

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**S. B. No. 459**

**Senator Schaffer**

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To amend section 4517.02 of the Revised Code to 1  
ensure motor vehicle donations are exempt from 2  
the motor vehicle casual sales limits. 3

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

**Section 1.** That section 4517.02 of the Revised Code be 4  
amended to read as follows: 5

**Sec. 4517.02.** (A) Except as otherwise provided in this 6  
section, no person shall do any of the following: 7

(1) Engage in the business of displaying or selling at 8  
retail new motor vehicles or assume to engage in that business, 9  
unless the person is licensed as a new motor vehicle dealer 10  
under sections 4517.01 to 4517.45 of the Revised Code, or is a 11  
salesperson employed by a licensed new motor vehicle dealer; 12

(2) Engage in the business of offering for sale, 13  
displaying for sale, or selling at retail or wholesale used 14  
motor vehicles or assume to engage in that business, unless the 15  
person is licensed as a new motor vehicle dealer, used motor 16  
vehicle dealer, or motor vehicle leasing dealer under sections 17  
4517.01 to 4517.45 of the Revised Code, is a salesperson 18  
employed by a licensed used motor vehicle dealer or licensed new 19  
motor vehicle dealer, or the person holds a construction 20

equipment auction license issued under section 4517.17 of the Revised Code;

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

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

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

~~(6) Make~~ (6) (a) Except as provided in division (A) (6) (b) of this section, make more than five casual sales of motor vehicles in a twelve-month period, commencing with the day of the month in which the first such sale is made, ~~nor provide a location or space for the sale of motor vehicles at a flea market,~~ without obtaining a license as a dealer under sections 4517.01 to 4517.45 of the Revised Code, ~~provided that nothing in this section shall be construed to prohibit the disposition without a license of a motor vehicle originally acquired and held for purposes other than sale, rental, or lease to an~~

~~employee, retiree, officer, or director of the person making the~~ 51  
~~disposition, to a corporation affiliated with the person making~~ 52  
~~the disposition, or to a person licensed under sections 4517.01-~~ 53  
~~to 4517.45 of the Revised Code;~~ 54

(b) Division (A) (6) (a) of this section does not apply to 55  
any charitable donation of a motor vehicle to a nonprofit 56  
organization. 57

(7) Provide a location or space for the sale of motor 58  
vehicles at a flea market without obtaining a license as a 59  
dealer under sections 4517.01 to 4517.45 of the Revised Code; 60

(8) Engage in the business of auctioning both large 61  
construction or transportation equipment and also motor vehicles 62  
incident thereto, unless the person is a construction equipment 63  
auctioneer or the person is licensed as a motor vehicle auction 64  
owner and the person uses an auctioneer who is licensed under 65  
Chapter 4707. of the Revised Code to conduct the auction; 66

~~(8)~~ (9) Engage in the business of displaying or selling at 67  
retail adaptive mobility vehicles or assume to engage in that 68  
business, unless the person is licensed as an adaptive mobility 69  
dealer under sections 4517.01 to 4517.45 of the Revised Code, or 70  
is a salesperson employed by a licensed adaptive mobility 71  
dealer, except that any licensed motor vehicle dealer may sell 72  
at retail a used adaptive mobility vehicle. 73

(B) Nothing in this section shall be construed to require 74  
an auctioneer licensed under sections 4707.01 to 4707.19 of the 75  
Revised Code to obtain a motor vehicle auction owner's license 76  
under sections 4517.01 to 4517.45 of the Revised Code when 77  
engaged in auctioning for a licensed motor vehicle auction 78  
owner. 79

The establishment of a construction equipment auction 80  
license by Am. Sub. H.B. 114 of the 129th general assembly shall 81  
not in any way modify, limit, or restrict in any manner the 82  
conduct of auctions by persons licensed under Chapter 4707. of 83  
the Revised Code who are acting in compliance with that chapter. 84

(C) Nothing in this section shall be construed to prohibit 85  
the disposition without a license of a motor vehicle originally 86  
acquired and held for purposes other than sale, rental, or lease 87  
to an employee, retiree, officer, or director of the person 88  
making the disposition, to a corporation affiliated with the 89  
person making the disposition, or to a person licensed under 90  
sections 4517.01 to 4517.45 of the Revised Code. 91

(D) Sections 4517.01 to 4517.45 of the Revised Code do not 92  
apply to any of the following: 93

(1) Persons engaging in the business of selling commercial 94  
tractors, trailers, or semitrailers incidentally to engaging 95  
primarily in business other than the selling or leasing of motor 96  
vehicles; 97

(2) Mortgagees selling at retail only those motor vehicles 98  
that have come into their possession by a default in the terms 99  
of a mortgage contract; 100

(3) The leasing, rental, and interchange of motor vehicles 101  
used directly in the rendition of a public utility service by 102  
regulated motor carriers. 103

~~(D)~~ (E) When a partnership licensed under sections 4517.01 104  
to 4517.45 of the Revised Code is dissolved by death, the 105  
surviving partners may operate under the license for a period of 106  
sixty days, and the heirs or representatives of deceased persons 107  
and receivers or trustees in bankruptcy appointed by any 108

competent authority may operate under the license of the person 109  
succeeded in possession by that heir, representative, receiver, 110  
or trustee in bankruptcy. 111

~~(E)~~ (F) No remanufacturer shall engage in the business of 112  
selling at retail any new motor vehicle without having written 113  
authority from the manufacturer or distributor of the vehicle to 114  
sell new motor vehicles and to perform repairs under the terms 115  
of the manufacturer's or distributor's new motor vehicle 116  
warranty, unless, at the time of the sale of the vehicle, each 117  
customer is furnished with a binding agreement ensuring that the 118  
customer has the right to have the vehicle serviced or repaired 119  
by a new motor vehicle dealer who is franchised to sell and 120  
service vehicles of the same line-make as the chassis of the 121  
remanufactured vehicle purchased by the customer and whose 122  
service or repair facility is located within either twenty miles 123  
of the remanufacturer's location and place of business or twenty 124  
miles of the customer's residence or place of business. If there 125  
is no such new motor vehicle dealer located within twenty miles 126  
of the remanufacturer's location and place of business or the 127  
customer's residence or place of business, the binding agreement 128  
furnished to the customer may be with the new motor vehicle 129  
dealer who is franchised to sell and service vehicles of the 130  
same line-make as the chassis of the remanufactured vehicle 131  
purchased by the customer and whose service or repair facility 132  
is located nearest to the remanufacturer's location and place of 133  
business or the customer's residence or place of business. 134  
Additionally, at the time of sale of any vehicle, each customer 135  
of the remanufacturer shall be furnished with a warranty issued 136  
by the remanufacturer for a term of at least one year. 137

~~(F)~~ (G) No adaptive mobility dealer shall do any of the 138  
following: 139

(1) Represent that the dealer is engaged in the business	140
of selling new motor vehicles;	141
(2) Sell, transfer, or offer to sell or transfer a new	142
motor vehicle unless that new motor vehicle is purchased through	143
a licensed new motor vehicle dealer;	144
(3) Sell or offer to sell an adaptive mobility vehicle	145
without written documentation proving that the vehicle was	146
adapted or modified in accordance with 49 C.F.R. part 568 or	147
595.	148
<del>(G)</del> <u>(H)</u> Except as otherwise provided in this division,	149
whoever violates this section is guilty of a minor misdemeanor	150
and shall be subject to a mandatory fine of one hundred dollars.	151
If the offender previously has been convicted of or pleaded	152
guilty to a violation of this section, whoever violates this	153
section is guilty of a misdemeanor of the first degree and shall	154
be subject to a mandatory fine of one thousand dollars.	155
<del>(H)</del> <u>(I)</u> The offenses established under this section are	156
strict liability offenses and section 2901.20 of the Revised	157
Code does not apply. The designation of these offenses as strict	158
liability offenses shall not be construed to imply that any	159
other offense, for which there is no specified degree of	160
culpability, is not a strict liability offense.	161
<b>Section 2.</b> That existing section 4517.02 of the Revised	162
Code is hereby repealed.	163