 5354
into the state treasury to the credit of the state recreational 5355
vehicle fund established in section 4519.11 of the Revised Code. 5356
The registrar or deputy registrar shall issue a decal sticker to 5357
the owner that verifies payment of the fee and authorization to 5358
use the state trails and similar areas that allow the use of 5359
utility vehicles. 5360

(b) The owner shall place the decal sticker on the utility 5361
vehicle. The decal sticker expires upon the thirty-first day of 5362
December after the date it is issued. Application for renewal of 5363
a decal sticker may be made not earlier than ninety days 5364
preceding the expiration date. 5365

Sec. 4519.041. (A) The registrar of motor vehicles shall 5366
authorize any person who owns a mini-truck or a utility vehicle 5367
to file an application for registration for not more than five 5368
succeeding registration years. At the time of application, the 5369
applicant shall pay all of the following taxes and fees: 5370

(1) The annual taxes for each registration year, 5371
calculated in accordance with division (C) (3) (a) of section 5372
4519.04 of the Revised Code, and multiplied by the number of 5373
years for which the applicant is registering; 5374

(2) The annual bureau of motor vehicles fee, calculated in 5375
accordance with division (C) (3) (b) of section 4519.04 of the 5376

Revised Code, and multiplied by the number of years for which 5377
the applicant is registering; 5378

(3) The deputy registrar service fee or the bureau of 5379
motor vehicles service fee equal to the amount established under 5380
section 4503.038 of the Revised Code. 5381

(B) The registrar shall authorize any person who owns a 5382
utility vehicle to apply to use the vehicle on trails and other 5383
similar areas of operation managed by the department of natural 5384
resources for not more than five succeeding years. At the time 5385
of application, the applicant shall pay the state recreational 5386
vehicle fund fee, calculated in accordance with division (C) (4) 5387
of section 4519.04 of the Revised Code, and multiplied by the 5388
number of years for which the applicant is registering. 5389

(C) Each certificate of registration or decal sticker 5390
issued for a mini-truck or utility vehicle under this section 5391
expires upon the thirty-first day of December in the second, 5392
third, fourth, or fifth year after the date that it is issued, 5393
as applicable. Application for renewal of a certificate or decal 5394
sticker may be made not earlier than ninety days preceding the 5395
expiration date. 5396

(D) No person applying for a multi-year registration under 5397
division (A) or a multi-year decal sticker under division (B) of 5398
this section is entitled to a refund of any taxes or fees paid. 5399

Sec. 4519.05. (A) Whenever a registered snowmobile, off- 5400
highway motorcycle, mini-truck, utility vehicle, or ~~all-purpose-~~ 5401
all-terrain vehicle is destroyed or similarly disposed of, the 5402
owner shall surrender the certificate of registration to the 5403
registrar of motor vehicles or a deputy registrar within fifteen 5404
days following the destruction or disposal. The registrar 5405

thereupon shall cancel the certificate and enter that fact in 5406
the registrar's records. 5407

In the case of ~~an~~ a snowmobile, off-highway motorcycle, 5408
mini-truck, utility vehicle, or all-purpose all-terrain vehicle 5409
for which a certificate of title has been issued, the owner also 5410
shall surrender the certificate of title to the clerk of the 5411
court of common pleas who issued it and the clerk, with the 5412
consent of any lienholders noted thereon, shall enter a 5413
cancellation upon the clerk's records and shall notify the 5414
registrar of the cancellation. Upon the cancellation of a 5415
certificate of title in the manner prescribed by this division, 5416
the clerk and the registrar may cancel and destroy all 5417
certificates of title and memorandum certificates of title in 5418
that chain of title. 5419

(B) Subject to division (B) of section 4519.03 of the 5420
Revised Code, whenever the ownership of a registered snowmobile, 5421
off-highway motorcycle, mini-truck, utility vehicle, or ~~all-~~ 5422
~~purpose all-terrain~~ vehicle is transferred by sale or otherwise, 5423
the new owner, within fifteen days following the transfer, shall 5424
make application to the registrar or a deputy registrar for the 5425
transfer of the certificate of registration. Upon receipt of the 5426
application and a fee of one dollar, the registrar shall 5427
transfer the certificate to the new owner and shall enter the 5428
new owner's name and address in the registrar's records. 5429

(C) Whenever the owner of a registered snowmobile, off- 5430
highway motorcycle, mini-truck, utility vehicle, or ~~all-purpose-~~ 5431
all-terrain vehicle changes address, the owner shall surrender 5432
the certificate of registration to the registrar or a deputy 5433
registrar within fifteen days following the address change. Upon 5434
receipt of the certificate, the registrar shall enter the new 5435

address thereon and shall make the appropriate change in the 5436
registrar's records. In a case where the owner's change of 5437
address involves a move outside of the state, the registrar 5438
shall cancel the certificate of registration for that 5439
~~snowmobile, off-highway motorcycle, or all-purpose vehicle.~~ 5440

(D) Whenever a certificate of registration for a 5441
snowmobile, off-highway motorcycle, mini-truck, utility vehicle, 5442
or ~~all-purpose all-terrain~~ vehicle is lost, mutilated, or 5443
destroyed, the owner may obtain a duplicate certificate, which 5444
shall be identified as such, upon application and the payment of 5445
a fee of one dollar. 5446

(E) The registrar and each deputy registrar may collect 5447
and retain an additional fee equal to the amount established 5448
under section 4503.038 of the Revised Code for each application 5449
for the transfer of a certificate of registration or duplicate 5450
certificate of registration received by the registrar or deputy 5451
registrar. 5452

(F) Whoever violates division (A), (B), or (C) of this 5453
section shall be fined not more than twenty-five dollars for a 5454
first offense; for each subsequent offense, the offender shall 5455
be fined not less than twenty-five nor more than fifty dollars. 5456

Sec. 4519.08. (A) Any snowmobile, off-highway motorcycle, 5457
mini-truck, utility vehicle, or ~~all-purpose all-terrain~~ vehicle 5458
owned or leased by the state, by any of its political 5459
subdivisions, or by any volunteer organization that uses such 5460
vehicles exclusively for emergency purposes shall be registered 5461
free of charge. ~~The~~ 5462

(B) Any all-terrain vehicle, mini-truck, or utility 5463
vehicle that is used primarily for agricultural purposes, when 5464

the owner qualifies for the current agricultural use valuation 5465
tax credit, shall be registered free of charge. 5466

(C) The registration number and registration sticker 5467
assigned to each such snowmobile or off-highway motorcycle, and 5468
the license plate and validation sticker assigned to each such 5469
an all-purpose mini-truck, utility vehicle, or all-terrain 5470
vehicle, registered free of charge in accordance with this 5471
section, shall be displayed as required by section 4519.04 of 5472
the Revised Code. 5473

Sec. 4519.09. (A) Every owner or operator of a snowmobile, 5474
off-highway motorcycle, mini-truck, utility vehicle, or all- 5475
purpose-all-terrain vehicle who is a resident of a state not 5476
having a registration law similar to this chapter, and who 5477
expects to use the snowmobile, off-highway motorcycle, mini- 5478
truck, utility vehicle, or all-purpose-all-terrain vehicle in 5479
Ohio, shall apply to the registrar of motor vehicles or a deputy 5480
registrar for a temporary operating permit. ~~The~~ 5481

(B) The temporary operating permit shall be: 5482

(1) Be issued for a period not to exceed one year from the 5483
date of issuance, shall be; 5484

(2) Be in such form as the registrar determines, shall 5485
include; 5486

(3) Include the name and address of the owner and operator 5487
of the ~~snowmobile, off-highway motorcycle, or all-purpose~~ 5488
vehicle, and any other information as the registrar considers 5489
necessary, ~~and shall be;~~ 5490

(4) Be issued upon payment of a fee of eleven dollars and 5491
twenty-five cents. Every 5492

(C) Every owner or operator receiving a temporary 5493
operating permit shall display it upon the reasonable request of 5494
any law enforcement officer or other person as authorized by 5495
sections 4519.42 and 4519.43 of the Revised Code. 5496

Sec. 4519.10. (A) The purchaser of ~~an~~a snowmobile, off- 5497
highway motorcycle, mini-truck, utility vehicle, or ~~all-purpose-~~ 5498
all-terrain vehicle, upon application and proof of purchase, may 5499
obtain a temporary motor vehicle license registration for it. 5500
The application shall be signed by the purchaser of the ~~off-~~ 5501
~~highway~~ motorcycle or ~~all-purpose~~ vehicle. The temporary motor 5502
vehicle license registration shall be issued only for the 5503
applicant's use of the ~~off-highway~~ motorcycle or ~~all-purpose~~ 5504
vehicle to enable the applicant to operate it legally while 5505
proper title and a registration sticker or license plate and 5506
validation sticker are being obtained and shall be displayed on 5507
no other ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle. A 5508
temporary motor vehicle license registration issued under this 5509
section shall be in a form prescribed by the registrar of motor 5510
vehicles, shall differ in some distinctive manner from a 5511
registration issued under section 4503.182 of the Revised Code, 5512
shall be valid for a period of forty-five days from the date of 5513
issuance, and shall not be transferable or renewable. The 5514
temporary motor vehicle license registration either shall 5515
consist of or be coated with such material as will enable it to 5516
remain legible and relatively intact despite the environmental 5517
conditions to which it is likely to be exposed during the forty- 5518
five-day period for which it is valid. The purchaser of ~~an~~a 5519
snowmobile, off-highway motorcycle, mini-truck, utility vehicle, 5520
or ~~all-purpose-~~all-terrain vehicle shall attach the temporary 5521
motor vehicle license registration to it, in a manner prescribed 5522
by rules the registrar shall adopt, so that the numerals or 5523

letters are clearly visible. 5524

The fee for a temporary motor vehicle license registration 5525
issued under this section is two dollars. If the temporary motor 5526
vehicle license registration is issued by a deputy registrar, 5527
the deputy registrar shall charge an additional fee equal to the 5528
amount established under section 4503.038 of the Revised Code, 5529
which the deputy registrar shall retain. The deputy registrar 5530
shall transmit each two-dollar fee received by the deputy 5531
registrar under this section to the registrar, who shall pay the 5532
two dollars to the treasurer of state for deposit into the 5533
public safety - highway purposes fund established by section 5534
4501.06 of the Revised Code. 5535

(B) The registrar may issue temporary motor vehicle 5536
license registrations to a dealer to be issued to purchasers for 5537
use on vehicles sold by the dealer, in accordance with rules 5538
prescribed by the registrar. The dealer shall notify the 5539
registrar within forty-eight hours of proof of issuance on a 5540
form prescribed by the registrar. 5541

The fee for each such temporary motor vehicle license 5542
registration issued by the registrar to a dealer shall be two 5543
dollars plus a fee equal to the amount established under section 5544
4503.038 of the Revised Code. 5545

Sec. 4519.11. ~~(A) Five dollars of each fee collected under 5546
section 4519.04 of the Revised Code and one dollar and twenty- 5547
five cents of each fee collected under section 4519.09 of the 5548
Revised Code shall be paid into the public safety - highway 5549
purposes fund created by section 4501.06 of the Revised Code. 5550
All other fees, and all taxes, and fines levied, charged, or 5551
referred to in this chapter, unless otherwise designated by law, 5552
shall be deposited into the state treasury to the credit of the 5553~~

state recreational vehicle fund, which is hereby created. ~~The~~ 5554

(B) The state recreational vehicle fund shall be used for 5555
the purpose of enforcing following purposes: 5556

(1) Enforcing and administering the law relative to the 5557
registration and operation of snowmobiles, off-highway 5558
motorcycles, utility vehicles, and ~~all-purpose all-terrain~~ 5559
vehicles within the state, ~~for the purpose of expanding;~~ 5560

(2) Expanding the activities of the department of natural 5561
resources to provide trails and other areas for the operation of 5562
such motorcycles and vehicles on state-controlled land and 5563
waters, ~~for the;~~ 5564

(3) The purchase of additional land to be used for such 5565
the purposes, and for the stated in division (B) (2) of this 5566
section; 5567

(4) The development and implementation by the department 5568
of programs relating to the safe use and enjoyment of 5569
snowmobiles, off-highway motorcycles, utility vehicles, and ~~all-~~ 5570
~~purpose all-terrain~~ vehicles. 5571

(C) All investment earnings of the state recreational 5572
vehicle fund shall be credited to the fund. 5573

(D) Notwithstanding section 1501.01 of the Revised Code, 5574
nothing in this section authorizes the appropriation of property 5575
to provide trails and other areas for the operation of 5576
snowmobiles, off-highway motorcycles, utility vehicles, and ~~all-~~ 5577
~~purpose all-terrain~~ vehicles. 5578

Sec. 4519.20. (A) The director of public safety, pursuant 5579
to Chapter 119. of the Revised Code, shall adopt rules for the 5580
equipment of snowmobiles, off-highway motorcycles, mini-trucks, 5581

utility vehicles, and ~~all-purpose~~ all-terrain vehicles. The 5582
rules may be revised from time to time as the director considers 5583
necessary, and shall include, but not necessarily be limited to, 5584
requirements for the following items of equipment: 5585

(1) At least one headlight for a snowmobile or an off- 5586
highway motorcycle and two headlights for a mini-truck, a 5587
utility vehicle, or an all-terrain vehicle, having a minimum 5588
candlepower of sufficient intensity to reveal persons and 5589
objects at a distance of at least one hundred feet ahead under 5590
normal atmospheric conditions during hours of darkness; 5591

(2) At least one red tail light for a snowmobile or an 5592
off-highway motorcycle and two red tail lights for a mini-truck, 5593
a utility vehicle, or an all-terrain vehicle, having a minimum 5594
candlepower of sufficient intensity to be plainly visible from a 5595
distance of five hundred feet to the rear under normal 5596
atmospheric conditions during hours of darkness; 5597

(3) Adequate brakes. Every snowmobile, while traveling on 5598
packed snow, shall be capable of carrying a driver who weighs 5599
one hundred seventy-five pounds or more, and, while carrying 5600
such driver, be capable of stopping in not more than forty feet 5601
from an initial steady speed of twenty miles per hour, or 5602
locking its traction belt. 5603

(4) A muffler system capable of precluding the emission of 5604
excessive smoke or exhaust fumes, and of limiting the engine 5605
noise of vehicles. On snowmobiles manufactured after January 1, 5606
1973, such requirement shall include sound dampening equipment 5607
such that noise does not exceed eighty-two decibels on the "A" 5608
scale at fifty feet as measured according to SAE J192 (September 5609
1970). 5610

(5) Additionally, for utility vehicles, all of the 5611
following: 5612

(a) A roll cage; 5613

(b) Two red reflectors that are of such size and 5614
characteristics and so maintained as to be visible at night from 5615
all distances within three hundred feet to fifty feet from the 5616
vehicle; 5617

(c) A mirror located so as to reflect to the operator a 5618
view of the highway to the rear of the vehicle; 5619

(d) Either a windshield, or if there is no windshield, the 5620
operator of the vehicle shall wear safety glasses or another 5621
protective eye device; 5622

(e) Occupant restraining devices for the operator and all 5623
passengers in the vehicle. 5624

(B) No person shall operate any snowmobile, off-highway 5625
motorcycle, mini-truck, utility vehicle, or all-purpose-all- 5626
terrain vehicle in violation of division ~~(A) (1), (2), (3), or~~ 5627
~~(4)~~ (A) of this section, ~~except~~ that are applicable to the 5628
particular vehicle. The equipment specified in divisions (A) (1) 5629
and (2) of this section shall not be required on snowmobiles, 5630
off-highway motorcycles, or ~~all-purpose-all-terrain~~ vehicles 5631
operated only during the daylight hours. 5632

(C) Except as otherwise provided in this division, whoever 5633
violates division (B) of this section shall be fined not more 5634
than fifty dollars. If the offender within the preceding year 5635
previously has committed a violation of division (B) of this 5636
section, whoever violates division (B) of this section shall be 5637
fined not less than fifteen nor more than one hundred dollars, 5638
imprisoned not more than three days, or both. 5639

Sec. 4519.21. The director of public safety may authorize 5640
sample tests of new snowmobiles, off-highway motorcycles, mini- 5641
trucks, utility vehicles, and ~~all-purpose~~ all-terrain vehicles 5642
to determine their degree of conformity to rules adopted under 5643
section 4519.20 of the Revised Code. In prescribing tests for 5644
muffler equipment, the director may require sound pressure 5645
levels in decibels to be measured on the "A" scale of a sound 5646
level meter having characteristics defined by the American 5647
standards association standard S1.4-1961 "General Purpose Sound 5648
Meter," and also may require the use of applicable measurement 5649
practices outlined in the procedures for sound level measurement 5650
of snowmobiles endorsed by the international snowmobile industry 5651
association, January 1969, or such other sources of standards 5652
for the measurement of sound levels as the director may consider 5653
advisable. 5654

Upon finding that any make or model of vehicle authorized 5655
to be tested under this section does not meet an applicable 5656
standard adopted by the director, the person conducting the test 5657
shall report that fact to the director, who immediately shall 5658
notify the manufacturer of the vehicle and the registrar of 5659
motor vehicles. Upon receipt of a notification, the registrar 5660
shall refuse to issue a certificate of registration to an owner 5661
or dealer with respect to any vehicle of the same make or model 5662
as that named in the notification until the vehicle has been 5663
modified in such manner as the director shall prescribe, and 5664
meets the applicable standard. 5665

Sec. 4519.22. (A) No person shall have for sale, sell, 5666
offer for sale, lease, rent, or otherwise furnish for hire in 5667
this state any new snowmobile, off-highway motorcycle, mini- 5668
truck, utility vehicle, or ~~all-purpose~~ all-terrain vehicle that 5669
fails to comply with any rule adopted by the director of public 5670

safety under section 4519.20 of the Revised Code, after the 5671
effective date of the rule. 5672

(B) Except as otherwise provided in this division, whoever 5673
violates this section shall be fined not more than fifty 5674
dollars. If the offender within the preceding year previously 5675
has committed a violation of this section, whoever violates this 5676
section shall be fined not less than fifteen nor more than one 5677
hundred dollars, imprisoned not more than three days, or both. 5678

Sec. 4519.23. (A) The operator of a utility vehicle shall 5679
ensure that the total number of occupants of the utility vehicle 5680
does not exceed the total number of occupant restraining devices 5681
originally installed in the utility vehicle by its manufacturer. 5682

(B) The operator and each occupant of a utility vehicle 5683
shall wear all of the available elements of a properly adjusted 5684
occupant restraining device while the utility vehicle is being 5685
operated on any street or highway. 5686

(C) (1) Whoever violates division (A) or (B) of this 5687
section shall be fined thirty dollars. 5688

(2) All fines collected for violations of division (A) or 5689
(B) of this section, or for violations of any ordinance or 5690
resolution of a political subdivision that is substantively 5691
comparable to those divisions, shall be transmitted to the 5692
treasurer of state for deposit into the state treasury to the 5693
credit of the trauma and emergency medical services fund created 5694
by section 4513.263 of the Revised Code. 5695

Sec. 4519.40. (A) Notwithstanding sections 4519.401, 5696
4519.402, 4519.403, and 4519.41 of the Revised Code, the 5697
director of public safety may authorize a person to operate an 5698
off-highway motorcycle, an all-terrain vehicle, a snowmobile, a 5699

utility vehicle, or a mini-truck on a public street or highway 5700
for emergency travel during such time and in such manner as 5701
designated by the director. 5702

(B) When authorized to operate on a public street or 5703
highway, the applicable provisions of Chapters 4511., 4513., and 5704
4549. of the Revised Code apply to the operation of an off- 5705
highway motorcycle, an all-terrain vehicle, a snowmobile, a 5706
utility vehicle, or a mini-truck. 5707

(C) A person may operate an off-highway motorcycle, an 5708
all-terrain vehicle, a snowmobile, a utility vehicle, or a mini- 5709
truck without local authorization as follows: 5710

(1) When the person operates the motorcycle or vehicle 5711
exclusively on lands owned by the owner of the motorcycle or 5712
vehicle or lands to which the owner has a contractual right; 5713

(2) On other private property when the person has the 5714
permission of the owner of the private property or any other 5715
person having a right to the possession of the property. 5716

(D) No person shall operate an off-highway motorcycle, an 5717
all-terrain vehicle, a snowmobile, a utility vehicle, or a mini- 5718
truck on any of the following: 5719

(1) Private property, unless authorized under division (C) 5720
of this section; 5721

(2) Any land or water controlled by the state, unless the 5722
person is operating the motorcycle or vehicle at a location 5723
where a sign is posted permitting such operation; 5724

(3) The tracks or right-of-way of an operating railroad; 5725

(4) A freeway. 5726

(E) Except as provided in sections 1533.103 and 2923.26 of 5727
the Revised Code or by rules adopted by the department of 5728
natural resources, no person shall operate an off-highway 5729
motorcycle, an all-terrain vehicle, a snowmobile, a utility 5730
vehicle, or a mini-truck while doing either of the following: 5731

(1) Transporting a firearm, bow, or other implement for 5732
hunting, unless that firearm, bow, or other implement is 5733
unloaded and securely encased; 5734

(2) Chasing, pursuing, capturing, or killing an animal or 5735
wildfowl. 5736

(F) Whoever violates division (D) or (E) of this section 5737
shall be fined not less than fifty nor more than five hundred 5738
dollars, imprisoned not less than three nor more than thirty 5739
days, or both. 5740

Sec. 4519.401. ~~(A) Except as provided in this section and~~ 5741
~~section 4511.215 of the Revised Code, no~~ A person shall may 5742
operate a mini-truck within this state on public streets and 5743
highways where the local authority has authorized the operation 5744
of mini-trucks in accordance with division (B) of this section. 5745

~~(B) A~~ By ordinance or resolution, a local authority may 5746
authorize the operation of mini-trucks on the public streets or 5747
highways under its jurisdiction, provided the local authority 5748
does all of the following: 5749

(1) Limits the operation of the mini-trucks to streets and 5750
highways having an established speed limit not greater than 5751
thirty-five miles per hour; 5752

(2) Requires the mini-truck to meet the equipment 5753
requirements specified by the director of public safety under 5754
section 4519.20 of the Revised Code and pass a vehicle 5755

inspection conducted by a local law enforcement agency that 5756
complies with the inspection requirements under section 4513.02 5757
of the Revised Code; 5758

(3) Requires the mini-truck owner to register the mini- 5759
truck in accordance with this chapter; 5760

(4) Notifies the director, in a manner the director 5761
determines, of the authorization for the operation of mini- 5762
trucks on its streets and highways. 5763

(C) Where authorized to operate on a public street or 5764
highway, a person operating a mini-truck may proceed across an 5765
intersection of a street or highway having a speed limit greater 5766
than thirty-five miles per hour. 5767

(D) A person may operate a mini-truck ~~on a farm for~~ 5768
agricultural purposes only when the owner of the farm qualifies 5769
for the current agricultural use valuation tax credit. A mini- 5770
truck may be operated by or on behalf of such a farm owner on 5771
public roads ~~streets and rights-of-way only~~ highways without 5772
local authorization when traveling from one farm field to 5773
another for agricultural purposes if the vehicle is displaying a 5774
triangular slow-moving vehicle emblem as described in section 5775
4513.112 of the Revised Code and the vehicle meets all of the 5776
equipment, inspection, and registration requirements of this 5777
chapter. 5778

~~(C)~~ (E) A person may operate a mini-truck on property 5779
owned or leased by a dealer who sells mini-trucks at retail 5780
without local authorization. 5781

~~(D) Whoever~~ (F) No person shall operate a mini-truck in a 5782
manner that is not authorized by this section or section 4519.40 5783
of the Revised Code, or that is not authorized by a local 5784

authority in accordance with this section. 5785

(G) Except as otherwise provided in this division, whoever 5786
violates this section shall be penalized as provided in division 5787
(D) of section 4511.214 of the Revised Code is guilty of a minor 5788
misdemeanor. If within one year of the offense, the offender 5789
previously has been convicted of or pleaded guilty to one 5790
predicate motor vehicle or traffic offense, whoever violates 5791
this section is guilty of a misdemeanor of the fourth degree. If 5792
within one year of the offense, the offender previously has been 5793
convicted of two or more predicate motor vehicle or traffic 5794
offenses, whoever violates this section is guilty of a 5795
misdemeanor of the third degree. 5796

Sec. 4519.402. (A) A person may operate a utility vehicle 5797
on public streets and highways where the local authority has 5798
authorized the operation of utility vehicles in accordance with 5799
division (B) of this section. 5800

(B) By ordinance or resolution, a local authority may 5801
authorize the operation of utility vehicles on the public 5802
streets or highways under its jurisdiction, provided the local 5803
authority does all of the following: 5804

(1) Limits the operation of the utility vehicles to 5805
streets and highways having an established speed limit not 5806
greater than fifty-five miles per hour; 5807

(2) Requires the utility vehicle to meet the equipment 5808
requirements specified by the director of public safety under 5809
section 4519.20 of the Revised Code and pass a vehicle 5810
inspection conducted by a local law enforcement agency that 5811
complies with the inspection requirements under section 4513.02 5812
of the Revised Code; 5813

(3) Requires the utility vehicle owner to register the utility vehicle in accordance with this chapter; 5814
5815

(4) Notifies the director, in a manner the director determines, of the authorization for the operation of utility vehicles on its streets and highways. 5816
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(C) Where authorized to operate on a public street or highway, a person operating a utility vehicle may do both of the following: 5819
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(1) Proceed across an intersection of a street or highway having a speed limit greater than fifty-five miles per hour; 5822
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(2) Travel along a state highway with an established speed limit not greater than fifty-five miles per hour, provided that the operator enters the state highway from a public street or highway authorized under division (B) (1) of this section and then exits at the next intersecting street or highway. 5824
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The authorization granted in division (C) (2) of this section does not apply if the state highway is a freeway or if the next intersecting street or highway is not authorized for the operation of utility vehicles. 5829
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(D) A person may operate a utility vehicle on a public street or highway without local authorization when traveling from one farm field to another for agricultural purposes if the vehicle is displaying a triangular slow-moving vehicle emblem as described in section 4513.112 of the Revised Code and the vehicle meets all of the equipment, inspection, and registration requirements of this chapter. 5833
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(E) A state park or political subdivision employee or volunteer may operate a utility vehicle exclusively within the boundaries of state parks or political subdivision parks for the 5840
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5842

operation or maintenance of state or political subdivision park 5843
facilities. 5844

(F) No person shall operate a utility vehicle in a manner 5845
that is not authorized by this section or section 4519.40 of the 5846
Revised Code, or that is not authorized by a local authority in 5847
accordance with this section. 5848

(G) Except as otherwise provided in this division, whoever 5849
violates this section is guilty of a minor misdemeanor. If 5850
within one year of the offense, the offender previously has been 5851
convicted of or pleaded guilty to one predicate motor vehicle or 5852
traffic offense, whoever violates this section is guilty of a 5853
misdemeanor of the fourth degree. If within one year of the 5854
offense, the offender previously has been convicted of two or 5855
more predicate motor vehicle or traffic offenses, whoever 5856
violates this section is guilty of a misdemeanor of the third 5857
degree. 5858

Sec. 4519.403. (A) A person may operate an all-terrain 5859
vehicle on a public street or highway if both of the following 5860
apply: 5861

(1) The street or highway is under the jurisdiction of a 5862
local authority that, prior to the effective date of this 5863
section, authorized the operation of all-terrain vehicles on its 5864
public streets or highways by either an ordinance or resolution; 5865

(2) The local authority did not repeal or rescind the 5866
ordinance or resolution prior to the effective date of this 5867
section. 5868

The authorization established under this division ceases 5869
if the local authority repeals or rescinds the ordinance or 5870
resolution on or after the effective date of this section. 5871

(B) By ordinance or resolution, a local authority may 5872
authorize a person to operate an all-terrain vehicle to make a 5873
crossing of a public street or highway under its jurisdiction, 5874
when all of the following apply: 5875

(1) The crossing can be made in safety and will not 5876
interfere with the movement of vehicular traffic approaching 5877
from any direction on the highway. 5878

(2) The operator yields the right-of-way to any 5879
approaching traffic that presents an immediate hazard. 5880

(3) The all-terrain vehicle is displaying a triangular 5881
slow-moving vehicle emblem as described in section 4513.112 of 5882
the Revised Code. 5883

(4) The all-terrain vehicle meets all of the equipment, 5884
inspection, and registration requirements of this chapter. 5885

(C) A person may operate an all-terrain vehicle on a 5886
public street or highway without local authorization when 5887
traveling from one farm field to another for agricultural 5888
purposes if the vehicle is displaying a triangular slow-moving 5889
vehicle emblem as described in section 4513.112 of the Revised 5890
Code and the vehicle meets all of the equipment, inspection, and 5891
registration requirements of this chapter. 5892

(D) No person shall operate an all-terrain vehicle in a 5893
manner that is not authorized by this section or section 4519.40 5894
of the Revised Code, or that is not authorized by a local 5895
authority in accordance with this section. 5896

(E) Except as otherwise provided in this division, whoever 5897
violates this section is guilty of a minor misdemeanor. If 5898
within one year of the offense, the offender previously has been 5899
convicted of or pleaded guilty to one predicate motor vehicle or 5900

traffic offense, whoever violates this section is guilty of a 5901
misdemeanor of the fourth degree. If within one year of the 5902
offense, the offender previously has been convicted of two or 5903
more predicate motor vehicle or traffic offenses, whoever 5904
violates this section is guilty of a misdemeanor of the third 5905
degree. 5906

Sec. 4519.41. (A) Snowmobiles, and off-highway 5907
motorcycles, and all-purpose vehicles may be operated as 5908
follows: 5909

~~(A)~~ (1) To make a crossing of a highway, other than a 5910
state highway as designated in division (A)(1) of section 5911
4519.40 of the Revised Code, whenever the crossing can be made 5912
in safety and will not interfere with the movement of vehicular 5913
traffic approaching from any direction on the highway, and 5914
provided that the operator yields the right-of-way to any 5915
approaching traffic that presents an immediate hazard; 5916

~~(B)~~ (2) On highways in the county or township road systems 5917
whenever the local authority having jurisdiction over such 5918
highways so permits and provided the snowmobile or off-highway 5919
motorcycle meets all of the equipment, inspection, and 5920
registration requirements of this chapter; 5921

~~(C)~~ (3) Off and alongside a street or highway for limited 5922
distances from the point of unloading from a conveyance to the 5923
point at which the snowmobile, or off-highway motorcycle, or 5924
all-purpose vehicle is intended and authorized to be operated; 5925

~~(D)~~ (4) On the berm or shoulder of a highway, other than a 5926
state highway as designated in division (A)(1) of section 5927
4519.40 of the Revised Code, when the terrain permits such 5928
operation to be undertaken safely and without the necessity of 5929

entering any traffic lane; 5930

~~(E)~~ (5) On the berm or shoulder of a county or township 5931
road, while traveling from one area of operation of the 5932
snowmobile, or off-highway motorcycle, ~~or all-purpose vehicle~~ to 5933
another such area; 5934

~~(F)~~ (6) For snowmobiles without metal studded tracks ~~and~~ 5935
~~all-purpose vehicles~~, on state highways located on an island in 5936
Lake Erie, including limited access highways and freeways, 5937
between the first day of November and the thirtieth day of 5938
April, provided that all of the following conditions apply: 5939

~~(1)~~ (a) The operator has a valid driver's license as 5940
required under section 4519.44 of the Revised Code. 5941

~~(2)~~ (b) The snowmobile ~~or all-purpose vehicle~~ is in 5942
compliance with rules governing safety equipment adopted under 5943
section 4519.20 of the Revised Code. 5944

~~(3)~~ (c) The owner of the snowmobile ~~or all-purpose vehicle~~ 5945
maintains proof of financial responsibility for both on-road and 5946
off-road use of the snowmobile ~~or all-purpose vehicle~~. 5947

~~(4)~~ (d) The operator obeys all traffic rules and 5948
regulations. 5949

(B) No person shall operate a snowmobile or an off-highway 5950
motorcycle in a manner that is not authorized by this section or 5951
section 4519.40 of the Revised Code, or that is not authorized 5952
by a local authority in accordance with this section. 5953

(C) Except as otherwise provided in this division, whoever 5954
violates this section is guilty of a minor misdemeanor. If 5955
within one year of the offense, the offender previously has been 5956
convicted of or pleaded guilty to one predicate motor vehicle or 5957

traffic offense, whoever violates this section is guilty of a 5958
misdemeanor of the fourth degree. If within one year of the 5959
offense, the offender previously has been convicted of two or 5960
more predicate motor vehicle or traffic offenses, whoever 5961
violates this section is guilty of a misdemeanor of the third 5962
degree. 5963

Sec. 4519.42. (A) The director of natural resources shall 5964
adopt rules for the operation of snowmobiles, off-highway 5965
motorcycles, utility vehicles, mini-trucks, and ~~all-purpose-all-~~ 5966
terrain vehicles on land or waters controlled by the state. ~~The~~ 5967

(B) The director also shall undertake a program relating 5968
to the development of trails and special areas for the use of 5969
snowmobiles, off-highway motorcycles, utility vehicles, and ~~all-~~ 5970
~~purpose-all-terrain~~ vehicles, and may require any permits for 5971
such use as the director considers necessary. 5972

(C) The director may designate employees of the department 5973
of natural resources to enforce any rules adopted under this 5974
section. An employee so designated shall have full authority to 5975
enforce any provision of this chapter with respect to the proper 5976
titling, registration, equipping, and operation of snowmobiles, 5977
off-highway motorcycles, utility vehicles, mini-trucks, or ~~all-~~ 5978
~~purpose-all-terrain~~ vehicles on land or waters controlled by the 5979
state. 5980

Sec. 4519.43. A board of park commissioners of any park 5981
district created under Chapter 1545. of the Revised Code may 5982
provide by rule for the operation of snowmobiles, off-highway 5983
motorcycles, utility vehicles, mini-trucks, and ~~all-purpose-all-~~ 5984
terrain vehicles in the parks, parkways, and other reservations 5985
of land under its jurisdiction, and shall file a copy of any 5986
such rules with the director of natural resources. 5987

Any employee of a board of park commissioners designated 5988
pursuant to section 1545.13 of the Revised Code shall have full 5989
authority to enforce any of the provisions of this chapter with 5990
respect to the proper titling, registration, equipping, and 5991
operation of snowmobiles, off-highway motorcycles, utility 5992
vehicles, mini-trucks, or ~~all-purpose-all-terrain~~ vehicles 5993
within the lands under the jurisdiction and control of the 5994
board. 5995

Sec. 4519.44. (A) No person who does not hold a valid, 5996
current motor vehicle driver's or commercial driver's license, 5997
motorcycle operator's endorsement, or probationary license, 5998
issued under Chapter 4506. or 4507. of the Revised Code or a 5999
valid, current driver's license issued by another jurisdiction, 6000
shall operate a snowmobile, off-highway motorcycle, utility 6001
vehicle, mini-truck, or ~~all-purpose-all-terrain~~ vehicle on any 6002
street or highway in this state, on any portion of the right-of- 6003
way thereof, or on any public land or waters. 6004

(B) No person who is less than sixteen years of age shall 6005
operate a snowmobile, off-highway motorcycle, utility vehicle, 6006
mini-truck, or ~~all-purpose-all-terrain~~ vehicle on any land or 6007
waters other than private property or waters owned by or leased 6008
to the person's parent or guardian, unless accompanied by 6009
another person who is eighteen years of age, or older, and who 6010
holds a license as provided in division (A) of this section, 6011
except that the department of natural resources may permit such 6012
operation on state controlled land under its jurisdiction when 6013
such person is less than sixteen years of age and is accompanied 6014
by a parent or guardian who is a licensed driver eighteen years 6015
of age or older. 6016

(C) Whoever violates this section shall be fined not less 6017

than fifty nor more than five hundred dollars, imprisoned not 6018
less than three nor more than thirty days, or both. 6019

Sec. 4519.45. (A) Any dealer who rents, leases, or 6020
otherwise furnishes a snowmobile, off-highway motorcycle, 6021
utility vehicle, mini-truck, or ~~all-purpose~~ all-terrain vehicle 6022
for hire shall maintain the vehicle in safe operating condition. 6023
No dealer, or agent or employee of a dealer, shall rent, lease, 6024
or otherwise furnish a snowmobile, off-highway motorcycle, 6025
utility vehicle, mini-truck, or ~~all-purpose~~ all-terrain vehicle 6026
for hire to any person who does not hold a license as required 6027
by division (A) of section 4519.44 of the Revised Code, or to 6028
any person whom the dealer or an agent or employee of the dealer 6029
has reasonable cause to believe is incompetent to operate the 6030
vehicle in a safe and lawful manner. 6031

(B) Whoever violates this section shall be fined not less 6032
than one hundred nor more than five hundred dollars. 6033

Sec. 4519.46. The operator of a snowmobile, off-highway 6034
motorcycle, utility vehicle, mini-truck, or ~~all-purpose~~ all- 6035
terrain vehicle involved in any accident resulting in bodily 6036
injury to or death of any person, or damage to the property of 6037
any person in excess of one hundred dollars, shall report the 6038
accident within forty-eight hours to the state highway patrol, 6039
the sheriff of the county within which the accident occurred, or 6040
the chief of police, if the accident occurred within a municipal 6041
corporation, and, within thirty days, shall forward a written 6042
report of the accident to the registrar of motor vehicles on a 6043
form prescribed by the registrar. If the operator is physically 6044
incapable of making the reports and there is another participant 6045
in the accident not so incapacitated, the participant shall make 6046
the reports. In the event there is no other participant, and the 6047

operator is other than the owner, the owner, within the 6048
prescribed periods of time, shall make the reports. 6049

Any law enforcement officer, or other person authorized by 6050
sections 4519.42 and 4519.43 of the Revised Code, who 6051
investigates or receives information of an accident involving a 6052
snowmobile, off-highway motorcycle, utility vehicle, mini-truck, 6053
or ~~all-purpose-all-terrain~~ vehicle, shall forward to the 6054
registrar a written report of the accident within forty-eight 6055
hours. 6056

The registrar shall maintain a file of all reports 6057
received by the registrar of accidents involving a snowmobile, 6058
off-highway motorcycle, utility vehicle, mini-truck, or ~~all-~~ 6059
~~purpose-all-terrain~~ vehicle. The reports shall be for the 6060
confidential use of the director of public safety and the 6061
director of natural resources in the development of equipment 6062
and operating regulations, and of programs relating to the safe 6063
use of snowmobiles, off-highway motorcycles, utility vehicles, 6064
mini-truck, and ~~all-purpose-all-terrain~~ vehicles, except that 6065
the registrar shall furnish a copy of such report to any person 6066
claiming to have been injured or damaged in such accident, or 6067
the person's attorney, upon the payment of a fee of one dollar. 6068

Sec. 4519.47. (A) Whenever a person is found guilty of 6069
operating a snowmobile, off-highway motorcycle, mini-truck, 6070
utility vehicle, or ~~all-purpose-all-terrain~~ vehicle in violation 6071
of any rule authorized to be adopted under section 4519.21 or 6072
4519.42 of the Revised Code, the trial judge of any court of 6073
record, in addition to or independent of any other penalties 6074
provided by law, may impound for not less than sixty days the 6075
certificate of registration and license plate, if applicable, of 6076
that snowmobile, off-highway motorcycle, mini-truck, utility 6077

vehicle, or ~~all-purpose~~ all-terrain vehicle. The court shall 6078
send the impounded certificate of registration and license 6079
plate, if applicable, to the registrar of motor vehicles, who 6080
shall retain the certificate of registration and license plate, 6081
if applicable, until the expiration of the period of 6082
impoundment. 6083

(B) If a court impounds the certificate of registration 6084
and license plate of a utility vehicle or an ~~all-purpose~~ all- 6085
terrain vehicle pursuant to section 2911.21 of the Revised Code, 6086
the court shall send the impounded certificate of registration 6087
and license plate to the registrar, who shall retain them until 6088
the expiration of the period of impoundment. 6089

Sec. 4519.48. ~~Nothing contained in this chapter shall~~ 6090
~~prevent local authorities from regulating the operation of~~ 6091
~~snowmobiles, off-highway motorcycles, and all-purpose vehicles~~ 6092
~~on streets and highways and other public property under their~~ 6093
~~jurisdiction, and within the reasonable exercise of the police~~ 6094
~~power, except that no~~ No local authority shall require the local 6095
registration or licensing of any snowmobile, off-highway 6096
motorcycle, mini-truck, utility vehicle, or ~~all-purpose~~ all- 6097
terrain vehicle required or authorized to be registered or 6098
titled under this chapter. 6099

Sec. 4519.511. (A) The registrar of motor vehicles shall 6100
designate as an electronic dealer a dealer who meets both of the 6101
following criteria: 6102

~~(A)~~ (1) The dealer has the capability, via electronic 6103
means, to send title and registration information relating to 6104
off-highway motorcycles and ~~all-purpose~~ all-terrain vehicles, as 6105
specified by the registrar, to the registrar and the clerks of 6106
the courts of common pleas. 6107

~~(B)~~ (2) The dealer meets other criteria for electronic 6108
dealers that the registrar may establish by rule adopted under 6109
Chapter 119. of the Revised Code. 6110

(B) An electronic dealer also may, via electronic means, 6111
send title and registration information relating to snowmobiles, 6112
utility vehicles, and mini-trucks, as specified by the 6113
registrar, to the registrar and the clerks of the courts of 6114
common pleas. 6115

Sec. 4519.512. (A) The owner of an off-highway motorcycle 6116
~~or all-purpose all-terrain vehicle, snowmobile, utility vehicle,~~ 6117
~~or mini-truck~~ shall apply for a certificate of title for the 6118
motorcycle or vehicle when required by this chapter, ~~but, except~~ 6119
~~. Except as~~ otherwise specifically required in this chapter, the 6120
owner may elect whether or not to have the clerk of the court of 6121
common pleas to whom the certificate of title application is 6122
submitted issue a physical certificate of title for the 6123
motorcycle or vehicle, as provided in section 4519.58 of the 6124
Revised Code. 6125

(B) Except as otherwise specifically provided in this 6126
chapter, any provision of this chapter relating to the 6127
cancellation, issuance, or surrender of a certificate of title, 6128
including, but not limited to, provisions that contain a phrase 6129
such as "when a certificate of title is issued," "the clerk 6130
shall issue a certificate of title," or "the person shall obtain 6131
a certificate of title to the ~~off-highway motorcycle or all-~~ 6132
~~purpose vehicle,...~~" or another phrase of similar import, shall 6133
include those circumstances when a clerk enters certificate of 6134
title information into the automated title processing system, 6135
but does not take any further action relating to a physical 6136
certificate of title for the motorcycle or vehicle. 6137

Sec. 4519.52. (A) Except as provided in sections 4519.521 6138
and 4519.54 of the Revised Code, no dealer engaged in the 6139
business of selling new or used off-highway motorcycles or ~~all-~~ 6140
~~purpose~~ all-terrain vehicles shall sell or otherwise transfer a 6141
new or used off-highway motorcycle or ~~all-purpose~~ all-terrain 6142
vehicle without obtaining a certificate of title to the new or 6143
used motorcycle or vehicle, in accordance with this chapter, and 6144
delivering the certificate of title or memorandum certificate of 6145
title to the purchaser or transferee. 6146

(B) (1) ~~A person who is not a dealer engaged in the~~ 6147
~~business of selling new or used off-highway motorcycles or all-~~ 6148
~~purpose vehicles and~~ In addition to the circumstances in which a 6149
certificate of title is required under division (A) of this 6150
section, any person who owns an off-highway motorcycle ~~or all-~~ 6151
~~purpose~~, an all-terrain vehicle, a snowmobile, a utility 6152
vehicle, or a mini-truck may choose to obtain a certificate of 6153
title to the motorcycle or vehicle. The person shall comply with 6154
this chapter in order to obtain the certificate of title. 6155

(2) If a person ~~who is not a dealer engaged in the~~ 6156
~~business of selling new or used off-highway motorcycles or all-~~ 6157
~~purpose vehicles and~~ who owns an off-highway motorcycle ~~or all-~~ 6158
~~purpose~~, an all-terrain vehicle, a snowmobile, a utility 6159
vehicle, or a mini-truck obtains a certificate of title to the 6160
motorcycle or vehicle, that person, except as otherwise provided 6161
in section 4519.521 of the Revised Code, shall not sell or 6162
otherwise transfer the motorcycle or vehicle without delivering 6163
to the purchaser or transferee a certificate of title with an 6164
assignment on it as is necessary to show title in the purchaser 6165
or transferee, and no person shall subsequently purchase or 6166
otherwise acquire the motorcycle or vehicle without obtaining a 6167
certificate of title to the motorcycle or vehicle in the 6168

person's own name. 6169

(C) Whoever violates this section shall be fined fifty 6170
dollars. 6171

Sec. 4519.521. (A) (1) If a person who is not an electronic 6172
dealer owns an off-highway motorcycle ~~or all-purpose~~, an all- 6173
terrain vehicle, a snowmobile, a utility vehicle, or a mini- 6174
truck for which a physical certificate of title has not been 6175
issued by a clerk of a court of common pleas and the person 6176
sells the motorcycle or vehicle to an electronic dealer, the 6177
person is not required to obtain a physical certificate of title 6178
to the motorcycle or vehicle in order to transfer ownership to 6179
the dealer. The person shall present the dealer, in a manner 6180
approved by the registrar of motor vehicles, with sufficient 6181
proof of the person's identity and complete and sign a form 6182
prescribed by the registrar attesting to the person's identity 6183
and assigning the motorcycle or vehicle to the dealer. The 6184
electronic dealer then shall inform a clerk of a court of common 6185
pleas via electronic means of the sale of the motorcycle or 6186
vehicle and assignment of ownership of the motorcycle or vehicle 6187
to the dealer. The clerk shall enter the information relating to 6188
the assignment into the automated title processing system, and 6189
ownership of the motorcycle or vehicle passes to the dealer when 6190
the clerk enters this information into the system. The dealer is 6191
not required to obtain a certificate of title to the motorcycle 6192
or vehicle in the dealer's name. 6193

(2) A clerk shall charge and collect from a dealer a fee 6194
of five dollars for each motorcycle or vehicle assigned to the 6195
dealer under division (A) (1) of this section. The fee shall be 6196
distributed in accordance with section 4519.59 of the Revised 6197
Code. 6198

(B) If a person who is not an electronic dealer owns an
off-highway motorcycle ~~or all-purpose~~, an all-terrain vehicle,
a snowmobile, a utility vehicle, or a mini-truck that is titled
but for which a physical certificate of title has not been
issued by a clerk of a court of common pleas and the person
sells the motorcycle or vehicle to a person who is not an
electronic dealer, the person shall obtain a physical
certificate of title to the motorcycle or vehicle in order to
transfer ownership of the motorcycle or vehicle to the person
who is not an electronic dealer.

Sec. 4519.53. (A) (1) No person who acquires an off-highway
motorcycle or all-purpose, all-terrain vehicle, snowmobile,
utility vehicle, or mini-truck for which a certificate of title
is required by this chapter from the owner of it, whether the
owner is a manufacturer, importer, dealer, or any other person,
acquires any right, title, claim, or interest in or to the ~~off-~~
~~highway motorcycle or all-purpose vehicle~~ until one of the
following occurs:

(a) The person has been ~~is~~ issued a certificate of title
to the ~~off-highway motorcycle or all-purpose vehicle, or there~~
~~is delivered to the~~.

(b) The person receives a manufacturer's or importer's
certificate for ~~it, or~~ the motorcycle or vehicle.

(c) The person is assigned a certificate of title to ~~it is~~
~~assigned~~ the motorcycle or vehicle as authorized by section
4519.521 of the Revised Code. ~~No~~

(2) No waiver or estoppel operates in favor of that person
against a person having possession or assignment of the
certificate of title to, or manufacturer's or importer's

certificate for, the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle, for a valuable consideration. 6228
6229

(B) No court in any case at law or in equity shall 6230
recognize the right, title, claim, or interest of any person in 6231
or to any ~~off-highway~~ such motorcycle or ~~all-purpose~~ vehicle, 6232
for which a certificate of title is required by this chapter, 6233
sold or disposed of, or mortgaged or encumbered, unless 6234
evidenced by one of the following: 6235

~~(A)~~ (1) A certificate of title ~~or a~~; 6236

(2) A manufacturer's or importer's certificate issued in 6237
accordance with this chapter, ~~or an~~; 6238

(3) An assignment of a certificate of title made under 6239
section 4519.521 of the Revised Code; 6240

~~(B)~~ (4) Admission in the pleadings or stipulation of the 6241
parties. 6242

Sec. 4519.54. (A) No manufacturer, importer, dealer, or 6243
other person shall sell or otherwise dispose of a new off- 6244
highway motorcycle or ~~all-purpose~~ all-terrain vehicle to a 6245
dealer to be used by the dealer for purposes of display and 6246
resale, without delivering to the dealer a manufacturer's or 6247
importer's certificate executed in accordance with this section, 6248
and with such assignments thereon as are necessary to show title 6249
in the purchaser. No dealer shall purchase or acquire a new off- 6250
highway motorcycle or ~~all-purpose~~ all-terrain vehicle without 6251
obtaining from the seller the manufacturer's or importer's 6252
certificate. 6253

(B) A manufacturer's or importer's certificate of the 6254
origin of an off-highway motorcycle or ~~all-purpose~~ all-terrain 6255
vehicle shall contain the following information, in such form 6256

and together with such further information as the registrar of 6257
motor vehicles may require: 6258

~~(A)~~ (1) A description of the off-highway motorcycle or 6259
~~all-purpose all-terrain~~ vehicle, including its make, year, 6260
series or model, if any, body type, and manufacturer's vehicle 6261
identification number; 6262

~~(B)~~ (2) Certification of the date of transfer of the off- 6263
highway motorcycle or ~~all-purpose all-terrain~~ vehicle to a 6264
distributor or dealer or other transferee, and the name and 6265
address of the transferee; 6266

~~(C)~~ (3) Certification that this was the first transfer of 6267
the new off-highway motorcycle or ~~all-purpose all-terrain~~ 6268
vehicle in ordinary trade and commerce; 6269

~~(D)~~ (4) The signature and address of a representative of 6270
the transferor. 6271

(C) An assignment of a manufacturer's or importer's 6272
certificate before a notary public or other officer empowered to 6273
administer oaths shall be printed on the reverse side of the 6274
manufacturer's or importer's certificate in a form to be 6275
prescribed by the registrar. The assignment form shall include 6276
the name and address of the transferee, a certification that the 6277
off-highway motorcycle or ~~all-purpose all-terrain~~ vehicle is 6278
new, and a warranty that the title at the time of delivery is 6279
subject only to such liens and encumbrances as are set forth and 6280
described in full in the assignment. 6281

Sec. 4519.55. ~~Application~~ (A) (1) Any application for a 6282
certificate of title for an off-highway motorcycle ~~or all-~~ 6283
~~purpose~~, all-terrain vehicle, snowmobile, utility vehicle, or 6284
mini-truck shall be made upon a form prescribed by the registrar 6285

of motor vehicles and shall be sworn to before a notary public 6286
or other officer empowered to administer oaths. The application 6287
shall be filed with the clerk of any court of common pleas. An 6288
application for a certificate of title may be filed 6289
electronically by any electronic means approved by the registrar 6290
in any county with the clerk of the court of common pleas of 6291
that county. 6292

(2) If an application for a certificate of title is filed 6293
electronically by an electronic dealer on behalf of the 6294
purchaser of an off-highway motorcycle ~~or all-purpose~~, all- 6295
terrain vehicle, snowmobile, utility vehicle, or mini-truck, the 6296
clerk shall retain the completed electronic record to which the 6297
electronic dealer converted the certificate of title application 6298
and other required documents. The registrar, after consultation 6299
with the attorney general, shall adopt rules that govern the 6300
location at which, and the manner in which, are stored the 6301
actual application and all other documents relating to the sale 6302
~~of an off-highway motorcycle or all-purpose vehicle~~ when an 6303
electronic dealer files the application for a certificate of 6304
title electronically on behalf of the purchaser. 6305

(B) The application shall be accompanied by the fee 6306
prescribed in section 4519.59 of the Revised Code. The fee shall 6307
be retained by the clerk who issues the certificate of title and 6308
shall be distributed in accordance with that section. If a clerk 6309
of a court of common pleas, other than the clerk of the court of 6310
common pleas of an applicant's county of residence, issues a 6311
certificate of title to the applicant, the clerk shall transmit 6312
data related to the transaction to the automated title 6313
processing system. 6314

(C) (1) If a certificate of title previously has been 6315

issued for ~~an~~ the off-highway motorcycle ~~or all-purpose~~, all- 6316
terrain vehicle, snowmobile, utility vehicle, or mini-truck, the 6317
application also shall be accompanied by the certificate of 6318
title duly assigned, unless otherwise provided in this chapter. 6319
~~If~~ 6320

(2) If a certificate of title previously has not been 6321
issued for the off-highway motorcycle ~~or all-purpose~~, all- 6322
terrain vehicle, snowmobile, utility vehicle, or mini-truck, the 6323
application, unless otherwise provided in this chapter, shall be 6324
accompanied by ~~a~~ one of the following: 6325

(a) A manufacturer's or importer's certificate; ~~by a~~ 6326

(b) A sworn statement of ownership; ~~or by a~~ 6327

(c) A certificate of title, bill of sale, or other 6328
evidence of ownership required by law of another state from 6329
which the ~~off-highway motorcycle or all-purpose~~ vehicle was 6330
brought into this state. ~~The~~ 6331

(3) The registrar, in accordance with Chapter 119. of the 6332
Revised Code, shall prescribe the types of additional 6333
documentation sufficient to establish proof of ownership, 6334
including, but not limited to, receipts from the purchase of 6335
parts or components, photographs, and affidavits of other 6336
persons. 6337

(D) (1) If the application is made by two persons regarding 6338
an off-highway motorcycle ~~or~~, an all-purpose all-terrain 6339
vehicle, a snowmobile, a utility vehicle, or a mini-truck in 6340
which they wish to establish joint ownership with right of 6341
survivorship, they may do so as provided in section 2131.12 of 6342
the Revised Code. ~~If~~ 6343

(2) If the applicant requests a designation of the off- 6344

highway motorcycle ~~or all-purpose~~, all-terrain vehicle, 6345
snowmobile, utility vehicle, or mini-truck in beneficiary form 6346
so that upon the death of the owner of the ~~off-highway~~ 6347
motorcycle or ~~all-purpose~~ vehicle, ownership of the ~~off-highway~~ 6348
motorcycle or ~~all-purpose~~ vehicle will pass to a designated 6349
transfer-on-death beneficiary or beneficiaries, the applicant 6350
may do so as provided in section 2131.13 of the Revised Code. A 6351
person who establishes ownership of ~~an off-highway~~ the 6352
motorcycle or ~~an all-purpose~~ vehicle that is transferable on 6353
death in accordance with section 2131.13 of the Revised Code may 6354
terminate that type of ownership or change the designation of 6355
the transfer-on-death beneficiary or beneficiaries by applying 6356
for a certificate of title pursuant to this section. 6357

(E) For purposes of the transfer of a certificate of 6358
title, if the clerk is satisfied that a secured party has duly 6359
discharged a lien notation but has not canceled the lien 6360
notation with a clerk, the clerk may cancel the lien notation on 6361
the automated title processing system and notify the clerk of 6362
the county of origin. 6363

(F) (1) In the case of the sale of an off-highway 6364
motorcycle or ~~all-purpose~~ all-terrain vehicle by a dealer to a 6365
general purchaser or user, the certificate of title shall be 6366
obtained in the name of the purchaser by the dealer upon 6367
application signed by the purchaser. ~~In~~ 6368

(2) In the case of a dealer selling a snowmobile, utility 6369
vehicle, or mini-truck to a general purchaser, the dealer may 6370
obtain a certificate of title in the name of the purchaser upon 6371
application signed by the purchaser. 6372

(3) In all other cases not specified by division (F) (1) or 6373
(2) of this section, the certificate shall be obtained by the 6374

purchaser. ~~In~~ 6375

(4) In all cases of transfer of ~~an~~ a titled off-highway 6376
motorcycle ~~or all-purpose~~, all-terrain vehicle, snowmobile, 6377
utility vehicle, or mini-truck, the application for certificate 6378
of title shall be filed within thirty days after the later of 6379
the date of purchase or assignment of ownership of the ~~off-~~ 6380
~~highway motorcycle or all-purpose vehicle. If~~ 6381

(5) If the application for certificate of title is not 6382
filed within the thirty days ~~after the later of the date of~~ 6383
~~purchase or assignment of ownership of the off-highway~~ 6384
~~motorcycle or all-purpose vehicle~~ as provided by division (G) (3) 6385
of this section, the clerk shall charge a late filing fee of 6386
five dollars in addition to the fee prescribed by section 6387
4519.59 of the Revised Code. The clerk shall retain the entire 6388
amount of each late filing fee. 6389

(G) (1) Except in the case of an off-highway motorcycle or 6390
all-purpose vehicle purchased prior to July 1, 1999 as provided 6391
by division (G) (3) of this section, the clerk shall refuse to 6392
accept an application for certificate of title unless the 6393
applicant either tenders with the application payment of all 6394
taxes levied by or pursuant to Chapter 5739. or 5741. of the 6395
Revised Code based on the purchaser's county of residence, or 6396
submits either of the following: 6397

~~(A)~~ (a) A receipt issued by the tax commissioner or a clerk 6398
of courts showing payment of the tax; 6399

~~(B)~~ (b) An exemption certificate, in any form prescribed by 6400
the tax commissioner, that specifies why the purchase is not 6401
subject to the tax imposed by Chapter 5739. or 5741. of the 6402
Revised Code. 6403

(2) Payment of the tax shall be made in accordance with 6404
division (E) of section 4505.06 of the Revised Code and any 6405
rules issued by the tax commissioner. When a dealer submits 6406
payment of the tax to the clerk, the dealer shall retain any 6407
discount to which the dealer is entitled under section 5739.12 6408
of the Revised Code. The clerk shall issue a receipt in the form 6409
prescribed by the tax commissioner to any applicant who tenders 6410
payment of the tax with the application for a certificate of 6411
title. ~~If the application for a certificate of title is for an-~~ 6412
~~off-highway motorcycle or all-purpose vehicle purchased prior to~~ 6413
~~July 1, 1999, the-~~ 6414

(3) A clerk shall accept ~~the~~ an application for a 6415
certificate of title without payment of the taxes levied by or 6416
pursuant to Chapter 5739. or 5741. of the Revised Code or 6417
presentation of either of the items listed in division ~~(A)~~ ~~or~~ 6418
~~(B)~~ (G) (1) of this section for both of the following: 6419

(a) An off-highway motorcycle or all-terrain vehicle 6420
purchased prior to July 1, 1999; 6421

(b) A snowmobile, utility vehicle, or mini-truck purchased 6422
prior to the effective date of this amendment. 6423

(H) (1) For receiving and disbursing such taxes paid to the 6424
clerk by a resident of the clerk's county, the clerk may retain 6425
a poundage fee of one and one-hundredth per cent of the taxes 6426
collected, which shall be paid into the certificate of title 6427
administration fund created by section 325.33 of the Revised 6428
Code. The clerk shall not retain a poundage fee from payments of 6429
taxes by persons who do not reside in the clerk's county. 6430

(2) A clerk, however, may retain from the taxes paid to 6431
the clerk an amount equal to the poundage fees associated with 6432

certificates of title issued by other clerks of courts of common 6433
pleas to applicants who reside in the first clerk's county. The 6434
registrar, in consultation with the tax commissioner and the 6435
clerks of the courts of common pleas, shall develop a report 6436
from the automated title processing system that informs each 6437
clerk of the amount of the poundage fees that the clerk is 6438
permitted to retain from those taxes because of certificates of 6439
title issued by the clerks of other counties to applicants who 6440
reside in the first clerk's county. 6441

(3) In the case of casual sales of ~~off-highway~~ such 6442
motorcycles or ~~all-purpose~~ vehicles that are subject to the tax 6443
imposed by Chapter 5739. or 5741. of the Revised Code, the 6444
purchase price for the purpose of determining the tax shall be 6445
the purchase price on an affidavit executed and filed with the 6446
clerk by the seller on a form to be prescribed by the registrar, 6447
which shall be prima-facie evidence of the price for the 6448
determination of the tax. 6449

(I) In addition to the information required by section 6450
4519.57 of the Revised Code, each certificate of title shall 6451
contain in bold lettering the following notification and 6452
statements: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND 6453
BUYER): You are required by law to state the true selling price. 6454
A false statement is in violation of section 2921.13 of the 6455
Revised Code and is punishable by six months imprisonment or a 6456
fine of up to one thousand dollars, or both. All transfers are 6457
audited by the department of taxation. The seller and buyer must 6458
provide any information requested by the department of taxation. 6459
The buyer may be assessed any additional tax found to be due." 6460

(J) The clerk shall forward all payments of taxes, less 6461
poundage fees, to the registrar of motor vehicles in a manner to 6462

be prescribed by the tax commissioner and shall furnish 6463
information to the commissioner as the commissioner may require. 6464

(K) Every clerk shall have the capability to transact by 6465
electronic means all procedures and transactions relating to the 6466
issuance of certificates of title for off-highway motorcycles- 6467
~~and all-purpose~~, all-terrain vehicles, snowmobiles, utility 6468
vehicles, or mini-trucks that are described in the Revised Code 6469
as being accomplished by electronic means. 6470

Sec. 4519.551. Notwithstanding any general requirement in 6471
this chapter to the effect that an application for a certificate 6472
of title to an off-highway motorcycle ~~or all-purpose~~, an all- 6473
terrain vehicle, a snowmobile, a utility vehicle, or a mini- 6474
truck shall be "sworn to" or shall be "sworn to before a notary 6475
public or other officer empowered to administer oaths," that 6476
requirement shall apply only in the case of a transfer of ~~an~~ 6477
~~off-highway a~~ motorcycle or ~~all-purpose~~ vehicle between parties 6478
in the course of a sale by a person other than a registered 6479
dealer to a person who purchases the ~~off-highway~~ motorcycle or 6480
~~all-purpose~~ vehicle for use as a consumer. 6481

Sec. 4519.56. ~~(A)~~ (A) (1) An application for a certificate 6482
of title shall be sworn to before a notary public or other 6483
officer empowered to administer oaths by the lawful owner or 6484
purchaser of the off-highway motorcycle ~~or all-purpose~~, all- 6485
terrain vehicle, snowmobile, utility vehicle, or mini-truck and 6486
shall contain at least the following information in a form and 6487
together with any other information the registrar of motor 6488
vehicles may require: 6489

~~(1)~~ (a) Name, address, and social security number or 6490
employer's tax identification number of the applicant; 6491

~~(2)~~ (b) Statement of how the ~~off-highway~~ motorcycle or ~~all-~~
~~purpose~~ vehicle was acquired; 6492
6493

~~(3)~~ (c) Name and address of the previous owner; 6494

~~(4)~~ (d) A statement of all liens, mortgages, or other 6495
encumbrances on the ~~off-highway~~ motorcycle or ~~all-purpose~~ 6496
vehicle, and the name and address of each holder thereof; 6497

~~(5)~~ (e) If there are no outstanding liens, mortgages, or 6498
other encumbrances, a statement of that fact; 6499

~~(6)~~ (f) A description of the ~~off-highway~~ motorcycle or ~~all-~~ 6500
~~purpose~~ vehicle, including the make, year, series or model, if 6501
any, body type, and manufacturer's vehicle identification 6502
number. 6503

(2) ~~If the off-highway motorcycle or all-purpose, all-~~ 6504
terrain vehicle, snowmobile, utility vehicle, or mini-truck 6505
contains a permanent identification number placed thereon by the 6506
manufacturer, this number shall be used as the vehicle 6507
identification number. Except as provided in division (B) of 6508
this section, if the application for a certificate of title 6509
refers to an off-highway motorcycle ~~or all-purpose~~, an all- 6510
terrain vehicle, a snowmobile, a utility vehicle, or a mini- 6511
truck that contains such a permanent identification number, but 6512
for which no certificate of title has been issued previously by 6513
this state, the application shall be accompanied by a physical 6514
inspection certificate as described in that division. 6515

(3) If there is no manufacturer's vehicle identification 6516
number or if the manufacturer's vehicle identification number 6517
has been removed or obliterated, the registrar, upon receipt of 6518
a prescribed application and proof of ownership, but prior to 6519
issuance of a certificate of title, shall assign a vehicle 6520

identification number for the off-highway motorcycle ~~or all-~~ 6521
~~purpose~~ all-terrain vehicle, snowmobile, utility vehicle, or 6522
mini-truck. This assigned vehicle identification number shall be 6523
permanently affixed to or imprinted upon the ~~off-highway-~~ 6524
motorcycle or ~~all-purpose~~ vehicle by the state highway patrol. 6525
The state highway patrol shall assess a fee of fifty dollars for 6526
affixing the number to the ~~off-highway~~ motorcycle or ~~all-purpose~~ 6527
vehicle and shall deposit each such fee in the public safety - 6528
highway purposes fund established by section 4501.06 of the 6529
Revised Code. 6530

~~(B) (1)~~ Except in the case of a new off-highway 6531
motorcycle or ~~all-purpose~~ vehicle sold by a dealer title to 6532
which is evidenced by a manufacturer's or importer's 6533
~~certificate~~ as provided in division (B) (2) of this section, if 6534
the application for a certificate of title refers to an off- 6535
highway motorcycle ~~or all-purpose~~, an all-terrain vehicle, a 6536
snowmobile, a utility vehicle, or a mini-truck that contains a 6537
permanent identification number placed thereon by the 6538
manufacturer, but for which no certificate of title previously 6539
has been issued by this state, the application shall be 6540
accompanied by a physical inspection certificate issued by the 6541
department of public safety ~~verifying~~. The physical inspection 6542
certificate shall verify the make, year, series or model, if 6543
any, body type, and manufacturer's vehicle identification number 6544
of the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle for which 6545
the certificate of title is desired. The physical inspection 6546
certificate shall be in such form as is designated by the 6547
registrar. The physical inspection shall be made at a deputy 6548
registrar's office, a clerk of the common pleas' office if the 6549
clerk offers such physical inspections, or at an established 6550
place of business operated by a licensed motor vehicle dealer. 6551

The deputy registrar, clerk of the court of common pleas, or 6552
motor vehicle dealer may charge a maximum fee equal to the 6553
amount established under section 4503.038 of the Revised Code 6554
for conducting the physical inspection. 6555

(2) A new off-highway motorcycle or all-terrain vehicle 6556
that is sold by a dealer and is evidenced by a manufacturer's or 6557
importer's certificate does not require an accompanying physical 6558
inspection certificate under division (B) (1) of this section. 6559

(C) The clerk of the court of common pleas shall charge a 6560
fee of one dollar and fifty cents for the processing of each 6561
physical inspection certificate. The clerk shall retain fifty 6562
cents of the one dollar and fifty cents so charged and shall pay 6563
the remaining one dollar to the registrar by monthly returns, 6564
which shall be forwarded to the registrar not later than the 6565
fifth day of the month next succeeding that in which the 6566
certificate is received by the clerk. The registrar shall pay 6567
such remaining sums into the public safety - highway purposes 6568
fund established by section 4501.06 of the Revised Code. 6569

Sec. 4519.57. ~~(A)~~ (A) (1) When the clerk of a court of 6570
common pleas issues a physical certificate of title for an off- 6571
highway motorcycle ~~or all-purpose~~, all-terrain vehicle, 6572
snowmobile, utility vehicle, or mini-truck, the clerk shall 6573
issue it over the clerk's official seal. The front side of each 6574
physical certificate of title shall contain the information 6575
required in the application for it as prescribed by section 6576
4519.56 of the Revised Code, spaces for the dates of notation 6577
and cancellation of two liens, mortgages, or encumbrances, and 6578
any other pertinent information as may be required by the 6579
registrar of motor vehicles, ~~but~~. The physical certificate of 6580
title shall contain neither the social security number nor 6581

taxpayer identification number of the applicant. ~~The~~ 6582

(2) The reverse side of each physical certificate of title 6583
shall contain all of the information specified in division (F) 6584
of section 4505.07 of the Revised Code. An assignment of 6585
certificate of title before a notary public or other officer 6586
empowered to administer oaths shall appear on the reverse side 6587
of each physical certificate of title in the form to be 6588
prescribed by the registrar. The assignment form shall include a 6589
warranty that the signer is the owner of the off-highway 6590
~~motorcycle or all-purpose~~, all-terrain vehicle, snowmobile, 6591
utility vehicle, or mini-truck and that there are no mortgages, 6592
liens, or encumbrances on the ~~off-highway motorcycle or all-~~ 6593
~~purpose-vehicle~~ except as are noted on the face of the 6594
certificate of title. 6595

(3) Physical certificates of title also shall ~~bear~~ display 6596
a statement that liens applicable to the off-highway motorcycle- 6597
~~or all-purpose~~, all-terrain vehicle, snowmobile, utility 6598
vehicle, or mini-truck other than the two for which there are 6599
spaces on the certificates may exist and, if so, are entered 6600
into the automated title processing system. 6601

(B) An electronic certificate of title is an electronic 6602
record stored in the automated title processing system that 6603
establishes ownership of an off-highway motorcycle ~~or all-~~ 6604
~~purpose~~, all-terrain vehicle, snowmobile, utility vehicle, or 6605
mini-truck, as well as any security interests that exist in that 6606
~~off-highway motorcycle or all-purpose-vehicle~~. 6607

Sec. 4519.58. ~~(A)~~ (A) (1) When the clerk of a court of 6608
common pleas issues a physical certificate of title, the clerk 6609
shall issue the certificate of title on a form and in a manner 6610
prescribed by the registrar of motor vehicles. The clerk shall 6611

file a copy of the physical evidence for the creation of the 6612
certificate of title in a manner prescribed by the registrar. A 6613
clerk may retain digital images of documents used as evidence 6614
for issuance of a certificate of title. Certified printouts of 6615
documents retained as digital images shall have the same 6616
evidentiary value as the original physical documents. The record 6617
of the issuance of the certificate of title shall be maintained 6618
in the automated title processing system. ~~The~~ 6619

(2) The clerk shall sign and affix the clerk's seal to the 6620
original certificate of title and, if there are no liens on the 6621
~~off-highway motorcycle or all-purpose~~, all-terrain vehicle, 6622
snowmobile, utility vehicle, or mini-truck, shall deliver the 6623
certificate to the applicant or the selling dealer, as 6624
applicable. Except as otherwise provided in this section, if 6625
there are one or more liens on the ~~off-highway motorcycle or~~ 6626
~~all-purpose vehicle,~~ the certificate of title shall be delivered 6627
to the holder of the first lien. If the certificate of title is 6628
obtained by a dealer on behalf of the applicant and there are 6629
one or more liens on the ~~off-highway motorcycle or all-purpose~~ 6630
~~vehicle,~~ the clerk shall issue a certificate of title and may 6631
issue a memorandum certificate of title. The certificate of 6632
title and memorandum certificate of title, if issued, shall be 6633
delivered to the holder of the first lien or the selling dealer, 6634
who shall deliver the certificate of title to the holder of the 6635
first lien and the memorandum certificate of title to the 6636
applicant. The selling dealer also may make arrangements with 6637
the clerk to have the clerk deliver the memorandum certificate 6638
of title to the applicant. 6639

~~(B)~~ (B) (1) The registrar shall prescribe a uniform method 6640
of numbering certificates of title. The numbering shall be in 6641
such manner that the county of issuance is indicated. Numbers 6642

shall be assigned to certificates of title in the manner 6643
prescribed by the registrar. The clerk shall file all 6644
certificates of title according to the rules to be prescribed by 6645
the registrar, and the clerk shall maintain in the clerk's 6646
office indexes for the certificates of title. 6647

(2) The clerk need not retain on file any current 6648
certificates of title, current duplicate certificates of title, 6649
current memorandum certificates of title, or current salvage 6650
certificates of title, or supporting evidence of them, covering 6651
any off-highway motorcycle ~~or all-purpose~~, all-terrain vehicle, 6652
snowmobile, utility vehicle, or mini-truck for a period longer 6653
than seven years after the date of their filing; ~~thereafter.~~ 6654
Thereafter, the documents and supporting evidence may be 6655
destroyed. The clerk need not retain on file any inactive 6656
records, including certificates of title, duplicate certificates 6657
of title, or memorandum certificates of title, or supporting 6658
evidence of them, including the electronic record described in 6659
section 4519.55 of the Revised Code, covering any off-highway 6660
motorcycle ~~or all-purpose~~, all-terrain vehicle, snowmobile, 6661
utility vehicle, or mini-truck for a period longer than five 6662
years after the date of their filing; ~~thereafter.~~ Thereafter, 6663
the documents and supporting evidence may be destroyed. 6664

(3) The automated title processing system shall contain 6665
all active records and an index of the active records, and shall 6666
contain a record and index of all inactive titles for ten years, 6667
and a record and index of all inactive titles for ~~manufactured~~ 6668
~~and mobile homes~~ off-highway motorcycles, all-terrain vehicles, 6669
snowmobiles, utility vehicles, or mini-trucks for thirty years. 6670
If the clerk provides a written copy of any information 6671
contained in the database, the copy shall be considered the 6672
original for purposes of the clerk certifying the record of such 6673

information for use in any legal proceedings. 6674

(C) Except as provided in this division, the clerk shall 6675
issue a physical certificate of title to an applicant unless the 6676
applicant specifically requests the clerk not to issue a 6677
physical certificate of title and instead to issue an electronic 6678
certificate of title. In the case of a title application that is 6679
submitted electronically to the clerk, the clerk shall issue an 6680
electronic certificate of title unless the applicant requests 6681
the issuance of a physical certificate of title. The fact that a 6682
physical certificate of title is not issued for an off-highway 6683
~~motorcycle or all-purpose~~, all-terrain vehicle, snowmobile, 6684
utility vehicle, or mini-truck does not affect ownership of the 6685
motorcycle or vehicle. In that case, when the clerk completes 6686
the process of entering certificate of title application 6687
information into the automated title processing system, the 6688
effect of the completion of the process is the same as if the 6689
clerk actually issued a physical certificate of title for the 6690
motorcycle or vehicle. 6691

(D) An electronic dealer, who applies for a certificate of 6692
title on behalf of a customer ~~who purchases an off-highway~~ 6693
~~motorcycle or all-purpose vehicle from the dealer~~, may print a 6694
non-negotiable evidence of ownership for the customer if the 6695
customer so requests. The authorization to print the non- 6696
negotiable evidence of ownership shall come from the clerk with 6697
whom the dealer makes application for the certificate of title 6698
for the customer, but the printing by the dealer does not create 6699
an agency relationship of any kind between the dealer and the 6700
clerk. 6701

(E) The owner of the off-highway motorcycle ~~or all-purpose~~ 6702
, all-terrain vehicle, snowmobile, utility vehicle, or mini- 6703

truck may apply at any time to a clerk of a court of common 6704
pleas for a non-negotiable evidence of ownership for the ~~off-~~ 6705
~~highway~~ motorcycle or ~~all-purpose~~ vehicle. 6706

Sec. 4519.59. (A) (1) The clerk of a court of common pleas 6707
shall charge and retain fees as follows: 6708

(a) Fifteen dollars for each certificate of title or 6709
duplicate certificate of title including the issuance of a 6710
memorandum certificate of title, authorization to print a non- 6711
negotiable evidence of ownership described in division (D) of 6712
section 4519.58 of the Revised Code, non-negotiable evidence of 6713
ownership printed by the clerk under division (E) of that 6714
section, and notation of any lien on a certificate of title that 6715
is applied for at the same time as the certificate of title. The 6716
clerk shall retain eleven dollars and fifty cents of that fee 6717
for each certificate of title when there is a notation of a lien 6718
or security interest on the certificate of title, twelve dollars 6719
and twenty-five cents when there is no lien or security interest 6720
noted on the certificate of title, and eleven dollars and fifty 6721
cents for each duplicate certificate of title. 6722

(b) Five dollars for each certificate of title with no 6723
security interest noted that is issued to a licensed motor 6724
vehicle dealer for resale purposes. The clerk shall retain two 6725
dollars and twenty-five cents of that fee. 6726

(c) Five dollars for each memorandum certificate of title 6727
or non-negotiable evidence of ownership that is applied for 6728
separately. The clerk shall retain that entire fee. 6729

(2) The fees that are not retained by the clerk shall be 6730
paid to the registrar of motor vehicles by monthly returns, 6731
which shall be forwarded to the registrar not later than the 6732

fifth day of the month next succeeding that in which the 6733
certificate is forwarded or that in which the registrar is 6734
notified of a lien or cancellation of a lien. 6735

(B) (1) The registrar shall pay twenty-five cents of the 6736
amount received for each certificate of title that is issued to 6737
a motor vehicle dealer for resale, one dollar for certificates 6738
of title issued with a lien or security interest noted on the 6739
certificate of title, and twenty-five cents for each certificate 6740
of title with no lien or security interest noted on the 6741
certificate of title into the public safety - highway purposes 6742
fund established in section 4501.06 of the Revised Code. 6743

(2) Fifty cents of the amount received for each 6744
certificate of title shall be paid by the registrar as follows: 6745

(a) Four cents shall be paid into the state treasury to 6746
the credit of the motor vehicle dealers board fund created in 6747
section 4505.09 of the Revised Code, for use as described in 6748
division (B) (2) (a) of that section. 6749

(b) ~~Twenty-one~~ Thirty-one cents shall be paid into the 6750
highway operating fund. 6751

(c) ~~Twenty-five~~ Fifteen cents shall be paid into the state 6752
treasury to the credit of the motor vehicle sales audit fund 6753
created in section 4505.09 of the Revised Code, for use as 6754
described in division (B) (2) (c) of that section. 6755

(3) Two dollars of the amount received by the registrar 6756
for each certificate of title shall be paid into the state 6757
treasury to the credit of the automated title processing fund 6758
created in section 4505.09 of the Revised Code, for use as 6759
described in divisions (B) (3) (a) and (c) of that section. 6760

Sec. 4519.60. (A) ~~In the event of the transfer of This~~ 6761

section applies when ownership of an off-highway motorcycle ~~or~~ 6762
all-purpose, all-terrain vehicle, snowmobile, utility vehicle, 6763
or mini-truck transfers by operation of law, as upon 6764
inheritance, devise, bequest, order in bankruptcy, insolvency, 6765
replevin, or execution of sale, or when repossession is had upon 6766
default in performance of the terms of a security agreement as 6767
provided in Chapter 1309. of the Revised Code, ~~a~~. 6768

(B) A clerk of a court of common pleas, ~~upon the~~ may 6769
issue to an applicant a certificate of title to an off-highway 6770
motorcycle, an all-terrain vehicle, a snowmobile, a utility 6771
vehicle, or a mini-truck after all of the following occur: 6772

(1) The surrender of the prior certificate of title or the 6773
manufacturer's or importer's certificate, if any, or, when that 6774
is not possible, upon presentation to the clerk of satisfactory 6775
proof of ownership and rights of possession to the ~~off-highway~~ 6776
motorcycle or ~~all-purpose vehicle, and upon;~~ 6777

(2) The payment of the fee prescribed in section 4519.59 6778
of the Revised Code ~~and;~~ 6779

(3) The presentation of an a completed application for 6780
certificate of title, ~~may issue to the applicant a certificate~~ 6781
~~of title to the off-highway motorcycle or all-purpose vehicle.~~ 6782
~~Only~~ 6783

(C) Only an affidavit by the person or agent of the person 6784
to whom possession of the ~~off-highway motorcycle or all-purpose~~ 6785
vehicle has passed, setting forth the facts entitling the person 6786
to the possession and ownership, together with a copy of the 6787
journal entry, court order, or instrument upon which the claim 6788
of possession and ownership is founded, is satisfactory proof of 6789
ownership and right of possession. If the applicant cannot 6790

produce that proof of ownership, the applicant may apply 6791
directly to the registrar of motor vehicles and submit the 6792
applicant's evidence ~~the applicant has, and the~~ of ownership. 6793
The registrar, upon finding the evidence sufficient, may 6794
authorize the clerk to issue a certificate of title. If, from 6795
the records in the office of the clerk, there appears to be any 6796
lien on the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle, the 6797
certificate of title shall contain a statement of the lien 6798
unless the application is accompanied by proper evidence of its 6799
extinction. 6800

~~(B)~~ (D) Upon the death of one of the persons who have 6801
established joint ownership with right of survivorship under 6802
section 2131.12 of the Revised Code in an off-highway motorcycle 6803
~~or all-purpose~~, all-terrain vehicle, snowmobile, utility 6804
vehicle, or mini-truck and the presentation to the clerk of the 6805
title and the certificate of death of the deceased person, the 6806
clerk shall enter into the records the transfer of the ~~off-~~ 6807
~~highway~~ motorcycle or ~~all-purpose~~ vehicle to the surviving 6808
person, ~~and the~~. The title to the off-highway motorcycle or 6809
~~all-purpose~~ vehicle immediately passes to the surviving person. 6810
The transfer does not affect any liens on the ~~off-highway~~ 6811
motorcycle or ~~all-purpose~~ vehicle. 6812

~~(C)~~ (E) Upon the death of an owner of an off-highway 6813
motorcycle ~~or all-purpose~~, all-terrain vehicle, snowmobile, 6814
utility vehicle, or mini-truck designated in beneficiary form 6815
under section 2131.13 of the Revised Code, upon application of 6816
the transfer-on-death beneficiary or beneficiaries designated 6817
pursuant to that section, and upon presentation to the clerk of 6818
the certificate of title and the certificate of death of the 6819
deceased owner, the clerk shall transfer the ~~off-highway~~ 6820
motorcycle or ~~all-purpose~~ vehicle and issue a certificate of 6821

title to the transfer-on-death beneficiary or beneficiaries. The 6822
transfer does not affect any liens upon any ~~off-highway~~ 6823
motorcycle or ~~all-purpose~~ vehicle so transferred. 6824

Sec. 4519.61. (A) Each owner of an off-highway motorcycle- 6825
~~or all-purpose~~, all-terrain vehicle, snowmobile, utility 6826
vehicle, or mini-truck and each person mentioned as owner in the 6827
last certificate of title, when ~~the off-highway that~~ motorcycle 6828
or ~~all-purpose~~ vehicle is dismantled, destroyed, or changed in 6829
such manner that it loses its character as ~~an off-highway the~~ 6830
original motorcycle or all-purpose vehicle titled, or changed in 6831
such manner that it is not the ~~off-highway~~ motorcycle or ~~all-~~ 6832
~~purpose~~ vehicle described in the certificate of title, shall 6833
surrender the certificate of title to a clerk of a court of 6834
common pleas, ~~and the~~. The clerk, with the consent of the 6835
holders of any liens noted on the certificate of title, then 6836
shall enter a cancellation upon the clerk's records and shall 6837
notify the registrar of motor vehicles of the cancellation. 6838

Upon the cancellation of a certificate of title in the 6839
manner prescribed by this section, any clerk and the registrar 6840
may cancel and destroy all certificates and all memorandum 6841
certificates in that chain of title. 6842

(B) If an Ohio certificate of title or salvage certificate 6843
of title to an off-highway motorcycle ~~or all-purpose~~, all- 6844
terrain vehicle, snowmobile, utility vehicle, or mini-truck is 6845
assigned to a salvage dealer, the dealer shall not be required 6846
to obtain an Ohio certificate of title or a salvage certificate 6847
of title to the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle in 6848
the dealer's own name if the dealer ~~dismantles~~ does all of the 6849
following: 6850

(1) Dismantles or destroys the ~~off-highway~~ motorcycle or 6851

~~all-purpose vehicle, completes;~~ 6852

(2) Completes the assignment on the certificate of title 6853
or salvage certificate of title, ~~indicates;~~ 6854

(3) Indicates the number of the dealer's motor vehicle 6855
salvage dealer's license on it, ~~marks;~~ 6856

(4) Marks "FOR DESTRUCTION" across the face of the 6857
certificate of title or salvage certificate of title, ~~and~~ 6858
~~surrenders;~~ 6859

(5) Surrenders the certificate of title or salvage 6860
certificate of title to a clerk of a court of common pleas as 6861
provided in division (A) of this section. ~~If~~ 6862

If the salvage dealer retains the ~~off-highway motorcycle~~ 6863
or ~~all-purpose vehicle~~ for resale, the salvage dealer shall make 6864
application for a salvage certificate of title to the ~~off-~~ 6865
~~highway motorcycle~~ or ~~all-purpose vehicle~~ in the salvage 6866
dealer's own name as provided in division (C) (1) of this 6867
section. 6868

(C) (1) When an insurance company declares it economically 6869
impractical to repair the off-highway motorcycle ~~or all-purpose~~ 6870
, all-terrain vehicle, snowmobile, utility vehicle, or mini- 6871
truck, and has paid an agreed price for the purchase of the ~~off-~~ 6872
~~highway motorcycle~~ or ~~all-purpose vehicle~~ to any insured or 6873
claimant owner, the insurance company shall receive the 6874
certificate of title and ~~off-highway motorcycle~~ or ~~all-purpose~~ 6875
vehicle and proceed as follows. Within thirty days, the 6876
insurance company shall deliver the certificate of title to a 6877
clerk of a court of common pleas and shall make application for 6878
a salvage certificate of title. The clerk shall issue the 6879
salvage certificate of title on a form, prescribed by the 6880

registrar, that shall be easily distinguishable from the 6881
original certificate of title and shall ~~bear~~ display the same 6882
information as the original certificate of title except that it 6883
may ~~bear~~ display a different number from that of the original 6884
certificate of title. Except as provided in division (C) (2) of 6885
this section, the salvage certificate of title shall be assigned 6886
by the insurance company to a salvage dealer or any other person 6887
for use as evidence of ownership upon the sale or other 6888
disposition of the ~~off-highway~~ motorcycle or ~~all-purpose~~ 6889
vehicle, and the salvage certificate of title shall be 6890
transferable to any other person. The clerk of the court of 6891
common pleas shall charge a fee of four dollars for the cost of 6892
processing each salvage certificate of title. 6893

(2) If an insurance company considers ~~an off-highway~~ the 6894
motorcycle or ~~all-purpose~~ vehicle as described in division (C) 6895
(1) of this section to be impossible to restore to normal 6896
operation, the insurance company may assign the certificate of 6897
title to the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle to a 6898
salvage dealer or scrap metal processing facility and send the 6899
assigned certificate of title to the clerk of the court of 6900
common pleas of any county. The insurance company shall mark the 6901
face of the certificate of title "FOR DESTRUCTION" and shall 6902
deliver a photocopy of the certificate of title to the salvage 6903
dealer or scrap metal processing facility for its records. 6904

(3) If an insurance company declares it economically 6905
impractical to repair ~~an off-highway~~ the motorcycle or ~~all-~~ 6906
~~purpose~~ vehicle, agrees to pay to the insured or claimant owner 6907
an amount in settlement of a claim against a policy of motor 6908
vehicle insurance covering the ~~off-highway~~ motorcycle or ~~all-~~ 6909
~~purpose~~ vehicle, and agrees to permit the insured or claimant 6910
owner to retain possession of the ~~off-highway~~ motorcycle or ~~all-~~ 6911

~~purpose~~ vehicle, the insurance company shall not pay the insured 6912
or claimant owner any amount in settlement of the insurance 6913
claim until the owner obtains a salvage certificate of title to 6914
the vehicle and furnishes a copy of the salvage certificate of 6915
title to the insurance company. 6916

(D) When a self-insured organization, rental or leasing 6917
company, or secured creditor becomes the owner of an off-highway 6918
~~motorcycle or all-purpose~~, all-terrain vehicle, snowmobile, 6919
utility vehicle, or mini-truck that is burned, damaged, or 6920
dismantled and is determined to be economically impractical to 6921
repair, the self-insured organization, rental or leasing 6922
company, or secured creditor shall do one of the following: 6923

(1) Mark the face of the certificate of title to the ~~off-~~ 6924
~~highway~~ motorcycle or ~~all-purpose~~ vehicle "FOR DESTRUCTION" and 6925
surrender the certificate of title to a clerk of a court of 6926
common pleas for cancellation as described in division (A) of 6927
this section. The self-insured organization, rental or leasing 6928
company, or secured creditor then shall deliver the ~~off-highway-~~ 6929
~~motorcycle or all-purpose~~ vehicle, together with a photocopy of 6930
the certificate of title, to a salvage dealer or scrap metal 6931
processing facility and shall cause the ~~off-highway~~ motorcycle 6932
or ~~all-purpose~~ vehicle to be dismantled, flattened, crushed, or 6933
destroyed. 6934

(2) Obtain a salvage certificate of title to the ~~off-~~ 6935
~~highway~~ motorcycle or ~~all-purpose~~ vehicle in the name of the 6936
self-insured organization, rental or leasing company, or secured 6937
creditor, as provided in division (C)(1) of this section, and 6938
then sell or otherwise dispose of the ~~off-highway~~ motorcycle or 6939
~~all-purpose~~ vehicle. If the ~~off-highway~~ motorcycle or ~~all-~~ 6940
~~purpose~~ vehicle is sold, the self-insured organization, rental 6941

or leasing company, or secured creditor shall obtain a salvage 6942
certificate of title to the ~~off-highway~~ motorcycle or ~~all-~~ 6943
~~purpose~~ vehicle in the name of the purchaser from a clerk of a 6944
court of common pleas. 6945

(E) If an ~~off-highway motorcycle or all-purpose~~, all- 6946
terrain vehicle, snowmobile, utility vehicle, or mini-truck 6947
titled with a salvage certificate of title is restored for 6948
operation, application shall be made to a clerk of a court of 6949
common pleas for a certificate of title after inspection by the 6950
state highway patrol. The inspection shall include establishing 6951
proof of ownership and an inspection of the motor number and 6952
vehicle identification number of the ~~off-highway~~ motorcycle or 6953
~~all-purpose~~ vehicle and of documentation or receipts for the 6954
materials used in restoration by the owner of the ~~off-highway~~ 6955
motorcycle or ~~all-purpose~~ vehicle being inspected, which 6956
documentation or receipts shall be presented at the time of 6957
inspection. Upon successful completion of the inspection, the 6958
state highway patrol shall issue to the owner a completed 6959
inspection form. The clerk, upon submission of the completed 6960
inspection form and surrender of the salvage certificate of 6961
title, shall issue a certificate of title for a fee prescribed 6962
by the registrar. The certificate of title shall be in the same 6963
form as the original certificate of title and shall bear the 6964
words "REBUILT SALVAGE" in black boldface letters on its face. 6965
Every subsequent certificate of title, memorandum certificate of 6966
title, or certified copy of a certificate of title or memorandum 6967
certificate of title issued for the ~~off-highway~~ motorcycle or 6968
~~all-purpose~~ vehicle also shall bear the words "REBUILT SALVAGE" 6969
in black boldface letters on its face. The exact location on the 6970
face of the certificate of title of the words "REBUILT SALVAGE" 6971
shall be determined by the registrar, who shall develop an 6972

automated procedure within the automated title processing system 6973
to comply with this division. The clerk shall use reasonable 6974
care in performing the duties imposed on the clerk by this 6975
division in issuing a certificate of title pursuant to this 6976
division, but the clerk is not liable for errors or omissions of 6977
the clerk of courts, the clerk's deputies, or the automated 6978
title processing system in the performance of such duties. A fee 6979
of fifty dollars shall be assessed by the state highway patrol 6980
for each inspection made pursuant to this division. 6981

(F) No off-highway motorcycle ~~or all-purpose~~, all-terrain 6982
vehicle, snowmobile, utility vehicle, or mini-truck the 6983
certificate of title to which has been marked "FOR DESTRUCTION"
and surrendered to a clerk of a court of common pleas shall be 6984
used for anything except parts and scrap metal. 6985
6986

Sec. 4519.62. In the event of a lost or destroyed 6987
certificate of title, application shall be made to a clerk of a 6988
court of common pleas, by the owner of the off-highway 6989
motorcycle ~~or all-purpose~~, all-terrain vehicle, snowmobile, 6990
utility vehicle, or mini-truck, or the holder of a lien on it, 6991
for a certified copy of the certificate, upon a form prescribed 6992
by the registrar of motor vehicles and accompanied by the fee 6993
prescribed by section 4519.59 of the Revised Code. The 6994
application shall be signed and sworn to by the person making 6995
the application, and the clerk shall issue a certified copy of 6996
the certificate of title to the person entitled to receive it 6997
under this chapter. The certified copy shall be plainly marked 6998
across its face with the word "duplicate," and any subsequent 6999
purchaser of the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle 7000
in the chain of title originating through the certified copy 7001
acquires only such rights in the ~~off-highway~~ motorcycle or ~~all-~~ 7002
~~purpose~~ vehicle as the original holder of the certified copy 7003

had. Any purchaser of the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle, at the time of purchase, may require the seller of the same to indemnify the purchaser and all subsequent purchasers of the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle against any loss that the purchaser or subsequent purchasers may suffer by reason of any claim presented upon the original certificate. In the event of the recovery of the original certificate of title by the owner, the owner shall surrender it immediately to the clerk for cancellation.

The holder of a certificate of title for an off-highway motorcycle ~~or all-purpose~~, all-terrain vehicle, snowmobile, utility vehicle, or mini-truck upon which is noted an existing lien, encumbrance, or mortgage, may make application at any time to a clerk for a memorandum certificate, which application shall be made in the form prescribed by the registrar and signed and sworn to by the applicant. Upon receipt of the application, if it appears to be correct, together with the fee prescribed by section 4519.59 of the Revised Code, the clerk shall issue to the applicant a memorandum certificate for the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle. If the memorandum certificate is lost or destroyed, the holder of it may obtain a certified copy of it upon the filing of an application with the clerk on a form prescribed by the registrar, accompanied by the fee prescribed in section 4519.59 of the Revised Code. The memorandum certificate is not assignable and constitutes no evidence of title or of right to transfer or encumber the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle described in it.

Sec. 4519.63. (A) The registrar of motor vehicles or the clerk of the court of common pleas, upon the application of any person and payment of the proper fee, may prepare and furnish title information regarding off-highway motorcycles ~~and all~~

~~purpose~~, all-terrain vehicles, snowmobiles, utility vehicles, 7035
and mini-trucks in the form and subject to any territorial 7036
division or other classification as they may direct. The 7037
registrar or the clerk may search the records of the bureau of 7038
motor vehicles regarding ~~off-highway~~ those motorcycles and ~~all-~~ 7039
~~purpose~~ vehicles and furnish reports of those records under the 7040
signature of the registrar or the clerk. 7041

(B) (1) Fees for lists containing title information shall 7042
be charged and collected as follows: 7043

(a) For lists containing three thousand titles or more, 7044
twenty-five dollars per thousand or part thereof; 7045

(b) For each report of a search of the records, the fee is 7046
five dollars per copy. The registrar and clerk may certify 7047
copies of records generated by an automated title processing 7048
system. 7049

(2) A copy of any such report shall be taken as prima- 7050
facie evidence of the facts therein stated in any court of the 7051
state. The registrar and the clerk shall furnish information on 7052
any title without charge to state highway patrol troopers, 7053
sheriffs, chiefs of police, or the attorney general. The clerk 7054
also may provide a copy of a certificate of title to a public 7055
agency without charge. 7056

(C) (1) Those fees collected by the registrar as provided 7057
in division (B) (1) (a) of this section shall be paid to the 7058
treasurer of state to the credit of the public safety - highway 7059
purposes fund established in section 4501.06 of the Revised 7060
Code. Those fees collected by the clerk as provided in division 7061
(B) (1) (a) of this section shall be paid to the certificate of 7062
title administration fund created by section 325.33 of the 7063

Revised Code. 7064

(2) The registrar shall pay each five-dollar fee the 7065
registrar collects under division (B) (1) (b) of this section into 7066
the state treasury to the credit of the public safety - highway 7067
purposes fund established in section 4501.06 of the Revised 7068
Code. 7069

(3) The clerk of the court of common pleas shall retain 7070
two dollars of each fee the clerk collects under division (B) (1) 7071
(b) of this section and deposit that two dollars into the 7072
certificate of title administration fund created by section 7073
325.33 of the Revised Code. The clerk shall forward the 7074
remaining three dollars to the registrar not later than the 7075
fifth day of the month next succeeding that in which the 7076
transaction occurred. The registrar shall deposit the three- 7077
dollar portion of each fee into the state treasury to the credit 7078
of the public safety - highway purposes fund established in 7079
section 4501.06 of the Revised Code. 7080

Sec. 4519.631. The registrar of motor vehicles shall 7081
enable the public to access off-highway motorcycle ~~and all-~~ 7082
~~purpose~~, all-terrain vehicle, snowmobile, utility vehicle, and 7083
mini-truck title information via electronic means. No fee shall 7084
be charged for this access. The title information that must be 7085
so accessible is only the title information that is in an 7086
electronic format at the time a person requests this access. 7087

The registrar shall establish procedures governing this 7088
access. The procedures may be established by rule in accordance 7089
with Chapter 119. of the Revised Code. In adopting the rules, 7090
the registrar shall confer with the clerks of the courts of 7091
common pleas. 7092

Access by the public to ~~off-highway~~the motorcycle and 7093
~~all-purpose~~ vehicle title information under this section shall 7094
comply with all restrictions contained in the Revised Code and 7095
federal law that govern the disclosure of that information. 7096

Sec. 4519.64. Manufacturers and importers of off-highway 7097
motorcycles or ~~all-purpose~~all-terrain vehicles shall appoint 7098
and authorize agents who shall sign manufacturer's or importer's 7099
certificates. The registrar of motor vehicles may require that a 7100
certified copy of a list containing the names and the facsimile 7101
signatures of the authorized agents be furnished to the 7102
registrar and be forwarded to each clerk of the court of common 7103
pleas in the respective counties within the state, and the 7104
registrar may prescribe the form of authorization to be used by 7105
the manufacturers or importers and the method of certification 7106
of the names of the agents. 7107

Sec. 4519.65. The clerk of the court of common pleas and 7108
the clerk's deputies may administer oaths on any application or 7109
affidavit required or authorized by this chapter. 7110

Sec. 4519.66. (A) No person shall do any of the following: 7111

(1) Operate in this state an off-highway motorcycle ~~or~~ 7112
~~all-purpose~~, an all-terrain vehicle, a snowmobile, a utility 7113
vehicle, or a mini-truck without having a certificate of title 7114
for the ~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle, if such a 7115
certificate is required by this chapter to be issued for the 7116
~~off-highway~~ motorcycle or ~~all-purpose~~ vehicle, or, if a physical 7117
certificate of title has not been issued for it and a 7118
certificate of title is required under this chapter for that 7119
motorcycle or vehicle, operate an off-highway motorcycle ~~or~~ ~~all-~~ 7120
purpose, an all-terrain vehicle, a snowmobile, a utility 7121
vehicle, or a mini-truck knowing that the ownership information 7122

relating to the motorcycle or vehicle has not been entered into 7123
the automated title processing system by a clerk of a court of 7124
common pleas; 7125

(2) Operate in this state an off-highway motorcycle ~~or~~ 7126
~~all-purpose~~, an all-terrain vehicle, a snowmobile, a utility 7127
vehicle, or a mini-truck if a certificate of title to the ~~off-~~ 7128
~~highway motorcycle or all-purpose~~ vehicle has been issued and 7129
then has been canceled; 7130

(3) Fail to surrender any certificate of title upon 7131
cancellation of it by the registrar of motor vehicles and notice 7132
of the cancellation as prescribed in this chapter; 7133

(4) Fail to surrender the certificate of title to a clerk 7134
of a court of common pleas as provided in this chapter, in case 7135
of the destruction or dismantling of, or change in, the off- 7136
highway motorcycle ~~or all-purpose~~, all-terrain vehicle, 7137
snowmobile, utility vehicle, or mini-truck described in the 7138
certificate of title; 7139

(5) Violate any provision of sections 4519.51 to 4519.70 7140
of the Revised Code for which no penalty is otherwise provided 7141
or any lawful rules adopted pursuant to those sections; 7142

(6) Operate in this state an off-highway motorcycle ~~or~~ 7143
~~all-purpose~~, an all-terrain vehicle, a snowmobile, a utility 7144
vehicle, or a mini-truck knowing that the certificate of title 7145
to or ownership of the motorcycle or vehicle as otherwise 7146
reflected in the automated title processing system has been 7147
canceled. 7148

(B) Whoever violates this section shall be fined not more 7149
than two hundred dollars, imprisoned not more than ninety days, 7150
or both. 7151

Sec. 4519.67. (A) No person shall do any of the following: 7152

(1) Procure or attempt to procure a certificate of title 7153
to an off-highway motorcycle ~~or all-purpose~~, an all-terrain 7154
vehicle, a snowmobile, a utility vehicle, or a mini-truck, or 7155
pass or attempt to pass a certificate of title or any assignment 7156
of a certificate of title to an off-highway motorcycle ~~or all-~~ 7157
~~purpose~~, an all-terrain vehicle, a snowmobile, a utility 7158
vehicle, or a mini-truck, or in any other manner gain or attempt 7159
to gain ownership to an off-highway motorcycle ~~or all-purpose~~, an 7160
all-terrain vehicle, a snowmobile, a utility vehicle, or a 7161
mini-truck, knowing or having reason to believe that the ~~off-~~ 7162
~~highway motorcycle or all-purpose~~ vehicle has been stolen; 7163

(2) Sell or offer for sale in this state an off-highway 7164
motorcycle ~~or all-purpose~~, an all-terrain vehicle, a 7165
snowmobile, a utility vehicle, or a mini-truck on which the 7166
manufacturer's or assigned vehicle identification number has 7167
been destroyed, removed, covered, altered, or defaced with 7168
knowledge of the destruction, removal, covering, alteration, or 7169
defacement of the manufacturer's or assigned vehicle 7170
identification number; 7171

(3) Except as otherwise provided in this chapter, sell or 7172
transfer ~~an a titled~~ off-highway motorcycle ~~or all-purpose~~, an 7173
all-terrain vehicle, snowmobile, utility vehicle, or mini-truck 7174
without delivering to the purchaser or transferee of it a 7175
certificate of title, or a manufacturer's or importer's 7176
certificate to it, assigned to the purchaser as provided for in 7177
this chapter. 7178

(B) Whoever violates this section shall be fined not more 7179
than five thousand dollars, imprisoned in the county jail ~~or~~ 7180
~~workhouse~~ not less than six months nor more than one year or in 7181

~~the penitentiary~~ a state correctional institution not less than 7182
one year nor more than five years, or both. 7183

Sec. 4519.68. (A) (1) Chapter 1309. of the Revised Code 7184
does not permit or require the deposit, filing, or other record 7185
of a security interest covering an off-highway motorcycle ~~or~~ 7186
~~all-purpose~~, an all-terrain vehicle, a snowmobile, a utility 7187
vehicle, or a mini-truck, except as provided in division (A) (2) 7188
of this section. 7189

(2) Chapter 1309. of the Revised Code applies to a 7190
security interest in an off-highway motorcycle ~~or all-purpose~~, 7191
an all-terrain vehicle, a snowmobile, a utility vehicle, or a 7192
mini-truck held as inventory, as defined in section 1309.102 of 7193
the Revised Code, for sale by a dealer. The security interest 7194
has priority over creditors of the dealer as provided in Chapter 7195
1309. of the Revised Code without notation of the security 7196
interest on a certificate of title, without entry of a notation 7197
of the security interest into the automated title processing 7198
system if a physical certificate of title has not been issued, 7199
or without the retention of a manufacturer's or importer's 7200
certificate. 7201

(B) Subject to division (A) of this section, any security 7202
agreement covering a security interest in an off-highway 7203
motorcycle ~~or all-purpose~~, an all-terrain vehicle, a 7204
snowmobile, a utility vehicle, or a mini-truck, if a notation of 7205
the agreement has been made by a clerk of a court of common 7206
pleas on the face of the certificate of title or if the clerk 7207
has entered a notation of the agreement into the automated title 7208
processing system if a physical certificate of title has not 7209
been issued, is valid as against the creditors of the debtor, 7210
whether armed with process or not, and against subsequent 7211

purchasers, secured parties, and other lienholders or claimants. 7212
All security interests, liens, mortgages, and encumbrances 7213
entered into the automated title processing system in relation 7214
to a particular certificate of title, regardless of whether a 7215
physical certificate of title is issued, take priority according 7216
to the order of time in which they are entered into the 7217
automated title processing system by the clerk. Exposure for 7218
sale of any off-highway motorcycle ~~or all-purpose~~, all-terrain 7219
vehicle, snowmobile, utility vehicle, or mini-truck by its 7220
owner, with the knowledge or with the knowledge and consent of 7221
the holder of any security interest, lien, mortgage, or 7222
encumbrance on it, does not render the security interest, lien, 7223
mortgage, or encumbrance ineffective as against the creditors of 7224
the owner, or against holders of subsequent security interests, 7225
liens, mortgages, or encumbrances upon the ~~off-highway~~ 7226
motorcycle or ~~all-purpose~~ vehicle. 7227

The secured party, upon presentation of evidence of a 7228
security interest to a clerk of a court of common pleas, 7229
together with the certificate of title if a physical certificate 7230
of title for the off-highway motorcycle ~~or all-purpose~~, all- 7231
terrain vehicle, snowmobile, utility vehicle, or mini-truck 7232
exists, and the fee prescribed by section 4519.59 of the Revised 7233
Code, may have a notation of the security interest made. Unless 7234
the secured party specifically requests the clerk not to issue a 7235
physical certificate of title and instead to issue an electronic 7236
certificate of title, the clerk, over the clerk's signature and 7237
seal of office, shall issue a new original certificate of title 7238
from the automated title processing system that indicates the 7239
security interest and the date of the security interest. 7240

If a security interest is fully discharged as a result of 7241
its holder's receipt of good funds in the correct amount and if 7242

the holder holds a physical certificate of title, the holder 7243
shall note the discharge of the security interest over the 7244
holder's signature on the face of the certificate of title, or 7245
over the holder's signature on a form prescribed by the 7246
registrar of motor vehicles when there is no space for the 7247
discharge on the face of the certificate of title. Except as 7248
otherwise provided in this section, prior to delivering the 7249
certificate of title to the owner, the holder or the holder's 7250
agent shall convey the certificate of title or a separate sworn 7251
statement of the discharge of the security interest to a clerk. 7252
The conveyance shall occur not more than seven business days 7253
after the date good funds in the correct amount to discharge 7254
fully the security interest have been credited to an account of 7255
the holder, provided the holder has been provided accurate 7256
information concerning the off-highway motorcycle ~~or all-purpose~~ 7257
, all-terrain vehicle, snowmobile, utility vehicle, or mini- 7258
truck. Conveyance of the certificate of title or separate sworn 7259
statement of the discharge within the required seven business 7260
days may be indicated by postmark or receipt by a clerk within 7261
that period. If the discharge of the security interest appears 7262
to be genuine, the clerk shall note the cancellation of the 7263
security interest on the face of the certificate of title, if it 7264
was so conveyed, and also shall note it in the automated title 7265
processing system. 7266

If a security interest is fully discharged as a result of 7267
its holder's receipt of good funds in the correct amount and the 7268
holder does not hold a physical certificate of title, when the 7269
holder notifies a clerk of the discharge of its security 7270
interest, the holder at that time also may request the clerk to 7271
issue a physical certificate of title to the off-highway 7272
motorcycle ~~or all-purpose~~, all-terrain vehicle, snowmobile, 7273

utility vehicle, or mini-truck. The request shall specify 7274
whether the clerk is to send the certificate of title directly 7275
to the owner or to the holder or the holder's agent for 7276
transmission to the owner. If such a request is made, the clerk 7277
shall issue a physical certificate of title and send it to the 7278
specified person. 7279

The clerk shall not honor such a request for a physical 7280
certificate of title if it is not made by the holder at the same 7281
time as the holder's notification to the clerk of the discharge 7282
of its security interest. 7283

(C) In all cases, a secured party may choose to present a 7284
clerk with evidence of a security interest via electronic means, 7285
and the clerk shall enter the security interest into the 7286
automated title processing system. A secured party also may 7287
choose to notify a clerk of the discharge of its security 7288
interest via electronic means, and the clerk shall enter the 7289
cancellation into the automated title processing system. 7290

(D) If a physical certificate of title has not been issued 7291
for an off-highway motorcycle ~~or all-purpose~~, an all-terrain 7292
vehicle, a snowmobile, a utility vehicle, or a mini-truck and 7293
all the security interests relating to that motorcycle or 7294
vehicle have been discharged, the owner of the motorcycle or 7295
vehicle may obtain a physical certificate of title from the 7296
clerk of any court of common pleas upon payment of the fee 7297
specified in section 4519.59 of the Revised Code. 7298

(E) If a clerk of a court of common pleas, other than the 7299
clerk of the court of common pleas of the county in which the 7300
owner of an off-highway motorcycle ~~or all-purpose~~, an all- 7301
terrain vehicle, a snowmobile, a utility vehicle, or a mini- 7302
truck resides, enters a notation of the existence of, or the 7303

cancellation of, a security interest relating to the ~~off-highway~~ 7304
motorcycle or ~~all-purpose~~ vehicle, the clerk shall transmit the 7305
data relating to the notation to the automated title processing 7306
system. 7307

Sec. 4519.69. (A) If the application for a certificate of 7308
title refers to an off-highway motorcycle ~~or all-purpose~~, an 7309
all-terrain vehicle, a snowmobile, a utility vehicle, or a mini- 7310
truck last previously registered in another state, including 7311
when the motorcycle or vehicle was titled as an "off-road 7312
vehicle" in the other state, the application shall be 7313
accompanied by a physical inspection certificate ~~issued by the~~. 7314
The department of public safety verifying shall issue the 7315
physical inspection certificate, which shall verify the make, 7316
year, series or model, if any, body type, and manufacturer's 7317
identification number of the off-highway motorcycle ~~or all-~~ 7318
~~purpose~~, all-terrain vehicle, snowmobile, utility vehicle, or 7319
mini-truck for which the certificate of title is desired. The 7320
physical inspection certificate shall be in such form as is 7321
designated by the registrar of motor vehicles. ~~The~~ 7322

(B) The physical inspection of the off-highway motorcycle- 7323
~~or all-purpose~~, all-terrain vehicle, snowmobile, utility 7324
vehicle, or mini-truck shall be made at a deputy registrar's 7325
office, a clerk of the court of common pleas' office if the 7326
clerk offers such physical inspections, or at an established 7327
place of business operated by a licensed motor vehicle dealer. 7328
Additionally, the physical inspection of a salvage off-highway 7329
motorcycle ~~or all-purpose~~, all-terrain vehicle, snowmobile, 7330
utility vehicle, or mini-truck owned by an insurance company may 7331
be made at an established place of business operated by a 7332
salvage motor vehicle dealer licensed under Chapter 4738. of the 7333
Revised Code. The deputy registrar, the clerk of the court of 7334

common pleas, the motor vehicle dealer, or the salvage motor 7335
vehicle dealer may charge a maximum fee equal to the amount 7336
established under section 4503.038 of the Revised Code for 7337
conducting the physical inspection. 7338

(C) The clerk of the court of common pleas shall charge a 7339
fee of one dollar and fifty cents for the processing of each 7340
physical inspection certificate. The clerk shall retain fifty 7341
cents of the one dollar and fifty cents so charged and shall pay 7342
the remaining one dollar to the registrar by monthly returns, 7343
which shall be forwarded to the registrar not later than the 7344
fifth day of the month next succeeding that in which the 7345
certificate is received by the clerk. The registrar shall pay 7346
such remaining sums into the state treasury to the credit of the 7347
public safety - highway purposes fund established in section 7348
4501.06 of the Revised Code. 7349

Sec. 4519.70. (A) (1) No minor under eighteen years of age 7350
shall purchase or otherwise acquire an off-highway motorcycle ~~or~~ 7351
~~all-purpose~~, an all-terrain vehicle, a snowmobile, a utility 7352
vehicle, or a mini-truck and obtain a certificate of title for 7353
the motorcycle or vehicle unless the application for the 7354
certificate of title is accompanied by a form prescribed by the 7355
registrar of motor vehicles that is signed by a parent of the 7356
minor, the minor's guardian, or other person having custody of 7357
the minor authorizing the purchase or acquisition of the ~~off-~~ 7358
~~highway motorcycle or all-purpose vehicle.~~ 7359

(2) No minor under eighteen years of age shall sell or 7360
otherwise dispose of an off-highway motorcycle ~~or all-purpose~~, an 7361
all-terrain vehicle, a snowmobile, a utility vehicle, or a 7362
mini-truck for which a certificate of title has been issued 7363
under this chapter unless a parent of the minor, the minor's 7364

guardian, or other person having custody of the minor furnishes 7365
to the buyer or person acquiring the motorcycle or vehicle, at 7366
the time of the sale or disposition, a form prescribed by the 7367
registrar that is signed by the parent, guardian, or other 7368
person authorizing the sale or disposition of the ~~off-highway~~ 7369
motorcycle or ~~all-purpose~~ vehicle. 7370

(B) (1) At the time an application for a certificate of 7371
title for an off-highway motorcycle ~~or all-purpose~~, an all- 7372
terrain vehicle, a snowmobile, a utility vehicle, or a mini- 7373
truck described in division (A) of this section is submitted, 7374
one of the following shall occur: 7375

(a) The adult who signed the form authorizing the sale, 7376
disposition, purchase, or acquisition of the motorcycle or 7377
vehicle by the minor shall be present and shall provide 7378
identification establishing that the adult is the individual 7379
whose signature appears on the form. 7380

(b) A dealer or the dealer's designee, if the transaction 7381
involves that dealer, shall submit a signed statement affirming 7382
that the dealer or the dealer's designee used reasonable 7383
diligence in ascertaining the age of the minor and the identity 7384
of the adult who signed the form and that the adult provided the 7385
identification required by division (B) of this section 7386
establishing that the adult is the individual whose signature 7387
appears on the form. 7388

(2) The registrar shall prescribe, by rule, the types of 7389
identification that are acceptable for the purposes of division 7390
(B) of this section. If the adult who signed the form does not 7391
provide identification at the time of application to the clerk 7392
of court or to the dealer at the time of sale, disposition, 7393
purchase, or acquisition as required by this division, the 7394

application shall be refused. 7395

(C) No right, title, claim to, or interest in an off- 7396
highway motorcycle ~~or all-purpose~~, an all-terrain vehicle, a 7397
snowmobile, a utility vehicle, or a mini-truck shall be acquired 7398
by or from a minor unless the application for a certificate of 7399
title for the motorcycle or vehicle is accompanied by the form 7400
required by this section. 7401

(D) No clerk of a court of common pleas shall be held 7402
liable in any civil action that arises under the law of this 7403
state for injury or loss to persons or property caused when a 7404
person has obtained a certificate of title in violation of this 7405
section, unless the clerk failed to use reasonable diligence in 7406
ascertaining the age of the minor or the identity of the adult 7407
who signed the form authorizing the sale, disposition, purchase, 7408
or acquisition of the off-highway motorcycle ~~or all-purpose~~, all-terrain 7409
vehicle, snowmobile, utility vehicle, or mini-truck 7410
by the minor. 7411

Sec. 4519.99. Unless otherwise specified, the offenses 7412
established under this chapter are strict liability offenses and 7413
section 2901.20 of the Revised Code does not apply. The 7414
designation of these offenses as strict liability offenses shall 7415
not be construed to imply that any other offense, for which 7416
there is no specified degree of culpability, is not a strict 7417
liability offense. 7418

Sec. 5553.044. In any proceeding on a petition or 7419
resolution to vacate a road which begins on a public road and 7420
ends on a public road, the board of county commissioners may 7421
determine the suitability of the road for public nonmotorized 7422
vehicular recreational use. Such uses include, but are not 7423
limited to, hiking, bicycling, horseback riding, and ski 7424

touring. They do not include use by motorcycles, snowmobiles, 7425
~~all purpose~~ all-terrain vehicles, or any other form of motorized 7426
vehicle. If the board finds that such uses will not unreasonably 7427
interfere with current land uses along the road, it may vacate 7428
the road subject to the preservation of a public right of way at 7429
least thirty feet wide within such roadway for such uses. 7430

Sec. 5739.02. For the purpose of providing revenue with 7431
which to meet the needs of the state, for the use of the general 7432
revenue fund of the state, for the purpose of securing a 7433
thorough and efficient system of common schools throughout the 7434
state, for the purpose of affording revenues, in addition to 7435
those from general property taxes, permitted under 7436
constitutional limitations, and from other sources, for the 7437
support of local governmental functions, and for the purpose of 7438
reimbursing the state for the expense of administering this 7439
chapter, an excise tax is hereby levied on each retail sale made 7440
in this state. 7441

(A) (1) The tax shall be collected as provided in section 7442
5739.025 of the Revised Code. The rate of the tax shall be five 7443
and three-fourths per cent. The tax applies and is collectible 7444
when the sale is made, regardless of the time when the price is 7445
paid or delivered. 7446

(2) In the case of the lease or rental, with a fixed term 7447
of more than thirty days or an indefinite term with a minimum 7448
period of more than thirty days, of any motor vehicles designed 7449
by the manufacturer to carry a load of not more than one ton, 7450
watercraft, outboard motor, or aircraft, or of any tangible 7451
personal property, other than motor vehicles designed by the 7452
manufacturer to carry a load of more than one ton, to be used by 7453
the lessee or renter primarily for business purposes, the tax 7454

shall be collected by the vendor at the time the lease or rental 7455
is consummated and shall be calculated by the vendor on the 7456
basis of the total amount to be paid by the lessee or renter 7457
under the lease agreement. If the total amount of the 7458
consideration for the lease or rental includes amounts that are 7459
not calculated at the time the lease or rental is executed, the 7460
tax shall be calculated and collected by the vendor at the time 7461
such amounts are billed to the lessee or renter. In the case of 7462
an open-end lease or rental, the tax shall be calculated by the 7463
vendor on the basis of the total amount to be paid during the 7464
initial fixed term of the lease or rental, and for each 7465
subsequent renewal period as it comes due. As used in this 7466
division, "motor vehicle" has the same meaning as in section 7467
4501.01 of the Revised Code, and "watercraft" includes an 7468
outdrive unit attached to the watercraft. 7469

A lease with a renewal clause and a termination penalty or 7470
similar provision that applies if the renewal clause is not 7471
exercised is presumed to be a sham transaction. In such a case, 7472
the tax shall be calculated and paid on the basis of the entire 7473
length of the lease period, including any renewal periods, until 7474
the termination penalty or similar provision no longer applies. 7475
The taxpayer shall bear the burden, by a preponderance of the 7476
evidence, that the transaction or series of transactions is not 7477
a sham transaction. 7478

(3) Except as provided in division (A) (2) of this section, 7479
in the case of a sale, the price of which consists in whole or 7480
in part of the lease or rental of tangible personal property, 7481
the tax shall be measured by the installments of that lease or 7482
rental. 7483

(4) In the case of a sale of a physical fitness facility 7484

service or recreation and sports club service, the price of 7485
which consists in whole or in part of a membership for the 7486
receipt of the benefit of the service, the tax applicable to the 7487
sale shall be measured by the installments thereof. 7488

(B) The tax does not apply to the following: 7489

(1) Sales to the state or any of its political 7490
subdivisions, or to any other state or its political 7491
subdivisions if the laws of that state exempt from taxation 7492
sales made to this state and its political subdivisions; 7493

(2) Sales of food for human consumption off the premises 7494
where sold; 7495

(3) Sales of food sold to students only in a cafeteria, 7496
dormitory, fraternity, or sorority maintained in a private, 7497
public, or parochial school, college, or university; 7498

(4) Sales of newspapers and sales or transfers of 7499
magazines distributed as controlled circulation publications; 7500

(5) The furnishing, preparing, or serving of meals without 7501
charge by an employer to an employee provided the employer 7502
records the meals as part compensation for services performed or 7503
work done; 7504

(6) (a) Sales of motor fuel upon receipt, use, 7505
distribution, or sale of which in this state a tax is imposed by 7506
the law of this state, but this exemption shall not apply to the 7507
sale of motor fuel on which a refund of the tax is allowable 7508
under division (A) of section 5735.14 of the Revised Code; and 7509
the tax commissioner may deduct the amount of tax levied by this 7510
section applicable to the price of motor fuel when granting a 7511
refund of motor fuel tax pursuant to division (A) of section 7512
5735.14 of the Revised Code and shall cause the amount deducted 7513

to be paid into the general revenue fund of this state; 7514

(b) Sales of motor fuel other than that described in 7515
division (B) (6) (a) of this section and used for powering a 7516
refrigeration unit on a vehicle other than one used primarily to 7517
provide comfort to the operator or occupants of the vehicle. 7518

(7) Sales of natural gas by a natural gas company or 7519
municipal gas utility, of water by a water-works company, or of 7520
steam by a heating company, if in each case the thing sold is 7521
delivered to consumers through pipes or conduits, and all sales 7522
of communications services by a telegraph company, all terms as 7523
defined in section 5727.01 of the Revised Code, and sales of 7524
electricity delivered through wires; 7525

(8) Casual sales by a person, or auctioneer employed 7526
directly by the person to conduct such sales, except as to such 7527
sales of motor vehicles, watercraft or outboard motors required 7528
to be titled under section 1548.06 of the Revised Code, 7529
watercraft documented with the United States coast guard, 7530
snowmobiles, and ~~all-purpose~~ all-terrain vehicles as defined in 7531
section 4519.01 of the Revised Code; 7532

(9) (a) Sales of services or tangible personal property, 7533
other than motor vehicles, mobile homes, and manufactured homes, 7534
by churches, organizations exempt from taxation under section 7535
501(c) (3) of the Internal Revenue Code of 1986, or nonprofit 7536
organizations operated exclusively for charitable purposes as 7537
defined in division (B) (12) of this section, provided that the 7538
number of days on which such tangible personal property or 7539
services, other than items never subject to the tax, are sold 7540
does not exceed six in any calendar year, except as otherwise 7541
provided in division (B) (9) (b) of this section. If the number of 7542
days on which such sales are made exceeds six in any calendar 7543

year, the church or organization shall be considered to be 7544
engaged in business and all subsequent sales by it shall be 7545
subject to the tax. In counting the number of days, all sales by 7546
groups within a church or within an organization shall be 7547
considered to be sales of that church or organization. 7548

(b) The limitation on the number of days on which tax- 7549
exempt sales may be made by a church or organization under 7550
division (B) (9) (a) of this section does not apply to sales made 7551
by student clubs and other groups of students of a primary or 7552
secondary school, or a parent-teacher association, booster 7553
group, or similar organization that raises money to support or 7554
fund curricular or extracurricular activities of a primary or 7555
secondary school. 7556

(c) Divisions (B) (9) (a) and (b) of this section do not 7557
apply to sales by a noncommercial educational radio or 7558
television broadcasting station. 7559

(10) Sales not within the taxing power of this state under 7560
the Constitution or laws of the United States or the 7561
Constitution of this state; 7562

(11) Except for transactions that are sales under division 7563
(B) (3) (p) of section 5739.01 of the Revised Code, the 7564
transportation of persons or property, unless the transportation 7565
is by a private investigation and security service; 7566

(12) Sales of tangible personal property or services to 7567
churches, to organizations exempt from taxation under section 7568
501(c) (3) of the Internal Revenue Code of 1986, and to any other 7569
nonprofit organizations operated exclusively for charitable 7570
purposes in this state, no part of the net income of which 7571
inures to the benefit of any private shareholder or individual, 7572

and no substantial part of the activities of which consists of 7573
carrying on propaganda or otherwise attempting to influence 7574
legislation; sales to offices administering one or more homes 7575
for the aged or one or more hospital facilities exempt under 7576
section 140.08 of the Revised Code; and sales to organizations 7577
described in division (D) of section 5709.12 of the Revised 7578
Code. 7579

"Charitable purposes" means the relief of poverty; the 7580
improvement of health through the alleviation of illness, 7581
disease, or injury; the operation of an organization exclusively 7582
for the provision of professional, laundry, printing, and 7583
purchasing services to hospitals or charitable institutions; the 7584
operation of a home for the aged, as defined in section 5701.13 7585
of the Revised Code; the operation of a radio or television 7586
broadcasting station that is licensed by the federal 7587
communications commission as a noncommercial educational radio 7588
or television station; the operation of a nonprofit animal 7589
adoption service or a county humane society; the promotion of 7590
education by an institution of learning that maintains a faculty 7591
of qualified instructors, teaches regular continuous courses of 7592
study, and confers a recognized diploma upon completion of a 7593
specific curriculum; the operation of a parent-teacher 7594
association, booster group, or similar organization primarily 7595
engaged in the promotion and support of the curricular or 7596
extracurricular activities of a primary or secondary school; the 7597
operation of a community or area center in which presentations 7598
in music, dramatics, the arts, and related fields are made in 7599
order to foster public interest and education therein; the 7600
production of performances in music, dramatics, and the arts; or 7601
the promotion of education by an organization engaged in 7602
carrying on research in, or the dissemination of, scientific and 7603

technological knowledge and information primarily for the 7604
public. 7605

Nothing in this division shall be deemed to exempt sales 7606
to any organization for use in the operation or carrying on of a 7607
trade or business, or sales to a home for the aged for use in 7608
the operation of independent living facilities as defined in 7609
division (A) of section 5709.12 of the Revised Code. 7610

(13) Building and construction materials and services sold 7611
to construction contractors for incorporation into a structure 7612
or improvement to real property under a construction contract 7613
with this state or a political subdivision of this state, or 7614
with the United States government or any of its agencies; 7615
building and construction materials and services sold to 7616
construction contractors for incorporation into a structure or 7617
improvement to real property that are accepted for ownership by 7618
this state or any of its political subdivisions, or by the 7619
United States government or any of its agencies at the time of 7620
completion of the structures or improvements; building and 7621
construction materials sold to construction contractors for 7622
incorporation into a horticulture structure or livestock 7623
structure for a person engaged in the business of horticulture 7624
or producing livestock; building materials and services sold to 7625
a construction contractor for incorporation into a house of 7626
public worship or religious education, or a building used 7627
exclusively for charitable purposes under a construction 7628
contract with an organization whose purpose is as described in 7629
division (B) (12) of this section; building materials and 7630
services sold to a construction contractor for incorporation 7631
into a building under a construction contract with an 7632
organization exempt from taxation under section 501(c) (3) of the 7633
Internal Revenue Code of 1986 when the building is to be used 7634

exclusively for the organization's exempt purposes; building and 7635
construction materials sold for incorporation into the original 7636
construction of a sports facility under section 307.696 of the 7637
Revised Code; building and construction materials and services 7638
sold to a construction contractor for incorporation into real 7639
property outside this state if such materials and services, when 7640
sold to a construction contractor in the state in which the real 7641
property is located for incorporation into real property in that 7642
state, would be exempt from a tax on sales levied by that state; 7643
building and construction materials for incorporation into a 7644
transportation facility pursuant to a public-private agreement 7645
entered into under sections 5501.70 to 5501.83 of the Revised 7646
Code; until one calendar year after the construction of a 7647
convention center that qualifies for property tax exemption 7648
under section 5709.084 of the Revised Code is completed, 7649
building and construction materials and services sold to a 7650
construction contractor for incorporation into the real property 7651
comprising that convention center; and building and construction 7652
materials sold for incorporation into a structure or improvement 7653
to real property that is used primarily as, or primarily in 7654
support of, a manufacturing facility or research and development 7655
facility and that is to be owned by a megaproject operator upon 7656
completion and located at the site of a megaproject that 7657
satisfies the criteria described in division (A) (11) (a) (ii) of 7658
section 122.17 of the Revised Code, provided that the sale 7659
occurs during the period that the megaproject operator has an 7660
agreement for such megaproject with the tax credit authority 7661
under division (D) of section 122.17 of the Revised Code that 7662
remains in effect and has not expired or been terminated. 7663

(14) Sales of ships or vessels or rail rolling stock used 7664
or to be used principally in interstate or foreign commerce, and 7665

repairs, alterations, fuel, and lubricants for such ships or 7666
vessels or rail rolling stock; 7667

(15) Sales to persons primarily engaged in any of the 7668
activities mentioned in division (B)(42)(a), (g), or (h) of this 7669
section, to persons engaged in making retail sales, or to 7670
persons who purchase for sale from a manufacturer tangible 7671
personal property that was produced by the manufacturer in 7672
accordance with specific designs provided by the purchaser, of 7673
packages, including material, labels, and parts for packages, 7674
and of machinery, equipment, and material for use primarily in 7675
packaging tangible personal property produced for sale, 7676
including any machinery, equipment, and supplies used to make 7677
labels or packages, to prepare packages or products for 7678
labeling, or to label packages or products, by or on the order 7679
of the person doing the packaging, or sold at retail. "Packages" 7680
includes bags, baskets, cartons, crates, boxes, cans, bottles, 7681
bindings, wrappings, and other similar devices and containers, 7682
but does not include motor vehicles or bulk tanks, trailers, or 7683
similar devices attached to motor vehicles. "Packaging" means 7684
placing in a package. Division (B)(15) of this section does not 7685
apply to persons engaged in highway transportation for hire. 7686

(16) Sales of food to persons using supplemental nutrition 7687
assistance program benefits to purchase the food. As used in 7688
this division, "food" has the same meaning as in 7 U.S.C. 2012 7689
and federal regulations adopted pursuant to the Food and 7690
Nutrition Act of 2008. 7691

(17) Sales to persons engaged in farming, agriculture, 7692
horticulture, or floriculture, of tangible personal property for 7693
use or consumption primarily in the production by farming, 7694
agriculture, horticulture, or floriculture of other tangible 7695

personal property for use or consumption primarily in the 7696
production of tangible personal property for sale by farming, 7697
agriculture, horticulture, or floriculture; or material and 7698
parts for incorporation into any such tangible personal property 7699
for use or consumption in production; and of tangible personal 7700
property for such use or consumption in the conditioning or 7701
holding of products produced by and for such use, consumption, 7702
or sale by persons engaged in farming, agriculture, 7703
horticulture, or floriculture, except where such property is 7704
incorporated into real property; 7705

(18) Sales of drugs for a human being that may be 7706
dispensed only pursuant to a prescription; insulin as recognized 7707
in the official United States pharmacopoeia; urine and blood 7708
testing materials when used by diabetics or persons with 7709
hypoglycemia to test for glucose or acetone; hypodermic syringes 7710
and needles when used by diabetics for insulin injections; 7711
epoetin alfa when purchased for use in the treatment of persons 7712
with medical disease; hospital beds when purchased by hospitals, 7713
nursing homes, or other medical facilities; and medical oxygen 7714
and medical oxygen-dispensing equipment when purchased by 7715
hospitals, nursing homes, or other medical facilities; 7716

(19) Sales of prosthetic devices, durable medical 7717
equipment for home use, or mobility enhancing equipment, when 7718
made pursuant to a prescription and when such devices or 7719
equipment are for use by a human being. 7720

(20) Sales of emergency and fire protection vehicles and 7721
equipment to nonprofit organizations for use solely in providing 7722
fire protection and emergency services, including trauma care 7723
and emergency medical services, for political subdivisions of 7724
the state; 7725

(21) Sales of tangible personal property manufactured in 7726
this state, if sold by the manufacturer in this state to a 7727
retailer for use in the retail business of the retailer outside 7728
of this state and if possession is taken from the manufacturer 7729
by the purchaser within this state for the sole purpose of 7730
immediately removing the same from this state in a vehicle owned 7731
by the purchaser; 7732

(22) Sales of services provided by the state or any of its 7733
political subdivisions, agencies, instrumentalities, 7734
institutions, or authorities, or by governmental entities of the 7735
state or any of its political subdivisions, agencies, 7736
instrumentalities, institutions, or authorities; 7737

(23) Sales of motor vehicles to nonresidents of this state 7738
under the circumstances described in division (B) of section 7739
5739.029 of the Revised Code; 7740

(24) Sales to persons engaged in the preparation of eggs 7741
for sale of tangible personal property used or consumed directly 7742
in such preparation, including such tangible personal property 7743
used for cleaning, sanitizing, preserving, grading, sorting, and 7744
classifying by size; packages, including material and parts for 7745
packages, and machinery, equipment, and material for use in 7746
packaging eggs for sale; and handling and transportation 7747
equipment and parts therefor, except motor vehicles licensed to 7748
operate on public highways, used in intraplant or interplant 7749
transfers or shipment of eggs in the process of preparation for 7750
sale, when the plant or plants within or between which such 7751
transfers or shipments occur are operated by the same person. 7752
"Packages" includes containers, cases, baskets, flats, fillers, 7753
filler flats, cartons, closure materials, labels, and labeling 7754
materials, and "packaging" means placing therein. 7755

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| (25) (a) Sales of water to a consumer for residential use; | 7756 |
| (b) Sales of water by a nonprofit corporation engaged | 7757 |
| exclusively in the treatment, distribution, and sale of water to | 7758 |
| consumers, if such water is delivered to consumers through pipes | 7759 |
| or tubing. | 7760 |
| (26) Fees charged for inspection or reinspection of motor | 7761 |
| vehicles under section 3704.14 of the Revised Code; | 7762 |
| (27) Sales to persons licensed to conduct a food service | 7763 |
| operation pursuant to section 3717.43 of the Revised Code, of | 7764 |
| tangible personal property primarily used directly for the | 7765 |
| following: | 7766 |
| (a) To prepare food for human consumption for sale; | 7767 |
| (b) To preserve food that has been or will be prepared for | 7768 |
| human consumption for sale by the food service operator, not | 7769 |
| including tangible personal property used to display food for | 7770 |
| selection by the consumer; | 7771 |
| (c) To clean tangible personal property used to prepare or | 7772 |
| serve food for human consumption for sale. | 7773 |
| (28) Sales of animals by nonprofit animal adoption | 7774 |
| services or county humane societies; | 7775 |
| (29) Sales of services to a corporation described in | 7776 |
| division (A) of section 5709.72 of the Revised Code, and sales | 7777 |
| of tangible personal property that qualifies for exemption from | 7778 |
| taxation under section 5709.72 of the Revised Code; | 7779 |
| (30) Sales and installation of agricultural land tile, as | 7780 |
| defined in division (B) (5) (a) of section 5739.01 of the Revised | 7781 |
| Code; | 7782 |

(31) Sales and erection or installation of portable grain bins, as defined in division (B) (5) (b) of section 5739.01 of the Revised Code; 7783
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(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property; 7786
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(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters; 7792
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(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B) (42) (a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service. 7797
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(35) (a) Sales where the purpose of the consumer is to use 7812

or consume the things transferred in making retail sales and 7813
consisting of newspaper inserts, catalogues, coupons, flyers, 7814
gift certificates, or other advertising material that prices and 7815
describes tangible personal property offered for retail sale. 7816

(b) Sales to direct marketing vendors of preliminary 7817
materials such as photographs, artwork, and typesetting that 7818
will be used in printing advertising material; and of printed 7819
matter that offers free merchandise or chances to win sweepstake 7820
prizes and that is mailed to potential customers with 7821
advertising material described in division (B) (35) (a) of this 7822
section; 7823

(c) Sales of equipment such as telephones, computers, 7824
facsimile machines, and similar tangible personal property 7825
primarily used to accept orders for direct marketing retail 7826
sales. 7827

(d) Sales of automatic food vending machines that preserve 7828
food with a shelf life of forty-five days or less by 7829
refrigeration and dispense it to the consumer. 7830

For purposes of division (B) (35) of this section, "direct 7831
marketing" means the method of selling where consumers order 7832
tangible personal property by United States mail, delivery 7833
service, or telecommunication and the vendor delivers or ships 7834
the tangible personal property sold to the consumer from a 7835
warehouse, catalogue distribution center, or similar fulfillment 7836
facility by means of the United States mail, delivery service, 7837
or common carrier. 7838

(36) Sales to a person engaged in the business of 7839
horticulture or producing livestock of materials to be 7840
incorporated into a horticulture structure or livestock 7841

structure; 7842

(37) Sales of personal computers, computer monitors, 7843
computer keyboards, modems, and other peripheral computer 7844
equipment to an individual who is licensed or certified to teach 7845
in an elementary or a secondary school in this state for use by 7846
that individual in preparation for teaching elementary or 7847
secondary school students; 7848

(38) Sales of tangible personal property that is not 7849
required to be registered or licensed under the laws of this 7850
state to a citizen of a foreign nation that is not a citizen of 7851
the United States, provided the property is delivered to a 7852
person in this state that is not a related member of the 7853
purchaser, is physically present in this state for the sole 7854
purpose of temporary storage and package consolidation, and is 7855
subsequently delivered to the purchaser at a delivery address in 7856
a foreign nation. As used in division (B)(38) of this section, 7857
"related member" has the same meaning as in section 5733.042 of 7858
the Revised Code, and "temporary storage" means the storage of 7859
tangible personal property for a period of not more than sixty 7860
days. 7861

(39) Sales of used manufactured homes and used mobile 7862
homes, as defined in section 5739.0210 of the Revised Code, made 7863
on or after January 1, 2000; 7864

(40) Sales of tangible personal property and services to a 7865
provider of electricity used or consumed directly and primarily 7866
in generating, transmitting, or distributing electricity for use 7867
by others, including property that is or is to be incorporated 7868
into and will become a part of the consumer's production, 7869
transmission, or distribution system and that retains its 7870
classification as tangible personal property after 7871

incorporation; fuel or power used in the production, 7872
transmission, or distribution of electricity; energy conversion 7873
equipment as defined in section 5727.01 of the Revised Code; and 7874
tangible personal property and services used in the repair and 7875
maintenance of the production, transmission, or distribution 7876
system, including only those motor vehicles as are specially 7877
designed and equipped for such use. The exemption provided in 7878
this division shall be in lieu of all other exemptions in 7879
division (B) (42) (a) or (n) of this section to which a provider 7880
of electricity may otherwise be entitled based on the use of the 7881
tangible personal property or service purchased in generating, 7882
transmitting, or distributing electricity. 7883

(41) Sales to a person providing services under division 7884
(B) (3) (p) of section 5739.01 of the Revised Code of tangible 7885
personal property and services used directly and primarily in 7886
providing taxable services under that section. 7887

(42) Sales where the purpose of the purchaser is to do any 7888
of the following: 7889

(a) To incorporate the thing transferred as a material or 7890
a part into tangible personal property to be produced for sale 7891
by manufacturing, assembling, processing, or refining; or to use 7892
or consume the thing transferred directly in producing tangible 7893
personal property for sale by mining, including, without 7894
limitation, the extraction from the earth of all substances that 7895
are classed geologically as minerals, or directly in the 7896
rendition of a public utility service, except that the sales tax 7897
levied by this section shall be collected upon all meals, 7898
drinks, and food for human consumption sold when transporting 7899
persons. This paragraph does not exempt from "retail sale" or 7900
"sales at retail" the sale of tangible personal property that is 7901

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| to be incorporated into a structure or improvement to real | 7902 |
| property. | 7903 |
| (b) To hold the thing transferred as security for the | 7904 |
| performance of an obligation of the vendor; | 7905 |
| (c) To resell, hold, use, or consume the thing transferred | 7906 |
| as evidence of a contract of insurance; | 7907 |
| (d) To use or consume the thing directly in commercial | 7908 |
| fishing; | 7909 |
| (e) To incorporate the thing transferred as a material or | 7910 |
| a part into, or to use or consume the thing transferred directly | 7911 |
| in the production of, magazines distributed as controlled | 7912 |
| circulation publications; | 7913 |
| (f) To use or consume the thing transferred in the | 7914 |
| production and preparation in suitable condition for market and | 7915 |
| sale of printed, imprinted, overprinted, lithographic, | 7916 |
| multilithic, blueprinted, photostatic, or other productions or | 7917 |
| reproductions of written or graphic matter; | 7918 |
| (g) To use the thing transferred, as described in section | 7919 |
| 5739.011 of the Revised Code, primarily in a manufacturing | 7920 |
| operation to produce tangible personal property for sale; | 7921 |
| (h) To use the benefit of a warranty, maintenance or | 7922 |
| service contract, or similar agreement, as described in division | 7923 |
| (B) (7) of section 5739.01 of the Revised Code, to repair or | 7924 |
| maintain tangible personal property, if all of the property that | 7925 |
| is the subject of the warranty, contract, or agreement would not | 7926 |
| be subject to the tax imposed by this section; | 7927 |
| (i) To use the thing transferred as qualified research and | 7928 |
| development equipment; | 7929 |

(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B) (3) (e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B) (35) of this section.

(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B) (7) of section 5739.01 of the Revised Code;

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(m) To use tangible personal property to perform a service listed in division (B) (3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;

(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in

rendering farming, agriculture, horticulture, or floriculture 7960
services for others are deemed engaged primarily in farming, 7961
agriculture, horticulture, or floriculture. This paragraph does 7962
not exempt from "retail sale" or "sales at retail" the sale of 7963
tangible personal property that is to be incorporated into a 7964
structure or improvement to real property. 7965

(o) To use or consume the thing transferred in acquiring, 7966
formatting, editing, storing, and disseminating data or 7967
information by electronic publishing; 7968

(p) To provide the thing transferred to the owner or 7969
lessee of a motor vehicle that is being repaired or serviced, if 7970
the thing transferred is a rented motor vehicle and the 7971
purchaser is reimbursed for the cost of the rented motor vehicle 7972
by a manufacturer, warrantor, or provider of a maintenance, 7973
service, or other similar contract or agreement, with respect to 7974
the motor vehicle that is being repaired or serviced; 7975

(q) To use or consume the thing transferred directly in 7976
production of crude oil and natural gas for sale. Persons 7977
engaged in rendering production services for others are deemed 7978
engaged in production. 7979

As used in division (B) (42) (q) of this section, 7980
"production" means operations and tangible personal property 7981
directly used to expose and evaluate an underground reservoir 7982
that may contain hydrocarbon resources, prepare the wellbore for 7983
production, and lift and control all substances yielded by the 7984
reservoir to the surface of the earth. 7985

(i) For the purposes of division (B) (42) (q) of this 7986
section, the "thing transferred" includes, but is not limited 7987
to, any of the following: 7988

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| (I) Services provided in the construction of permanent access roads, | 7989 |
| services provided in the construction of the well site, | 7990 |
| and services provided in the construction of temporary impoundments; | 7991 |
| | 7992 |
| (II) Equipment and rigging used for the specific purpose of creating with integrity a wellbore pathway to underground reservoirs; | 7993 |
| | 7994 |
| | 7995 |
| (III) Drilling and workover services used to work within a subsurface wellbore, and tangible personal property directly used in providing such services; | 7996 |
| | 7997 |
| | 7998 |
| (IV) Casing, tubulars, and float and centralizing equipment; | 7999 |
| | 8000 |
| (V) Trailers to which production equipment is attached; | 8001 |
| (VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services; | 8002 |
| | 8003 |
| | 8004 |
| (VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services; | 8005 |
| | 8006 |
| | 8007 |
| (VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole; | 8008 |
| | 8009 |
| | 8010 |
| | 8011 |
| (IX) Pressure pumping equipment; | 8012 |
| (X) Artificial lift systems equipment; | 8013 |
| (XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced | 8014 |
| | 8015 |

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| water; | 8016 |
| (XII) Tangible personal property directly used to control production equipment. | 8017 8018 |
| (ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following: | 8019 8020 8021 |
| (I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas; | 8022 8023 8024 |
| (II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code; | 8025 8026 8027 |
| (III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks; | 8028 8029 8030 |
| (IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site; | 8031 8032 8033 8034 |
| (V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility; | 8035 8036 8037 8038 |
| (VI) Tangible personal property that is to be incorporated into a structure or improvement to real property; | 8039 8040 |
| (VII) Well site fencing, lighting, or security systems; | 8041 |
| (VIII) Communication devices or services; | 8042 |

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|---|--------------------------------------|
| (IX) Office supplies; | 8043 |
| (X) Trailers used as offices or lodging; | 8044 |
| (XI) Motor vehicles of any kind; | 8045 |
| (XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production; | 8046 8047 |
| (XIII) Tangible personal property used primarily as a safety device; | 8048 8049 |
| (XIV) Data collection or monitoring devices; | 8050 |
| (XV) Access ladders, stairs, or platforms attached to storage tanks. | 8051 8052 |
| The enumeration of tangible personal property in division (B) (42) (q) (ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B) (42) (q) of this section. | 8053 8054 8055 8056 8057 |
| The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the commissioner deems necessary to administer division (B) (42) (q) of this section. | 8058 8059 8060 8061 |
| As used in division (B) (42) of this section, "thing" includes all transactions included in divisions (B) (3) (a), (b), and (e) of section 5739.01 of the Revised Code. | 8062 8063 8064 |
| (43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no | 8065 8066 8067 8068 8069 |

other personal property or personal service is provided as part 8070
of the transaction. 8071

(44) Sales of replacement and modification parts for 8072
engines, airframes, instruments, and interiors in, and paint 8073
for, aircraft used primarily in a fractional aircraft ownership 8074
program, and sales of services for the repair, modification, and 8075
maintenance of such aircraft, and machinery, equipment, and 8076
supplies primarily used to provide those services. 8077

(45) Sales of telecommunications service that is used 8078
directly and primarily to perform the functions of a call 8079
center. As used in this division, "call center" means any 8080
physical location where telephone calls are placed or received 8081
in high volume for the purpose of making sales, marketing, 8082
customer service, technical support, or other specialized 8083
business activity, and that employs at least fifty individuals 8084
that engage in call center activities on a full-time basis, or 8085
sufficient individuals to fill fifty full-time equivalent 8086
positions. 8087

(46) Sales by a telecommunications service vendor of 900 8088
service to a subscriber. This division does not apply to 8089
information services. 8090

(47) Sales of value-added non-voice data service. This 8091
division does not apply to any similar service that is not 8092
otherwise a telecommunications service. 8093

(48) Sales of feminine hygiene products. 8094

(49) Sales of materials, parts, equipment, or engines used 8095
in the repair or maintenance of aircraft or avionics systems of 8096
such aircraft, and sales of repair, remodeling, replacement, or 8097
maintenance services in this state performed on aircraft or on 8098

an aircraft's avionics, engine, or component materials or parts. 8099
As used in division (B) (49) of this section, "aircraft" means 8100
aircraft of more than six thousand pounds maximum certified 8101
takeoff weight or used exclusively in general aviation. 8102

(50) Sales of full flight simulators that are used for 8103
pilot or flight-crew training, sales of repair or replacement 8104
parts or components, and sales of repair or maintenance services 8105
for such full flight simulators. "Full flight simulator" means a 8106
replica of a specific type, or make, model, and series of 8107
aircraft cockpit. It includes the assemblage of equipment and 8108
computer programs necessary to represent aircraft operations in 8109
ground and flight conditions, a visual system providing an out- 8110
of-the-cockpit view, and a system that provides cues at least 8111
equivalent to those of a three-degree-of-freedom motion system, 8112
and has the full range of capabilities of the systems installed 8113
in the device as described in appendices A and B of part 60 of 8114
chapter 1 of title 14 of the Code of Federal Regulations. 8115

(51) Any transfer or lease of tangible personal property 8116
between the state and JobsOhio in accordance with section 8117
4313.02 of the Revised Code. 8118

(52) (a) Sales to a qualifying corporation. 8119

(b) As used in division (B) (52) of this section: 8120

(i) "Qualifying corporation" means a nonprofit corporation 8121
organized in this state that leases from an eligible county 8122
land, buildings, structures, fixtures, and improvements to the 8123
land that are part of or used in a public recreational facility 8124
used by a major league professional athletic team or a class A 8125
to class AAA minor league affiliate of a major league 8126
professional athletic team for a significant portion of the 8127

team's home schedule, provided the following apply: 8128

(I) The facility is leased from the eligible county 8129
pursuant to a lease that requires substantially all of the 8130
revenue from the operation of the business or activity conducted 8131
by the nonprofit corporation at the facility in excess of 8132
operating costs, capital expenditures, and reserves to be paid 8133
to the eligible county at least once per calendar year. 8134

(II) Upon dissolution and liquidation of the nonprofit 8135
corporation, all of its net assets are distributable to the 8136
board of commissioners of the eligible county from which the 8137
corporation leases the facility. 8138

(ii) "Eligible county" has the same meaning as in section 8139
307.695 of the Revised Code. 8140

(53) Sales to or by a cable service provider, video 8141
service provider, or radio or television broadcast station 8142
regulated by the federal government of cable service or 8143
programming, video service or programming, audio service or 8144
programming, or electronically transferred digital audiovisual 8145
or audio work. As used in division (B) (53) of this section, 8146
"cable service" and "cable service provider" have the same 8147
meanings as in section 1332.01 of the Revised Code, and "video 8148
service," "video service provider," and "video programming" have 8149
the same meanings as in section 1332.21 of the Revised Code. 8150

(54) Sales of a digital audio work electronically 8151
transferred for delivery through use of a machine, such as a 8152
juke box, that does all of the following: 8153

(a) Accepts direct payments to operate; 8154

(b) Automatically plays a selected digital audio work for 8155
a single play upon receipt of a payment described in division 8156

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| (B) (54) (a) of this section; | 8157 |
| (c) Operates exclusively for the purpose of playing digital audio works in a commercial establishment. | 8158 8159 |
| (55) (a) Sales of the following occurring on the first Friday of August and the following Saturday and Sunday of each year, beginning in 2018: | 8160 8161 8162 |
| (i) An item of clothing, the price of which is seventy-five dollars or less; | 8163 8164 |
| (ii) An item of school supplies, the price of which is twenty dollars or less; | 8165 8166 |
| (iii) An item of school instructional material, the price of which is twenty dollars or less. | 8167 8168 |
| (b) As used in division (B) (55) of this section: | 8169 |
| (i) "Clothing" means all human wearing apparel suitable for general use. "Clothing" includes, but is not limited to, aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; diapers, children and adult, including disposable diapers; earmuffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties; overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoe laces; slippers; sneakers; socks and stockings; steel-toed shoes; underwear; uniforms, athletic and nonathletic; and wedding apparel. "Clothing" does not include items purchased for use in a trade or business; clothing accessories or equipment; protective equipment; sports or recreational equipment; belt buckles sold separately; costume masks sold separately; patches and emblems | 8170 8171 8172 8173 8174 8175 8176 8177 8178 8179 8180 8181 8182 8183 8184 8185 |

sold separately; sewing equipment and supplies including, but 8186
not limited to, knitting needles, patterns, pins, scissors, 8187
sewing machines, sewing needles, tape measures, and thimbles; 8188
and sewing materials that become part of "clothing" including, 8189
but not limited to, buttons, fabric, lace, thread, yarn, and 8190
zippers. 8191

(ii) "School supplies" means items commonly used by a 8192
student in a course of study. "School supplies" includes only 8193
the following items: binders; book bags; calculators; cellophane 8194
tape; blackboard chalk; compasses; composition books; crayons; 8195
erasers; folders, expandable, pocket, plastic, and manila; glue, 8196
paste, and paste sticks; highlighters; index cards; index card 8197
boxes; legal pads; lunch boxes; markers; notebooks; paper, 8198
loose-leaf ruled notebook paper, copy paper, graph paper, 8199
tracing paper, manila paper, colored paper, poster board, and 8200
construction paper; pencil boxes and other school supply boxes; 8201
pencil sharpeners; pencils; pens; protractors; rulers; scissors; 8202
and writing tablets. "School supplies" does not include any item 8203
purchased for use in a trade or business. 8204

(iii) "School instructional material" means written 8205
material commonly used by a student in a course of study as a 8206
reference and to learn the subject being taught. "School 8207
instructional material" includes only the following items: 8208
reference books, reference maps and globes, textbooks, and 8209
workbooks. "School instructional material" does not include any 8210
material purchased for use in a trade or business. 8211

(56) (a) Sales of diapers or incontinence underpads sold 8212
pursuant to a prescription, for the benefit of a medicaid 8213
recipient with a diagnosis of incontinence, and by a medicaid 8214
provider that maintains a valid provider agreement under section 8215

5164.30 of the Revised Code with the department of medicaid, 8216
provided that the medicaid program covers diapers or 8217
incontinence underpads as an incontinence garment. 8218

(b) As used in division (B) (56) (a) of this section: 8219

(i) "Diaper" means an absorbent garment worn by humans who 8220
are incapable of, or have difficulty, controlling their bladder 8221
or bowel movements. 8222

(ii) "Incontinence underpad" means an absorbent product, 8223
not worn on the body, designed to protect furniture or other 8224
tangible personal property from soiling or damage due to human 8225
incontinence. 8226

(57) Sales of investment metal bullion and investment 8227
coins. "Investment metal bullion" means any bullion described in 8228
section 408(m) (3) (B) of the Internal Revenue Code, regardless of 8229
whether that bullion is in the physical possession of a trustee. 8230
"Investment coin" means any coin composed primarily of gold, 8231
silver, platinum, or palladium. 8232

(58) Sales of tangible personal property used primarily 8233
for any of the following purposes by a megaproject operator at 8234
the site of a megaproject that satisfies the criteria described 8235
in division (A) (11) (a) (ii) of section 122.17 of the Revised 8236
Code, provided that the sale occurs during the period that the 8237
megaproject operator has an agreement for such megaproject with 8238
the tax credit authority under division (D) of section 122.17 of 8239
the Revised Code that remains in effect and has not expired or 8240
been terminated: 8241

(a) To store, transmit, convey, distribute, recycle, 8242
circulate, or clean water, steam, or other gases used in or 8243
produced as a result of manufacturing activity, including items 8244

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| that support or aid in the operation of such property; | 8245 |
| (b) To clean or prepare inventory, at any stage of storage | 8246 |
| or production, or equipment used in a manufacturing activity, | 8247 |
| including chemicals, solvents, catalysts, soaps, and other items | 8248 |
| that support or aid in the operation of property; | 8249 |
| (c) To regulate, treat, filter, condition, improve, clean, | 8250 |
| maintain, or monitor environmental conditions within areas where | 8251 |
| manufacturing activities take place; | 8252 |
| (d) To handle, transport, or convey inventory during | 8253 |
| production or manufacturing. | 8254 |
| (59) Documentary services charges imposed pursuant to | 8255 |
| section 4517.261 or 4781.24 of the Revised Code. | 8256 |
| (C) For the purpose of the proper administration of this | 8257 |
| chapter, and to prevent the evasion of the tax, it is presumed | 8258 |
| that all sales made in this state are subject to the tax until | 8259 |
| the contrary is established. | 8260 |
| (D) The tax collected by the vendor from the consumer | 8261 |
| under this chapter is not part of the price, but is a tax | 8262 |
| collection for the benefit of the state, and of counties levying | 8263 |
| an additional sales tax pursuant to section 5739.021 or 5739.026 | 8264 |
| of the Revised Code and of transit authorities levying an | 8265 |
| additional sales tax pursuant to section 5739.023 of the Revised | 8266 |
| Code. Except for the discount authorized under section 5739.12 | 8267 |
| of the Revised Code and the effects of any rounding pursuant to | 8268 |
| section 5703.055 of the Revised Code, no person other than the | 8269 |
| state or such a county or transit authority shall derive any | 8270 |
| benefit from the collection or payment of the tax levied by this | 8271 |
| section or section 5739.021, 5739.023, or 5739.026 of the | 8272 |
| Revised Code. | 8273 |

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| Sec. 5815.36. (A) As used in this section: | 8274 |
| (1) "Disclaimant" means any person, any guardian or personal representative of a person or estate of a person, or any attorney-in-fact or agent of a person having a general or specific authority to act granted in a written instrument, who is any of the following: | 8275 |
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| (a) With respect to testamentary instruments and intestate succession, an heir, next of kin, devisee, legatee, donee, person succeeding to a disclaimed interest, surviving joint tenant, surviving tenant by the entirety, surviving tenant of a tenancy with a right of survivorship, beneficiary under a testamentary instrument, or person designated to take pursuant to a power of appointment exercised by a testamentary instrument; | 8280 |
| | 8281 |
| | 8282 |
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| (b) With respect to nontestamentary instruments, a grantee, donee, person succeeding to a disclaimed interest, surviving joint tenant, surviving tenant by the entirety, surviving tenant of a tenancy with a right of survivorship, beneficiary under a nontestamentary instrument, or person designated to take pursuant to a power of appointment exercised by a nontestamentary instrument; | 8288 |
| | 8289 |
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| | 8294 |
| (c) With respect to fiduciary rights, privileges, powers, and immunities, a fiduciary under a testamentary or nontestamentary instrument. Division (A)(1)(c) of this section does not authorize a fiduciary who disclaims fiduciary rights, privileges, powers, and immunities to cause the rights of any beneficiary to be disclaimed unless the instrument creating the fiduciary relationship authorizes the fiduciary to make such a disclaimer. | 8295 |
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(d) Any person entitled to take an interest in property 8303
upon the death of a person or upon the occurrence of any other 8304
event. 8305

(2) "Personal representative" includes any fiduciary as 8306
defined in section 2109.01 of the Revised Code and any executor, 8307
trustee, guardian, or other person or entity having a fiduciary 8308
relationship with regard to any interest in property passing to 8309
the fiduciary, executor, trustee, guardian, or other person or 8310
entity by reason of a disclaimant's death. 8311

(3) "Property" means all forms of property, real and 8312
personal, tangible and intangible. 8313

(B) (1) A disclaimant, other than a fiduciary under an 8314
instrument who is not authorized by the instrument to disclaim 8315
the interest of a beneficiary, may disclaim, in whole or in 8316
part, the succession to any property by executing and by 8317
delivering, filing, or recording a written disclaimer instrument 8318
in the manner provided in this section. 8319

(2) A disclaimant who is a fiduciary under an instrument 8320
may disclaim, in whole or in part, any right, power, privilege, 8321
or immunity, by executing and by delivering, filing, or 8322
recording a written disclaimer instrument in the manner provided 8323
in this section. 8324

(3) The written instrument of disclaimer shall be signed 8325
and acknowledged by the disclaimant and shall contain all of the 8326
following: 8327

(a) A reference to the donative instrument; 8328

(b) A description of the property, part of property, or 8329
interest disclaimed, and of any fiduciary right, power, 8330
privilege, or immunity disclaimed; 8331

(c) A declaration of the disclaimer and its extent. 8332

(4) The guardian of the estate of a minor or an 8333
incompetent, or the personal representative of a deceased 8334
person, whether or not authorized by the instrument to disclaim, 8335
with the consent of the probate division of the court of common 8336
pleas may disclaim, in whole or in part, the succession to any 8337
property, or interest in property, that the ward, if an adult 8338
and competent, or the deceased, if living, might have 8339
disclaimed. The guardian or personal representative, or any 8340
interested person may file an application with the probate 8341
division of the court of common pleas that has jurisdiction of 8342
the estate, asking that the court order the guardian or personal 8343
representative to execute and deliver, file, or record the 8344
disclaimer on behalf of the ward, estate, or deceased person. 8345
The court shall order the guardian or personal representative to 8346
execute and deliver, file, or record the disclaimer if the court 8347
finds, upon hearing after notice to interested parties and such 8348
other persons as the court shall direct, that: 8349

(a) It is in the best interests of those interested in the 8350
estate of the person and of those who will take the disclaimed 8351
interest; 8352

(b) It would not materially, adversely affect the minor or 8353
incompetent, or the beneficiaries of the estate of the decedent, 8354
taking into consideration other available resources and the age, 8355
probable life expectancy, physical and mental condition, and 8356
present and reasonably anticipated future needs of the minor or 8357
incompetent or the beneficiaries of the estate of the decedent. 8358

A written instrument of disclaimer ordered by the court 8359
under this division shall be executed and be delivered, filed, 8360
or recorded within the time and in the manner in which the 8361

person could have disclaimed if the person were living, an 8362
adult, and competent. 8363

(C) A partial disclaimer of property that is subject to a 8364
burdensome interest created by the donative instrument is not 8365
effective unless the disclaimed property constitutes a gift that 8366
is separate and distinct from undisclaimed gifts. 8367

(D) The disclaimant shall deliver, file, or record the 8368
disclaimer, or cause the same to be done, prior to accepting any 8369
benefits of the disclaimed interest and at any time after the 8370
latest of the following dates: 8371

(1) The effective date of the donative instrument if both 8372
the taker and the taker's interest in the property are finally 8373
ascertained on that date; 8374

(2) The date of the occurrence of the event upon which 8375
both the taker and the taker's interest in the property become 8376
finally ascertainable; 8377

(3) The date on which the disclaimant attains eighteen 8378
years of age or is no longer an incompetent, without tendering 8379
or repaying any benefit received while the disclaimant was under 8380
eighteen years of age or an incompetent, and even if a guardian 8381
of a minor or incompetent had filed an application pursuant to 8382
division (B)(4) of this section and the probate division of the 8383
court of common pleas involved did not consent to the guardian 8384
executing a disclaimer. 8385

(E) No disclaimer instrument is effective under this 8386
section if either of the following applies under the terms of 8387
the disclaimer instrument: 8388

(1) The disclaimant has power to revoke the disclaimer. 8389

(2) The disclaimant may transfer, or direct to be transferred, to self the entire legal and equitable ownership of the property subject to the disclaimer instrument.

(F)(1) Subject to division (F)(2) of this section, if the interest disclaimed is created by a nontestamentary instrument, including, but not limited to, a transfer on death designation affidavit pursuant to section 5302.22 of the Revised Code, the disclaimer instrument shall be delivered personally or by certified mail to the trustee or other person who has legal title to, or possession of, the property disclaimed. If the interest disclaimed is created by a transfer on death designation affidavit pursuant to section 5302.22 of the Revised Code, the disclaimer instrument shall be filed with the county recorder of the county in which the real property that is the subject of that affidavit is located.

(2) If the interest disclaimed is created by a testamentary instrument, by intestate succession, or by a certificate of title to a ~~motor vehicle, watercraft, or outboard motor~~-titled mode of transportation, as defined in section 2131.12 of the Revised Code, that evidences ownership of the ~~motor vehicle, watercraft, or outboard motor~~-titled mode of transportation that is transferable on death pursuant to section 2131.13 of the Revised Code, the disclaimer instrument shall be filed in the probate division of the court of common pleas in the county in which proceedings for the administration of the decedent's estate have been commenced, and an executed copy of the disclaimer instrument shall be delivered personally or by certified mail to the personal representative of the decedent's estate.

(3) If no proceedings for the administration of the

decedent's estate have been commenced, the disclaimer instrument 8420
shall be filed in the probate division of the court of common 8421
pleas in the county in which proceedings for the administration 8422
of the decedent's estate might be commenced according to law. 8423
The disclaimer instrument shall be filed and indexed, and fees 8424
charged, in the same manner as provided by law for an 8425
application to be appointed as personal representative to 8426
administer the decedent's estate. The disclaimer is effective 8427
whether or not proceedings thereafter are commenced to 8428
administer the decedent's estate. If proceedings thereafter are 8429
commenced for the administration of the decedent's estate, they 8430
shall be filed under, or consolidated with, the case number 8431
assigned to the disclaimer instrument. 8432

(4) If an interest in real estate is disclaimed, an 8433
executed copy of the disclaimer instrument also shall be 8434
recorded in the office of the recorder of the county in which 8435
the real estate is located. The disclaimer instrument shall 8436
include a description of the real estate with sufficient 8437
certainty to identify it, and shall contain a reference to the 8438
record of the instrument that created the interest disclaimed. 8439
If title to the real estate is registered under Chapters 5309. 8440
and 5310. of the Revised Code, the disclaimer interest shall be 8441
entered as a memorial on the last certificate of title. A spouse 8442
of a disclaimant has no dower or other interest in the real 8443
estate disclaimed. 8444

(G) If a donative instrument expressly provides for the 8445
distribution of property, part of property, or interest in 8446
property if there is a disclaimer, the property, part of 8447
property, or interest disclaimed shall be distributed or 8448
disposed of, and accelerated or not accelerated, in accordance 8449
with the donative instrument. In the absence of express 8450

provisions to the contrary in the donative instrument, the 8451
property, part of property, or interest in property disclaimed, 8452
and any future interest that is to take effect in possession or 8453
enjoyment at or after the termination of the interest 8454
disclaimed, shall descend, be distributed, or otherwise be 8455
disposed of, and shall be accelerated, in the following manner: 8456

(1) If intestate or testate succession is disclaimed, as 8457
if the disclaimant had predeceased the decedent; 8458

(2) If the disclaimant is one designated to take pursuant 8459
to a power of appointment exercised by a testamentary 8460
instrument, as if the disclaimant had predeceased the donee of 8461
the power; 8462

(3) If the donative instrument is a nontestamentary 8463
instrument, as if the disclaimant had died before the effective 8464
date of the nontestamentary instrument; 8465

(4) If the disclaimer is of a fiduciary right, power, 8466
privilege, or immunity, as if the right, power, privilege, or 8467
immunity was never in the donative instrument. 8468

(H) A disclaimer pursuant to this section is effective as 8469
of, and relates back for all purposes to, the date upon which 8470
the taker and the taker's interest have been finally 8471
ascertained. 8472

(I) A disclaimant who has a present and future interest in 8473
property, and disclaims the disclaimant's present interest in 8474
whole or in part, is considered to have disclaimed the 8475
disclaimant's future interest to the same extent, unless a 8476
contrary intention appears in the disclaimer instrument or the 8477
donative instrument. A disclaimant is not precluded from 8478
receiving, as an alternative taker, a beneficial interest in the 8479

property disclaimed, unless a contrary intention appears in the disclaimer instrument or in the donative instrument. 8480
8481

(J) The disclaimant's right to disclaim under this section is barred if the disclaimant does any of the following: 8482
8483

(1) Assigns, conveys, encumbers, pledges, or transfers, or contracts to assign, convey, encumber, pledge, or transfer, the property or any interest in it; 8484
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8486

(2) Waives in writing the disclaimant's right to disclaim and executes and delivers, files, or records the waiver in the manner provided in this section for a disclaimer instrument; 8487
8488
8489

(3) Accepts the property or an interest in it; 8490

(4) Permits or suffers a sale or other disposition of the property pursuant to judicial action against the disclaimant. 8491
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(K) Neither a fiduciary's application for appointment or assumption of duties as a fiduciary nor a beneficiary's application for appointment as a personal representative or fiduciary waives or bars the disclaimant's right to disclaim a right, power, privilege, or immunity as a personal representative or fiduciary or the beneficiary's right to disclaim property. 8493
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(L) The right to disclaim under this section exists irrespective of any limitation on the interest of the disclaimant in the nature of a spendthrift provision or similar restriction. 8500
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(M) A disclaimer instrument or written waiver of the right to disclaim that has been executed and delivered, filed, or recorded as required by this section is final and binding upon all persons. 8504
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(N) (1) The right to disclaim and the procedures for 8508
disclaimer established by this section are in addition to, and 8509
do not exclude or abridge, any other rights or procedures that 8510
exist or formerly existed under any other section of the Revised 8511
Code or at common law to assign, convey, release, refuse to 8512
accept, renounce, waive, or disclaim property. 8513

(2) A disclaimer is not considered a transfer or 8514
conveyance by the disclaimant, and no creditor of a disclaimant 8515
may avoid a disclaimer. 8516

(3) This section shall take precedence over any other 8517
section of the Revised Code that conflicts with this section. 8518

(O) (1) No person is liable for distributing or disposing 8519
of property in a manner inconsistent with the terms of a valid 8520
disclaimer if the distribution or disposition is otherwise 8521
proper and the person has no actual knowledge of the disclaimer. 8522

(2) No person is liable for distributing or disposing of 8523
property in reliance upon the terms of a disclaimer that is 8524
invalid because the right of disclaimer has been waived or 8525
barred if the distribution or disposition is otherwise proper 8526
and the person has no actual knowledge of the facts that 8527
constitute a waiver or bar to the right to disclaim. 8528

(P) (1) A disclaimant may disclaim pursuant to this section 8529
any interest in property that is in existence on September 27, 8530
1976, if either the interest in the property or the taker of the 8531
interest in the property is not finally ascertained on that 8532
date. 8533

(2) No disclaimer executed pursuant to this section 8534
destroys or diminishes an interest in property that exists on 8535
September 27, 1976, in any person other than the disclaimant. 8536

(Q) This section may be applied separately to different 8537
interests or powers created in the disclaimant by the same 8538
testamentary or nontestamentary instrument. 8539

Section 2. That existing sections 1531.01, 1533.01, 8540
1533.103, 1533.18, 2131.12, 2131.13, 2744.01, 2911.21, 2921.331, 8541
2923.16, 4501.01, 4501.13, 4503.01, 4503.038, 4503.04, 4503.10, 8542
4503.191, 4503.312, 4504.01, 4505.01, 4505.06, 4505.09, 4505.11, 8543
4510.036, 4511.01, 4511.214, 4511.713, 4513.02, 4513.221, 8544
4513.263, 4517.01, 4519.01, 4519.02, 4519.03, 4519.031, 4519.04, 8545
4519.05, 4519.08, 4519.09, 4519.10, 4519.11, 4519.20, 4519.21, 8546
4519.22, 4519.401, 4519.41, 4519.42, 4519.43, 4519.44, 4519.45, 8547
4519.46, 4519.47, 4519.48, 4519.511, 4519.512, 4519.52, 8548
4519.521, 4519.53, 4519.54, 4519.55, 4519.551, 4519.56, 4519.57, 8549
4519.58, 4519.59, 4519.60, 4519.61, 4519.62, 4519.63, 4519.631, 8550
4519.64, 4519.65, 4519.66, 4519.67, 4519.68, 4519.69, 4519.70, 8551
5553.044, 5739.02, and 5815.36 of the Revised Code are hereby 8552
repealed. 8553

Section 3. That sections 4511.215, 4511.216, and 4519.40 8554
of the Revised Code are hereby repealed. 8555

Section 4. (A) Notwithstanding the change from "all- 8556
purpose vehicle" to "all-terrain vehicle" enacted by this act, 8557
the Registrar of Motor Vehicles may continue to issue license 8558
plates that display "all-purpose vehicle" or "APV" printed on 8559
them until the supply of license plates printed before the 8560
effective date of this section is depleted. 8561

(B) Any person that is newly issued or that currently 8562
operates a vehicle with a license plate printed with "all- 8563
purpose vehicle" or "APV" may continue to use that license plate 8564
until both of the following apply: 8565

(1) The Registrar's supply of the "all-purpose vehicle" 8566
and "APV" license plates is depleted in accordance with division 8567
(A) of this section; 8568

(2) The person's current license plate is lost, stolen, 8569
mutilated, or destroyed or the person otherwise is required or 8570
desires to replace the person's license plate. 8571

Section 5. Sections 1, 2, 3, and 4 of this act take effect 8572
six months after the effective date of this section. 8573

Section 6. The General Assembly, applying the principle 8574
stated in division (B) of section 1.52 of the Revised Code that 8575
amendments are to be harmonized if reasonably capable of 8576
simultaneous operation, finds that the following sections, 8577
presented in this act as composites of the sections as amended 8578
by the acts indicated, are the resulting versions of the 8579
sections in effect prior to the effective date of the sections 8580
as presented in this act: 8581

Section 4503.04 of the Revised Code as amended by both 8582
H.B. 74 and H.B. 281 of the 134th General Assembly. 8583

Section 4517.01 of the Revised Code as amended by both 8584
H.B. 33 and H.B. 195 of the 135th General Assembly. 8585