

**As Reported by the House Transportation and Public Safety Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 297**

**Representative Hagan**

**Cosponsors: Representatives Becker, Dean, Riedel, Vitale, Goodman, Green,  
Sheehy, Householder, Hughes, West**

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**A BILL**

To amend sections 2131.12, 2131.13, 4519.55, and 1  
4519.60 of the Revised Code to allow persons to 2  
establish a joint ownership with right of 3  
survivorship with respect to an all-purpose 4  
vehicle or off-highway motorcycle and to allow 5  
owners of a motor vehicle, all-purpose vehicle, 6  
off-highway motorcycle, watercraft, or outboard 7  
motor who have joint ownership with right of 8  
survivorship to transfer title through a 9  
transfer-on-death designation. 10

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

**Section 1.** That sections 2131.12, 2131.13, 4519.55, and 11  
4519.60 of the Revised Code be amended to read as follows: 12

**Sec. 2131.12.** (A) As used in this section: 13

(1) "Motor vehicle" has the same meaning as in section 14  
4505.01 of the Revised Code. 15

(2) "Joint ownership with right of survivorship" means a 16  
form of ownership of a motor vehicle, all-purpose vehicle, off- 17

highway motorcycle, watercraft, or outboard motor that is 18  
established pursuant to this section and pursuant to which the 19  
entire interest in the motor vehicle, all-purpose vehicle, off- 20  
highway motorcycle, watercraft, or outboard motor is held by two 21  
persons for their joint lives and thereafter by the survivor of 22  
them. 23

(3) "Watercraft" has the same meaning as in division (A) 24  
of section 1548.01 of the Revised Code. 25

(4) "All-purpose vehicle" has the same meaning as in 26  
section 4519.01 of the Revised Code. 27

(5) "Off-highway motorcycle" has the same meaning as in 28  
section 4519.01 of the Revised Code. 29

(B) (1) Any two persons may establish in accordance with 30  
this section joint ownership with right of survivorship in a 31  
motor vehicle ~~or in,~~ an all-purpose vehicle, an off-highway 32  
motorcycle, a watercraft, or an outboard motor for which a 33  
certificate of title is required under Chapter 1548., 4505., or 34  
4519. of the Revised Code. 35

(2) If two persons wish to establish joint ownership with 36  
right of survivorship in a motor vehicle ~~or in,~~ an all-purpose 37  
vehicle, an off-highway motorcycle, a watercraft, or an outboard 38  
motor that is required to be titled under Chapter 1548., 4505., 39  
or 4519. of the Revised Code, they may make a joint application 40  
for a certificate of title under section 1548.07, 4505.06, or 41  
~~1548.07~~ 4519.55 of the Revised Code, as applicable. 42

(C) If two persons have established in a certificate of 43  
title joint ownership with right of survivorship in a motor 44  
vehicle ~~or,~~ an all-purpose vehicle, an off-highway motorcycle, 45  
a watercraft, or an outboard motor that is required to be titled 46

under Chapter 1548., 4505., or 4519. of the Revised Code, and if 47  
one of those persons dies, the interest of the deceased person 48  
in the motor vehicle, all-purpose vehicle, off-highway 49  
motorcycle, watercraft, or outboard motor shall pass to the 50  
survivor of them upon transfer of title to the motor vehicle ~~or~~ 51  
, all-purpose vehicle, off-highway motorcycle, watercraft, or 52  
outboard motor in accordance with section 1548.11, 4505.10, or 53  
~~1548.11-4519.60~~ of the Revised Code. The motor vehicle, all- 54  
purpose vehicle, off-highway motorcycle, watercraft, or outboard 55  
motor shall not be considered an estate asset and shall not be 56  
included and stated in the estate inventory. 57

**Sec. 2131.13.** (A) As used in this section: 58

(1) "Designate or designation in beneficiary form" means 59  
to designate, or the designation of, a motor vehicle, an all- 60  
purpose vehicle, an off-highway motorcycle, a watercraft, or an 61  
outboard motor in a certificate of title that indicates the 62  
present owner of the motor vehicle, all-purpose vehicle, off- 63  
highway motorcycle, watercraft, or outboard motor and the 64  
intention of the present owner with respect to the transfer of 65  
ownership on the present owner's death by designating one or 66  
more persons as the beneficiary or beneficiaries who will become 67  
the owner or owners of the motor vehicle, all-purpose vehicle, 68  
off-highway motorcycle, watercraft, or outboard motor upon the 69  
death of the present owner. 70

(2) "Motor vehicle" has the same meaning as in section 71  
4505.01 of the Revised Code. 72

(3) "Person" means an individual, a corporation, an 73  
organization, or other legal entity. 74

(4) "Transfer-on-death beneficiary or beneficiaries" means 75

a person or persons specified in a certificate of title of a 76  
motor vehicle, all-purpose vehicle, off-highway motorcycle, 77  
watercraft, or outboard motor who will become the owner or 78  
owners of the motor vehicle, all-purpose vehicle, off-highway 79  
motorcycle, watercraft, or outboard motor upon the death of the 80  
present owner of the motor vehicle, all-purpose vehicle, off- 81  
highway motorcycle, watercraft, or outboard motor. 82

(5) "Watercraft" has the same meaning as in section 83  
1548.01 of the Revised Code. 84

(6) "Owner" includes the plural as well as the singular, 85  
as specified in section 1.43 of the Revised Code. 86

(7) "Joint ownership with right of survivorship" has the 87  
same meaning as in section 2131.12 of the Revised Code. 88

(8) "All-purpose vehicle" has the same meaning as in 89  
section 4519.01 of the Revised Code. 90

(9) "Off-highway motorcycle" has the same meaning as in 91  
section 4519.01 of the Revised Code. 92

(B) (1) An individual whose certificate of title of a motor 93  
vehicle, all-purpose vehicle, off-highway motorcycle, 94  
watercraft, or outboard motor shows sole ownership by that 95  
individual may make an application for a certificate of title 96  
under section 1548.07 ~~or~~, 4505.06, or 4519.55 of the Revised 97  
Code to designate that motor vehicle, all-purpose vehicle, off- 98  
highway motorcycle, watercraft, or outboard motor in beneficiary 99  
form pursuant to this section. 100

(2) Individuals whose certificate of title of a motor 101  
vehicle, all-purpose vehicle, off-highway motorcycle, 102  
watercraft, or outboard motor shows joint ownership with right 103  
of survivorship may jointly make an application for a 104

certificate of title under section 1548.07, 4505.06, or 4519.55 105  
of the Revised Code to designate that motor vehicle, all-purpose 106  
vehicle, off-highway motorcycle, watercraft, or outboard motor 107  
in beneficiary form pursuant to this section. 108

(C) (1) A motor vehicle, all-purpose vehicle, off-highway 109  
motorcycle, watercraft, or outboard motor is designated in 110  
beneficiary form if the certificate of title of the motor 111  
vehicle, all-purpose vehicle, off-highway motorcycle, 112  
watercraft, or outboard motor includes the name or names of the 113  
transfer-on-death beneficiary or beneficiaries. 114

(2) The designation of a motor vehicle, all-purpose 115  
vehicle, off-highway motorcycle, watercraft, or outboard motor 116  
in beneficiary form is not required to be supported by 117  
consideration, and the certificate of title in which the 118  
designation is made is not required to be delivered to the 119  
transfer-on-death beneficiary or beneficiaries in order for the 120  
designation in beneficiary form to be effective. 121

(D) The designation of a motor vehicle, all-purpose 122  
vehicle, off-highway motorcycle, watercraft, or outboard motor 123  
in beneficiary form may be shown in the certificate of title by 124  
the words "transfer-on-death" or the abbreviation "TOD" after 125  
the name of the owner of a motor vehicle, all-purpose vehicle, 126  
off-highway motorcycle, watercraft, or outboard motor and before 127  
the name or names of the transfer-on-death beneficiary or 128  
beneficiaries. 129

(E) The designation of a transfer-on-death beneficiary or 130  
beneficiaries on a certificate of title has no effect on the 131  
ownership of a motor vehicle, all-purpose vehicle, off-highway 132  
motorcycle, watercraft, or outboard motor until the death of the 133  
owner of the motor vehicle, all-purpose vehicle, off-highway 134

motorcycle, watercraft, or outboard motor. The owner of a motor 135  
vehicle, all-purpose vehicle, off-highway motorcycle, 136  
watercraft, or outboard motor may cancel or change the 137  
designation of a transfer-on-death beneficiary or beneficiaries 138  
on a certificate of title at any time without the consent of the 139  
transfer-on-death beneficiary or beneficiaries by making an 140  
application for a certificate of title under section 1548.07-~~or~~ 141  
, 4505.06, or 4519.55 of the Revised Code. 142

(F) (1) Upon the death of the owner of a motor vehicle, 143  
all-purpose vehicle, off-highway motorcycle, watercraft, or 144  
outboard motor designated in beneficiary form, the ownership of 145  
the motor vehicle, all-purpose vehicle, off-highway motorcycle, 146  
watercraft, or outboard motor shall pass to the transfer-on- 147  
death beneficiary or beneficiaries who survive the owner upon 148  
transfer of title to the motor vehicle, all-purpose vehicle, 149  
off-highway motorcycle, watercraft, or outboard motor in 150  
accordance with section 1548.11-~~or~~, 4505.10, or 4519.60 of the 151  
Revised Code. The transfer-on-death beneficiary or beneficiaries 152  
who survive the owner may apply for a certificate of title to 153  
the motor vehicle, all-purpose vehicle, off-highway motorcycle, 154  
watercraft, or outboard motor upon submitting proof of the death 155  
of the owner of the motor vehicle, all-purpose vehicle, off- 156  
highway motorcycle, watercraft, or outboard motor. 157

(2) If no transfer-on-death beneficiary or beneficiaries 158  
survive the owner of a motor vehicle, all-purpose vehicle, off- 159  
highway motorcycle, watercraft, or outboard motor, the motor 160  
vehicle, all-purpose vehicle, off-highway motorcycle, 161  
watercraft, or outboard motor shall be included in the probate 162  
estate of the deceased owner. 163

(G) (1) Any transfer of a motor vehicle, all-purpose 164

vehicle, off-highway motorcycle, watercraft, or outboard motor 165  
to a transfer-on-death beneficiary or beneficiaries that results 166  
from a designation of the motor vehicle, all-purpose vehicle, 167  
off-highway motorcycle, watercraft, or outboard motor in 168  
beneficiary form is not testamentary. 169

(2) This section does not limit the rights of any creditor 170  
of the owner of a motor vehicle, all-purpose vehicle, off- 171  
highway motorcycle, watercraft, or outboard motor against any 172  
transfer-on-death beneficiary or beneficiaries or other 173  
transferees of the motor vehicle, all-purpose vehicle, off- 174  
highway motorcycle, watercraft, or outboard motor under other 175  
laws of this state. 176

(H) (1) This section shall be known and may be cited as the 177  
"Transfer-on-Death of Motor Vehicle, All-Purpose Vehicle, Off- 178  
Highway Motorcycle, Watercraft, or Outboard Motor Statute." 179

(2) Divisions (A) to (H) of this section shall be 180  
liberally construed and applied to promote their underlying 181  
purposes and policy. 182

(3) Unless displaced by particular provisions of divisions 183  
(A) to (H) of this section, the principles of law and equity 184  
supplement the provisions of those divisions. 185

**Sec. 4519.55.** Application for a certificate of title for 186  
an off-highway motorcycle or all-purpose vehicle shall be made 187  
upon a form prescribed by the registrar of motor vehicles and 188  
shall be sworn to before a notary public or other officer 189  
empowered to administer oaths. The application shall be filed 190  
with the clerk of any court of common pleas. An application for 191  
a certificate of title may be filed electronically by any 192  
electronic means approved by the registrar in any county with 193

the clerk of the court of common pleas of that county. 194

If an application for a certificate of title is filed 195  
electronically by an electronic dealer on behalf of the 196  
purchaser of an off-highway motorcycle or all-purpose vehicle, 197  
the clerk shall retain the completed electronic record to which 198  
the dealer converted the certificate of title application and 199  
other required documents. The registrar, after consultation with 200  
the attorney general, shall adopt rules that govern the location 201  
at which, and the manner in which, are stored the actual 202  
application and all other documents relating to the sale of an 203  
off-highway motorcycle or all-purpose vehicle when an electronic 204  
dealer files the application for a certificate of title 205  
electronically on behalf of the purchaser. 206

The application shall be accompanied by the fee prescribed 207  
in section 4519.59 of the Revised Code. The fee shall be 208  
retained by the clerk who issues the certificate of title and 209  
shall be distributed in accordance with that section. If a clerk 210  
of a court of common pleas, other than the clerk of the court of 211  
common pleas of an applicant's county of residence, issues a 212  
certificate of title to the applicant, the clerk shall transmit 213  
data related to the transaction to the automated title 214  
processing system. 215

If a certificate of title previously has been issued for 216  
an off-highway motorcycle or all-purpose vehicle, the 217  
application also shall be accompanied by the certificate of 218  
title duly assigned, unless otherwise provided in this chapter. 219  
If a certificate of title previously has not been issued for the 220  
off-highway motorcycle or all-purpose vehicle, the application, 221  
unless otherwise provided in this chapter, shall be accompanied 222  
by a manufacturer's or importer's certificate; by a sworn 223



statement of ownership; or by a certificate of title, bill of 224  
sale, or other evidence of ownership required by law of another 225  
state from which the off-highway motorcycle or all-purpose 226  
vehicle was brought into this state. The registrar, in 227  
accordance with Chapter 119. of the Revised Code, shall 228  
prescribe the types of additional documentation sufficient to 229  
establish proof of ownership, including, but not limited to, 230  
receipts from the purchase of parts or components, photographs, 231  
and affidavits of other persons. 232

If the application is made by two persons regarding an 233  
off-highway motorcycle or an all-purpose vehicle in which they 234  
wish to establish joint ownership with right of survivorship, 235  
they may do so as provided in section 2131.12 of the Revised 236  
Code. If the applicant requests a designation of the off-highway 237  
motorcycle or all-purpose vehicle in beneficiary form so that 238  
upon the death of the owner of the off-highway motorcycle or 239  
all-purpose vehicle, ownership of the off-highway motorcycle or 240  
all-purpose vehicle will pass to a designated transfer-on-death 241  
beneficiary or beneficiaries, the applicant may do so as 242  
provided in section 2131.13 of the Revised Code. A person who 243  
establishes ownership of an off-highway motorcycle or an all- 244  
purpose vehicle that is transferable on death in accordance with 245  
section 2131.13 of the Revised Code may terminate that type of 246  
ownership or change the designation of the transfer-on-death 247  
beneficiary or beneficiaries by applying for a certificate of 248  
title pursuant to this section. 249

For purposes of the transfer of a certificate of title, if 250  
the clerk is satisfied that a secured party has duly discharged 251  
a lien notation but has not canceled the lien notation with a 252  
clerk, the clerk may cancel the lien notation on the automated 253  
title processing system and notify the clerk of the county of 254

origin. 255

In the case of the sale of an off-highway motorcycle or 256  
all-purpose vehicle by a dealer to a general purchaser or user, 257  
the certificate of title shall be obtained in the name of the 258  
purchaser by the dealer upon application signed by the 259  
purchaser. In all other cases, the certificate shall be obtained 260  
by the purchaser. In all cases of transfer of an off-highway 261  
motorcycle or all-purpose vehicle, the application for 262  
certificate of title shall be filed within thirty days after the 263  
later of the date of purchase or assignment of ownership of the 264  
off-highway motorcycle or all-purpose vehicle. If the 265  
application for certificate of title is not filed within thirty 266  
days after the later of the date of purchase or assignment of 267  
ownership of the off-highway motorcycle or all-purpose vehicle, 268  
the clerk shall charge a late filing fee of five dollars in 269  
addition to the fee prescribed by section 4519.59 of the Revised 270  
Code. The clerk shall retain the entire amount of each late 271  
filing fee. 272

Except in the case of an off-highway motorcycle or all- 273  
purpose vehicle purchased prior to July 1, 1999, the clerk shall 274  
refuse to accept an application for certificate of title unless 275  
the applicant either tenders with the application payment of all 276  
taxes levied by or pursuant to Chapter 5739. or 5741. of the 277  
Revised Code based on the purchaser's county of residence, or 278  
submits either of the following: 279

(A) A receipt issued by the tax commissioner or a clerk of 280  
courts showing payment of the tax; 281

(B) An exemption certificate, in any form prescribed by 282  
the tax commissioner, that specifies why the purchase is not 283  
subject to the tax imposed by Chapter 5739. or 5741. of the 284

Revised Code. 285

Payment of the tax shall be made in accordance with 286  
division (E) of section 4505.06 of the Revised Code and any 287  
rules issued by the tax commissioner. When a dealer submits 288  
payment of the tax to the clerk, the dealer shall retain any 289  
discount to which the dealer is entitled under section 5739.12 290  
of the Revised Code. The clerk shall issue a receipt in the form 291  
prescribed by the tax commissioner to any applicant who tenders 292  
payment of the tax with the application for a certificate of 293  
title. If the application for a certificate of title is for an 294  
off-highway motorcycle or all-purpose vehicle purchased prior to 295  
July 1, 1999, the clerk shall accept the application without 296  
payment of the taxes levied by or pursuant to Chapter 5739. or 297  
5741. of the Revised Code or presentation of either of the items 298  
listed in division (A) or (B) of this section. 299

For receiving and disbursing such taxes paid to the clerk 300  
by a resident of the clerk's county, the clerk may retain a 301  
poundage fee of one and one-hundredth per cent of the taxes 302  
collected, which shall be paid into the certificate of title 303  
administration fund created by section 325.33 of the Revised 304  
Code. The clerk shall not retain a poundage fee from payments of 305  
taxes by persons who do not reside in the clerk's county. 306

A clerk, however, may retain from the taxes paid to the 307  
clerk an amount equal to the poundage fees associated with 308  
certificates of title issued by other clerks of courts of common 309  
pleas to applicants who reside in the first clerk's county. The 310  
registrar, in consultation with the tax commissioner and the 311  
clerks of the courts of common pleas, shall develop a report 312  
from the automated title processing system that informs each 313  
clerk of the amount of the poundage fees that the clerk is 314

permitted to retain from those taxes because of certificates of 315  
title issued by the clerks of other counties to applicants who 316  
reside in the first clerk's county. 317

In the case of casual sales of off-highway motorcycles or 318  
all-purpose vehicles that are subject to the tax imposed by 319  
Chapter 5739. or 5741. of the Revised Code, the purchase price 320  
for the purpose of determining the tax shall be the purchase 321  
price on an affidavit executed and filed with the clerk by the 322  
seller on a form to be prescribed by the registrar, which shall 323  
be prima-facie evidence of the price for the determination of 324  
the tax. 325

In addition to the information required by section 4519.57 326  
of the Revised Code, each certificate of title shall contain in 327  
bold lettering the following notification and statements: 328  
"WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You 329  
are required by law to state the true selling price. A false 330  
statement is in violation of section 2921.13 of the Revised Code 331  
and is punishable by six months imprisonment or a fine of up to 332  
one thousand dollars, or both. All transfers are audited by the 333  
department of taxation. The seller and buyer must provide any 334  
information requested by the department of taxation. The buyer 335  
may be assessed any additional tax found to be due." 336

The clerk shall forward all payments of taxes, less 337  
poundage fees, to the treasurer of state in a manner to be 338  
prescribed by the tax commissioner and shall furnish information 339  
to the commissioner as the commissioner may require. 340

Every clerk shall have the capability to transact by 341  
electronic means all procedures and transactions relating to the 342  
issuance of certificates of title for off-highway motorcycles 343  
and all-purpose vehicles that are described in the Revised Code 344

as being accomplished by electronic means. 345

**Sec. 4519.60.** (A) In the event of the transfer of 346  
ownership of an off-highway motorcycle or all-purpose vehicle by 347  
operation of law, as upon inheritance, devise, bequest, order in 348  
bankruptcy, insolvency, replevin, or execution of sale, or when 349  
repossession is had upon default in performance of the terms of 350  
a security agreement as provided in Chapter 1309. of the Revised 351  
Code, a clerk of a court of common pleas, upon the surrender of 352  
the prior certificate of title or the manufacturer's or 353  
importer's certificate, or, when that is not possible, upon 354  
presentation to the clerk of satisfactory proof of ownership and 355  
rights of possession to the off-highway motorcycle or all- 356  
purpose vehicle, and upon payment of the fee prescribed in 357  
section 4519.59 of the Revised Code and presentation of an 358  
application for certificate of title, may issue to the applicant 359  
a certificate of title to the off-highway motorcycle or all- 360  
purpose vehicle. Only an affidavit by the person or agent of the 361  
person to whom possession of the off-highway motorcycle or all- 362  
purpose vehicle has passed, setting forth the facts entitling 363  
the person to the possession and ownership, together with a copy 364  
of the journal entry, court order, or instrument upon which the 365  
claim of possession and ownership is founded, is satisfactory 366  
proof of ownership and right of possession. If the applicant 367  
cannot produce that proof of ownership, the applicant may apply 368  
directly to the registrar of motor vehicles and submit the 369  
evidence the applicant has, and the registrar, upon finding the 370  
evidence sufficient, may authorize the clerk to issue a 371  
certificate of title. If, from the records in the office of the 372  
clerk, there appears to be any lien on the off-highway 373  
motorcycle or all-purpose vehicle, the certificate of title 374  
shall contain a statement of the lien unless the application is 375

accompanied by proper evidence of its extinction. 376

(B) Upon the death of one of the persons who have 377  
established joint ownership with right of survivorship under 378  
section 2131.12 of the Revised Code in an off-highway motorcycle 379  
or all-purpose vehicle and the presentation to the clerk of the 380  
title and the certificate of death of the deceased person, the 381  
clerk shall enter into the records the transfer of the off- 382  
highway motorcycle or all-purpose vehicle to the surviving 383  
person, and the title to the off-highway motorcycle or all- 384  
purpose vehicle immediately passes to the surviving person. The 385  
transfer does not affect any liens on the off-highway motorcycle 386  
or all-purpose vehicle. 387

(C) Upon the death of an owner of an off-highway 388  
motorcycle or all-purpose vehicle designated in beneficiary form 389  
under section 2131.13 of the Revised Code, upon application of 390  
the transfer-on-death beneficiary or beneficiaries designated 391  
pursuant to that section, and upon presentation to the clerk of 392  
the certificate of title and the certificate of death of the 393  
deceased owner, the clerk shall transfer the off-highway 394  
motorcycle or all-purpose vehicle and issue a certificate of 395  
title to the transfer-on-death beneficiary or beneficiaries. The 396  
transfer does not affect any liens upon any off-highway 397  
motorcycle or all-purpose vehicle so transferred. 398

**Section 2.** That existing sections 2131.12, 2131.13, 399  
4519.55, and 4519.60 of the Revised Code are hereby repealed. 400