

As Introduced

136th General Assembly

Regular Session

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H. B. No. 717

Representative Dean

To amend section 4517.02 of the Revised Code to 1
increase the number of vehicles, from five to 2
fifteen, that a person may sell without 3
obtaining a motor vehicle dealer license if the 4
vehicles are over 12 years old. 5

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

Section 1. That section 4517.02 of the Revised Code be 6
amended to read as follows: 7

Sec. 4517.02. (A) Except as otherwise provided in this 8
section, no person shall do any of the following: 9

(1) Engage in the business of displaying or selling at 10
retail new motor vehicles or assume to engage in that business, 11
unless the person is licensed as a new motor vehicle dealer 12
under sections 4517.01 to 4517.45 of the Revised Code, or is a 13
salesperson employed by a licensed new motor vehicle dealer; 14

(2) Engage in the business of offering for sale, 15
displaying for sale, or selling at retail or wholesale used 16
motor vehicles or assume to engage in that business, unless the 17
person is licensed as a new motor vehicle dealer, used motor 18
vehicle dealer, or motor vehicle leasing dealer under sections 19
4517.01 to 4517.45 of the Revised Code, is a salesperson 20

employed by a licensed used motor vehicle dealer or licensed new 21
motor vehicle dealer, or the person holds a construction 22
equipment auction license issued under section 4517.17 of the 23
Revised Code; 24

(3) Engage in the business of regularly making available, 25
offering to make available, or arranging for another person to 26
use a motor vehicle, in the manner described in division (M) of 27
section 4517.01 of the Revised Code, unless the person is 28
licensed as a motor vehicle leasing dealer under sections 29
4517.01 to 4517.45 of the Revised Code; 30

(4) Engage in the business of motor vehicle auctioning or 31
assume to engage in that business, unless the person is licensed 32
as a motor vehicle auction owner under sections 4517.01 to 33
4517.45 of the Revised Code and the person uses an auctioneer 34
who is licensed under Chapter 4707. of the Revised Code to 35
conduct the motor vehicle auctions or the person holds a 36
construction equipment auction license issued under section 37
4517.17 of the Revised Code; 38

(5) Engage in the business of distributing motor vehicles 39
or assume to engage in that business, unless the person is 40
licensed as a distributor under sections 4517.01 to 4517.45 of 41
the Revised Code; 42

~~-(6) Make~~ (6) (a) Except as provided in division (A) (6) (b) 43
of this section, make more than five casual sales of motor 44
vehicles in a twelve-month period, commencing with the day of 45
the month in which the first such sale is made, ~~nor provide a~~ 46
~~location or space for the sale of motor vehicles at a flea-~~ 47
~~market,~~ without obtaining a license as a dealer under sections 48
4517.01 to 4517.45 of the Revised Code, ~~provided that nothing in~~ 49
~~this section shall be construed to prohibit the disposition~~ 50

~~without a license of a motor vehicle originally acquired and~~ 51
~~held for purposes other than sale, rental, or lease to an~~ 52
~~employee, retiree, officer, or director of the person making the~~ 53
~~disposition, to a corporation affiliated with the person making~~ 54
~~the disposition, or to a person licensed under sections 4517.01~~ 55
~~to 4517.45 of the Revised Code;~~ 56

(b) Make more than fifteen casual sales of motor vehicles 57
that are over twelve years old, commencing with the day of the 58
month in which the first such sale is made, without obtaining a 59
license as a dealer under sections 4517.01 to 4517.45 of the 60
Revised Code; 61

(7) Provide a location or space for the sale of motor 62
vehicles at a flea market without obtaining a license as a 63
dealer under sections 4517.01 to 4517.45 of the Revised Code; 64

(8) Engage in the business of auctioning both large 65
construction or transportation equipment and also motor vehicles 66
incident thereto, unless the person is a construction equipment 67
auctioneer or the person is licensed as a motor vehicle auction 68
owner and the person uses an auctioneer who is licensed under 69
Chapter 4707. of the Revised Code to conduct the auction; 70

~~(8)~~ (9) Engage in the business of displaying or selling at 71
retail adaptive mobility vehicles or assume to engage in that 72
business, unless the person is licensed as an adaptive mobility 73
dealer under sections 4517.01 to 4517.45 of the Revised Code, or 74
is a salesperson employed by a licensed adaptive mobility 75
dealer, except that any licensed motor vehicle dealer may sell 76
at retail a used adaptive mobility vehicle. 77

(B) Nothing in this section shall be construed to require 78
an auctioneer licensed under sections 4707.01 to 4707.19 of the 79

Revised Code to obtain a motor vehicle auction owner's license 80
under sections 4517.01 to 4517.45 of the Revised Code when 81
engaged in auctioning for a licensed motor vehicle auction 82
owner. 83

The establishment of a construction equipment auction 84
license by Am. Sub. H.B. 114 of the 129th general assembly shall 85
not in any way modify, limit, or restrict in any manner the 86
conduct of auctions by persons licensed under Chapter 4707. of 87
the Revised Code who are acting in compliance with that chapter. 88

(C) Nothing in this section shall be construed to prohibit 89
the disposition without a license of a motor vehicle originally 90
acquired and held for purposes other than sale, rental, or lease 91
to an employee, retiree, officer, or director of the person 92
making the disposition, to a corporation affiliated with the 93
person making the disposition, or to a person licensed under 94
sections 4517.01 to 4517.45 of the Revised Code. 95

(D) Sections 4517.01 to 4517.45 of the Revised Code do not 96
apply to any of the following: 97

(1) Persons engaging in the business of selling commercial 98
tractors, trailers, or semitrailers incidentally to engaging 99
primarily in business other than the selling or leasing of motor 100
vehicles; 101

(2) Mortgagees selling at retail only those motor vehicles 102
that have come into their possession by a default in the terms 103
of a mortgage contract; 104

(3) The leasing, rental, and interchange of motor vehicles 105
used directly in the rendition of a public utility service by 106
regulated motor carriers. 107

~~(D)~~ (E) When a partnership licensed under sections 4517.01 108

to 4517.45 of the Revised Code is dissolved by death, the 109
surviving partners may operate under the license for a period of 110
sixty days, and the heirs or representatives of deceased persons 111
and receivers or trustees in bankruptcy appointed by any 112
competent authority may operate under the license of the person 113
succeeded in possession by that heir, representative, receiver, 114
or trustee in bankruptcy. 115

~~(E)~~ (F) No remanufacturer shall engage in the business of 116
selling at retail any new motor vehicle without having written 117
authority from the manufacturer or distributor of the vehicle to 118
sell new motor vehicles and to perform repairs under the terms 119
of the manufacturer's or distributor's new motor vehicle 120
warranty, unless, at the time of the sale of the vehicle, each 121
customer is furnished with a binding agreement ensuring that the 122
customer has the right to have the vehicle serviced or repaired 123
by a new motor vehicle dealer who is franchised to sell and 124
service vehicles of the same line-make as the chassis of the 125
remanufactured vehicle purchased by the customer and whose 126
service or repair facility is located within either twenty miles 127
of the remanufacturer's location and place of business or twenty 128
miles of the customer's residence or place of business. If there 129
is no such new motor vehicle dealer located within twenty miles 130
of the remanufacturer's location and place of business or the 131
customer's residence or place of business, the binding agreement 132
furnished to the customer may be with the new motor vehicle 133
dealer who is franchised to sell and service vehicles of the 134
same line-make as the chassis of the remanufactured vehicle 135
purchased by the customer and whose service or repair facility 136
is located nearest to the remanufacturer's location and place of 137
business or the customer's residence or place of business. 138
Additionally, at the time of sale of any vehicle, each customer 139

of the remanufacturer shall be furnished with a warranty issued 140
by the remanufacturer for a term of at least one year. 141

~~(F)~~ (G) No adaptive mobility dealer shall do any of the 142
following: 143

(1) Represent that the dealer is engaged in the business 144
of selling new motor vehicles; 145

(2) Sell, transfer, or offer to sell or transfer a new 146
motor vehicle unless that new motor vehicle is purchased through 147
a licensed new motor vehicle dealer; 148

(3) Sell or offer to sell an adaptive mobility vehicle 149
without written documentation proving that the vehicle was 150
adapted or modified in accordance with 49 C.F.R. part 568 or 151
595. 152

~~(G)~~ (H) Except as otherwise provided in this division, 153
whoever violates this section is guilty of a minor misdemeanor 154
and shall be subject to a mandatory fine of one hundred dollars. 155
If the offender previously has been convicted of or pleaded 156
guilty to a violation of this section, whoever violates this 157
section is guilty of a misdemeanor of the first degree and shall 158
be subject to a mandatory fine of one thousand dollars. 159

~~(H)~~ (I) The offenses established under this section are 160
strict liability offenses and section 2901.20 of the Revised 161
Code does not apply. The designation of these offenses as strict 162
liability offenses shall not be construed to imply that any 163
other offense, for which there is no specified degree of 164
culpability, is not a strict liability offense. 165

Section 2. That existing section 4517.02 of the Revised 166
Code is hereby repealed. 167